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## In My View

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## In My View

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# IN MY VIEW . . .



Jon Driver

## What Counts? Endgame or Thrill?

Sir,

It would be a pity if the brevity of Ambassador Bremet's essay "Civilian-Military Relations in the Context of National Security Policymaking" (*Naval War College Review*, Winter 1988) were overlooked by civilian or military policymakers. While Bremet's ten rules derive from recent U.S. experience, they are applicable in various ways to any governmental system based on democratic principles, the separation of powers, and civilian control of the legislative process.

There are some important differences between Australia and the United States in the management and practice of civilian-military relations. These are due in part to our different governmental practices (e.g., Australian Cabinet members are elected representatives), in part to the markedly less "political" role accorded to senior civilian policymakers and military officers by the Australian Government, and in part to a somewhat more formal institutional demarcation between civilian and military staffs in the Australian Defence Organisation. Our structures are such that there are effective institutional barriers in the way of the "half-baked expert" (rule 3)—or at least I would like to think so. Similarly, lawyers and press secretaries (rule 6) have less relevance to the Australian civilian and military policymaker.

But Bremet's advice on risk evaluation and the paranoid application of secrecy (rules 1 and 2) should be heeded by all "can-do" cowboys, wherever they are. The gunslingers would also do well to avoid linkage wherever possible (rule 5), unless there are clear, tangible, and lasting national benefits to be derived from the association of different policy initiatives. Zealots

and can-do cowboys are probably one and the same, and their unguided enthusiasms can have untold consequences for government (rule 9). I daresay that M. Mitterand could have done without the spooky zealots who perpetrated the "Rainbow Warrior" bombing in New Zealand.

The false analogy (rule 10) is probably the pit into which the civilian planner is most apt to fall. The "category mistakes" which the British philosopher Gilbert Ryle so strongly counsels against can only be avoided by rigorous analysis and constant rejection of the slick. As Brement reminds us, it is the endgame that counts, not the thrill of the play.

A.J. Behm  
Assistant Secretary, Strategic Guidance  
and Policy, Department of Defence  
Canberra, Australia

### A Pacific Strategy

Sir,

In his review of Joshua Epstein's *The 1988 Defense Budget* (Winter 1988), John A. Walgreen has been kind enough to cite my 10 July 1987 *Wall Street Journal* commentary, "Put U.S. Carriers at Russia's Back Door," in opposition to Mr. Epstein's call for a reduced Navy.

Although the problem undoubtedly arises from limitations of space, both as concerns my article and Mr. Walgreen's review, I must point out that what I was proposing is much more complex than "attacks . . . against the Soviet base at Petropavlovsk."

The proposed North Pacific *deterrent* strategy would threaten the entire Soviet domain east of the Ural Mountains and, therefore, the status of the Soviet Union as a world superpower, but without threatening the population or territorial integrity of the Russian heartland. That would require the means to threaten the isolation and defeat of all forces in the Soviet Far East if the Soviets were to move against U.S. and Allied vital interests in Europe or the Middle East.

A 15-carrier navy, as a minimum, focused on the Pacific rather than the Atlantic and using the covered approach of the Aleutians that nature and wise statesmanship has blessed us with would indeed be essential to obtain the initial lodgments. Those would be useless, however, unless we are prepared to follow on with Army and Air Force units large enough and mobile enough to accomplish the largest strategic purpose.

Freed of the unnecessary burden of forward defense that we now bear in Europe—a Europe that has all the population, industry, and wealth needed

to see to its own defense—most of those Army and Air Force units could be maintained in National Guard and Reserve status.

As Secretary of the Navy James H. Webb, Jr., pointed out in his speech to the National Press Club on 13 January, our present static positions in Europe drain us economically and make it impossible for us to challenge the Soviets elsewhere—where they are relatively weak and we are strong or can be made so by better management of existing resources.

The lesson is writ large: We must neutralize the Soviet military challenge without war, particularly nuclear war, and we must regain fiscal wealth. That means living within the present overall Federal budget and competing effectively with our friends and allies. Our present strategy of permitting the Soviets to stretch our forces to the ends of the earth and thereby to bankrupt us simply will not do.

William V. Kennedy  
Mechanicsburg, Pennsylvania

### The Main Utility of the Navy

Sir,

As the debate on the merits of the Maritime Strategy enters its third year, it may be time to reexamine some of the assessments and assumptions upon which that strategic concept was based. One of the driving factors behind the search for a maritime strategy in the early 1980s was to answer the question: how can the U.S. Navy make a difference in a global war with the Soviet Union that will focus on the European Continent? The answer, or at least one part of an answer, seemed to be found in the anti-SSBN centerpiece of the Maritime Strategy.

The rationale was as follows: The Soviet Navy's principal mission is strategic strike. Prior to the nuclear phase of a war, the Soviet Navy's most important mission is to protect the major reserve component of their strategic nuclear capability, the SSBN force. Their SSBN force is therefore something that the Soviets treasure highly. If this force were to be put at risk immediately at the start of war and continued to be attrited during the early conventional phase of a global war, the impact on Soviet decision makers might be such that they would no longer be assured of an adequate "correlation of forces" to attain victory in the nuclear war that would likely follow. By putting the main striking force of the Soviet Navy at risk in the early stage of a conventional war, the U.S. Navy could thereby have a direct and timely impact on Soviet willingness to continue the war in Europe. Overly simplified here, this basic concept was the cornerstone of the Maritime Strategy.

Several things have changed that dictate a need to rethink this strategic concept. First are changes in Soviet SSBN vulnerability. Quieter and more capable submarines operating in "deep bastions" within layered defensive zones, which include sophisticated defensive minefields, combine to make it more costly for the U.S. Navy to mount and maintain a successful anti-SSBN campaign. Meanwhile, the development of mobile land-based ICBM systems will make the Soviets less dependent on the SSBN force for a nuclear reserve. Thirdly, Soviet military doctrine appears to be downgrading the likelihood of the war going nuclear at all. These factors indicate that a costly anti-SSBN campaign may not be the war-stopper that the Navy desires, since: 1) the rate of Soviet SSBN losses may be less than expected in the past; 2) the Soviet leadership has survivable alternatives to the SSBN force in their mobile land-based systems; and 3) in the Soviet view, nuclear war has become unlikely anyway.

Perhaps it is time to reexamine our Maritime Strategy and rethink the missions of the U.S. Navy in time of global war with the Soviets. What should be the shape of this new maritime strategy? More importantly, what should be the basic mission of the U.S. Navy in a global war? Another way to ask that question is how do we want the world to look after such a war?

Assume that the Soviet ground/air campaign in Europe has gained them some territory. Assume again that after a prolonged conventional conflict in Europe, the Soviets (and NATO) have stopped short of nuclear war. NATO and the Warsaw Pact both will have suffered heavy losses on the ground and in the air. Aside from ensuring the continued flow of military equipment through the Atlantic SLOCs, there is not much that the U.S. Navy can do about fighting the war on the ground in Europe. What it can do however is sweep the Soviet Navy off the sea as a maritime power. It can ensure that in the inevitable peace that follows a ground war in Europe, the Soviet Navy will not be a global maritime player of any significance. It can ensure U.S. maritime superiority throughout the world. This is a significant task, but one that can be accomplished.

Unfortunately, destroying the Soviet Navy as a source of influence might do little for the defense of Europe on the ground. As was apparent in earlier looks at the contribution the Navy could make to a global war (which is what a European war with the Soviets would be), the Navy's impact on such a war would be marginal unless a maritime pressure point could be found. With the increasing cost and decreasing utility of an anti-SSBN campaign, the Navy's direct contribution (as distinct from protecting SLOCs) again becomes marginal at best.

This means that forward operations of U.S. naval forces to destroy the Soviet Navy is a worthwhile Navy objective on its own merits, even though the contribution of such a campaign to stopping the Soviets on the ground in Europe may be negligible. If we can concede continental capabilities to

the Air Force and Army, then we can focus on what the Navy can do to become the predominant maritime power in the postwar world. This does not imply preserving the Navy for postwar operations, but it does imply that perhaps the main utility of the Navy in a war is to defeat the enemy navy and be in position to control the seas and world trade routes uncontested after the war is over.

E.D. Smith, Jr.  
Captain, U.S. Navy  
Naval War College

### Prove It is Critical and Make Money

Sir,

Every semester we run an all-day seminar called the “Technology Transfer Exercise.” The purpose is to have our clients develop U.S. trade policy *vis-à-vis* the Soviet Union and “high technology” exports. The rational underpinnings of the argument center on balancing commercial versus security interests. “High tech” can only be continued if it produces profits in the marketplace, yet national security depends on U.S. technological superiority over the Soviets; however, if the technologies are marketed, even if restricted to our close allies, the Soviets will quickly capture the capability. Obviously, the two objectives conflict.

Our seminars nearly always focus on management of the Military Critical Technologies List (MCTL). The players seek to shrink the list, to shorten or speed up the MCTL review process, or to elevate control of the list to a “neutral” authority—or, in many cases, to gain control over the list as a part of bureaucratic power plays between Defense, Commerce, and State. As this fairly well approximates what we see in Washington with respect to the same issue, we have been quite pleased with the “teaching” aspects of the exercise.

However, especially given recent trade negotiations to expand exports to the Soviet Union, we wonder whether the MCTL restrictive approach remains viable. More specifically, the incentive to circumvent MCTL restrictions, by our allies or our own corporations, may be building—and it already is quite significant. Further, defining “military critical” may be nearly impossible as DOD shifts its procurement to “off the shelf” technologies in response to budget reductions. All of this suggests an alternative approach—one that we have only discussed in a preliminary fashion at the War College.

The essence of the new approach would be to shift the burden of proof for “military critical” to industry—instead of having a Federal agency make

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the determination. In consonance with this, the Government would provide a profit incentive if the technology were determined to be "military critical." With this approach, it would be up to industry to prove the technology was critical and to prove that it could be controlled (i.e., not available in the marketplace or through other sources). If these factors could be proved, then the Government would increase the profit margin by an amount (say twofold) that would permit the industry to protect the technology. The subsidy would remain only as long as the technology remained "protected."

Obviously, this is a complete reversal of the present approach. However, the present approach is inherently negative—we seek to "deter" or prevent certain trade behavior. The alternative approach is based on "compellence" or rewards for proper action and the reward, higher profit margins, is exactly attuned to the target—commercial industry. Given this, the desired performance would be sought after rather than avoided by the primary actors. Additionally, maintenance of the list would be easier since proving that the technology was available through other sources would be fairly easy.

We do not believe this alternative is the absolute answer—in fact we have not had all that much opportunity to examine the cost impacts of such a policy. But we do believe it is worth considering given the recent failures of the MCTL concept and in the face of increased trade with the Soviets. Plus, incentives always seem to work better than punishment over the long haul.

Stephen O. Fought  
Naval War College

### Little Naval Presence, Influence to Match

Sir,

I wish to add my support for the joint service medical institution proposed by Captain Arthur M. Smith, MC, USNR, in his essay, "The Influence of Medicine on Strategy" (Spring 1988).

Medical logistics in battle planning is an area unfamiliar to most naval officers, line and medical corps alike, due to the nature of war at sea and power projection missions. In fact, as a former naval flight officer in the attack community, I cannot recall a single contingency plan or exercise scenario in which medical logistics were even considered by strike planners at the ship or air wing level. The combat medical institute proposed by Captain Smith would be the ideal way to introduce both line and staff corps



personnel to the medical logistics aspects of battle planning so they could be incorporated at operational echelons.

Furthermore, I submit that the roots of such an institution already exist at the Uniformed Services University of the Health Sciences, a fully accredited, four-year medical school operated by the Department of Defense on the grounds of the Naval Medical Command National Capitol Region, Bethesda, Maryland.

Each year USUHS graduates approximately 164 medical officers (62 Army, 48 Navy, 48 Air Force, 6 Public Health Service) who, in addition to traditional medical school curriculum, have received training in military applied physiology, medical resources management, military emergency medicine, military contingency medicine, and preventive medicine. Additionally, as Captain Smith suggests, a full year of military medical history is required of all first-year students, and a four-week elective in military medical history is available to students during their fourth year. Furthermore, the USUHS faculty is composed of civilian and medical corps and medical service corps personnel from all branches of the Armed Forces as well as the Public Health Service. USUHS also has extensive liaisons with sister military medical schools around the world so that "combat casualty management experiences" and military medical research can be shared with colleagues.

Virtually every requirement outlined by Captain Smith for his proposed "center for strategic military medical studies" is already available at an undergraduate level at the Uniformed Services University. The logical next step is to expand the resources at USUHS to include graduate-level training in military medicine. This might be initiated by the establishment of a fellowship in military medicine.

The fact that Captain Smith did not mention or consider the resources available at USUHS for his "armed forces medical war college" does not surprise me. Unfortunately, the Armed Forces in general, and the Navy in particular, have been slow to utilize the undergraduate medical training available at USUHS, never mind the development of specialized graduate-level programs. (Lack of Navy participation in USUHS curriculum development is perhaps best illustrated by the fact that there are no courses offered pertaining to the unique requirements of naval medicine despite a host of courses dealing with field medical skills.) This reluctance to fully utilize the Uniformed Services University of the Health Sciences permits its strategic military medical studies potential to remain virtually undeveloped.

David A. Lane  
Ensign, MC, U.S. Naval Reserve

### "Interesting," Yes. But Ill-Informed?

Sir,

Your review of *War Games* in the Spring 1988 issue requires a comment. While I did wryly enjoy being reprimanded for producing "interesting" writing, I feel that being chided for "unwarranted or ill-informed criticisms" revealed not so much a failing of the book as an undisclosed bias of the writer of the review, Peter Perla.

Mr. Perla questions my remarks about the Navy's hesitancy to allow the sinking of major ships, particularly aircraft carriers, in games. In the book I noted that in recent years the Navy, which pioneered realistic gaming at Newport in the 19th century, had become less interested in "free-play" war gaming and more interested in analytical gaming.

I quoted from a Center for Naval Analyses working paper that said, "People tend to want something to hang their hats on, and numerical results, like two CVs were sunk, are convenient hooks." But, the report went on to say, game results were better expressed "in terms of human interactions . . . for example, a report could say, 'when the losses were heavier than expected a decision was made to withdraw,' instead of 'after losing 12.65 ships, the decision was made to withdraw.' "

As stated in the notes in *War Games*, the co-author of that CNA paper (which became the basis for a *Naval War College Review* article) was Mr. Perla, an employee of CNA.

Thomas B. Allen  
Bethesda, Maryland

### The Right of Innocent Passage for Warships in the Territorial Sea: A Response to Lieutenant Commander Ronald D. Neubauer, JAGC, U.S. Navy

Sir,

In the Spring 1988 issue of the *Naval War College Review*, Ronald D. Neubauer, JAGC, U.S. Navy presents an argument that the two American naval vessels sideswiped by Soviet ships as they steamed through the Soviet claimed "territorial sea," less than 12 miles from the Crimean coast, were exercising a legal right of "innocent passage." His argument rests primarily on a construction of the 1982 United Nations Law of the Sea Convention. In my opinion he is very wrong on the law and the entire exercise was very shortsighted as a matter of military policy. In my experience, the two things frequently go together.

First to the law. Neubauer points out correctly that in public statements we have accepted the provision of the 1982 Convention dealing with definitions of sea areas and rights of passage, objecting publicly only to the terms relating to the exploitation of the resources of the deep seabed. He does not note that such statements are not binding on us as a matter of law, and therefore not binding on others; or that they are inconsistent in this case with the basic notion of the United Nations Conference that the final text was to be regarded as an integrated whole that could not be accepted in parts. The current American position, that the "negotiating process" determined all the questions of general law that the Convention deals with, is a half-truth, not accepted as a whole truth by our allies or the Soviets. The "process" is certainly legally significant. Its product is not legally determinative; the United States position that it is, is patently self-serving and cannot bind either ourselves or our allies, much less the Soviet Union. Moreover, to understand even the process, the background of general law must be understood. There were many things familiar to the technical lawyers of many countries which were not stated openly, and the terms of reference of the Conference eliminated the possibility of a full record.

There are two major omissions in Commander Neubauer's account that radically change the interpretation he gives to parts of the text. In 1968 the United States acknowledged the legality of the North Korean claim to a 12-mile limit and indicated that had the eavesdropping ship *Pueblo* been captured within that 12 miles, the capture would have been legal under the general law of the sea. Since the Panmunjom Armistice Agreement, and not the 1958 Geneva Conventions, determined the law between the United States and North Korea in that place, and the American position was given without North Korean prompting, the transaction is incomprehensible except as either official incompetence (which is probable) or a major shift in American conceptions of the extent of territorial seas and the incompatibility of passive intelligence reception with "innocent passage." The world read it as the latter, and the 1982 Convention includes what in the Conference was called a "*Pueblo* clause" which says that passive intelligence reception, indeed "any act aimed at collecting information to the prejudice of the defense or security of the coastal state," is not compatible with "innocent passage." Commander Neubauer quotes this language, but without referring to the *Pueblo*. Now, assuming even the unlikely proposition that the American ships off the Crimea were not receiving any useful defense information from the Soviet Union, if other American units were tracking the Soviet reactions to the passage it would be difficult to convince anybody that the passage was "innocent" within the context of the 1982 Convention. Add to that the notion that since the Corfu Channel case between Great Britain and Albania in 1949, "innocent passage" has been considered to apply to warships only in recognized sea-lanes, and the American position,

correctly stated by Commander Neubauer, becomes unconvincing to our allies as well as to the Soviets, however supported in the actual text which we, for whatever self-serving reasons, have refused to ratify.

As to the policy, did it never occur to those who planned this operation that the Soviets would react? That if they reacted it was likely to be by provoking a minor incident or planting a mine in waters claimed to be closed to foreign vessels? That whatever the legal arguments that might follow, there was no repair facility for any damaged American vessel while any Soviet injuries could be immediately covered by Soviet action? We are lucky that the Soviets decided to sideswipe our ships rather than tangle their propellers, run a fishing trawler in their path, or plant a mine.

And has nobody considered the possibility of Soviet retaliation by flying high performance aircraft through the far reaches of our 200-mile Air Defense Identification Zone, far enough out to be nonthreatening for purposes of triggering the law of self-defense, but near enough to require surveillance? Cuba used to do that routinely, costing us anxiety and money in the airspace off the Florida coast, until both sides agreed to cool down the risks of accidents there. Does anybody think that it is in our national interest to revive the children's game of dare that preceded the Cuban Missile Crisis? Can Commander Neubauer, or anybody else, think we have a legal right or political interest in sending possibly nuclear-armed ships within 12 miles of the Soviet coast while asserting the right to interdict less threatening aircraft over the high seas 190 miles from ours?

Some years ago I was in the usual argument with a political scientist who asked whether I would rather have national policy determined by lawyers or "realists." I replied that no lawyer was likely to be naive and we could survive a degree of idealism; "realism" was inherently naive and could lead to irretrievable disaster. But in six years as a lawyer for the Department of Defense and in twenty years thereafter, I have rarely run into a case in which a good lawyer and a wise politician disagreed. For the system to work, policy and operations people must focus on the real world as an integrated whole, and lawyers must focus on documents and negotiating processes as parts of a larger legal whole, and also on the relationship between technical words and realities. I cannot believe now that those ordering this Crimean escapade consulted any of the Navy's excellent lawyers or experienced operations planners except, perhaps, while controlling the context so tightly that reality escaped both the realists and their lawyers.

Alfred P. Rubin  
The Fletcher School of Law and Diplomacy

