
Letters from Readers

Trade vs. Security

TO THE EDITOR:

In his discussion of weapons proliferation and export controls, Gary Milhollin addresses issues of critical importance ["Trading with the Enemy," May]. Unfortunately, he makes several incorrect factual and legal assertions, leaving readers misinformed and undercutting his thesis that "the White House is now pushing a bill in Congress that would make it easier for terrorists and the nations that support them to obtain . . . weapons of mass destruction."

Commenting on this legislation, Mr. Milhollin states that it "would decontrol many of the same items that the Customs Service" currently places on a list of "most dangerous goods." He gives the example of high-precision electronic switches, and also asserts that, if enacted, the law would *require* the Secretary of Commerce to allow the export of rocket technology.

Mr. Milhollin is wrong on all counts. The bill before Congress does *not* mandate decontrol of any item. Instead, it instructs the Commerce Department to examine a series of factors to determine whether an item is eligible for decontrol. Indeed, Mr. Milhollin's own illustrations disprove his point.

Under the pending legislation, any item now covered by a multilateral export-control regime in which the U.S. is a member remains subject to controls. Thus, the status of the high-precision electronic switches to which Mr. Milhollin refers would be unaffected because, as he acknowledges, "for decades, these switches have been on the export-control list of the Nuclear Suppliers Group." Similarly, under its mass-market and foreign-availability tests, the bill allows the decontrol of restricted items only if there are comparable items available domestically or internationally

that are of similar quality. The rocket technology Mr. Milhollin mentions would not be decontrolled because, as he states, what other countries sell is "far inferior to that which U.S. firms could supply."

Despite Mr. Milhollin's assertion that the pending legislation "makes no attempt to strike a balance between national security and freedom of trade," it provides several mechanisms that would prevent the export of an item deemed to threaten U.S. national security. For example, the bill refers all export-license applications to the Secretaries of Defense and State, and gives the Secretary of Defense explicit authority to help establish the list of items controlled for national-security reasons. It requires a license for any export if the Secretary of State determines that the item is destined for a country that supports international terrorism and would make a significant contribution to

that country's military or terrorist potential. The bill also provides the President with the authority to control indefinitely, for reasons of national security, the export of any item, and it substantially enhances our export enforcement capabilities, including higher penalties for violators and new undercover authority for agents.

Apart from his discussion of the bill, Mr. Milhollin makes numerous other assertions that simply do not withstand scrutiny. He asserts, for example, that after September 11 the U.S. gave "a long list of Indian companies, plus a few in Pakistan . . . a green light to purchase dual-use equipment from the United States." He also states that these firms "have been cleared for sensitive American exports." But Mr. Milhollin has misunderstood the way American export controls are managed.

A few weeks after September 11, several Indian

and Pakistani companies were indeed removed from the so-called "entities list." This simply meant that items *not* on a U.S. control list (such as office supplies and auto parts) could now be exported to them without a license. By contrast, items controlled for export to India and Pakistan would *still* require a license for shipment, with all such applications carefully reviewed and judged on a case-by-case basis. No "green lights" were given, and no company was "cleared" for sensitive American exports.

The subject of export controls is not amenable to quick analysis or simplistic assertions, and responsible individuals can certainly disagree on the pros and cons of the bill now before Congress. But this debate should be based on a fair statement of the law and the facts.

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GARY MILHOLLIN writes:

Kenneth I. Juster's criticism of my article reveals that he has not read carefully the bill he is talking about. First, Mr. Juster argues that the bill "does not mandate decontrol of any item." In fact, the bill does just that. In section 211, it provides that the Secretary of Commerce "shall" decontrol any item that comes under the broad criteria for decontrol that the section contains. There is no discretion in the matter. As my article points out, the criteria are so sweeping that they would cover the special electronic switches used to detonate nuclear weapons and the

high-strength steel that goes into missiles and plants to make nuclear-weapon fuel. Both the steel and the switches have been controlled for years, but because they meet the criteria in section 211, the Secretary of Commerce would have to decontrol them under the bill's language.

Second, Mr. Juster argues that the bill would allow an item to be decontrolled "only if there are comparable items available domestically or internationally that are of similar quality." But the bill does not say that, either. It allows decontrol under standards that are far looser. In fact, the language that Mr. Juster cites, which refers to comparable quality, comes from an amendment to the bill by the House Armed Services Committee *that his administration fought and still opposes*. Nor is it true, as Mr. Juster contends, that items covered by a multilateral export-control regime would remain subject to controls. For such items, the President is merely authorized to overturn the Commerce Secretary's decision to decontrol them. This will not happen unless George W. Bush decides to become an expert in electronic switches and high-strength steel.

Third, Mr. Juster argues that the bill gives the "Secretary of Defense explicit authority to help establish the list of items controlled." In fact, the bill allows the Pentagon to be consulted only when the Commerce Department, which has always been pro-trade, decides that it wants to add an item to the list—an event that is virtually certain not to happen. Mr. Juster's administration *fought and still opposes* an amendment by the

House Armed Services Committee that would allow the Secretary of Defense to add items on his own.

Fourth, Mr. Juster argues that the bill requires an export license for items going to "a country that supports international terrorism." In fact, these terrorism controls release American technology to the entire planet except for the handful of officially-designated terrorist states. Osama bin Laden or Saddam Hussein could pick up one of these items, such as a satellite telephone, in a country like Jordan that is not on the terrorism list.

Finally, Mr. Juster argues that when his department dropped scores of Indian and Pakistani nuclear and missile-manufacturing sites from the U.S. export-control list, no "green lights" were given. In fact, dropping these firms allowed them to import powerful American equipment highly useful for bomb and missile making that they could not get before. An example is supercomputers. Indian and Pakistani nuclear-weapon design sites can now buy American supercomputers performing up to 190 billion operations per second, which they could not do previously. The new machines will help create more warheads, which will in turn increase the risk of incinerating millions of South Asians.

Unfortunately, the Commerce Department seems to have missed the lesson of September 11. This is not the time to help spread weapons of mass destruction. If we are worried about terrorists and the countries that support them, we must stop promoting trade at the expense of our security.

What Judaism Means

TO THE EDITOR:

David Gelernter's fascinating article, "Judaism Beyond Words" [May], qualifies as neither history nor law (*halakhah*), but it makes sense of the subjective experience of contemporary Jews. This very subjectivity (e.g., seeing the two arms of the open Torah scroll as reminiscent of crossing the Red Sea between "two walls" of water), unhistorical and *halakhically* irrelevant though it is, provides an opportunity for reflection on the great themes of Judaism in a way that is compelling for Jews of this new century. Handled without adequate sensitivity, this impressionistic method can lead to inaccurate and even absurd results. Happily, Mr. Gelernter proves himself thoroughly sensitive, and the result is a method that speaks to us in our contemporary situation and yields a new understanding of ideas long embedded in Judaism.

True, one must beware of overstating the case for *hav-dalah*, or separation, the theme of Mr. Gelernter's first article. Despite all the material he marshals, there is a countervailing theme in Judaism, namely, *ichud* or connectedness. The most obvious example is love—of God (Deuteronomy 12:5), of neighbor (Deuteronomy 19:18), and of spouse (Genesis 2:18, 24). There is clearly a dialectic between the two themes, although the *hav-dalah* concept is perhaps more in need of emphasis—especially in our generation, in which "togetherness" is seen as an undisputed virtue and "separation" as a sign of bias and narrow-mindedness. Mr. Gelernter has achieved this masterfully.