

sions in substance while rebuilding the argument underneath them. In *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), a landmark case in which the Court reaffirmed *Roe*, three of the five justices in the majority found that “choices central to personal dignity and autonomy” such as abortion fall under “the liberty protected by the Fourteenth Amendment.” The *Casey* trio made no mention of the “p-word.”

Constitutional scholars applauded

*Casey*, and the Court has shunned the right to privacy, as a term and as a concept, ever since—though it does recognize a zone of privacy created by the Fourth Amendment ban on unreasonable searches and seizures. It’s “sad,” Garrow thinks, that America’s elite legal commentators have killed off a constitutional right most Americans think they possess—and at precisely the moment when new technologies are raising fresh concerns about individual privacy.

## FOREIGN POLICY & DEFENSE

### *Baltic Madness?*

“The Next NATO: Building an American Commonwealth of Nations” by James Kurth, in *The National Interest* (Fall 2001), 1112 16th St. N.W., Ste. 540, Washington, D.C. 20036.

Ten years ago, the plucky Baltic republics of Estonia, Latvia, and Lithuania claimed their independence from a crumbling Soviet Union, and ever since they’ve been sterling citizens in the new global order of liberal democracy, free-market economics, and the rule of law. Now it seems only natural that they’re in line for membership in the North Atlantic Treaty Organization (NATO). But that’s worse than a bad idea, argues Kurth, a Swarthmore College political scientist—it’s insane.

President George W. Bush’s call last June for NATO’s enlargement “from the Baltic to the Black Sea” should have sparked a “Great Debate” on the scale of the League of Nations fight of 1920. Instead, the nation snoozed. Meanwhile, it’s taking on military commitments of unprecedented scope, and for the wrong reasons.

“For the past decade, the grand project of the United States in world affairs has been globalization,” Kurth writes. That has meant securing in Europe a “solid base” that accepts “the American way of globalization” against those parts of the world that don’t, which include China and Russia, and the large portions of Africa, Southeast Asia, and Latin America that have simply been left out. But for this economic and political project—which Kurth sees as an undertaking of danger-

ous hubris—the United States has no suitable vehicle. So it has adapted a military alliance (NATO) to its purposes. And that’s the problem.

What’s rarely considered in the talk about extending membership to the Baltic is that the American global predominance so easily taken for granted today may not exist decades from now. Yet, as NATO members, the Baltic countries would always be able to call upon the United States to come to their defense. And that call may not be as unlikely as it now seems. Estonia’s border, for example, lies only 30 miles from St. Petersburg, and while Russia is surly but weak today, it could be surly and strong tomorrow. Most troubling to Kurth is the problem of Kaliningrad, the Russian oblast, or province, cut off from the rest of Russia when Lithuania got its independence. This “dismal slum” of 900,000 is full of Russian soldiers and Russian woes: crime, infectious disease, and pollution. If Lithuania joins NATO, Kaliningrad “will become a Russian island and strategic anomaly surrounded by a NATO sea”—“a crisis in waiting.”

It’s no accident that the Baltic countries have not enjoyed the protection of an outside power for several centuries, Kurth observes. The looming presence of Russia ensured that no European power would

ever guarantee their independence. To do so now would be “reckless and irresponsible,” Kurth says. It would “require of the American statesmen of the 21st century a level of sophistication and determination that would have amazed those of the 20th.”

Kurth sees two alternatives to the Bush plan: admit Russia to NATO or the Baltic trio to the European Union. But Washington won't back the former idea and the EU, reluctant to take on more poor members, won't back the latter.

## *Europe and Missile Defense*

“Missile Defense and the Transatlantic Security Relationship” by Wyn Q. Bowen, in *International Affairs* (July 2001), Blackwell Publishers Ltd., 350 Main St., Malden, Mass. 02148.

Now that the Bush administration has shown its determination to push ahead with an ambitious “layered” ballistic missile defense system, America's European allies have softened their opposition. Yet a “transatlantic schism” is not out of the question, warns Bowen, a lecturer at Britain's Joint Services Command and Staff College.

The big European powers—Britain, France, and Germany—are not alarmed by U.S. intelligence estimates that say North Korea, Iran, or perhaps Iraq may be only a dozen years away from the ability to build long-range missiles. They doubt such weapons would be used, are skeptical that a technologically feasible defense can be built, and prefer “constructive engagement” with potential aggressors. Above all, they worry how Russia will react to a missile defense system.

The Bush administration has done one important thing to allay Europe's fears. By deciding last February to extend the zone of protection to include its allies—only the United States was defended in the Clinton administration's more modest plan—it eased concerns that missile defense would create a “Fortress America” mentality and spur America's unilateralist tendencies.

Yet the Europeans still worry about Russia's reaction, as well as China's. A Russia provoked by a unilateral U.S. withdrawal from the 1972 Anti-Ballistic Missile Treaty (which stands in the way of the Bush plan), or left feeling vulnerable by measures that undermined nuclear deterrence, might be tempted to build more offensive nuclear weapons. That would undermine European stability and put

pressure on Europe's two nuclear powers, France and Britain, to make costly additions to their own arsenals. A deal to include Russia under the missile defense umbrella or to share the technology with Moscow could pose the same problem: The French and British deterrents would also be compromised.

At issue, too, is the architecture of any future system: What kinds of interceptors would be used and where would they be based? Would there be one command and control center, or more?

Cost is another consideration. The European states' traditionally skimpy defense budgets are declining sharply (overall, by five percent annually in real terms), even as the European Union struggles to build an all-European “rapid reaction” force of some 60,000 troops. Europe doesn't want to be called on to help pay for a system expected to cost more than \$50 billion by 2015 (although German chancellor Gerhard Schroeder has declared that his country has a “vital economic interest in helping to develop missile defense technology”). Bowen suggests that a “grand bargain” may be possible: The United States guarantees nuclear security, while Europe assumes the burden of humanitarian intervention in places like the Balkans.

It's encouraging that the Bush administration is now consulting its European allies, Bowen says. But one thing seems nonnegotiable in Europe's capitals: Washington must “reach an agreement with Russia to amend the Anti-Ballistic Missile Treaty, or at least not withdraw prior to engaging in serious discussions to seek an accommodation.”