

5. COMMON DEFENSE ISSUES

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Former Senator Schmitt Finds the President and Congress Commit Deadly Sins in Their Neglect of National Security

Since the Nation's founding, the challenges of national security always have been formidable. Separately and collectively, the Constitution puts responsibility for national security squarely on the Congress and the President. Meeting modern security challenges requires both a short and long-term view of threats and a sense of urgency in addition to the "balance" advocated by the current Administration.

All tools necessary to defend and perpetuate the American Republic exist in the Constitution. The Founders got it right. The Preamble obligates the Government to "provide for the common defence." Article I, Section 8, Clause 1, specifically gives Congress the power to make such provisions. And the Oath of Office given in Article II, Section 1, Clause 7, requires that the President "preserve, protect and defend the Constitution". To live up to that Oath, Article II also makes the President "Commander in Chief of the Army and Navy of the United States". Nothing in the Constitution permits the President or the Congress to neglect national security.

Rapid technological change in modern times, and the accompanying proliferation of threats, has immeasurably increased the urgency of addressing security challenges. The Founders, in Article I, Section 8, Clause 8,

anticipated that technological change would alter civilization. That Clause states, "The Congress shall have the Power...to promote the Progress of Science and the useful Arts..." Congress therefore has both the constitutional means and the constitutional obligation to use science and engineering as well as its other powers to "provide for the common defence".

Unfortunately and inexcusably, eight deadly and unconstitutional sins currently underlie a pervasive neglect of national security by those responsible for it, namely, the President and the Congress. These sins threaten the near and long-term security of the American people, their economy, and their critical democratic allies.

First, the President and the Congress have intentionally and aggressively weakened the nation's economy by focusing recession recovery policy on deficit spending, a weak dollar, more regulatory government, and future tax increases. Current policy ignores historical proof that tax cuts and less government stimulate economic activity and employment in a free enterprise system. National security depends on the strength of the economy, but future inflation, government control of major industries and financial institutions, heavy-handed regulation, and massive national debt destroy economic vi-

tality. Financial dependence on China's purchase of our national debt constitutes one of the most serious outcomes of this economic malfeasance. An authoritarian China already looms as our foremost economic competitor, and the rapid expansion and modernization of its military shows it will be a primary future threat to American liberty and security.

Second, national leadership fails to fully recognize and act on the fact that radical Islam is at war with America and Western Civilization. Radical Islam fights this war on American soil as well as elsewhere in the world without an aggressive and sustained response by the Commander in Chief or by the Congress (see previous Press Release No. 4).

Third, the Attorney General of the United States plans to prosecute Americans acting under orders by the former Commander in Chief. Those orders were to interrogate enemy combatants to avoid a repeat of the attacks of September 11, 2001. Combined with the decision to prosecute prisoners of war in civilian courts, prosecution of intelligence agents gives treasonous aid and comfort to those who attack Americans and provides clear incentives for additional attacks. These prosecutions politicize the intelligence agencies and will disclose classified sources and methods. Such prosecutions also will inhibit the live capture of intelligence assets on the battlefield, the objective analysis of intelligence data, and interagency cooperation and action based on such analysis. Legal proceedings against American patriots and civilian trials for prisoners of war show regression to a pre-9/11 mindset by the President and Attorney General. Terrorist acts of 2009 and tepid response to them relate directly to this mindset.

Fourth, the President and the Congress have put no priority on protecting the na-

tion's southern border in order to intercept terrorists, illegal aliens, and outlawed drugs. The scale of operations by the Border Patrol, the National Guard, and trained volunteers has not expanded sufficiently to meet the increased threat level. Further, the President and the Congress appear to ignore the potential for the ongoing and extraordinarily violent drug war in Mexico to cause the collapse of that country's social order and to spill over the border into the American Southwest. Nor have plans been created to manage a humane, necessary, and effective guest worker program, a traditional component of the American economy and an unfiltered foreign aid assist to Mexico.

Fifth, under Presidential orders, the Department of Defense has de-emphasized long range anti-missile defenses necessary to counter future terrorist attacks from Iran and its allies, including North Korea and, potentially, Venezuela. Such defenses also counter intimidation by China, Russia, or other nuclear-armed entities directed at North America and allies in Europe and Asia. Why one political party does not want to protect Americans against missile attack has remained a philosophical mystery since the 1970's.

Sixth, the President's budget and Congressional appropriations do not provide for the maintenance and modernization of the nation's nuclear deterrence. The potential of attack or intimidation by other, more modernized and less democratic nuclear powers remains a reality and must be countered visibly and convincingly. Nuclear arms reduction negotiations with Russia, in the absence of China, India, Pakistan, France, the United Kingdom, and Israel, make no common sense even if we could expect all countries to comply with negotiated agreements. Such Pollyanna efforts fly in the face of the horrible record of compliance by our adversaries

with past arms reduction treaties. These efforts rarely have served long-term American security interests.

Seventh, no indication exists that the President and the Congress plan to provide serious defenses against other means that exist to deliver nuclear, biological, and chemical weapons of mass destruction. The most serious of these threats results from the use of the United States as a land bridge for thousands of containerized cargo units moving each day between two oceans as well as for delivering goods throughout the country. Customs conducts only limited inspection of these units and lacks state-of-the-art tools for this purpose. Also, development has languished on scanners for detecting explosive, chemical, biological, and nuclear materials offshore before entry to our ports. In addition, no effective defense exists or is planned against offshore launches of cruise and depressed trajectory missiles.

Eighth, the President and the Congress have led a general reduction in the country's defensive capabilities and industrial base relative to current and clearly predictable global threats. Preparations for asymmetric warfare by China and radical Islam represent the greatest threat to the successful employment of American defensive assets if under attack. If we wish to avoid the terrible option of nuclear confrontation to preserve the Nation, then naval, air, ground, and space forces must be able to compete directly and successfully under an umbrella of asymmetric warfare defense strategies, tactics, and countermeasures. Having defensive and of

fensive capabilities directed at thwarting cyber attacks, GPS disruption, intelligence satellite destruction, and communications outages stand out as possibly most critical in this regard. The recent disclosure that national defense spy satellites have been diverted from their mission of gathering vital intelligence to monitoring natural climate variations illustrates starkly that this Administration does not take its constitutional "common defence" responsibilities seriously.

Current and future threats to liberty and the American people have grown, not diminished since the end of the Cold War. Congressional reaction, and now that of the current President, has been to act as if the opposite were true. Instead of building economic, military, and intelligence systems that can "provide for the common defence", the President and the Congress ignore security while tying down future generations to stifling debt and continuous economic stagnation in order to perpetuate their political power. The Constitution provides an electoral mechanism to eliminate this selfish neglect. The American people must begin to use the Constitution to protect liberty and themselves.

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