

# United States Senate

February 10, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Dear Mr. President:

I write to express deep concern regarding your policy of “strategic patience” toward the Democratic People’s Republic of Korea (DPRK), particularly in light of their recent nuclear test and satellite launch that also served as a long-range ballistic missile test. Your administration has, for too long, hoped to achieve denuclearization through failed diplomacy and limited sanctions. The nuclear tests of May 2009, February 2013, and January 2016 suggest that “strategic patience” with a country still officially at war with us is not working.

I would like to propose five alternative actions rooted in American strength that might actually modify the hostile and aggressive behavior of the DPRK and its protectors:

1. Fully enforce U.S. laws. In September 2015, Secretary Kerry warned of “severe consequences” if North Korea “refuses to live up to its international obligations.”<sup>1</sup> It is well past time to impose those consequences. History demonstrates that the United States is able to dictate the agenda when dealing with hostile regimes and improve global security through our leadership. Unilateral U.S. actions against Iran, combined with diplomatic pressure, led other nations to impose their own financial and regulatory measures against Tehran. Collectively, the international sanctions isolated Iran from the international banking system, targeted critical Iranian economic sectors, and forced countries to restrict purchases of Iranian oil and gas, Tehran’s largest export.

The United States should use its actions against Iran as a model for imposing the same severity of targeted financial measures against North Korea. Washington should no longer hold some sanctions in abeyance, to be rolled out after the next North Korean violation or provocation. There will be little change until North Korea feels the full impact of sanctions and the People’s Republic of China (PRC) feels concern over the consequences of Pyongyang’s actions and its own obstructionism. The U.S. needs to sharpen the choices for North Korea by raising the risk and cost for those who choose to violate laws and resolutions. Actors who have thus far been willing to facilitate North Korea’s prohibited programs and illicit activities should not be exempt for political convenience. If Congress passes additional sanctions in the coming days, my hope is that, in addition to signing them into law, you would faithfully and consistently execute such targeted measures in a non-discriminant manner.

2. Stop protecting China. It is time to tell the truth about China: the PRC is not our partner in denuclearizing the Korean peninsula. Lax enforcement of U.S. laws has made China complacent in

---

<sup>1</sup> Secretary Kerry, Press Availability With South African Foreign Minister Maite Nkoana-Mashabane, September 16, 2015, <http://www.state.gov/secretary/remarks/2015/09/246978.htm>.

policing the illicit financing of regimes like North Korea and Iran, thus becoming complicit in their proliferation. China has enabled DPRK arms shipments to Iran to travel unimpeded through Chinese ports and airspace.<sup>2,3</sup> It has facilitated the shipment of chemical reagents and protective suits from North Korea to Syria.<sup>4</sup> It has allowed transfer of arms-related material to Syria.<sup>5</sup>

Perhaps the most egregious act was the Chinese transfer of transporter-erector-launchers (TELs) to North Korea in 2011. Upon receipt of these vehicles, North Korea modified them with the ability to launch the KN-08, an intercontinental ballistic missile capable of reaching the West Coast of the United States from a road-mobile launch platform. This capability poses a nuanced challenge to our ground-based interceptors deployed in Alaska and California. A subsequent report from the United Nations confirmed that Chinese entities were responsible for the sale of these vehicles.<sup>6</sup> On April 7, 2015, Admiral Bill Gortney, the Commander of United States Northern Command, confirmed that the KN-08 was operational. Because of China, North Korea has a modern mobile missile launcher that increases its ability to threaten Alaska, Washington, Oregon, and California with a road-mobile nuclear strike.<sup>7</sup>

### 3. Rebuild the U.S. Navy.

The foundation of the United States' ability to project power overseas is the aircraft carrier and its supporting Carrier Strike Group. One would hope that your annual budget submission to Congress would reflect the centrality of the aircraft carrier to America's defense of our national interests and our allies abroad, but sadly this is not the case. The USS Gerald Ford is over budget, the second ship of the class remains behind schedule, and our Navy has only 272 combatants.<sup>8,9,10</sup> The budget you submitted further exacerbates this problem by reducing shipbuilding funds an additional \$1.75 billion, as our adversaries expand their presence at sea and increase aggressive rhetoric regarding territorial sea claims.

While Naval force projection has declined under your watch, Japan has invested heavily in its armed forces. Leading the effort to broaden the definition of "self-defense" and expand the military missions Japan would be willing to accept, Prime Minister Shinzo Abe has prudently responded to the threat environment he faces in East Asia. In contrast to your administration, the Japanese government

---

<sup>2</sup> Report of the Panel of Experts established pursuant to resolution 1874 (2009), United Nations, June 11, 2013 (p. 31), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_337.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_337.pdf).

<sup>3</sup> Ibid (pp. 33-34).

<sup>4</sup> Report of the Panel of Experts established pursuant to resolution 1874 (2009), United Nations, June 14, 2012 (pp. 27-29), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/NKorea%20S%202012%20422.pdf>.

<sup>5</sup> Report of the Panel of Experts established pursuant to resolution 1874 (2009), United Nations, June 11, 2013 (pp. 36-38), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_337.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_337.pdf).

<sup>6</sup> Report of the Panel of Experts established pursuant to resolution 1874 (2009), United Nations, June 11, 2013 (pp. 26-28), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_337.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_337.pdf).

<sup>7</sup> Bill Gertz, "Admiral: North Korea Can Hit U.S. With Long-Range Nuclear Missile," *Washington Free Beacon*, October 12, 2015, <http://freebeacon.com/national-security/admiral-north-korea-can-hit-u-s-with-long-range-nuclear-missile/>.

<sup>8</sup> Christian Davenport, "New Gerald R. Ford carrier class, as predicted, called \$13 billion 'debacle,'" *Stars and Stripes*, October 1, 2015, <http://www.stripes.com/news/navy/new-gerald-r-ford-carrier-class-as-predicted-called-13-billion-debacle-1.371389>.

<sup>9</sup> Ibid.

<sup>10</sup> Status of the Navy, as of February 9, 2016, [http://www.navy.mil/navydata/nav\\_legacy.asp?id=146](http://www.navy.mil/navydata/nav_legacy.asp?id=146).

increased defense spending by 2.8% to \$42 billion in 2015, which amounted to the largest defense budget in Japan's history.<sup>11</sup> Your administration has celebrated our ally's commitment to stability in the region, but I fear that your unwillingness to fully fund America's military to meet its threats will render moot the courageous actions of our friend and ally Japan. The U.S. must renew its commitment to force projection to protect our allies and deter our enemies.

4. Deploy THAAD in South Korea. Last year, your administration approached Seoul with the prospect of deploying a Terminal High Altitude Area Defense (THAAD) unit to better protect U.S. troops and critical targets in South Korea. This system is more capable than any ballistic missile system that South Korea has or will have for decades. The THAAD deployment is wholly in line with China's stated goal of preserving stability on the Korean peninsula and would not in any way constrain China's military capabilities. Yet, the PRC reacted aggressively to this prospective deployment. In July 2014, President Xi Jinping warned President Park Geun-hye to "tread carefully" regarding THAAD so it "won't be a problem between South Korea and China."<sup>12,13</sup> Beijing has issued similar warnings after Seoul began publicly discussing the need to improve its missile defenses after last month's North Korean nuclear test.

I welcome recent progress this week in negotiations with South Korea on THAAD. However, I am concerned that you have not publicly condemned Xi Jinping for attempting to intimidate and blackmail a U.S. ally into rejecting our military assistance. It would be unfortunate if the climate agreement and progressing trade negotiations with the PRC were higher strategic priorities for the United States than standing up to the world's largest communist state. If the U.S. is serious about defending South Korea, we must openly confront China's support for North Korea. The U.S. should strongly push back against China's opposition to THAAD by rebutting its false assertions that the system would impact Chinese security.

A good place to start would be disinviting them from the 2016 Rim of the Pacific Exercise (RIMPAC). While speaking in Jakarta on March 20, 2013, then-Deputy Secretary of Defense Ash Carter linked participation in these exercises with political engagement: "We have invited the Chinese to participate in the RIMPAC exercise which we host, and we are delighted that they have accepted. We seek to strengthen and grow our military-to-military relationship with China, which matches and follows our growing political and economic relationship."<sup>14</sup> Given China's complicity in North Korea's nuclear capability, stonewalling of missile defense in South Korea, and its aggressive actions in the South China Sea, I believe it is time for the United States to fundamentally reevaluate U.S.-China relations.

5. Relist North Korea as a State Sponsor of Terrorism. One need not look far for justification. North Korea's cyber attack and accompanying threats of a "9/11-type attack" fulfill the legal definition of international terrorism – "violent acts or acts dangerous to human life that...appear to be intended to intimidate or coerce a civilian population" (18 U.S. Code § 2331). Removal from the list has resulted

---

<sup>11</sup> Ankit Panda, "Japan Approves Largest-Ever Defense Budget," *The Diplomat*, January 14, 2015, <http://thediplomat.com/2015/01/japan-approves-largest-ever-defense-budget/>.

<sup>12</sup> Yonhap, "China's Xi Asked Park to 'Tread Carefully' over U.S. Missile-Defense System," August 26, 2014, <http://english.yonhapnews.co.kr/national/2014/08/26/73/0301000000AEN20140826002100315F.html>.

<sup>13</sup> Chang Se-jeong and Ser Myo-ja, "Xi Pressed Park on Thaad System," *Korea JoongAng Daily*, February 6, 2015, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3000595>

<sup>14</sup> Ashton Carter, "The U.S. Defense Rebalance to Asia," Remarks as prepared for delivery, April 8, 2013, <http://archive.defense.gov/Speeches/Speech.aspx?SpeechID=1765>.

in no improvement in the behavior of the DPRK, and we should end the dangerous fiction that they are not engaged in international terrorist activities.

The regime in Pyongyang has not only issued explicit threats against American citizens, but there is also documented evidence that North Korea has shipped arms to Iran. Three intercepted vessels bound for Iran in July 2009 contained North Korean weapons that Western intelligence and Israeli intelligence officials and non-government experts believe were bound for Hezbollah and Hamas.<sup>15</sup> All three ships contained North Korean components for 122 mm Grad rockets and rocket launchers, 2,030 corresponding detonators, and related electric circuits and solid fuel propellant. As you know, Hezbollah and Hamas frequently fire these rockets into Israel. Yet your Administration continues to assert that North Korea is “not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.”<sup>16</sup>

Until such actions are taken, the North Korean threat will continue to metastasize. Their launch last Saturday is further evidence of the escalating danger the DPRK poses to the U.S. and our allies. America must once again lead from a position of strength, rekindling the fear of our enemies and restoring the trust of our friends.

Sincerely,



Ted Cruz  
United States Senator

---

<sup>15</sup> Manyin, Mark, “North Korea: Back on the State Sponsors of Terrorism List?” CRS, January 21, 2015, <http://www.crs.gov/Reports/R43865?source=search&guid=738771c7105c426fac0c7ad3efa85187&index=4>.

<sup>16</sup> “Country Reports on Terrorism 2012,” Department of State, May 30, 2013, <http://www.state.gov/j/ct/rls/crt/2012/209980.htm>.