

# SOWING THE WIND: THE DECAY OF AMERICAN POWER AND ITS CONSEQUENCES

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## INTRODUCTION

In his first Annual Message to Congress, President George Washington emphasized the importance of preparing our military: “Among the many interesting objects which will engage your attention, providing for the common defense will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.”<sup>1</sup>

President Obama is entering office on the wave of a message of change, including in foreign and defense policy.<sup>2</sup> He is a man of the political Left, and his idea of change will be to rely more than the Bush Administration on diplomacy, formal international agreements, and foreign aid, and the United Nations.<sup>3</sup> Whatever the merits of these kinds of initiatives, they are *tactical* in nature; they involve important but subordinate questions about which secondary means are best suited to accomplish certain secondary ends. They cannot bring America consistent success unless the new Administration first gets the *strategy* right—unless it confronts and resolves certain fundamental questions which have been

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1. President George Washington, First Annual Message to Congress (Jan. 9, 1790) in 30 THE WRITINGS OF GEORGE WASHINGTON FROM THE ORIGINAL MANUSCRIPT SOURCES 1745–1799, at 491, 491 (John C. Fitzpatrick ed., 1939).

2. See generally Barack Obama and Joe Biden: The Change We Need, Foreign Policy, [http://origin.barackobama.com/issues/foreign\\_policy/](http://origin.barackobama.com/issues/foreign_policy/) (last visited Feb. 3, 2009).

3. *Id.*

unaddressed since the end of the Reagan years and the fall of the Berlin Wall:

- What is America's mission in the post-Cold War world?
- What capabilities are necessary to accomplish that mission?
- How does America develop and sustain those capabilities?

This article will attempt to answer these questions, with special reference to the current condition and needs of the American military. In doing so, we will both inform and argue; we want to supply the reader with in depth information about the condition of the Armed Services while also making the following points:

*First, the world is on balance more dangerous today than it was at the end of the Cold War.*<sup>4</sup>

Although the risk of a massive nuclear attack or major land war in Europe has subsided, the threats we face today are no less serious. They fall into three major categories: regional military powers with hegemonic ambitions like China and Russia,<sup>5</sup> rogue dictatorships which possess nuclear weapons like North Korea<sup>6</sup> and (soon) Iran,<sup>7</sup> and transnational conspiracies of religious fanatics who understand how to use "asymmetric" weaponry—weapons that possess far greater destructive impact than the power it takes to launch them.<sup>8</sup> These threats, except for Russia and China, do not represent

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4. Don Van Natta, Jr., *Wildfires; A World Made More Dangerous as Terrorism Spreads*, N.Y. TIMES, Apr. 18, 2004, § 4, at 1, available at <http://query.nytimes.com/gst/fullpage.html?res=9806E3D9103BF93BA25757C0A9629C8B63>.

5. Ariel Cohen, *War Games: Russia, China Grow Alliance*, THE HERITAGE FOUNDATION, Sept. 23, 2005, <http://www.heritage.org/Press/Commentary/ed092605a.cfm>.

6. LARRY A. NIKSCH, NORTH KOREA'S NUCLEAR WEAPONS PROGRAM 1, 3 (Cong. Research Serv., CRS Report for Congress Order Code RL 33590, Oct. 5, 2006), available at <http://fpc.state.gov/documents/organization/74904.pdf>.

7. SHARON SQUASSONI, IRAN'S NUCLEAR PROGRAM: RECENT DEVELOPMENTS 1-2 (Cong. Research Serv., CRS Report for Congress Order Code RS 21592, Mar. 8, 2007), available at <http://www.usembassy.it/pdf/other/RS21592.pdf>.

8. *Fiscal Year 2009 National Defense Budget Request from the Department of Defense: Hearing Before the H. Armed Servs. Comm.*, 110th Cong. 1 (2008) (statement of Robert M. Gates, U.S. Sec'y of Def.) [hereinafter *Budget Hearing*], available at [http://armedservices.house.gov/pdfs/FC020608/Gates\\_Testimony020608.pdf](http://armedservices.house.gov/pdfs/FC020608/Gates_Testimony020608.pdf) (identifying violent jihadism as danger in world with modern technology).

large military establishments of the traditional kind, but are formidable nonetheless, because they exploit the vulnerabilities of open societies with first world economies in an increasingly globalized world.<sup>9</sup>

*Second, since the end of the Cold War, the United States has structurally underfunded its military<sup>10</sup> while increasing deployments.<sup>11</sup> As a result, the military has “rusted”; it is too small a force using outdated and unreliable equipment, and it is losing the ability to meet the diverse threats America confronts.<sup>12</sup>*

One of the authors of this article entered the United States House of Representatives in 1993.<sup>13</sup> It was at just that time that the federal government began a long period of structural underfunding of the Armed Services<sup>14</sup> while it was also increasing the number of global military deployments to an unprecedented level.<sup>15</sup> Since the fall of the Berlin Wall, three different Presidents with three different approaches to foreign policy have sent America’s military on scores of small deployments and four substantial combat operations in Kuwait, Bosnia/Kosovo, Afghanistan, and Iraq.<sup>16</sup> All of these deployments had strong bi-partisan support, and none have been divisive except Iraq; and Iraq has only been controversial because of operational failures during the years 2004–2006. Neither Party’s mainstream objected in principle to removing Saddam Hussein by force; if Iraq had been as

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9. *Id.*

10. Jim Talent, *Strengthening America’s Military: Senator Clinton’s “Solutions” Would Fail*, THE HERITAGE FOUNDATION, Apr. 22, 2008, [hereinafter Talent, *Strengthening America’s Military*], <http://www.heritage.org/Press/Commentary/042208a.cfm>.

11. *Id.* See also RICHARD F. GRIMMETT, INSTANCES OF USE OF UNITED STATES ARMED FORCES ABROAD 1798-2007, at 1–42 (Cong. Research Serv., CRS Report for Congress Order Code RL 32170, Jan. 14, 2008) (listing numerous U.S. deployments particularly increasing in the 20th century).

12. Talent, *Strengthening America’s Military*, *supra* note 10.

13. Biographical Directory of the United States Congress 1774–Present, Talent, James Matthews, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000024> (last visited Feb. 4, 2009).

14. Talent, *Strengthening America’s Military*, *supra* note 10.

15. GRIMMETT, *supra* note 11.

16. *Id.*

successful on the ground from the beginning as the surge has been in the last year, it would be hailed as a success by both Parties today.

These deployments occurred not so much because of the unique foreign policy orientations of the President who ordered them, but because of a shared if unarticulated perception that they were necessary to protect America's vital interests. Presidents have to see the world as it is, and as Secretary of Defense Bob Gates has recently explained, the end of the Cold War left the world less, not more stable:

The period following the collapse of the Soviet Union and the end of the Cold War unleashed old ethnic, religious, and nationalist hatreds and rivalries that had been largely buried since the Great War. The ethnic and religious slaughter in the Balkans; Russia's seeming return to Czarist habits and aspirations; the fault lines between Sunni and Shia in Iraq and across the Middle East. The cast of characters sounds disturbingly familiar even at a century's remove.

So history—in all of its contingent and tragic aspects—plainly did not die with the end of the Cold War as one American wrote, but has emerged again with a vengeance. It has returned to a world far more interdependent than the worlds of 1914 or 1938. And the monsters and pathologies of a long ago world have been joined by new forces of instability and conflict—terrorist networks rooted in violent extremism; rising and resurgent nation-states with new wealth and aspirations; proliferation of dangerous weapons and materials; authoritarian states enriched with oil profits and discontented with their place in the international order.<sup>17</sup>

The conditions of which Secretary Gates spoke are not going away any time soon, no matter how President Obama and Congress shape our foreign and defense policies over the next four years. To preserve American security while also sustaining the progress of the international order towards democracy—and the two goals are linked—the United States must substantially increase spending on recapitalizing its

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17. Robert M. Gates, U.S. Sec'y of Def., Remarks at the 25th Oxford Analytica International Conference (September 19, 2008) [hereinafter Gates, Oxford Remarks], available at [http://www.oxan.com/Events/OAIC/2008Resources/Speeches/Gates\\_Speech.pdf](http://www.oxan.com/Events/OAIC/2008Resources/Speeches/Gates_Speech.pdf).

military.<sup>18</sup> The question is not whether there will be a need for continued military operations; the question is whether budgetary or political considerations will lead to continued underfunding of a military that is already too small, has equipment that is too old, and is in danger of becoming technologically obsolete.

*Finally, America must once again define and agree on its strategic purpose in the world.*

America moved to a position of world leadership in 1945 because of the decline of the other democracies and the destruction that had occurred in the preceding thirty years and that, in the nuclear age, threatened the survival of the United States.<sup>19</sup> America's priority mission in those days was clear. If you had asked any Cold War president from Truman to Reagan what America's purpose in the world was, you would have gotten a response something like this:

"America's purpose is to protect our own freedom—and the integrity of Western Europe—by containing and ultimately defeating Soviet Communism. In so doing, we will spread hope for peace and freedom throughout the world."

But ever since the Cold War ended America has suffered from strategic drift. To be sure, the United States has continued and even increased its international commitments.<sup>20</sup> America has sustained its traditional obligations in Western Europe, Japan, Korea, and Taiwan, engaged terrorist networks around the world, continued to protect the shipping lanes in the world's oceans, taken responsibility for the progress of peace in the Mid-East; invaded Panama, expanded NATO dramatically, fought drug lords in South America, intervened in Somalia, built nascent democracies in Bosnia, Afghanistan, and Iraq, and functioned as a kind of humanita-

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18. *Budget Hearing*, *supra* note 8, at 1 (statement of Robert M. Gates).

19. See generally World War II, Wars and Battles, 1939-1945, <http://www.u-s-history.com/pages/h1661.html> (last visited Feb. 4, 2009) (noting the effect of WWII on world power and the rise of the Soviet Union).

20. CURT TARNOFF, FOREIGN AID: AN INTRODUCTORY OVERVIEW OF U.S. PROGRAMS AND POLICY 15 (Cong. Research Serv., CRS Report for Congress Order Code 98-916 Apr. 15, 2004), available at <http://fpc.state.gov/documents/organization/31987.pdf>. See generally USAID, About USAID, [http://www.usaid.gov/about\\_usaid/](http://www.usaid.gov/about_usaid/) (last visited Feb. 4, 2009).

rian first responder by delivering aid to the victims of global natural disasters.

Clearly, the United States would not have undertaken these commitments without a strong sense that they were necessary to protect its own vital interests. But the nature of those interests has never been defined, and the resulting lack of clarity and direction has undermined America's ability to anticipate crises, prepare the necessary capabilities, remain united at home, and recruit support from around the world. Below, we suggest what America's strategic mission should be, and we explain the modest investment—four percent of the nation's Gross Domestic Product (GDP)—that is necessary to sustain the military and civilian capabilities needed to carry out that mission.

## I. THE THREATS AMERICA FACES

In testimony before the House Armed Services Committee on February 6, 2008, Secretary Gates had this to say about the current strategic landscape:

In recent years old hatreds and conflicts have combined with new threats and forces of instability—challenges made more dangerous and prolific by modern technology. Among them:

- Terrorism, extremism, and violent jihadism;
- Ethnic, tribal, and sectarian conflict;
- Proliferation of dangerous weapons and materials;
- Failed and failing states;
- Nations discontented with their role in the international order; and
- Rising and resurgent powers whose future paths are uncertain.

In light of this strategic environment, we must make the choices and investments necessary to protect the security, prosperity, and freedom of Americans for the next generation.<sup>21</sup>

In short, the thawing of ethnic, religious and regional rivalries that were suppressed during the Cold War have led to a world where America faces a more diverse and uncertain list of threats than at any time in its history. The American mili-

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21. *Budget Hearing*, *supra* note 8, at 1 (statement of Robert M. Gates).

tary must on any given day deal with a number of important but secondary missions: fighting drug wars in South America, collecting basic intelligence around the world, delivering aid in the event of a natural disaster, protecting the high seas from piracy, and securing America's borders. But the most serious risks fall into three categories: terrorism, rogue regimes that possess nuclear weapons, and the resurgent power of Russia and China:

#### A. *Terrorism*

Many Americans believe, almost as an article of faith, that a nation of America's size, wealth, cultural and political stability, and historical strength cannot be defeated by relatively small, transnational conspiracies of terrorists who do not even have a national base. They view the conflict against the terrorists as a police action, because many anti-terrorism tactics resemble the methods law enforcement uses to defeat criminal organizations. But the size of the threat is exponentially greater than that of any criminal syndicate. Americans should understand that it is entirely possible to lose the conflict with the terrorists, in the sense that the terrorists succeed in inflicting enough damage to fundamentally and irreversibly change the character of American life.

Ours is an age of "asymmetric" weapons—weapons that have a far greater destructive impact than the power or sophistication it takes to launch them—and that weaponry has already shifted the correlation of forces in war in the direction of conspiracies like the terrorists.<sup>22</sup> During the 19th and 20th centuries, the advances of the industrial revolution favored first world economies because only such economies had the industrial base necessary to produce what were then the most modern tools of war.<sup>23</sup> But the products of the information revolution are easier to acquire and use than tanks or fighter aircraft, and they can be equally or even more deadly in their effect. The result has been to reduce the power and

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22. Jack Spencer, *Guidelines for Modernizing America's Armed Forces*, THE HERITAGE FOUNDATION BACKGROUNDER, Mar. 28, 2001, at 3–5, available at <http://www.heritage.org/Research/NationalSecurity/BG1422.cfm>.

23. BRIAN HOLDEN REID, *THE AMERICAN CIVIL WAR AND THE WARS OF THE INDUSTRIAL REVOLUTION* 210–13 (1999).

increase the vulnerability of nation states relative to terrorist groups like al Qaeda.<sup>24</sup>

Unfortunately, the terrorists still see all this more clearly than most Americans do. Americans see the world in geographic terms; the terrorists understand that, for the purposes of their conflict against modernity, the world is better thought of as a matrix of fragile systems—financial, communication, transportation, etc.—that are easy to attack, hard to defend, and far more essential to their enemies' way of life than to their own.

In short, the terrorists have the right strategic focus; they know whom they are fighting, what constitutes victory, and what capabilities they need to win. That is why the terrorists are trying to acquire weapons of mass destruction.<sup>25</sup> They certainly have the organizational sophistication to do so.<sup>26</sup> The bipartisan Commission on Weapons of Mass Destruction Proliferation and Terrorism recently found that it was more likely than not that the terrorists will use a weapon of mass destruction within the next five years.<sup>27</sup> If that happens, and the terrorists acquire not just the capability for one but for a number of such attacks—if they have the capacity to destroy whole cities at will—they will win their struggle against the modern world.

Defeating the terrorists takes a lot more than traditional military power. It will also require what Secretary of Defense Bob Gates has called "soft power"<sup>28</sup>—the ability to represent America better before the world, recruit others to America's cause, and help other nations build stable institutions and prosperous economies that are a bulwark against radicalism.<sup>29</sup> But even if military capabilities are not sufficient by themselves to win, they are absolutely necessary. America's

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24. DANIEL M. GERSTEIN, *SECURING AMERICA'S FUTURE* 15–16 (2005).

25. BOB GRAHAM ET AL., *WORLD AT RISK: THE REPORT OF THE COMMISSION ON THE PREVENTION OF WMD PROLIFERATION AND TERRORISM* 67 (Vintage Books 2008), available at <http://documents.scribd.com/docs/15bq1nr19aerfu0yu9qd.pdf>.

26. *Id.*

27. *Id.*

28. Robert M. Gates, U.S. Sec'y of Defense, Remarks at the Kansas State University Landon Lecture (Nov. 26, 2007), available at <http://www.defenselink.mil/speeches/speech.aspx?speechid=1199>.

29. *Id.*

tactics against the terrorists are still evolving, but the military must clearly continue to play a crucial role in destroying the safe havens of the terrorists, collecting intelligence from around the world, supporting the tools of soft power, and providing a presence or umbrella of security that reassures America's allies in unstable parts of the world.<sup>30</sup>

### *B. Rogue Dictatorships that Possess Nuclear Weapons*

In 2003, the North Korean government made public what intelligence services had known for some time: that it possessed a nuclear weapon.<sup>31</sup> It was already public knowledge that the North Koreans had successfully tested medium-range ballistic missiles.<sup>32</sup> Iran is well on its way to acquiring sufficient enriched uranium to build nuclear weapons.<sup>33</sup> The best intelligence estimates are that Iran currently has enough nuclear fuel to make one nuclear weapon;<sup>34</sup> other nations may well follow down the nuclear path, if for no other reason than to balance the capabilities of North Korea and Iran. Currently, South Korea, Taiwan, Libya and Algeria are all considering their own nuclear programs.<sup>35</sup>

There is a reason that regimes like Iran and North Korea go to the time and expense, and assume the risks of developing nuclear weapons programs; nuclear capability empowers them to achieve their ends, and thereby poses challenges to the United States, for several reasons.

First, there is a danger that rogue regimes with nuclear material may assist terrorists in developing weapons of mass destruction.<sup>36</sup> Even the possibility that such regimes may do so gives them leverage internationally.

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30. *Id.*

31. NIKSCH, *supra* note 6, at 8.

32. STEVEN A. HILDRETH, NORTH KOREAN BALLISTIC MISSILE THREAT TO THE UNITED STATES 2 (Cong. Research Serv., CRS Report for Congress Order Code RS 21473, Jan. 24, 2008), available at <http://www.fas.org/sgp/crs/nuke/RS21473.pdf>.

33. SQUASSONI, *supra* note 7, at 2.

34. William J. Broad & David E. Sanger, *Iran Said to Have Nuclear Fuel for One Weapon*, N.Y. TIMES, Nov. 20, 2008, at A12, available at <http://www.nytimes.com/2008/11/20/world/middleeast/20nuke.html>.

35. ETEL SOLINGEN, NUCLEAR LOGICS: CONTRASTING PATHS IN EAST ASIA & THE MIDDLE EAST 3-4 (2007).

36. GRAHAM ET AL., *supra* note 25, at 67.

Second, these regimes have ambitions in their regions and around the world.<sup>37</sup> Some of their leaders are fanatical enough to actually consider a first strike using nuclear weapons; for example, high-ranking officials of the Iranian government have openly discussed using a nuclear weapon against Israel.<sup>38</sup> Whether a first strike occurs or not, the possession of nuclear capability frees aggressive regimes to pursue their other goals violently with less fear of retaliation. For example, North Korea's nuclear capability means that it could attack South Korea conventionally with a measure of impunity; even if the attack failed, the United States and its allies would be less likely to remove the North Korean regime in retaliation. In other words, nuclear capability lessens the penalties which could be exacted on North Korea if it engages in aggression, which makes the aggression more likely. The same logic applies to Iran, which is why the other nations in the Middle East are so concerned about Iran's nuclear program. A nuclear attack by Iran is possible, but the real danger of Iranian nuclear capability is that it would make conventional aggression in the region more likely.<sup>39</sup>

Finally, the more nations that get nuclear weapons, the greater the pressure on other nations to acquire them as a deterrent, and this is particularly true when a government acquiring the capability is seen as unstable or aggressive. North Korea's possession of nuclear weapons has tended, for obvious reasons, to make the South Koreans and Japanese uncomfortable about having no deterrent themselves. The possibility of uncontrolled proliferation—what experts call a “nuclear cascade”<sup>40</sup>—is tremendously dangerous; it increases the possibility that terrorists can get nuclear material from a national program, and it raises the prospect of a multilateral nuclear confrontation between nations.<sup>41</sup> Many of the smaller

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37. Gates, Oxford Remarks, *supra* note 17.

38. Herb Keinon, *Iran threatens to eliminate Israel*, THE JERUSALEM POST, Apr. 15, 2008, <http://www.jpost.com/servlet/Satellite?cid=1208246573612&pagename=JPost%2FJPArticle%2FShowFull>.

39. THE CONG. COMMISSION ON THE STRATEGIC POSTURE OF THE U.S. INST. OF PEACE, INTERIM REPORT 4 (2008), available at [http://www.usip.org/strategic\\_posture/sprc\\_interim\\_report.pdf](http://www.usip.org/strategic_posture/sprc_interim_report.pdf).

40. *Id.*

41. *Id.*

nuclear nations do not have well-established first strike doctrine or launch protocols; the chance of a nuclear exchange, accidental or intentional, increases geometrically when a confrontation is multilateral.

The antidote to proliferation is American leadership and power. The reality and perception of American strength not only deters aggressive regimes from acquiring weapons of mass destruction; it reassures other countries that they can exist safely under the umbrella of American power without having to develop their own deterrent capability.<sup>42</sup>

### *C. The Emergence of Russia and China as Regional Superpowers*

The last few years have seen the reemergence of Russia and China as regional superpowers. Both nations have strong militaries in which they are heavily investing,<sup>43</sup> substantial—and in China's case—growing economies,<sup>44</sup> demonstrated indifference to human rights,<sup>45</sup> authoritarian regimes that show no signs of becoming democratic and—in Russia's case—is moving away from democracy,<sup>46</sup> and nationalistic ambitions that are at odds with their neighbors and the United States.<sup>47</sup>

Russia and China have been significantly increasing military spending;<sup>48</sup> and unlike the United States, which must pay high manpower costs to sustain a volunteer military, can spend their defense budget mostly on modernizing and pro-

42. *Id.*

43. GlobalSecurity.org, Russian Military Budget, <http://www.globalsecurity.org/military/world/russia/mo-budget.htm> (last visited Mar. 30, 2009). See also Gordon Fairclough & Jason Leow, *China's Military Boost May Stir Fear*, WALL ST. J., March 5, 2008, at A10.

44. *China set to be largest economy*, BBC NEWS, May 22, 2006, <http://news.bbc.co.uk/2/hi/business/4998020.stm>.

45. Human Rights First, Arms Sales and other Support to Abusive Regimes, <http://www.stoparmstosudan.org/pages.asp?id=23> (last visited Feb. 4, 2009).

46. Ariel Cohen & John J. Tkacik, Jr., *Sino-Russian Military Maneuvers: A Threat to U.S. Interests in Eurasia*, THE HERITAGE FOUNDATION BACKGROUNDER, Sept. 30, 2005, at 1, available at <http://www.heritage.org/Research/RussiaandEurasia/bg1883.cfm> (noting Russia's resistance to U.S. rhetoric of freedom and democracy).

47. *Id.*

48. GlobalSecurity.org, *supra* note 43.

curing their weapons programs.<sup>49</sup> Russia increased military spending by approximately 30% in 2007, 27% in 2006, and 22% in 2005.<sup>50</sup> It is modernizing its submarine fleet and building new short and long-range ballistic missiles. It has highly developed cyber weapon capability,<sup>51</sup> and its army and navy performed far above expectations in the recent invasion of Georgia.<sup>52</sup>

The Russians have threatened to use energy as a weapon against Europe and certainly could do so;<sup>53</sup> they control half of the natural gas Europe receives and are promoting an international natural gas cartel similar to OPEC.<sup>54</sup> Russia is building Iran's nuclear reactor<sup>55</sup> and has systematically obstructed international attempts to prevent Iran from acquiring nuclear weapons.<sup>56</sup> It has sold sophisticated weapons to Iran,<sup>57</sup> Syria,<sup>58</sup> and Venezuela,<sup>59</sup> and it has long been the source of China's most sophisticated weaponry, including advanced fighter aircraft and carrier killer supersonic missiles.<sup>60</sup>

Russia is controlled by a man—Vladimir Putin—who announced to his Parliament in 2005 that the most tragic event

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49. *Id.*

50. *Id.*

51. Ariel Cohen et al., *Russian Forces in the Georgian War: Preliminary Assessment and Recommendations*, THE HERITAGE FOUNDATION, Aug. 20, 2008, available at <http://www.heritage.org/Research/RussiaandEurasia/wm2031.cfm>.

52. *Id.*

53. Ariel Cohen, *Opec Redux: Responding to the Russian-Iranian Gas Cartel*, THE HERITAGE FOUNDATION, Oct. 28, 2008, <http://www.heritage.org/Research/EnergyandEnvironment/wm2118.cfm> (discussing Russia cutting deals with China while West pays full price and Russia's efforts to increase leverage with EU).

54. *Id.*

55. *Russia-Iran nuclear deal signed*, BBC NEWS, Feb. 27, 2005, [http://news.bbc.co.uk/2/hi/middle\\_east/4301889.stm](http://news.bbc.co.uk/2/hi/middle_east/4301889.stm).

56. *Id.*

57. *Id.*

58. *Russia-Syria weapons deal alarms US*, TELEGRAPH.CO.UK, Aug. 22, 2008, <http://www.telegraph.co.uk/news/worldnews/europe/russia/2604284/Russia-Syria-weapons-deal-alarms-US.html>.

59. *Chavez set to spend big on Russian weapons*, CNN.COM, July 22, 2008, <http://www.cnn.com/2008/WORLD/americas/07/22/chavez.russia/index.html>.

60. John J. Tkacik, Jr., *China's Quest for a Superpower Military*, THE HERITAGE FOUNDATION BACKGROUNDER, May 17, 2007, at 9, 13, available at <http://www.heritage.org/Research/AsiaandthePacific/bg2036.cfm>.

of the 20th century was the collapse of the Soviet Union.<sup>61</sup> China admits to spending approximately \$60 billion per year on its military, and to increasing spending by an average of 17% to 18% each year.<sup>62</sup> American intelligence believes that China's expenditures are actually two to three times higher than it admits.<sup>63</sup> China has money to spend on its armed forces; its economy is growing exponentially, and within the next decade China will have the largest industrial sector in the world.<sup>64</sup>

China believes its national interests are served by promoting proliferation, tyranny, and even genocide. It is committing ethnic genocide itself in Tibet,<sup>65</sup> and is supporting genocide in Sudan,<sup>66</sup> oppression in Burma,<sup>67</sup> repression and political terror in Zimbabwe,<sup>68</sup> and nuclear proliferation in North Korea and Iran.<sup>69</sup> China has threatened Taiwan militarily on numerous occasions,<sup>70</sup> and its current military doctrine and procurement policies are aimed at excluding American naval power from the Western Pacific<sup>71</sup> and particularly the Straits of Taiwan.<sup>72</sup> China has an arsenal of submarines armed with carrier killer missiles which it purchased from the Russians,<sup>73</sup> as well as sophisticated fighters,<sup>74</sup> and it is rapidly building up a fleet of modern nu-

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61. *Putin deplors collapse of USSR*, BBC NEWS, Apr. 25, 2005, <http://news.bbc.co.uk/2/hi/europe/4480745.stm>.

62. Fairclough & Leow, *supra* note 43, at A10.

63. Tkacik, *supra* note 60, at 1.

64. *China set to be largest economy*, BBC NEWS, May 22, 2006, <http://news.bbc.co.uk/2/hi/business/4998020.stm>.

65. Jim Talent, *Dealing with the Middle Kingdom*, THE HERITAGE FOUNDATION, June 4, 2008, <http://www.heritage.org/Press/Commentary/060408b.cfm>.

66. *Id.*

67. *Id.*

68. *Id.*

69. Tkacik, *supra* note 60, at 9, 13.

70. See generally Patrick E. Tyler, *As China Threatens Taiwan, It Makes Sure U.S. Listens*, N.Y. TIMES, Jan. 24, 1996, at A3; *Beijing warns of invasion if Taiwan dares to declare its independence*, TIMES ONLINE, Mar. 9, 2005, <http://www.timesonline.co.uk/tol/news/world/article422413.ece>.

71. Tkacik, *supra* note 60 at 5, 20.

72. *Id.* at 20.

73. *Id.* at 9.

74. *Id.* at 14.

clear submarines,<sup>75</sup> for which it has opened up a base on the island of Hainan.<sup>76</sup>

China is ruled by an authoritarian oligarchy that has shown the resiliency to survive the introduction of something like freedom into its economic system. Like Vladimir Putin, the Chinese leaders believe that asserting themselves abroad is a way of unifying their people and stabilizing the regime. In addition, and again like Russia, the Chinese have a history of dominating their part of the world.<sup>77</sup>

The Russians and the Chinese have formed a cooperative organization and held unprecedented joint military maneuvers in 2005<sup>78</sup> and again in 2008. They will undoubtedly continue to pursue their national ambitions, particularly in Asia, Eastern Europe, and the former states of the Soviet Union;<sup>79</sup> whether or not they use aggressive tactics depends, as a threshold matter, on their perception of the deterrent strength of the United States.

#### D. Crisis: The History and Current Status of America's Military

America's participation in World War II represented the largest harnessing of national power and will for the purpose of war in history. America spent more than 37% of its GDP on defense in 1944 and 1945, the two peak years of the war—equivalent to approximately 5.5 trillion dollars of spending today.<sup>80</sup> By the end of the war, America had roughly 12.5 million men and women under arms<sup>81</sup> and had procured tens of

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75. *Id.* at 1.

76. Thomas Harding, *Chinese nuclear submarine base*, TELEGRAPH.CO.UK, May 6, 2008, <http://www.telegraph.co.uk/news/majornews/1917167/Chinese-build-secret-nuclear-submarine-base.html>.

77. Tyler Marshall, *China poised to dominate influence in Asia*, BOSTON SUNDAY GLOBE, Aug. 13, 2006, at A10.

78. Ariel Cohen, *War Games: Russia, China Grow Alliance*, THE HERITAGE FOUNDATION, Sept. 23, 2005, <http://www.heritage.org/Press/Commentary/ed092605a.cfm>.

79. Tkacik, *supra* note 60, at 20.

80. U.S. OFFICE OF MGMT. AND BUDGET, BUDGET OF THE UNITED STATES GOVERNMENT: FISCAL YEAR 2009: HISTORICAL TABLES 138–39 (2008) [hereinafter HISTORICAL TABLES], available at <http://www.gpoaccess.gov/usbudget/fy09/pdf/hist.pdf>.

81. See generally World War II, Wars and Battles, 1939–1945, *supra* note 19.

thousands of tanks, aircraft, ships, artillery and transport vehicles.<sup>82</sup> In 1944, alone, America factories delivered more than 15,000 heavy bombers, 38,000 fighters, and 9,000 transport planes.<sup>83</sup>

After World War II, America's leaders changed its mission from winning the war to protecting the free world without war, or at least without a general war in the new age of nuclear weapons. This proved to be a much less expensive proposition, even during subsequent times of war. In 1952, the peak year for defense spending during the Korean War, America spent 13.2% of its GDP on defense spending.<sup>84</sup> In 1968, the height of the Vietnam War, America spent 9.5% of its GDP on defense spending.<sup>85</sup>

The percentage of GDP which the United States spent on defense continued to come consistently down; at the conclusion of Vietnam, President Jimmy Carter began to reduce funding for defense even more rapidly, shrinking defense spending from 5.2% of GDP in 1976 to 4.9% of GDP in 1980.<sup>86</sup> In 1981, President Ronald Reagan began an aggressive campaign to rebuild America's military and increased total defense spending from 5.2% of GDP in 1981 to 6.2% of GDP in 1986.<sup>87</sup> Since the early 1990s total defense spending reached a low of 3% GDP in 1999, 2000, and 2001 and rose to an estimated high of 4.2% of GDP in 2008.<sup>88</sup>

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82. AIR FORCE HISTORICAL RESEARCH AGENCY, TABLE 79 – FACTORY DELIVERIES OF ALL MILITARY AIRPLANES, BY TYPE OF AIRPLANE AND BY RECIPIENT: JUL. 1940 TO AUG. 1945, [http://afhra.maxwell.af.mil/aafsd/aafsd\\_pdf/t079.pdf](http://afhra.maxwell.af.mil/aafsd/aafsd_pdf/t079.pdf) (last visited Dec. 3, 2008).

83. *Id.*

84. HISTORICAL TABLES, *supra* note 80, at 48.

85. *Id.* at 50.

86. *Id.* at 51.

87. *Id.* at 51–52.

88. *Id.* at 54–55.

	Year of Defense Spending	Total Defense % GDP
World War II	1944	37.8%
	1945	37.5%
Korea	1952	13.2%
Vietnam	1968	9.5%
Reagan Defense Buildup	1986	6.2%
Persian Gulf War	1991	4.6%
September 11, 2001	2001	3.0%
Global War on Terror	2008	4.2% estimate <sup>89</sup>

There were certainly ups and downs in the status of America's military in the thirty years after World War II, but the situation took a dramatic turn for the worse during the Carter years. After Vietnam, the country questioned its Cold War commitments, and President Carter, unlike his predecessors, fundamentally questioned not just the effectiveness but the legitimacy of using American power abroad. In addition, Congress was much more liberal because of the post-Watergate elections.<sup>90</sup> These trends converged to produce reductions in defense funding which, combined with the poor morale of the post-Vietnam years, had disastrous results. The military became a "hollow" force, not capable of performing its missions.<sup>91</sup> It was like a house that appeared in good condition on the outside, but on the inside had no wiring or plumbing.

A number of events brought home the military's deterioration. In 1979, the Captain of the *USS Canisteo* refused to certify that his ship was seaworthy on the grounds that his sailors were untrained.<sup>92</sup> Former Secretary of Defense Melvin Laird issued a blistering report detailing the lack of military

89. *Id.* at 47-51.

90. GARY C. JACOBSON & SAMUEL KERNELL, STRATEGY AND CHOICE IN CONGRESSIONAL ELECTIONS 1 (2d ed. 1983), available at <http://weber.ucsd.edu/~skernell/strategy/strategy1.pdf>.

91. Jim Talent, *More: The Crying Need for a Bigger U.S. Military*, THE HERITAGE FOUNDATION, Feb. 20, 2007, <http://www.heritage.org/press/commentary/022007b.cfm> [hereinafter Talent, *The Crying Need*].

92. *Id.*

readiness.<sup>93</sup> America's embassy was seized in Iran, and the rescue attempt—Operation Desert One—was a fiasco.<sup>94</sup> And most ominously, the Soviet Union increased the stakes in the Cold War by invading Afghanistan.<sup>95</sup>

In 1980, Ronald Reagan was elected President. He clearly understood that American power was a stabilizing force in the world. He made it a priority to secure two immediate double-digit increases in the defense budget and followed those increases with substantial increases for several more years.<sup>96</sup>

The effect was immediate and electric. The Pentagon was able to recapitalize its “platforms”—ships, planes, and tracked vehicles—with equipment that employed the latest technology and thereby made the force less vulnerable and more lethal—what the military calls “force multipliers.”<sup>97</sup> Training increased and morale soared. The extra money made it possible to increase compensation, which made the volunteer military an outstanding success.<sup>98</sup>

The effect was to shift momentum abroad decisively in the direction of freedom. American power, coupled with Reagan's sense of resolution, forced the Soviet Union into a corner. Just a few years after the leaders of the Soviet Union believed they could build a blue-water navy which could challenge the United States, the same leadership realized they were in a competition they could not win. The Soviets collapsed under the pressure.<sup>99</sup>

After the Cold War, Reagan's defense buildup provided the overwhelming force behind America's victory in Operation Desert Storm and created the conditions that allowed for peace and prosperity throughout the 1990s, and up until September 11, 2001.<sup>100</sup>

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93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

98. See generally Ronald Reagan's Military Buildup, Presidents, 1981–1989, <http://www.u-s-history.com/pages/h1957.html> (last visited Mar. 30, 2009).

99. Talent, *The Crying Need*, *supra* note 91.

100. *Id.*

However, history then took another swing. After the collapse of the Soviet Union, official Washington believed America was in a “threat trough.”<sup>101</sup> Throughout the 1990s and up until the attacks of September 11, 2001, the accepted view was that any existential threat to the United States lay at least ten years in the future. Because of that view, defense decisions that should have been based on hardheaded military assessments were driven, instead, by budget considerations.<sup>102</sup>

As a result, Presidents George H.W. Bush and Bill Clinton began to significantly reduce the size of the military. The active-duty Army was reduced from the 18 divisions of Operation Desert Storm to 10 by 1996—its size today. The size of the Navy and Air Force was reduced by approximately one-third.<sup>103</sup> President Clinton also substantially cut modernization and procurement budgets well beyond what the cuts in force size and structure warranted. Throughout the 1990s, this policy was known as the “procurement holiday”—the government simply stopped replacing its inventory of ships, aircraft, and ground combat vehicles.<sup>104</sup>

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101. Andrew F. Krepinevich, CTR FOR STRATEGIC AND BUDGETARY ASSESSMENTS, DEFENSE INVESTMENT STRATEGIES IN AN UNCERTAIN WORLD: STRATEGY FOR THE LONG HAUL 21 (2008), available at [http://www.csbaonline.org/4Publications/PubLibrary/R.20080821.Defense\\_Investment/R.20080821.Defense\\_Investment.pdf](http://www.csbaonline.org/4Publications/PubLibrary/R.20080821.Defense_Investment/R.20080821.Defense_Investment.pdf).

102. Talent, *The Crying Need*, *supra* note 91.

103. *Id.*

104. *Id.*

U.S. Military Force Structure <sup>105</sup>								
Year	Army Divisions		Marine Divisions		Naval Forces		Air Force Tactical Wings	
	Active	Reserve	Active	Reserve	Carriers	Total Ships	Active	Reserve
1980	16	8	3	1	13	477	26	11
1984	16	9	3	1	14	524	25	12
1985	17	10	3	1	14	542	25	12
1986	18	10	3	1	14	556	25	12
1989	18	10	3	1	15	567	25	12
1991	16	10	3	1	15	526	22	13
1992	14	10	3	1	14	466	16	13
1994	12	8	3	1	12	387	13	9
1996	10	8	3	1	11+1	365	13	7
1999	10	8	3	1	11+1	317	13	7.2
2003	10	8	3	1	11+1	308	12+	7+

Ironically, at the same time as the size of the military was reduced and its inventory was allowed to age, its missions were increased.<sup>106</sup> The post-Cold War world proved to be tremendously unstable, and both President Clinton and George W. Bush used the military repeatedly to stop genocide, provide humanitarian aid, and protect the progress of freedom.<sup>107</sup> America has deployed its military dozens of times since 1991, including in four major combat engagements—a far higher rate than during the Cold War.<sup>108</sup>

The reductions in the size of our armed forces and in the procurement budgets had profound implications for military readiness.

The military has “rusted” and is becoming technologically obsolete. When equipment is not replaced at the rate at which it is wearing out, the remaining inventory gets older. As technology changes, new programs must be designed and purchased in adequate numbers, or the services lose their

105. STEPHEN DAGGETT & AMY BELASCO, DEFENSE BUDGET FOR FY2003: DATA SUMMARY 17 (Cong. Research Serv., CRS Report for Congress Order Code RL 31349, Mar. 29, 2002), available at <http://www.fpc.state.gov/documents/organization/9665.pdf>.

106. Talent, *Strengthening America's Military*, *supra* note 10.

107. GRIMMETT, *supra* note 11, at 20–32.

108. *Id.* at 16–21 (listing approximately 50 deployments from the mid-1940s to 1991 and averaging of less than 1 deployment per year).

qualitative edge. Technology makes the force more effective and less vulnerable; it enables the military to perform its missions with greater speed and certainty of success and with fewer casualties. Ultimately, our servicemen and women pay the price for equipment that is unreliable or out of date. The condition of the inventory in the various services is discussed in detail below.

The force structure and procurement reductions saved money in the short term but increased costs in the long term. Old equipment breaks down more often, which drives up maintenance costs. For example, because of budget shortfalls, the Air Force continues to fly its C-5A transports, which are 35–40 years old<sup>109</sup> and have a mission capable rate of approximately 50%; which means that half of the C-5A's missions have to be scratched because of breakdowns.<sup>110</sup> Also, when a smaller force is used more often, the length and number of deployments goes up, causing more movement and stress among the troops—what the military calls “turbulence.” That leaves less time for training between deployments. It also makes it more difficult to recruit and retain personnel. The total effect is to put downward pressure on morale and readiness levels and increase the cost of recruitment and retention. Furthermore, the reductions in modernization and procurement caused the defense industrial base to shrink. The effect in the short term was less competition and higher per-unit and program costs.

In the longer term, the nation lost capabilities which are very difficult to reconstitute. For example, the pressure on the shipbuilding budget and the consolidation of shipyards has imperiled America's ability to design modern submarines.<sup>111</sup> Moreover, inadequate budgets forced the services into more costly procurement decisions. They were continu-

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109. *Aging Aircraft—Lessons Learned*, BOEING A & M ENVIRONMENTAL TECHNOTES (The Boeing Co., St. Louis, Mo.), May 2000, at 1, available at <http://www.boeing.com/companyoffices/doingbiz/environmental/TechNotes/TechNotes2000-05.pdf>.

110. WILLIAM KNIGHT & CHRISTOPHER BOLKCOM, STRATEGIC AIRLIFT MODERNAIZATION: AN ANALYSIS OF C-5 MODERNIZATION AND C-17 ACQUISITION ISSUES 4 (Cong. Research Serv., CRS Report for Congress Order Code RL 34264, Apr. 15, 2008), available at <http://www.fas.org/sgp/crs/weapons/RL34264.pdf>.

111. RONALD O'ROURKE, NAVY ATTACK SUBMARINE PROCUREMENT: BACKGROUND AND ISSUES FOR CONGRESS 3–7, 9 (Cong. Research Serv., CRS Report for Congress

ally forced to delay and then stretch out new program development, buy fewer platforms once a new program was developed, and buy piecemeal instead of through efficient multiyear contracts. For example, the services desperately need additional “lift” or cargo capacity, because as bases abroad have been closed the military cannot forward position as many assets.<sup>112</sup> The Air Force had originally planned to sign a multi-year contract in 2005 for 42 more C-17 cargo aircraft.<sup>113</sup> Budget shortfalls have forced them to buy the aircraft a few at a time, which has cost the taxpayer \$50 million more per plane.

This effect was compounded because political leaders promised that budgets would increase significantly in the out years of planning horizons, so that the Pentagon kept programs alive hoping to fund them two or three years down the road. Then the promised funding was not forthcoming, so that programs were never developed, or so few platforms were purchased that the costs of design and development could not be spread over a wide enough base to hold down program costs. For example, the Navy originally planned to buy 32 of the new DDG-1000 destroyers; it now will buy no more than 3.<sup>114</sup> The per-unit cost of each vessel, according to the Congressional Budget Office (CBO), could reach as high as \$5 billion.<sup>115</sup>

In short, when old platforms are not replaced, readiness levels drop, and the cost of maintaining the inventory climbs rapidly. Although America did not have a “hollow” force at the end of the Clinton years, the force had begun to “rust” badly. President George W. Bush increased procurement

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Order Code RL 32418, Apr. 8, 2008), available at <http://www.fas.org/sgp/crs/weapons/RL32418.pdf>.

112. CHRISTOPHER BOLKCOM, *MILITARY AIRLIFT: C-17 AIRCRAFT PROGRAM 24* (Cong. Research Serv., CRS Report for Congress RL 32418, June 5, 2008), available at <http://www.fas.org/sgp/crs/weapons/RL32418.pdf>.

113. *Id.* at 3.

114. Christopher P. Cavas, *DDG 1000 Program Will End at Two Ships*, DEFENSE NEWS, July 22, 2008, <http://www.defensenews.com/story.php?i=3639737>.

115. *Current and Projected Navy Shipbuilding Programs: Hearing Before the Subcomm. on Seapower and Expeditionary Forces of the H. Comm. on Armed Servs.*, 110th Cong. 17 (2008) [hereinafter *Navy Hearing*] (statement of Eric J. Labs, Senior Analyst) available at [http://armedservices.house.gov/pdfs/SPEF031408/Labs\\_Testimony031408.pdf](http://armedservices.house.gov/pdfs/SPEF031408/Labs_Testimony031408.pdf).

funding,<sup>116</sup> but nowhere near the amount needed to make up for the shortfalls of the 1990s, especially since higher maintenance, program, and personnel costs ate up more of the budget.<sup>117</sup> Once the Iraq War began, extra money was spent to pay for the ongoing operations of that conflict. Those funds could only be used to replace equipment lost during the war; by and large, the war funding was not available to recapitalize the existing inventory, and it could not be used at all to pay for the development or procurement of new programs. So the defense budget looked bigger, but actually the extra spending on the war squeezed even further the “core” budget that the military uses to prepare for the future by recapitalizing its inventory of ships, planes, and tracked vehicles.<sup>118</sup>

The situation now facing the American military is extremely grave. In one respect the military is better off than it was in 1981. The all-volunteer force has become a proven, mature and successful model; America is protected by the best servicemen and women in the history of its military. But there are not enough of them, and they are using a generation of equipment that is reaching the end of its useful life and that in any event is not sophisticated enough to sustain the technological edge on which they depend when they go into combat. To understand what is at stake we discuss below the individual needs and deficiencies of the services in greater detail.

### 1. *The Navy*

America has enjoyed maritime supremacy since the end of World War II, an important factor in its military’s successes over the past 60 years. To maintain this advantage in the years to come, an aggressive and robust funding plan must be developed that allows the Navy to recapitalize and modernize its aging and shrinking fleet. At the twilight of the Reagan administration, the Navy boasted 566 ships.<sup>119</sup> Today, some 20 years later, the Navy struggles to sustain a fleet of only

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116. DAGGET & BELASCO, *supra* note 105, at 7.

117. *Id.* at 7, 14.

118. *Id.* at 19 (showing the decline in real growth of military funding).

119. *Id.* at 17.

283 ships.<sup>120</sup> Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, former Chief of Naval Operations, said that,

Harnessing sea power in the 21st century will demand much more of us than simply putting ordnance on target—though clearly that remains a core capability. It will demand the ability to aggregate and disaggregate forces quickly; it will demand highly sophisticated networks, connectivity and stealth; it will demand better joint, allied and coalition interoperability; and it will demand that we build for the future a new fleet of ships, aircraft and submarines to wield that power across the spectrum of conflict.<sup>121</sup>

In February of that same year, the Navy presented its annual thirty-year-shipbuilding plan to Congress. In that plan, the Navy proposed to increase the size of its fleet from 285 battle force ships in 2006 to 313 by 2020 and beyond.<sup>122</sup> The 313-ship fleet as outlined by the Navy would be comprised of 11 aircraft carriers, 69 guided-missile destroyers, 19 guided-missile cruisers, 55 littoral combat ships, 48 attack submarines, 4 guided-missile submarines, 14 ballistic missile submarines, 31 amphibious ships, 12 future Maritime Pre-positioning Force (MPF) ships, and 50 logistics and support ships.<sup>123</sup>

In March 2008, just two years after the 313-ship fleet was first presented to Congress, the CBO testified before Congress that: “Executing the Navy’s most recent 30-year shipbuilding plan will cost an average of about \$25 billion a year (in 2009 dollars), or double the \$12.6 billion a year the Navy has spent, on average, since 2003.”<sup>124</sup>

According to the same CBO testimony, “If implemented . . . the Navy’s 2009 plan would keep the fleet at or above the 313-ship goal beginning in 2019 and for most years thereaf-

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120. Navy.mil, Status of the Navy, [http://www.navy.mil/navydata/navy\\_legacy.asp?id=146](http://www.navy.mil/navydata/navy_legacy.asp?id=146) (last visited Jan. 29, 2009).

121. ADMIRAL M.G. MULLEN, CNO GUIDANCE FOR 2006: MEETING THE CHALLENGE OF A NEW ERA 1 (2005), available at <http://www.navy.mil/features/2006CNOG.pdf>.

122. DEPT OF THE NAVY, REPORT TO CONGRESS ON ANNUAL LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS FOR FY2007 4 (2006).

123. *Navy Hearing*, *supra* note 115, at 2–3 (statement of Eric J. Labs).

124. *Id.* at 1.

ter.”<sup>125</sup> That being said, the CBO testimony continued by saying:

Notwithstanding its achievement of at least 313 ships in 2019, the Navy’s 2009 plan would fall short of the service’s stated goals for a number of the components of the fleet. The Navy would experience shortfalls in attack submarines (41 in 2028-2030 versus a stated requirement of 48), guided-missile submarines (none after 2028 versus a stated requirement of 4), ballistic missile submarines (12 after 2030 versus a stated requirement for 14), one LPD-17 amphibious transport dock, and two T-AKE logistics ships for the service’s future MPF squadron.<sup>126</sup>

The upshot is that even if the Navy’s current plans for 313 ships were carried out, they would not fully support essential elements of the Navy’s submarine fleet, a vital tool in the Navy’s efforts to maintain maritime superiority over China in the Western Pacific.<sup>127</sup> At a time when China is producing four to five submarines a year, the United States is acquiring only one and will not begin acquiring two until fiscal year 2011.<sup>128</sup> In addition, the Navy has abandoned plans to buy substantial numbers of its new DDG-1000 Destroyers.<sup>129</sup> That means the Navy is conceding that it will not have adequate naval fire support for Marine amphibious landings.

Another area of concern is the Navy’s stock of aircraft carriers.<sup>130</sup> The 313-ship plan calls for the Navy to have eleven aircraft carriers, but with the decommissioning of the *USS Enterprise* in November 2012, the Navy will only have ten operational aircraft carriers until September 2015, at the earliest, when the *USS Gerald R. Ford* is expected to be commissioned.<sup>131</sup> The reality is that this gap is expected to be much longer with the likelihood of construction delays and

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125. *Id.* at 5.

126. *Id.*

127. RONALD O’ROURKE, CHINA NAVAL MODERNIZATION: IMPLICATIONS FOR U.S. NAVY CAPABILITIES—BACKGROUND AND ISSUES FOR CONGRESS (Cong. Research Serv., CRS Report for Congress Order Code RL 33153, Nov. 19, 2008), available at <http://www.fas.org/spp/crs/row/RL33153.pdf>.

128. *Id.*; *Navy Hearings*, *supra* note 115, at 25 (statement of Eric J. Labs).

129. *Navy Hearings*, *supra* note 115, at 5 (statement of Eric J. Labs).

130. *Id.* at 16.

131. *Id.*

the fact that it will take an additional thirty months for the new carrier to become operationally ready.<sup>132</sup> Even after this period of five to six years with only ten operational aircraft carriers, the Navy will have no margin for error with eleven carriers; there will certainly be times when one or more of the commissioned carriers will be docked for maintenance and therefore non-operational.

All of this strongly suggests that a Navy of 313 ships is inadequate, but that number is in any event unattainable at anything approaching the current budget numbers. If the goal of a 313-ship fleet is to be realized and sustained, the Navy must see an increase in the shipbuilding budget on the order of \$12 billion per year.<sup>133</sup> Navy aviation procurement also needs an increase—the Navy must have planes to put on its aircraft carriers—so the entire budget shortfall for the Navy is somewhere between \$15 and \$22 billion per year.<sup>134</sup>

## 2. *The Army*

The Army is stressed—it is being asked to do more with less at a time when the operational tempo of our Army's conventional forces has seen a dramatic increase. On February 26, 2008, testifying before the Senate Armed Services Committee, Secretary of the Army Peter Geren and Army Chief of Staff General George W. Casey, Jr. stated that, “[w]hile the Army remains the best led, best trained, and best equipped Army in the world, it is out of balance.”<sup>135</sup> Secretary Geren and General Casey continued their testimony by saying:

The combined effects of an operational tempo that provides insufficient recovery time for personnel, Families, and equipment, a focus on training for counterinsurgency operations to the exclusion of other capabilities, and Reserve Components assigned missions for which they were not originally intended nor adequately resourced, result in our readiness being consumed as fast as we can build

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132. *Id.*

133. *Id.* at 11.

134. *Id.*

135. *A Statement on the Posture of the United States Army 2008*, 110th Cong., at ii (2008) [hereinafter *Army Posture Statement 2008*] (statement of Gen. George W. Casey, Jr., Gen. U.S. Army and Hon. Peter Geren, Sec'y of the U.S. Army), available at <http://www.army.mil/aps/08/APS2008.pdf>.

it. Therefore, our top priority over the next several years is to restore balance through four imperatives: Sustain, Prepare, Reset, and Transform.<sup>136</sup>

Simply stated, as it is constituted today, the Army is much too small and its stock of fighting vehicles is in desperate need of recapitalization and modernization.

The national military strategy calls for a military capable of defending the homeland, sustaining four peacekeeping engagements, and fighting two large-scale regional conflicts at approximately the same time. As it stands today, the Army is too small to execute this strategy within an acceptable margin of risk to our servicemen and servicewomen.

“Throughout the Cold War, end strength of the U.S. active-duty force never dropped below 2.0 million personnel and peaked at over 3.5 million during the Korean and Vietnam Wars. From 1989 to 1999, end strength dropped steadily from 2.1 million to 1.4 million, where it has remained.”<sup>137</sup> At the outset of the Clinton administration the Army was nearly twice as big as it is today.<sup>138</sup> The Army’s force structure was cut from 18 divisions during Operation Desert Storm to 10 divisions by 1996—its size today.<sup>139</sup>

In 1993, even before the increased operational tempo of the 1990s and 2000s and before the War on Terror, it was clear that the active duty army should have at the least twelve divisions.<sup>140</sup> It costs at least \$2 billion to stand up and sustain an additional division, which means at least another \$4 billion per year must be spent on increased Army force structure.<sup>141</sup>

Increasing force structure is not the only challenge facing the Army in the years ahead. The Army is also in desperate

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136. *Id.*

137. EDWARD F. BRUNER, *MILITARY FORCES: WHAT IS THE APPROPRIATE SIZE FOR THE UNITED STATES?* 1 (Cong. Research Serv., CRS Report for Congress Order Code RS 21754, Jan. 24, 2006), available at <http://digital.library.unt.edu/govdocs/crs/permalink/meta-crs-8283:1>.

138. DAGGET & BELASCO, *supra* note 105, at 17.

139. *Id.*

140. Talent, *The Crying Need*, *supra* note 91, at 30–35.

141. AMY BELASCO, *THE COST OF IRAQ, AFGHANISTAN, AND OTHER GLOBAL WAR ON TERROR OPERATIONS SINCE 9/11* 29 (Cong. Research Serv., CRS Report for Congress Order Code 33110, Oct. 15, 2008), available at <http://www.fas.org/sgp/crs/natsec/RL33110.pdf>.

need of a major commitment to modernize and recapitalize its inventory of fighting equipment.

It is vital that our Army ensures that units and Soldiers have the right capabilities to accomplish the wide variety of operations that we will conduct in the 21st century. Continuous modernization is the key to enhancing our capabilities and maintaining a technological advantage over any enemy we face. We never want to send our Soldiers into a fair fight.<sup>142</sup>

The Future Combat Systems is the program that will provide the Army with enhanced capabilities and a technological advantage in combat. That system is designed to replace many of the tanks and nearly all of the tracked vehicles in the Army. Secretary Geren and General Casey in their testimony to the Senate Armed Services Committee said:

Future Combat Systems (FCS) are the core of our modernization effort and will provide our Soldiers an unparalleled understanding of their operational environment, increased precision and lethality, and enhanced survivability. These improved capabilities cannot be achieved by upgrading current vehicles and systems. FCS will use a combination of new manned and unmanned air and ground vehicles, connected by robust networks, to allow Soldiers to operate more effectively in the complex threat environments of the 21st century.<sup>143</sup>

According to Secretary of Defense Robert Gates:

America's ground forces have borne the brunt of underfunding in the past and the bulk of the costs—both human and material of the wars of the present. By one count, investment in Army equipment and other essentials was underfunded by more than 50 Billion dollars before we invaded Iraq. By another estimate, the Army's share of total defense investments between 1990 and 2005 was about 15%. So resources are needed not only to recoup from the losses of war, but to make up for the shortfalls of the past and to invest in the capabilities of the future.<sup>144</sup>

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142. *Army Posture Statement 2008*, *supra* note 135, at 5 (statement of Gen. George W. Casey, Jr. Gen., U.S. Army and Hon. Peter Geren, Sec'y, U.S. Army).

143. *Id.*

144. Robert M. Gates, U.S. Sec'y of Def., Remarks to the Association of the United States Army (Oct. 10, 2007), available at <http://www.defenselink.mil/speeches/speech.aspx?speechid=1181>.

In April 2008, GAO found that,

Restructuring and rebuilding the Army will require billions of dollars for equipment and take years to complete; however the total cost is uncertain. Based on GAO's analysis of Army cost estimates and cost data, it appears that the Army's plans to equip modular units, expand the force, reset equipment, and replace prepositioned equipment are likely to cost at least \$190 billion through fiscal year 2013.<sup>145</sup>

Unless the necessary funding is provided—and current defense budgets are not adequate to do so—the Army cannot provide its troops with equipment that sustains the technological edge which America has enjoyed over the last two decades. That means missions either cannot be performed or will result in substantial and unnecessary casualties.

### 3. *The Air Force*

For the first time in its 61-year existence, the Air Force is teetering on the brink of losing its historic ability to guarantee American military dominance in the air. America is losing its historical advantages in air, space and cyberspace.

The Air Force is feeling the effects of increased operational tempo perhaps more than any of the other Services. "In 2007, America's Airmen conducted nearly 1,600 strikes in Iraq and Afghanistan. In Iraq alone, Air Force strikes increased by 171% over the previous year, while in Afghanistan strikes increased by 22%."<sup>146</sup> In testimony before the House Armed Services Committee in February 2008, Michael Wynne, Secretary of the Air Force and General Michael Moseley, Chief of Staff of the Air Force addressed the increased operational tempo the Air Force has experienced since Operation Desert Shield when they said:

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145. *Force Structure—Restructuring and Rebuilding the Army Will Cost Billions of Dollars for Equipment but the Total Cost Is Uncertain: Hearing Before the Subcomm. on Tactical Air and Land Forces of the H. Comm. on Armed Servs.*, 110th Cong. 1 (2008) (statement of Janet A. St. Laurent, Managing Dir., Def. Capabilities and Mgmt).

146. *Fiscal Year 2009 Air Force Posture Statement: Hearing Before the H. Armed Servs. Comm.*, 110th Cong. 14 (2008) [hereinafter *Air Force Posture Statement 2009*] (statement of Gen. T. Michael Moseley, Chief of Staff, USAF and Hon. Michael W. Wynne, Sec'y, USAF) available at <http://www.posturestatement.af.mil/shared/media/document/AFD-080310-037.pdf>.

For over seventeen years, since Operation DESERT SHIELD, the United States Air Force has been engaged in continuous combat operations. Our Airmen have maintained constant watch, deployed continuously, engaged America's adversaries directly, responded to human crises around the world, and provided the Global Vigilance, Global Reach, and Global Power to secure our Nation.<sup>147</sup>

While the Army was losing divisions, the Air Force was losing tactical air wings. The number of tactical air wings in the Air Force was reduced from thirty seven at the time of Operation Desert Storm to twenty by the mid-1990s.<sup>148</sup> At the same time the size of the Air Force was shrinking the average age of its aircraft was rapidly rising. At the end of the Vietnam era, in 1973, the average age of Air Force aircraft was approximately nine years old.<sup>149</sup> Twenty years later, in 1993, the year of President Clinton's Bottom-up Review, the average age of the Air Forces inventory of aircraft was just under fifteen years.<sup>150</sup> Today, the average age of Air Force aircraft has risen to nearly twenty five years.<sup>151</sup>

In the coming years, the Air Force must purchase its new superiority fighter, the F-22, as well as the Joint Strike Fighter or equivalent aircraft. Additionally, the Air Force must fund its strategic-airlift requirement, design and build a new tanker, and develop an interdiction bomber to replace the B-52.

Here are some examples of the modernization crisis facing the Air Force:

- KC-135 Tanker: The oldest of the service's nearly 500 tankers date from the second Eisenhower Administration, which means they are nearly 50 years old. The current plan, given budget limitations, is to replace them

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147. *Id.* at 3.

148. DAGGET & BELASCO, *supra* note 105, at 17.

149. Mackenzie M. Eaglen, *Airman vs. Modernization: The Air Force Budget Dilemma*, THE HERITAGE FOUNDATION BACKGROUNDER, May 18, 2007, at 3 [hereinafter Eaglen, *Airman*], available at <http://www.heritage.org/Research/NationalSecurity/bg2037.cfm>.

150. Karl A. Hunt, *Understanding Our Aging Aircraft Fleets: Deriving Aging Aircraft Requirements from Air Force Maintenance Metrics and Data 1* (2006) (unpublished manuscript), available at [http://www.agingaircraftconference.org/all\\_files/32/32a/32a\\_doc.pdf](http://www.agingaircraftconference.org/all_files/32/32a/32a_doc.pdf).

151. *Id.*

at a rate of 12–14 next-generation tankers per year, which means that the Air Force will fly the KC-135 at least until the mid-2030s when it will be more than 80 years old.<sup>152</sup>

- B-52 Bomber: Our remaining fleet of B-52s date from the early 1960s. Like the KC-135, the current plan, again due to funding shortfalls, is to fly the B-52 until the mid-2030s. Flying the B-52 in combat in 2030 would be as ridiculous as flying the B-17 bomber, built in the late 1930s, in combat today.<sup>153</sup>
- F-15 Fighter: The F-15 “Eagle” first flew in the early 1970s and remains the mainstay of our air superiority and strike fighter inventory. With that being said, an Air National Guard F-15 broke apart during a routine training flight a year ago. Much like the KC-135 and the B-52, the Air Force plans to retain nearly 200 F-15s in the air superiority mission until the mid-2020s, when they will be almost 50 years old.<sup>154</sup>
- T-38 “Talon” Trainer: The Air Force inventory of over 500 supersonic T-38 trainers dates to the 1960s. This is the primary undergraduate trainer for new pilots who will fly the F-15, F-16 and F-22 fighters, among other aircraft. The current plan is to fly these aircraft for another 20-plus years, when most of them will be 60 years of age.<sup>155</sup>

The shortfall for the Air Force is at least \$20 billion per year; it is difficult to estimate it with any greater precision,

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152. CHRISTOPHER BOLKCOM, AIR FORCE AERIAL REFUELING 2 (Cong. Research Serv., CRS Report for Congress Order Code RS 20941, Sept. 19, 2005); CHRISTOPHER BOLKCOM, THE AIR FORCE KC-767 TANKER LEASE PROPOSAL: KEY ISSUES FOR CONGRESS 6 (Cong. Research Serv., CRS Report for Congress Order Code RL 32056, Sept. 2, 2003), available at <http://www.fas.org/man/crs/RL32056.pdf>.

153. U.S. GOV'T ACCOUNTING OFFICE, REPORT TO THE SUBCOMMITTEE ON READINESS OF THE HOUSE COMMITTEE ON ARMED SERVICES, MILITARY READINESS: DOD NEEDS A CLEAR AND DEFINED PROCESS FOR SETTING AIRCRAFT AVAILABILITY GOALS IN THE NEW SECURITY ENVIRONMENT 18 (2003), available at <http://www.globalsecurity.org/military/library/report/gao/d03300.pdf>.

154. U.S. GOV'T ACCOUNTING OFFICE, REPORT TO CONGRESSIONAL COMMITTEES, MILITARY READINESS: DOD NEEDS TO IDENTIFY AND ADDRESS GAPS AND POTENTIAL RISKS IN PROGRAM AND FUNDING PRIORITIES FOR SELECTED EQUIPMENT 112 (2005), available at <http://www.gao.gov/new.items/d06141.pdf>.

155. JOHN A. AUSINK ET AL., ASSESSING THE IMPACT OF FUTURE OPERATIONS ON TRAINER AIRCRAFT REQUIREMENTS xvii (2005), available at [http://www.rand.org/pubs/monographs/2005/RAND\\_MG348.pdf](http://www.rand.org/pubs/monographs/2005/RAND_MG348.pdf).

because so many of the programs are not even in the design phase, and there are so many questions about Air Force plans.<sup>156</sup> For example, to save money, the Air Force will try to design and build an aircraft that has both cargo and tanker capabilities.<sup>157</sup> The viability of such a design, and the cost and capabilities of the aircraft assuming it can be built, are impossible to predict with any real accuracy. But there is no doubt whatsoever that the Air Force must in some fashion recapitalize its tanker inventory and increase its lift capacity—and also no doubt that the current and projected budgets for the Department of Defense are nowhere near adequate to prevent the Air Force from losing technological superiority.<sup>158</sup>

#### 4. *The National Guard & Reserve*

The militias have played an integral role in domestic and foreign missions since well before America's founding in 1776. Since September 11, 2001, Guard and Reserve components of the U.S. military have conducted major combat operations in Iraq and Afghanistan and participated in domestic missions ranging from border security to hurricane victim rescue and recovery.<sup>159</sup>

Between the end of World War II and 1989, reservists were involuntarily deployed for federal service four times in response to war and national emergencies (the Korean conflict, the Berlin airlift, the Cuban missile crisis and the Vietnam War)—an average of about one deployment every eleven years.<sup>160</sup> Since 1990, reservists have been deployed an aver-

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156. Eaglen, *supra* note 149, at 3.

157. CHRISTOPHER BOLKOM, AIR FORCE AERIAL REFUELING 6 (Cong. Research Serv., CRS Report for Congress Order Code RS 20941, Mar. 20, 2007), available at <http://www.fas.org/sgp/crs/weapons/RS20941.pdf>.

158. *Air Force Posture Statement 2009*, *supra* note 146, at 9 (statement of Gen. T. Michael Moseley, Chief of Staff, USAF, and Hon. Michael W. Wynne, Sec'y, USAF).

159. MICHAEL WATERHOUSE & JOANNE O'BRYANT, NATIONAL GUARD PERSONNEL AND DEPLOYMENTS: FACT SHEET 1 (Cong. Research Serv., CRS Report for Congress Order Code RS 22451, Jan. 10, 2007), available at <http://www.fas.org/sgp/crs/natsec/RS22451.pdf>.

160. U.S. GOV'T ACCOUNTABILITY OFFICE, REPORT TO CONGRESSIONAL COMMITTEES, INCREASED TRICARE ELIGIBILITY FOR RESERVISTS PRESENTS EDUCATIONAL CHALLENGES 5 (2007), available at <http://www.gao.gov/new.items/d07195.pdf>.

age of about once every three years in response to peace keeping and nation building missions, war, and national emergencies (the Persian Gulf War, Haiti, Bosnia/Kosovo, Operation Noble Freedom, Operation Enduring Freedom and Operation Iraqi Freedom).<sup>161</sup>

The combination of a much smaller active-duty force, much higher operational tempo, and much older inventory have put significant pressure on the National Guard and Reserve components. This pressure has only increased since the Iraqi engagement.<sup>162</sup>

The mission of these troops is to

provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever more units and persons are needed than are in the regular components.<sup>163</sup>

The Guard's mission also includes the role of responding to state emergencies, such as natural disasters and civil disorders.

Systematic underfunding of the military has hit the Guard and Reserves directly, with substantial effect. It has left them with insufficient and aging equipment. According to the Chief of the National Guard Bureau, Lieutenant General Steven Blum, the Guard had only seventy five percent of the equipment it needed on hand prior to September 11, 2001.<sup>164</sup>

In May 2007, General Blum reported to the United States House of Representatives Homeland Security Subcommittee on Management, Investigations and Oversight that, "At the beginning of this year (2007), the Army National Guard had on hand approximately forty percent of the equipment which it is required to have."<sup>165</sup> His testimony makes clear that, in

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161. *Id.*

162. *Id.* at 5–6.

163. 10 U.S.C. § 10102 (2006).

164. Mackenzie M. Eaglen, *Equipping the Army National Guard for the 21st Century*, THE HERITAGE FOUNDATION BACKGROUNDER, Nov. 13, 2006, at 2 [hereinafter Eaglen, *Equipping the Army*], available at [http://www.heritage.org/Research/NationalSecurity/upload/bg\\_1983.pdf](http://www.heritage.org/Research/NationalSecurity/upload/bg_1983.pdf).

165. *National Guard Preparedness: Hearing Before the Mgmt., Investigations, and Oversight Subcomm. of the H. Homeland Sec. Comm.*, 110th Cong. 3 (2007)

addition to a severe equipment shortage, the Guard also is trying to make do with old equipment that is difficult and expensive to maintain and not easily deployable or useful in all of their missions.

The growing need for equipment is not just being felt around the world. The increased operational tempo on foreign soil has exhausted the Guard's domestic stockpile of vehicles, weapons, and communications gear, leaving remaining units with one third of the equipment required to defend the homeland and respond to national emergencies.<sup>166</sup> The Guard is transferring equipment from stateside units to units that are foreign deployed at a rapid rate. According to GAO, the Army National Guard had transferred more than 100,000 pieces of equipment to units overseas as of July 2005.<sup>167</sup>

It is appropriate to ensure that deployed units are equipped with the newest state-of-the-art equipment. But that does not mean units remaining in the United States should be equipped with worn out and dated vehicles and gear—or not have any equipment at all! Some of our Guard units are still using M35 series trucks, M113 armored personnel carriers, and older M1 tanks with 105mm guns.<sup>168</sup> Other units rely on radio equipment that cannot change frequencies, use outdated encryption technology, and cannot communicate effectively with active duty units or first responders.<sup>169</sup> This undermines training and homeland readiness and spells trouble for reservists headed for future foreign deployments. It means they will go to war with equipment they have never used before, much less trained with. The Guard and Reserves need an equipment modernization program of their own that will provide them with the

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(statement of Gen. Steven Blum, Chief, Nat'l Guard Bureau), *available at* <http://www.posturestatement.af.mil/shared/media/document/AFD-080310-037.pdf>.

166. U.S. GOV'T ACCOUNTABILITY OFFICE, REPORT TO THE COMMITTEE ON GOVERNMENT REFORM AND HOUSE SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS AND INTERNATIONAL RELATIONS, RESERVE FORCES: PLANS NEEDED TO IMPROVE ARMY NATIONAL GUARD EQUIPMENT READINESS AND BETTER INTEGRATE GUARD INTO ARMY FORCE TRANSFORMATION INITIATIVES 11 (2005) [hereinafter U.S. GOV'T ACCOUNTABILITY OFFICE, PLANS], *available at* <http://www.gao.gov/new.items/d06111.pdf>.

167. *Id.*

168. Eaglen, *Equipping the Army*, *supra* note 164, at 2.

169. *Id.*

necessary resources to purchase new equipment with the latest technologies and the proper mix of capabilities for foreign and domestic missions.

The Stryker Brigade Combat Team is a proven model that should be employed to modernize and equip the Guard. The Stryker unit is a wheeled combat force that is highly mobile and transportable in C-130, C-5, or C-17 aircraft. It is fast, maneuverable, and includes large numbers of infantry that can perform a diverse set of missions including medical evacuations, reconnaissance, fire support, engineering, and troop carrier variants.<sup>170</sup> But at current funding levels, it will be impossible to equip the active duty Army, much less the reserve component, with the necessary upgraded equipment.<sup>171</sup>

A second major concern affecting the viability of the Guard and Reserves centers on the size of the active-duty force. The reduction of active duty force structure in the 1990s occurred despite clear warnings that the smaller active Army would not be able to carry out its missions within an acceptable margin of risk. Those warnings have come home to roost.

According to the Commission on the National Guard and Reserves, "The use of reserve component personnel increased from 12.7 million duty days in fiscal year 2001 to 68.3 million duty days in fiscal year 2005."<sup>172</sup> In 2004, more than 40% of our forces in Iraq were reservists. In its 2002 Emergency Supplemental Request to Congress, Pentagon officials indicated that the Department of Defense could not implement the National Security Strategy without the National Guard and Reserve.<sup>173</sup>

The overuse of the Guard and Reserve is inhibiting recruiting and retention. The reserve component service members did not join with the expectation of being on active duty for

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170. ANDREW FEICKERT, U.S. ARMY'S MODULAR REDESIGN: ISSUES FOR CONGRESS 10 (Cong. Research Serv., CRS Report for Congress Order Code 32476, January 10, 2007), available at <http://www.fas.org/man/crs/RL32476.pdf>.

171. U.S. GOV'T ACCOUNTABILITY OFFICE, PLANS, *supra* note 166, at 19–20.

172. COMM'N ON THE NAT'L GUARD AND RESERVES, STRENGTHENING AMERICA'S DEFENSES IN THE NEW SECURITY ENVIRONMENT: SECOND REPORT TO CONGRESS 18 (2007), available at, <http://www.cngr.gov/pdf/CNCR%20Second%20Report%20to%20Congress%20.pdf>.

173. *Id.* at 19.

years at a time.<sup>174</sup> They have remained faithful and done their duty far better than anyone could have expected, but it is unreasonable to expect them to continue serving when the government isn't doing its part to sustain the Army with adequate manpower and equipment. The Commission's report indicates that in fiscal year 2005, "nearly all the reserve components fell short of their recruiting goals: the Army National Guard by twenty percent, Army Reserves by sixteen percent, Air National Guard by 14 percent and Navy Reserve by fifteen percent."<sup>175</sup> The problem is likely to get worse as the services enter the current funding crisis; Reserve components tend to be given what is "leftover" from defense budgets and therefore suffer even more than the active duty components when budgets are inadequate.<sup>176</sup>

## II. FOUR PERCENT FOR FREEDOM

There is, in sum, a substantial and growing gap between what America is projected to spend on defense and the minimum necessary to recapitalize the force and increase the Army and Marines to the size which everyone now agrees is necessary.<sup>177</sup> Had the government addressed the needs honestly in the 1990s, the cost would have been moderate; however, the delay has increased the cost to much higher levels than was necessary. The current gap, for modernization and procurement alone, is at least \$50–60 billion per year, and very probably more than that.<sup>178</sup>

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174. *Id.* at 30.

175. *Id.* at 23.

176. U.S. GOV'T ACCOUNTABILITY OFFICE, REPORT TO COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM AND HOUSE SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL RELATIONS, RESERVE FORCES: ACTIONS NEEDED TO IDENTIFY NATIONAL GUARD DOMESTIC EQUIPMENT REQUIREMENTS AND READINESS 7 (2007), available at <http://www.gao.gov/new.items/d0760.pdf>.

177. Two years ago, Secretary Gates conceded that the active Army needed to increase to 547,000 troops—approximately twelve division strength, or almost exactly the size that critics of the last round of force structure cuts said would be necessary in 1993. *Hearing Before the S. Armed Servs. Comm.*, 110th Cong. 1 (2007) (statement of Robert M. Gates, U.S. Sec'y of Def.), available at <http://armed-services.senate.gov/statemnt/2007/January/Gates%2001-12-07.pdf>.

178. Baker Spring, *Defense FY 2008 Budget Analysis: Four Percent for Freedom*, THE HERITAGE FOUNDATION BACKGROUNDER, Mar. 5, 2007, at 7, available at [http://www.heritage.org/Research/Budget/upload/bg\\_2012.pdf](http://www.heritage.org/Research/Budget/upload/bg_2012.pdf).

The necessary amount can be provided by raising the defense budget to approximately four percent of GDP, using as a base year for GDP calculation the year prior to the submission of a Presidential budget, and sustaining the budget against inflation thereafter. The amount is not large by historical standards; as a practical matter, what is required is one double digit increase in the defense budget, followed by inflationary increases thereafter.<sup>179</sup>

This approach, called the “Four Percent for Freedom” solution by The Heritage Foundation, would send a clear global message that the United States intends to sustain its commitments around the world. It would permit the Pentagon to attempt what has heretofore been unthinkable in Washington—long term planning. Funding at a stable level would allow the service chiefs to budget in a way that would reduce the costs of new programs over their useful lives, instead of fighting each other for money every budget cycle or maneuvering to keep vital programs on life support by delaying them in a way that guarantees they will cost more in the long run. Sending the signal that defense will be funded honestly and adequately would also draw investment capital back into the defense industrial base, which would increase competitiveness and efficiency in that part of the economy and bring costs down over time.

Finally, by reassuring the global markets that America is strong, the “Four Percent for Freedom” solution would help reduce risk within the international economy and promote economic growth at home and abroad; and even a small positive effect on the economy would more than pay for the necessary additional funds for increasing and modernizing the force. The peace and prosperity of the 1990s came in large part as a result of the Reagan defense buildup.<sup>180</sup> What would it be worth economically to prevent a major terror attack on our homeland, reduce the risk that China invades Taiwan, or reduce the risk that Kim Jong-il will use his nuclear capability?

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179. James Jay Carafano et al., *Four Percent for Freedom: Maintaining Robust National Security Spending*, THE HERITAGE FOUNDATION, Apr. 10, 2007, available at [http://www.heritage.org/research/nationalsecurity/upload/SR\\_18-ch3.pdf](http://www.heritage.org/research/nationalsecurity/upload/SR_18-ch3.pdf).

180. Greg Schneider & Renae Merle, *Reagan's Defense Buildup Bridged Military Eras*, WASH. POST, June 9, 2004, at E01, available at <http://www.washingtonpost.com/wp-dyn/articles/A26273-2004Jun8.html>.

Military strength does have a price, but as America has found out again and again, the price of weakness, both in blood and treasure, is far greater.

The increase in funding can be supplemented by savings elsewhere in the defense budget. For example, a dedicated effort to reduce earmarks can save several billion dollars per year, and better management of the military health care system can reduce costs without depriving service members or retirees of care.<sup>181</sup> But there is no point in pretending that a budget shortfall of the size that now exists—created, again, by the failure to be honest in the past about real needs—can be met by reducing other parts of the defense budget. That is impossible. The savings cannot come from reducing manpower because force structure is already too low. It cannot come from decreased funding for operations and maintenance; if anything, that account is likely to cost more because of the age of the inventory.

Nor can the shortfall be funded by freezing or reducing compensation for the troops. Apart from the fact that Congress should and would never reduce salaries in the middle of a war—and America will be fighting the terrorists for a long time—the services must recruit and retain high quality people to sustain the volunteer force. Today's military demands skilled people with sophisticated training. The days of "grunts" in the service have long since come to an end.

There is no responsible defense expert who argues that the current capitalization requirements can be met without substantial additional funding; it is hardly possible to do so, because simple budgetary math shows that the Pentagon cannot acquire the new programs at anything close to currently projected funding levels. And the new programs are obviously necessary, unless the nation is comfortable forcing its servicemen and women to drive tracked vehicles or fly airplanes that are 50 to 60 years old or sail in a Navy that has one third fewer ships than it needs.

Some argue that the United States should reduce its commitments abroad or rely more on allies, but they do not say

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181. Spring, *supra* note 178, at 7.

how this is to be done.<sup>182</sup> As we have already shown, the dangers in the world are substantial and growing. Our allies are not funding their militaries at even the low levels to which they have currently committed. Of the twenty six members of NATO, only six, excluding the United States, are spending even the agreed-upon two percent of GDP on defense.<sup>183</sup> Moreover, it is not necessarily safe for other democracies to substantially rearm except under the umbrella of American power. India, for example, is growing its military, and that is leading to the danger of an arms race with Pakistan.<sup>184</sup> Given the history of the 20th Century, how would the Chinese and Koreans view a rearmed Japan, without the stabilizing influence of a strong America?

For fifteen years, under two Administrations, American political leaders have been asking our servicemen and women to do more and more with less and less, while coercing the Joint Chiefs of Staff to say that in any given year the budget is adequate and that the margin of risk is manageable. Whatever else happens now, it is time for the dishonesty to end. The nation owes it to our men and women in uniform either to sustain the force with modern equipment or make it plain that it is asking them to take risks that unnecessarily imperil their lives and the missions they are expected to perform.

### III. AMERICA'S MISSION

The reader may well ask why the American government has underfunded its military for so long at such risk to its own interests and policy. The reason is clearly not that the necessary funding level is unaffordable in any absolute sense.

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182. Ivan Eland, *Homeward Bound?*, THE NAT'L INTEREST, Jul.-Aug. 2008, at 73, 77, available at [http://www.ccoyne.com/The\\_National\\_Interest.pdf](http://www.ccoyne.com/The_National_Interest.pdf).

183. VINCENT MORELLIET ET AL., NATO ENLARGEMENT: ALBANIA, CROATIA, AND POSSIBLE FUTURE CANDIDATES 7 (Cong. Research Serv., CRS Report for Congress Order Code RL 34701, Oct. 6, 2008), available at <http://www.fas.org/sgp/crs/row/RL34701.pdf>.

184. Sharon Squassoni, NUCLEAR THREAT REDUCTION MEASURES FOR INDIA AND PAKISTAN 15 (Cong. Research Serv., CRS Report for Congress Order Code RL 34701, February 17, 2005), available at <http://www.fas.org/sgp/crs/nuke/RL31589.pdf>; Dipankar Banerjee, *China, India and Pakistan: A Nuclear Arms Race in Asia?*, POLICY BRIEF (European Inst. for Asian Studies, Brussels, Belg.), Jan. 2004, at 3, available at <http://www.eias.org/publications/policybriefs/nuclearrace.pdf>.

Traditionally, the United States has spent much more than four percent of its GDP on defense; moreover, the United States government can find much larger sums than the extra \$50–60 billion when it wants to, as the various economic “bailout” measures have proven. Whatever the merits of additional spending on the Armed Services, it is within America’s capabilities to do so.

The reason is mostly a case of the urgent and popular crowding out the important and necessary. When Administrations prepare and submit budgets, and Congresses enact them, all the political actors want to claim that they are reaching certain budgetary and deficit targets; they also want to spend more money on politically favored programs. Defense spending as a whole—what the Pentagon calls the “top line” of the budget—has almost no political constituency. Defense contractors will fight for their particular program, but they spend no effort trying to make the total budget bigger; to do so would make enemies at the Office of Management and Budget (OMB) with little likelihood of success and no guarantee that a larger budget overall would benefit that particular contractor anyway. At the same time, defense spending is not broadly popular with opinion leaders in either Party. The political left has a pacifist streak and doubts the legitimacy of American military power, while conservatives have an isolationist streak and resent having to spend money on any part of the government.

All of this makes the defense budget, and particularly the acquisition programs that are funded over many years, an easy target for reduction. It is plausible to argue that reductions in procurement or modernization in any one year won’t fatally damage any long term program; under financial and political pressures, that argument is made and the defense budget is reduced in a given year, and then the exercise is repeated each year after that because of similar pressures, until the short term budgetary maneuvering and rationalization becomes, by default, the policy over time. Unfortunately, that means not only that the wrong decisions are made but also that there is no real debate over how to minimize the consequences, since everyone must pretend that the budget is sufficient when they know it is not.

In short, Administrations and Congresses underfund defense procurement for short term political and budgetary reasons, knowing that what they are spending will not buy the programs they say they need—but knowing also that the effect will probably not be felt until their term is over. It is very tempting to rob the future to pay for the present, especially when the future will be someone else's responsibility.

The antidote to this kind of expediency is strategic clarity—understanding clearly the nature and importance of America's global mission and the role of the military in it. We have written at length about that mission elsewhere<sup>185</sup> but will review it here and add several observations particularly related to defense budgeting.

The most significant historical event of the last 100 years was the First World War. That conflict ended the predominance of European powers in world affairs after a period of almost 500 years. But during the 1920s and 1930s, American leaders did not grasp the change that had occurred; they tried to continue America's traditional foreign policy—not isolation, but marginal or secondary involvement in matters outside of the Western Hemisphere that did not directly threaten the security of the American homeland.

That policy was not a success. It resulted in a rearmed Germany led by a genocidal maniac, a Second World War that killed more than 70 million people, the Jewish holocaust, the devastation of Europe and much of China and Southeast Asia, and the rise of a powerful totalitarian menace which quickly assumed control of Eastern Europe, acquired nuclear weapons, and began its attempts to subvert the free world.<sup>186</sup>

President Truman and the American government decided, on a bipartisan basis, that it was time for a change. As a matter of survival—because a third world war would involve nuclear weapons—they moved the United States more onto the center stage of world affairs. Whereas the Europeans had been an imperial power, the United States became a kind of managerial power. Again, the assumption was that in the nu-

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185. James Talent, *A New American Mission*, *ARMED FORCES J.*, Sept. 2008, at 2, available at <http://www.armedforcesjournal.com/2008/09/3655941/>.

186. LOUIS L. SNYDER, *LOUIS L. SNYDER'S HISTORICAL GUIDE TO WORLD WAR II* 125 (1982).

clear age, serious, violent and aggressive disruptions in the international order had the potential to spin out of control, perhaps in ways that could not be foreseen, and threaten the security of the United States. America assumed a leadership role among the community of free and stable democracies in order to either prevent such disruptions or at least manage them so as to minimize the danger they represented. The goal was limited: to prevent either an attack on the United States or a major setback for the cause of freedom, and do it without a third world war.

In the post war years, America's primary concern was the Soviet threat; its most important objective by far was leading the free world in containing and eventually defeating Soviet communism without a general war. But that was never America's only concern. For example, the United States was heavily involved in ending South African apartheid and in the Arab/Israeli conflict, even though those issues were only tangentially related to the Cold War.

Since the Soviet Union collapsed, America has been strategically adrift, but not because the historical forces that impelled America to the center stage are any less powerful. As the development of terrorism has shown, it is still tremendously dangerous for the United States to ignore serious, aggressive, and violent tendencies even if they do not appear to immediately threaten America. The American government did largely ignore the terrorist movement throughout the 1980s and 1990s, being unable to foresee how that movement constituted a major threat to the United States. Then the attacks of September 11, 2001, occurred, and the United States has been struggling ever since to defeat a menace that it could probably have derailed with more vigorous attention in the early stages.

Moreover, there is still an overwhelming, if unarticulated, consensus within America's political leadership about the role the United States must play in the world. Almost no one in the mainstream of either political party will argue that the United States should ignore any of the risks which we discuss above. To be sure, political leaders differ about tactics; they disagree about how to handle the danger of proliferation in Iran, the terrorist bases in Pakistan, the 2008 Russian ag-

gression in Georgia, or the rise in piracy on the high seas; but no one argues that America should ignore those risks or even that the United States should play less than a leadership role in dealing with them. For example, both Presidents George H.W. Bush and Bill Clinton were inclined to keep the United States out of the forefront in dealing with genocide in Bosnia, but they could not.<sup>187</sup> President Clinton concluded, correctly, that serious instability resulting from genocide in the Balkans posed a significant if indirect threat to the United States.<sup>188</sup>

So the reason for America's active leadership in the world is as great as it has ever been. The problem, ever since the end of the Cold War, has been the failure of political leaders to articulate that interest and translate it into a strategic mission statement which America and its allies could understand. One of the downsides of strategic drift is the failure to consistently prepare and adapt the capabilities necessary for the nation to protect its own interests. Without strategic clarity, decision makers tend to allow the expedient to override the necessary; in the flow of daily events, they simply do not see the risks they are running by allowing capabilities to atrophy.

We have suggested in other places a strategic mission statement for the United States along the following lines: "leading the free world in anticipating and either preventing or minimizing serious and violent disruption to what would otherwise be the progress of the international order towards peace and freedom."<sup>189</sup>

This is an activist mission stated in negative terms. It would not require the United States to create democracies or build free societies but rather recognizes that America's interests are implicated where there is a violent, aggressive obstacle to what would otherwise be the movement of some part of the world towards democratic values. Moreover, the global, long term perspective of the proposed mission state-

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187. LENE HANSEN, *SECURITY AS PRACTICE: DISCOURSE ANALYSIS AND THE BOSNIAN WAR* 133 (2006).

188. *Id.* at 137.

189. James Talent, *New Wine in Old Bottles: Moving Towards a Post Cold War Policy*, THE HERITAGE FOUNDATION, Nov. 28, 2007, <http://www.heritage.org/press/commentary/112807a.cfm>.

ment assumes that in deciding appropriate tactics the United States would balance the need for leadership against the limits of its power and the finite nature of its resources. Further, the suggested mission statement is not the outgrowth of any particular theory of foreign policy. It states a baseline mission designed to accommodate the overriding national interests that pushed America towards the forefront of events in 1945 and that transcend the debate over Wilsonian, realist, or neoconservative impulses in foreign policy.

Moreover, the suggested mission statement balances the imperative of American leadership against the need for support from the international community. The point here is to adjust American foreign policy to reality, rather than expecting reality to adjust to what America would like its policy to be. The facts are that America cannot manage the serious trouble spots in the world alone but also that there is no reasonable scenario by which America will be able to transfer its leadership role any time soon to any other group of nations. America's allies themselves demand that the United States be the leader of the free world's diplomatic or military initiatives. The Bosnian mission is again an example; it was a NATO operation, but it would not have happened at all if the United States had not taken a leadership role, and thirty five percent of the force involved was American.<sup>190</sup>

The reason American leadership is necessary is not just its global power and presence. It is the recognition by America's allies and even its competitors—whatever their public protests to the contrary—that the involvement of the United States in world affairs is not for narrowly self-centered reasons; America does not seek conquest or colonies and can therefore be trusted not to compromise the legitimate interests of other nations. That, for example, is why a continued American presence in South Korea is so important. The surrounding great powers—Japan, China, and Russia—can recognize America as a kind of honest stakeholder whose presence stabilizes the region and prevents the kind of jock-

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190. JULIE KIM, BOSNIA AND THE EUROPEAN UNION MILITARY FORCE (EUFOR): POST-NATO PEACEKEEPING 1-2 (Cong. Research Serv., CRS Report for Congress Order Code RS 21774, January 15, 2008), available at <http://italy.usembassy.gov/pdf/other/RS21774.pdf>.

eying for power that can lead to conflict. It is no accident that the region has been peaceful ever since the Korean War; the ongoing presence of the American military made clear that the United States would sustain a political and power equilibrium on the peninsula.

Finally, the suggested mission statement can and should be advanced through a number of tactics, including diplomacy and the capabilities of "soft power." But the underpinning of all these tactics is the confidence of the world in the predominance of American military power, defined as the ability of the United States, as the animating force behind a free world consensus, to swiftly and effectively defeat military threats to the progress or stability of the international democratic order. The lesson of the last fifty years is that the tools of democracy and economic progress can work, but they take time, stability, and some assurance of protection from violent aggression to have a chance. Someone must hold the forces of aggression and anarchy at bay. It was under the shield of American power that Europe has been able to move towards continental association despite its age old conflicts, that Japan, South Korea, Taiwan, and a number of the former communist countries have gradually become democracies, that Israel signed a peace accord with Egypt and almost reached agreement with the Palestinians, that the international community has been able to make some effort at helping the third world, and that great powers like Russia and China have largely been deterred from aggression and channeled in the direction of peaceful competition and internal reform.

Now the American shield is cracking. The numerical and technological superiority gained during the Reagan years has eroded through underfunding and inattention. The United States is losing the strength to contain challenges from Russia and China, deter nuclear blackmail, defeat terrorism, and perform the numerous other functions that create the conditions for peace and democracy around the world. For too long, American capability has been taken for granted; the allies and even the leaders of the United States have acted as if American power will always be sufficient regardless of American policy, so they have neither sustained the military

predominance of the United States nor found a realistic substitute elsewhere.

That is why we said at the beginning of this article that, unless President Obama makes a fundamental shift in the direction of America's defense policy—a shift that, given his philosophical predilections, could not be less likely—it does not matter what secondary changes he makes in his approach to the world. His foreign policy will fail on its own terms, because the strategic preconditions for success will be lacking.

### CONCLUSION

It is important to understand what we are not saying. We are not saying that America's approach to the world should primarily be military. We are saying that American power is the umbrella under which the world's democracies, including the United States, can rely primarily on diplomacy, international cooperation, economic trade, and constructive engagement to protect the integrity and progress of the international order. Since the collapse of the Soviet Union, history has again taught us the painful lesson that there will never be a war that ends all wars. There will always be a danger of aggression, which must always be deterred if peace is to have a chance; and since 1945 the primary instrument of deterrence has been the reality and perception of American military strength. American power is therefore not the enemy of good relations with America's allies and adversaries; it is the precondition of it.

That power has been allowed to decay for too long. America is too far out on the margin of risk. Its leaders, by ignoring strategic reality, have sown the wind; unless there is a decisive change soon, the American people, and the men and women who serve in the armed forces of the United States, will reap the whirlwind.