



# National Security Law Report

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## Pentagon Refocuses Nation's Defense on Regional Conflicts

In the aftermath of the Cold War, the United States and its allies must now confront the dark side of their success: the need sharply to contract the defense program. Paul D. Wolfowitz, Under Secretary of Defense (Policy), described the perils in that path to a breakfast audience in Washington, D.C., on November 21. The talk, followed by questions and answers, was part of this year's Washington breakfast series sponsored by the Standing Committee.

The West's defense build-up convinced the Soviets that they could never prevail. Mr. Wolfowitz argued that the introduction of the Strategic Defense Initiative concept and the B-2 Stealth bomber made it plain to the Soviet military that the U.S. would take every step necessary to resist any Soviet advance. At the end of the day after the expenditure of huge amounts of Soviet treasure, Soviet military build-ups would still prove futile.

Now, with the Soviet military threat transformed, perhaps eliminated, come the problems of demobilization. The task must be to prepare military forces for regional conflicts. That would enable the United States to reduce its military forces by 500,000 by 1995 said Mr. Wolfowitz — just the number of troops that were sent to the Persian Gulf. The reserves should be reduced by 200,000, and Pentagon civilians likewise by 200,000. That means that as of 1995, there will be 1.6 million men and women on active duty, roughly the same as in 1950 before

the Korean War. The defense budget will represent approximately 3.6% of gross national product, or about the same as in 1939, before World War II.

After every earlier war, the nation set about to demobilize conscript armies. Soldiers and sailors wanted to go home as soon as possible. Today the challenge is different: our armed forces are mostly careerists, on whom we have spent considerable resources for education and training. Now, Mr. Wolfowitz said, we need to convince those that remain that their career is still worthwhile, and that they will not be sacrificed to some short-term budget crisis in the future. Mr. Wolfowitz praised the quality of the men and women in the armed forces, describing them as a higher quality and more educated force "than any in our history."

The threats that these forces must be prepared to contend with are the "future Saddam Husseins," since the threat posed by

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## Standing Committee Priorities: Rule of Law, Weapons of Mass Destruction, Intelligence

The rule of law, weapons of mass destruction, and intelligence law and policy will be the main action issues for the Standing Committee in 1992. So decided the Standing Committee at its fall business meeting held at the Mayflower Hotel in Washington, D.C., on November 22-23.

The Standing Committee plans to try to assist and educate policymakers, the media, the ABA House of Delegates, the bar in general, and the public with regard to these three primary national security law issues. The Standing Committee will still continue to grapple with other issues as they arise (for example, freedom of information and personnel security legislative proposals).

The Standing Committee will begin to focus its rule of law activities on Latin America, Africa, Asia and the Middle East. It is considering the

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## Pentagon

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the "former Soviet Union" has diminished. Nevertheless, the possibility of an organized military threat in the land mass formerly occupied by the Soviet Union cannot be dismissed. He reminded the audience that Russia alone could be the largest military power in Europe. That was why, he explained, the presidents of Czechoslovakia and Poland are among Eastern Europe's strongest supporters of NATO. Even a substantially shrunken Soviet force is enough to constitute a military problem. The presence of United States troops in Western Europe will continue to be vital. Their mission is both to represent a prudential shield for Western Europe and to assist in the effort to institutionalize democracy and security in Eastern Europe.

Other threats the United States must be prepared to contend with include Iraq. Although Saddam Hussein represents nothing like the threat he once was, he still exists and "Murphy's Law is guaranteed to apply."

Over the longer term, Iran remains "rather hostile," said Mr. Wolfowitz, and it is pursuing its interest in developing a competence in nuclear technology. Similarly, North Korea's imminent attainment of nuclear power status is alarming. Mr. Wolfowitz said that North Korea is likely to achieve completion of its nuclear program "within a second Bush administration." Moreover, the son of the current North Korean leader Kim Il Sung "is crazier than he." "A desperate tyrant may see military aggression as his only way out."

Mr. Wolfowitz counselled against over-hasty or ill-considered demobilization. He reminded the audience that five years after World War II, the United States could barely contain a fourth-rate country, referring to the slim margin of safety protecting U.S. forces as they manned the Pusan perimeter. That kind of demobilization not only causes wars, but it can lose wars. Had the defense establishment of 1980 — approximately five years after the Vietnam War — been required to fight a Gulf War, the results would have included much higher casualties, and the issue might actually have been in doubt.

In response to questions from the audience, Mr. Wolfowitz said that one of the reasons for the Bush nuclear initiative of September 27 was

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## The Yugoslav Challenge

By David Martin

The Bush administration has agonized over the problem of Yugoslavia and the Serbo-Croat civil war, which has already left several sizeable Yugoslav cities in ruins. Its policy originally favored the continued unity of the Yugoslav state. Then, for a period of time, it appeared to favor participation in the sanctions voted against Serbia by the European Community. At the moment, this stand has been modified in favor of sanctions across the board, directed equally against all the components of the old Yugoslav state. Its lack of a Yugoslav policy parallels the floundering that has taken place in the much more complex case of the Soviet Union.

The European Community, in finally voting for sanctions against Serbia, in effect accepted the position that once a communist dictator has delineated internal frontiers between the several parts of an existing state, these frontiers must be considered inviolable for all time.

Let me make it clear at this point that I hold no brief for President Slobodan Milosevic of Serbia — a communist apparatchik who now finds it opportune to call himself a socialist. Nor have I any sympathy for his war against Croatia in the name of protecting the sizeable Serbian minority that lives there. I believe that Serbia's demand that its frontiers with Croatia be redefined in a manner that brings the basically Serbian areas of Croatia under the rule of Belgrade is essentially valid. But I also believe that military action was the worst possible way for Serbia to achieve its objective. Unfortunately, the manner in which the Western nations have intervened has only served to fuel the crisis.

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Robert F. Turner  
*Chairman, Standing Committee on Law and National Security*

James Arnold Miller  
*Staff Director*

John H. Shenefield  
*Editor*

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## Standing Committee

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possibility of helping to organize dialogues between American administration of justice specialists and Peruvian judges who must deal with the intractable and interrelated problems of cocaine production, terrorism, military human rights abuses, and an inadequate legal system. In addition, the Standing Committee may become involved in programs to advance the rule of law in Kuwait, Egypt, Turkey or sub-Saharan Africa, including the Republic of South Africa.

The recent developments in Iraq and the Soviet Union underscore the serious threats posed to international peace and security by the potential and actual transfer of chemical, biological and nuclear weapons, their technologies and the people with the expertise to build and deploy them. The Standing Committee will consider examining the conduct of firms headquartered in the industrialized democracies that are transferring weapons technology and materials to radical or "outlaw" nations, often in violation of law.

The future of the U.S. intelligence community warrants close monitoring by the Standing Committee. Although the Cold War has ended, there are still many threats, including, for instance, weapons of mass destruction and narco-terrorism. Indeed, in the view of some, as defense forces are reduced, intelligence becomes even more important. Legal issues relating to the organization and regulation of the community will retain their prominence. The legal issues raised by recent proposals to use the intelligence agencies as collector and distributor of competitively sensitive information to the American business community should be examined closely.

The Standing Committee will create a task force on each of the three major issues. Each task force will recommend a program that could include research, conferences and preparation of recommendations; presentations by speakers as part of the Washington breakfast series; publications; coverage in the *National Security Law Report*; media initiatives; collaboration with other ABA entities; and, when appropriate, the introduction of substantive resolutions at the ABA annual or mid-year Meetings.

Persons interested in participating on issue task forces are encouraged to contact Staff Director James Arnold Miller (703-242-0629). Task force membership may include persons who are

not formally affiliated with the Standing Committee. The Standing Committee welcomes active participation on its task forces and in other activities by specialists from within the broad community of those with professional interests in the relationship between law and national security.

In addition, on other business, the Standing Committee decided to hold a conference in the spring of 1992 on the post-Cold War future of the U.S. intelligence community, and on the role of intelligence in international economic affairs. The Standing Committee also planned the second annual overview conference on national security law for the fall of 1992 (this will be a follow-up to the first such conference held in April 1991).

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## The Yugoslav Challenge

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It is not true that the creation of Yugoslavia was a Serbian device designed to snare the people of Croatia into an enlarged political entity -- the kingdom of the Serbs, Croats and Slovenes -- at the end of World War I. Actually, the concept of a united kingdom of the South Slav peoples had much appeal to Yugoslavia's large non-Serb population. In December of 1918, at a conference of several hundred prominent representatives of the Serb, Croat and Slovene peoples, it was *unanimously* decided to forge the united South Slav state that eventually became Yugoslavia.

Important differences, however, soon asserted themselves. These differences came to a head in the course of World War II. After the German conquest of Yugoslavia in April 1941, a quisling regime was set up in Croatia under Ante Pavelic and the band of thugs that supported him -- the so-called Ustase movement. Had the Croatian people had their say, it is unquestionable that the vast majority of them would have voted for Vladko Macek, the revered leader of the Croatian Peasant Party, as their leader. Instead, the Ustase, having usurped power and having been granted greatly enlarged frontiers by the Axis powers, embarked on a campaign of unbridled terror. It is estimated that they massacred, in an utterly pitiless manner, between 500,000 and 700,000 Serbs -- men, women and children. They also massacred scores of thousands of Jews and Gypsies.

The Serbs have not forgotten the frightful massacres that took place under the rule of the

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## Book Review

By the Editor

**Desert Victory: The War for Kuwait**  
by Norman Friedman, Naval Institute Press  
Annapolis, Maryland, 1991

Defense consultant and analyst Norman Friedman won the race to be the first on the street with a book about the war in the Persian Gulf. It is more a catalog of facts than a volume of history. Indeed, because of the haste with which the account was assembled, there is occasionally an arid stretch; here and there a certain amount of repetitiveness suggests the book was done in segments and then hastily stitched together. But none of this should detract from the fact that the book is jammed with riveting material and, more than occasionally, insightful analysis.

A central theme is how the tyrannical characteristics of Saddam Hussein's rule affected the conduct of the war. So tight was Saddam's grip on the levers of power that terror and the prospects of purge were present at every meeting of the Revolutionary Command Council. Friedman recounts the story that at a meeting of the Council early in the Iran-Iraq war, Saddam asked for a show of hands on whether to settle the war on the condition that he relinquish power. After the vote, he asked those who had voted in favor of the settlement to step outside, and promptly shot them. The book quotes a British analyst as having observed that Saddam and his government resembled the Nazis "but without their human warmth." But political reliability is not the same thing as competence, and the Friedman account is studded with instances where avoidance of initiative and the centralization of all power in the hands of Saddam were influential in leading to the coalition's victory.

Particularly interesting too is the description of the way in which the coalition destroyed Iraq's integrated air defense system and seized control of the air. The Iraqi system consisted of three components: the first, a Soviet-style national organization controlling both fighter aircraft and fixed-air defense missiles was struck and largely demolished on the first night of the air war. A second missile air defense system probably operated independent of the main control centers. The third component was the deployed Iraqi air defense system. All of this suggested a phased

coalition attack in which neutralizing the national system came first, with the attack of particular strategic targets, including air defense missile sites, to follow.

On the first night of the air war, helicopters fired laser-guided missiles at low-altitude radars. Then the long-range radars, "the eyes of the system," were open to attack by manned bombers carrying HARM anti-radar missiles and by Tomahawk cruise missiles launched from the Persian Gulf and the Red Sea. Strike aircraft including F-117s destroyed the air defense control centers using laser-guided concrete-penetrating bombs. The other fixed air defense missile sites

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## The Yugoslav Challenge

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Ustase. Nor has President Franjo Tudjman of Croatia, a former Tito general, helped matters by his inflammatory rhetoric. According to the well-known British journalist Richard West, Tudjman has now set himself up as the number one apologist for Hitler in the newly liberated countries of Eastern Europe (*The Guardian*, London, October 18, 1991). West also reminds us that less than a year ago Tudjman said that the Ustase regime "reflected the centuries-old aspirations of the Croat people."

This unfortunate rhetoric has been given added impact by a whole series of clear human rights violations. There have been massive dismissals of Serbs employed by government entities in Croatia. The use of the Cyrillic alphabet has been subjected to an expanded list of prohibitions. It is symbolic of the political drift that has occurred that *The Victims of Fascism Square* in Zagreb has been renamed *The Square of the Croatian Sovereigns* and that Tudjman has decided to adopt a flag modeled very closely after the Ustase flag. To the staunchly anti-Nazi Serbs, this is almost tantamount to raising the Nazi swastika.

There is blame enough to go around in the present Yugoslav crisis. Milosevic must be blamed for resorting to military action, which has already taken some 8,000 Yugoslav lives and has made many more thousands of Yugoslavs homeless. Tudjman must be blamed because of his stubborn opposition to discussing possible frontier adjustments and human rights with Serbia. His obsessional commitment to Croatian

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## The Yugoslav Challenge

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independence from Yugoslavia has led to miscalculations that have cost his own people dearly. Finally, the Western nations must be blamed for thus far ignoring the basic question of human rights in the predominantly Serbian areas of Croatia; and the German government in particular must be blamed for its declared intention to recognize Croatia and Slovenia by Christmas, despite the arguments of the U.N., the U.S., Britain and France that recognition at this time will vastly complicate the situation.

Political stability cannot be assured by confronting Milosevic with ultimatums on frontiers arbitrarily established by Tito. Surely there is a more moral, more politically acceptable way of delineating frontiers. Much valuable time has been lost. But an agreement may still be possible, given tact and diplomacy and reliance on such time-tested instruments as plebiscites and arbitration. Finally, surely it would be proper for the European Community and the United Nations and the State Department to address the entire question of human rights in both Serbia and Croatia.

There is much evidence that both Serbs and Croats would favor a compromise settlement. The problems the Western nations confront in Yugoslavia are difficult, but nowhere nearly as difficult as the problems we are called upon to deal with in the Soviet Union. There is no single formula that holds good for all time and all places. But if we succeed in dealing with the Yugoslav crisis, the experience gleaned may stand us in very good stead in dealing with the crises yet to come in the Soviet Union.

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were attacked by fighters armed with anti-radar missiles, with the radars induced to turn on by the use of glider decoys.

The result of this shrewd layered attack was that the integrated air defense system, though it may have functioned briefly, collapsed within the first two hours of the air war. Friedman records that it claimed only one coalition aircraft throughout the entire first night.

A description of General Norman Schwarzkopf's deep left hook is equally absorbing. What many laymen will not have realized is the importance of the disinformation and deception campaigns that preceded the attack and were crucial to the success of the strategy. Much of the strict censorship imposed on the news media was justified by the absolute necessity to deceive the Iraqis into believing the attack would come across the southern portion of the Saudi-Kuwait border. Both the briefings on the air offensive and the actual air bombardments themselves fed into this plan. Even after the XVIII Corps and the VII Corps moved from their blocking positions 500 miles to the west, deception cells using inflatable decoys and radio deception measures were left behind for the benefit of the Iraqi generals.

It was just at this point that Soviet cooperation was so valuable. While it was obvious the Soviets were watching the troop dispositions carefully, they kept their silence and thus withheld from the Iraqis all of the extensive satellite reconnaissance data that could have destroyed the Schwarzkopf left-hook strategy.

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### Calendar of Events

#### January 6-7

Conference on *Strengthening Regional Security and the Rule of Law in Latin America and the Caribbean* (co-sponsored with the North-South Center of the University of Miami), Miami, Florida

#### January 16

Breakfast Meeting, University Club, Washington, D.C.  
Speaker: Hon. Michael Galvin  
Assistant Secretary of Commerce for Export Administration.

#### February 20

Breakfast Meeting, University Club, Washington, D.C.

#### March 19

Breakfast Meeting, University Club, Washington, D.C.

*For further information on these events, please contact the Standing Committee office at 703-242-0629.*



## Book Review

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One reason the left hook through the desert was so successful was that the Iraqis could not believe it was possible to move so far so fast without becoming lost. After all, how could massive coalition forces find their way through the trackless desert with only conventional navigational aids? The Iraqis had not reckoned with new technology in the form of the global positioning satellite system (GPS). Using a simple GPS receiver, Friedman reports that even an individual soldier can find his position within a few tens of feet anywhere in the world. All of the big night maneuvers that in the past would have been so chancy were suddenly possible, and attackers could shift their attack plans back and forth virtually up to the moment of attack. Friedman reports that the Marines, for instance, were able to adjust their breaching point from moment to moment even as they received fresh intelligence of Iraqi positions and even as the Iraqis moved their forces.

An interesting lesson Friedman derives from the war is the desirability of keeping Washington in a support role and ensuring that combat decisions are made by military officers on the ground. Not the least of the advantages was that the Washington propensity for leaking information did not undermine the deception operations that were so important.

The book's appendices are valuable for the specialist. There is a list of all ground units and their equipment, air units and their equipment, and naval forces as well. A description of major weapons occupies some 30 pages and there is even a list of coalition air losses and Iraqi air losses together with a catalog of Scud missile attacks.

Some special pleading that creeps into the text here or there is perhaps excusable. Given that the book is printed by the Naval Institute Press, it is probably no surprise that the Navy receives extremely favorable treatment. Indeed, some of its hobby horses are trotted out in their current form.

One example is the question that Friedman raises from time to time of the merits of the unification of military power under the Goldwater-Nichols Act. Arguing that the Navy is fundamentally different from the Army and the Air Force, Friedman wonders whether inter-service rivalry is really inefficient or, rather, a way

of utilizing competition to get the most out of a variety of military forces. The problem, he contends, is that dissent has been stifled in the name of eliminating inter-service rivalry. For several tedious pages, Friedman treks through the old argument about jointness and centralization and whether or not it will result in the misuse of naval forces. The reader can probably skip all of this without missing anything important.

There are other marginally relevant political comments. One, attributed to Margaret Thatcher, is that a European Community force would never have been contributed to the Kuwait build-up because "such entity will be inward-looking, protectionist, and, in effect, isolationist." The logic is as wooden and unconvincing as the prose. His excursions into geopolitics are no more persuasive.

None of this is light reading. Nor does the book have the qualities of an epic. But if what you really want is the nuts and bolts of the Persian Gulf War, they are all here and they are authoritatively explained. For anyone interested in military affairs or national security issues, this is a fascinating book.

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## Pentagon

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the desire to assist the Soviet government in a serious effort to downsize the Soviet nuclear weapons arsenal. Mr. Wolfowitz said that more arms control progress was achieved in the 10 days following the Bush initiative than in the previous 20 years of arms control negotiations, but that the result was still uncertain.

He paid tribute to pro-defense Democrats in the Congress, particularly Senator Nunn and Congressman Aspin. He described them as having exercised important leadership in being willing to sponsor a limited Strategic Defense Initiative. He said that it was very important now to continue to work with pro-defense Democrats to formulate a bipartisan national security policy for the United States.

Intelligence capabilities need to be looked at from the ground up, Mr. Wolfowitz argued, particularly now that the armed forces are to be reduced. While he was not convinced that vast additional resources need to be devoted to the intelligence community, human intelligence is crucial and ought to be strengthened.