

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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March 26, 2009

General James Jones (USMC, ret)
Assistant to the President for National Security Affairs
The White House
Washington, DC 20500

Dear General Jones:

Over the past several months, there have been reports that North Korea is preparing to launch a vehicle that may threaten the United States or its territories. Though North Korea continually states that its intentions are benign, the possibility remains that this vehicle could intentionally or unintentionally endanger the United States. In recent testimony before Congressional committees, American military commanders agree that the threat is real. Furthermore, they have assured the American people that the U.S. has the ability to interdict such a launch. However, an apparent lack of commitment by this Administration to address these threats and prepare missile defenses jeopardizes our national security.

In light of this Committee's jurisdiction over the White House and Executive Branch management, and its oversight efforts related to missile defense, we respectfully request a briefing on U.S. efforts to prepare for this launch. This briefing should describe how the National Security Council and other administrative components have received and evaluated the recommendations of uniformed leaders, what steps the Administration intends to take in the event of North Korean missile launch, and the basis for this course of action.

Background

Recent reports indicate that North Korea is preparing to launch one or more indigenously designed multi-stage missiles. This is in direct violation of United Nations Security Council Resolution 1718 which prohibits, among other actions, this sort of missile design or testing. While it is uncertain whether the forthcoming launch is meant to loft a satellite into orbit or test a Taepo Dong-2 intercontinental ballistic missile, either case would demonstrate North Korea's continued development of technology which could ultimately threaten the United States or its territories.

It is known that, since approximately 2006, North Korea possesses nuclear devices. The possibility that it could perfect an ICBM and fit it with a nuclear warhead is extremely alarming. Because North Korea is a hostile and tyrannical state, its acquisition of nuclear arms capable of striking the United States would profoundly affect our national security.

If the impending North Korean launch proceeds, several scenarios could unfold. For example, the missile may fail in a way which endangers only those nearby. Alternatively, the vehicle may successfully orbit a satellite which, although in contravention of United Nations prohibitions, would not necessarily be hostile. There are, of course, other possibilities. The missile could be launched so that it unintentionally endangers the United States, especially if mechanical failures affect its trajectory. It is also conceivable, albeit unlikely, that North Korea would intentionally strike on or near U.S. territory.

No matter what the outcome, such a launch seriously impacts U.S. defense strategy in the region. It is the responsibility of the Department of Defense, therefore, to prepare for these scenarios.

The United States operates an extensive layered missile defense system in order to protect against an intentional or unintentional small-scale ballistic missile attack. This system includes various radars and other sensors to detect and track incoming missiles. In the event a threat is discerned, defensive weapons on ships and in silos in the Pacific region are prepared to destroy attacking missiles in flight.

In 2006, when North Korea last conducted a prohibited missile launch, the U.S. missile defenses were readied in case they were needed. At that time, the system was less advanced than it is now, it had completed fewer tests, and there were fewer defensive weapons available. Given the prospect of a North Korean strike on the United States, however, it was prepared to respond, notwithstanding the system's nascent development. Today, there is no indication that the Administration is prepared to act, even with a more advanced system.

Current Missile Defense Capabilities

The nation's missile defense has substantially improved in the last three years. Because American military commanders have confidence in the system's functionality, they have outlined publicly the protections it affords the United States. Admiral Timothy Keating, the commander of U.S. Pacific Command, told ABC News last month that in the event North Korea launch threatens U.S. interests, "we have the capability" to destroy the missile.¹ "[T]he odds are very high that we'll hit where we're aiming at," and explained that this capability "should be a source of great confidence and reassurance to our allies."² Admiral Keating also said, "we will be fully prepared to respond as the president directs" and noted "[w]e're ready at a moment's notice" to move the necessary missile defense assets into position.³

¹ DowJones Factiva Transcript of ABC News, 26 February 2009, p. 2.

² Ibid, p. 3.

³ Ibid, pp. 2, 3.

Five days after Admiral Keating's remarks, White House spokesman Robert Gibbs explained that the President believes "any" missile defense "deployment would be based on a number of factors, including whether or not the system worked and the cost of that system."⁴ *Newsweek* expanded upon that declaration a few days later. The magazine reported that "two administration officials, who asked for anonymity . . . , say Keating was out of line to suggest Obama might use the system now to thwart North Korea. . . . 'The White House,' said one of the officials, 'was not pleased'."⁵

However, on March 19, 2009, Admiral Keating reiterated his previous comments in testimony before the Senate Armed Services Committee. He was joined by Air Force General Kevin Chilton, the commander of the U.S. Strategic Command, and Army General Walter Sharp, who leads the United States forces in South Korea. All three leaders provided details about the missile defense system's performance and applicability to the current situation.

About the threat, General Sharp declared North Korea is "definitely . . . a regime that we have to watch very closely and we have to be prepared for."⁶ General Chilton concurred. "I look at their behavior," he said of the North Koreans, "and they do give us pause."⁷ Commenting on the Taepo Dong-2, General Sharp explained that, although estimates about the missile were "theoretical" because it had not yet flown flawlessly, a perfected missile would raise the prospect of "defending . . . the West Coast of the United States, as well as the Hawaiian Islands, and of course Alaska."⁸

General Sharp further explained that the threat "is real,"⁹ and that the U.S. sea- and land-based defensive armaments have the ability to interdict vehicles "at various stages after they launch."¹⁰ When Admiral Keating was asked, "[b]ased on the current state of our missile defense, if the North Koreans did fire . . . an intercontinental ballistic missile that was aimed at the United States, what's the probability that we could knock it down?" he replied, "[w]e have a high probability."¹¹ He declared "we could provide for the defense of American citizens and American territory in the Pacific Command [area of responsibility] with the assets we have. . . ."¹²

In light of the apparent dangers and the American defensive capabilities, Admiral Keating also reiterated what he had earlier told ABC News: the military could prepare for defensive actions against a hostile North Korean launch "[s]hould that response be directed" by higher authority.¹³

⁴ Transcript of White House press briefing, 3 March 2009, p. 7.

⁵ Mark Hosenball, "False Starts for Star Wars," *Newsweek*, 7 March 2009.

⁶ DowJones FDCH emedia transcript, United States Senate Armed Services Committee, hearing, 19 March 2009, p. 27.

⁷ *Ibid.*, p. 27.

⁸ *Ibid.*, p. 14.

⁹ *Ibid.*, p. 12.

¹⁰ *Ibid.*, p. 15.

¹¹ *Ibid.*, p. 14.

¹² *Ibid.*, p. 24.

¹³ *Ibid.*, p. 11.

Lack of Administration Response

Statements by these military commanders appear out of sync with Administration views. Earlier comments by the Robert Gibbs and *Newsweek* reports indicate that that no defensive arrangements have been ordered, despite advice given by Admiral Keating and other senior uniformed leaders regarding the prospective dangers associated with a North Korean missile launch. Moreover, there appears to be no agreement between these commanders and the Administration that the missile defense system is effective.

This raises two disturbing scenarios. First it indicates that there may be little or no communication between senior military commanders and the White House on these serious matters. To that end, security management mechanisms may not be structured such that the views of senior military commanders are clearly and fully communicated to the President and his civilian subordinates.

Equally troubling is the prospect that there are open channels for communication, but that the Administration may not be heeding advice from commanders on the ground. If this is the case, either by accident or for political reasons, Administration officials may not be privy to the most current and complete information about foreign threats and U.S. missile defense capabilities. We trust you will agree that politics should not be a factor when safeguarding U.S. interests.

Given this Committee's jurisdiction over the organization of the executive branch, the series of hearings it held on missile defenses in the last Congress, and the Minority's efforts to examine system components (including Mid-Course Defenses, Aegis, THAAD, and SBX and associated sensors), this issue is ripe for Committee review. We look forward to receiving the briefing described above, regardless of classification, no later than Thursday, April 2, 2009.

We appreciate your prompt attention to this matter. Please do not hesitate to contact Thomas Alexander, Senior Counsel, or Christopher Bright, Professional Staff Member, at (202) 225-5074 should you have any questions or require further information.

Sincerely,



Darrell Issa
Member of Congress



Jeff Flake
Member of Congress