

FORWARD: THE REAGAN LEGACY AND THE STRATEGIC DEFENSE INITIATIVE

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When President Ronald Reagan appeared before a national television audience on the evening of March 23, 1983, he delivered a lengthy and, at least by media standards, a complex address.¹ Understood in its pretelevized text form as a speech to build support for the President's defense budget, which was then under discussion in the United States Congress, the final segment of the address would quickly become a classical text for the scrutiny of nuclear weapons' strategists, historians and activists alike.

President Reagan's initial remarks covered a broad, but somewhat predictable spectrum of issues. After reaffirming a number of postulates that had guided U.S. nuclear strategy throughout the age of deterrence—especially the dissuasion of Soviet attack through the threat of U.S. retaliation—the President discussed at length significant weapons developments and improvements made by the Soviet Union, including the spread of Soviet military influence in Central America and the Caribbean. But in the process of reaffirming his personal, and his Administration's collective, support of arms control with the Soviets, the President noted:

In recent months, however, my advisers, including, in particular, the Joint Chiefs of Staff, have underscored the necessity to break out of a future that relies solely on offensive retaliation for our security. . . . The human spirit must be capable of rising above dealing with other nations by threatening their existence. . . . I believe there is a way [to do this]. . . . It is that [the United States] embark on a program to counter the awesome Soviet threat with measures that are defensive.²

In so doing, Reagan began his brief but firm assertion that U.S. strategic thinking, technological research and weapons development in the future should concentrate on systems which would "give us the means of rendering [offensive] nuclear weapons impotent and obsolete."³ Within hours of the address the national—and international—debate over the Strategic Defense Initiative (SDI) had begun.

For most informed analysts, the desire for and discussion of defensive nuclear systems surely was not new. On the one hand, the United States and Soviet Union had institutionalized a limit on deployment (if not research and development) of such systems in the 1972 Anti-Ballistic Missile (ABM) Treaty.⁴ On the

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1. Address of President Reagan to the Nation on Defense and National Security, 1 PUB. PAPERS 437 (Mar. 23, 1983).
2. *Id.* at 442.
3. *Id.* at 443.
4. Officially known as the Treaty Between the United States and the Soviet Union on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, 23 U.S.T. 3435, T.I.A.S. No. 7503 (1972).

other hand, technological advances in the early 1980's in kinetic energy projectiles, lasers, particle beams and optical sensing systems had renewed an intense discussion of the prospects for, and advisability of, developing a ballistic missile defense system.

The President's challenge, then, legitimated a re-examination of a series of seemingly "old" issues and certainly focused public attention on a host of new concerns. Although earlier debates regarding changes in U.S. strategic systems and policy had always involved a myriad of queries and a diverse set of expert views, no program would spawn the amount of debate in print, audio and visual media as that engendered by the SDI controversy.

In the half decade in which SDI has been on the political agenda, scientists and engineers have argued feasibility; strategic theorists, military planners and politicians have debated the advisability of the system in its vision, cost and effect on U.S.-Soviet relations; while lawyers, historians and diplomats have dissected the meaning and intent of the ABM Treaty. And, although the full effect of the SDI issue on voter perception and choice is yet to be known, the "Star Wars" debate has now also been part of a U.S. national presidential election. With the coming of George Bush to the Presidency, SDI may very well be entering into a new phase of the national defense debate.

This special symposium of the *Journal of Legislation* is a joint venture of the Notre Dame Law School and the Institute for International Peace Studies of the University of Notre Dame. It assembles an array of scholars and policymakers of divergent disciplines and perspectives. Each has been involved in the international and national discussion of SDI during the 1980's and each will no doubt continue to contribute in his or her respective role during the coming years. Together these analysts provide a primer in the "state of the debate" on the critical questions—of technology, politics, international law, and U.S.-Soviet relations—which continue to dominate the SDI debate.

In an argument for SDI, United States Secretary for Housing and Urban Development Jack Kemp, a longtime SDI proponent, argues that a number of hard realities make further development of these ballistic defense technologies an imperative in the defense plan of the United States. Citing both the vision of President Reagan and progress by the Soviets in these technological areas, Kemp maintains that, at the very least, SDI provides a national insurance policy worth the price of the defense it supplies.

Quite a different chord is struck in an essay by former Democratic presidential contender, United States Senator Paul Simon (D-Ill.). Simon's article highlights most of the major concerns opponents of the SDI program have raised from the outset. In particular, Simon emphasizes that a more cost efficient and stable approach to national defense and peace could be found in a systematic and thorough reduction in the offensive nuclear arsenals of the superpowers.

In *The Politics of "Star Wars,"* nuclear disarmament advocate Jerome Grossman focuses the bulk of his attention on the relationship between the SDI announced by President Reagan and the Reagan and Bush Administrations' multifaceted political agendas in defense, international affairs and public opinion. These themes are also explored across a particular set of political groups in political scientist Lawrence Katzenstein's *Controlling the Political Arrival of Ballistic Missile Defense*. Of particular interest in Katzenstein's assessment are

his conclusions about the relationship between the domestic debate over SDI and the place of SDI in future arms control agreements.

Two contending perspectives on the relationship of SDI to the form and substance of the ABM Treaty are provided in essays by Lieutenant General Daniel O. Graham and MacArthur Foundation fellow Frances Harbour, respectively. Graham, a longtime advocate of SDI-related approaches to U.S. arms strategy, asserts that the move to a defense against nuclear attack represents a new paradigm in U.S. strategic thinking and as such is supported by the U.S. Constitution's mandate to "provide for the common defense." In a much longer analysis, Harbour concludes that the ABM Treaty text, along with U.S. and Soviet practice and historical records of the negotiation discussions leading to the Treaty, support a claim quite different from that advanced by Graham and others. She finds that the Treaty did intend to forbid the testing and the development of new and unforeseen space-based technologies.

The article by Princeton international studies fellow Dietrich Fischer, *The Strategic Defense Initiative as a Cause of Crisis Instability*, explores the complex and critical issues of what development and deployment of SDI in some form would mean for the nuclear arms race. Of particular concern to Fischer is the sense of threat posed by such technologies and their concomitant role in creating instability in crisis situations and/or increasing the possibility of accidental nuclear war. In his analysis of these technologies, and of the debate surrounding them, University of Illinois Professor Thomas McGlenn comes to a somewhat similar conclusion to that of Fischer. McGlenn's technical discussions are particularly helpful in adding to the breadth of this symposium.

These essays are enriched by the inclusion of two articles by non-Americans who have been deeply involved in analysis of SDI from their unique regional and national vantage points. Danish political scientist Hans-Henrik Holm assesses SDI from a Western European perspective. Holm provides some critical insights into the impact SDI will have, even in its failure to be fully realized, first on U.S.-European relations and, second, on the nature of the defense of Western Europe.

Roald Z. Sagdeyev, former director of the Soviet space program and advisor to General Secretary Mikhail Gorbachev, discusses in detail Soviet perceptions of the SDI issue. His article, written with Soviet physicist Yevgeni Velikhov and historian Andrei Kokoshin, concentrates on technological and strategic policy and European security understandings which have operated between the United States and the Soviet Union since the onset of the Cold War. This article, reprinted from a pre-INF book published in the Soviet Union, *Weaponry in Space: The Dilemma of Security*, still represents a concise statement of the Soviet position at this time.

Turning to the student projects, three notes provide background that might prove helpful to the reader. The first piece gives a concise history of nuclear arms negotiations between the United States and the Soviet Union. The second looks at the legal issues currently at stake in the ABM Treaty debate. The last student note examines SDI against a backdrop of international agreements over the use of outer space.

Finally, Father Theodore M. Hesburgh, C.S.C., President Emeritus of the University of Notre Dame and a longtime advocate of restraint in nuclear

armaments, has provided a reflection on humane alternatives to strategic defense in his afterword.

In preparing this special symposium on SDI, the staff of the Institute for International Peace Studies has worked with two editorial staffs of the *Journal of Legislation* over the period 1987-89 and their faculty advisor, Professor John Attanasio of the Law School. In 1987-88 *Journal* Editor-in-Chief Victoria Young and her co-workers developed the general themes to be explored and the recruitment process for articles. Under the direction of James Loprest, the 1988-89 *Journal* staff engaged in the difficult task of editing articles and fine-tuning the issue to bring it to its present form. The professionalism of these individuals is matched only by their patience in seeing this volume to a successful conclusion.

All of us associated with this symposium issue hope it plays some role in the continuing debate over one of the most complex political, military and diplomatic issues of the postwar world—the Strategic Defense Initiative.