U.S. Withdraws From ABM Treaty; Global Response Muted

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By Wade Boese

The United States withdrew from the landmark 1972 Anti-Ballistic Missile (ABM) Treaty on June 13. Little pageantry or protest marked the U.S. move abrogating the treaty and its prohibition against nationwide missile defenses, despite often fierce debate on the accord within Washington and around the world.

President George W. Bush, who had announced the U.S. pullout six months earlier, issued a short written statement the day the treaty expired. In it, he noted that the treaty is “now behind us,” and he reiterated his commitment to deploy missile defenses “as soon as possible” to protect against “growing missile threats.”

The president’s subdued commemoration of the treaty’s passing contrasted sharply with his administration’s earlier fervent attacks on the accord. Bush and other senior officials had frequently described the ABM Treaty as a Cold War relic and painted it as the sole obstacle to building a national missile defense, one of the administration’s top priorities.

Signed in 1972 by Washington and Moscow to slow the nuclear arms race, the ABM Treaty barred both superpowers from deploying national defenses against long-range ballistic missiles and from building the foundation for such a defense. The treaty was based on the premise that if either superpower constructed a strategic defense, the other would build up its offensive nuclear forces to offset the defense. The superpowers would therefore quickly be put on a path toward a never-ending offensive-defensive arms race as each tried to balance its counterpart’s action.

The treaty did, however, allow both sides to build defenses against short- and medium-range ballistic missiles.

Over time, most countries, including the United States until Bush took office, referred to the treaty as a “cornerstone of strategic stability” because it facilitated later agreements limiting and reducing U.S. and Russian deployed strategic nuclear arsenals.

Yet, the treaty’s demise met largely with silence. Even Russia, which had repeatedly criticized the prospect of a U.S. withdrawal, said almost nothing June 13, although the Kremlin announced the next day that it would no longer be bound by the START II offensive arms reduction treaty. (See Russia Declares Itself No Longer Bound by START II.) That move, however, was largely symbolic, given that START II never entered into force and that it was effectively superceded by the May 24 Strategic Offensive Reductions Treaty. (See ACT, June 2002.)

Moscow’s assessment that the United States is unlikely to deploy a national missile defense anytime soon may partially explain its muted reaction. Russian Defense Minister Sergei Ivanov described U.S. missile defenses June 14 as being “virtual” and therefore requiring no immediate response, according to the Russian news agency Interfax.

In addition, Russia, led by President Vladimir Putin, has sought to cement closer ties with the United States and apparently does not want to jeopardize warming relations with Washington by unduly
lamenting an action to which the Bush administration was dedicated. Speaking the day of the U.S. withdrawal, Russian Foreign Minister Igor Ivanov said that Russia regrets the action but that “it is now a fait accompli” and “it is our task to minimize the adverse consequences.”

Some Russian legislators showed less reserve, claiming the United States had erred tremendously. Alexei Arbatov, vice-chairman of the defense committee in the Russian legislature’s lower, more powerful house, stated in a June 13 Moscow radio interview that the U.S. treaty withdrawal was an “extremely negative event of historical scale.”

Senator Jon Kyl (R-AZ) also termed the move historic, but for a different reason, enthusiastically declaring June 13 that the United States “is no longer handcuffed to a policy that intentionally leaves its own people defenseless to missile attack.” Senators Chuck Hagel (R-NE) and James Inhofe (R-OK) also released statements supporting Bush’s act.

But the single senator to speak on the Senate floor June 13 about the U.S. withdrawal was disapproving. Senator Jack Reed (D-RI) said the U.S. pullout was unwarranted because missile defense technologies that would have violated the treaty “are mere concepts that are years away.” He also said that terrorists are more likely to use means other than long-range ballistic missiles, such as planes and ships, to attack the United States.

Two days earlier, a group of 31 House members also registered their opposition to the impending treaty withdrawal. Led by Representative Dennis Kucinich (D-OH), they sued Bush, Secretary of State Colin Powell, and Secretary of Defense Donald Rumsfeld to stop the ABM Treaty pullout.

The group, comprised of 30 Democrats and one Independent, charges that the president cannot act alone in pulling out of a treaty. While acknowledging that the Constitution does not explicitly address treaty withdrawal, the lawsuit asserts that “the President has a duty to seek and obtain the concurrence of two thirds of the Senate or a majority of both Houses for the termination of a treaty.” Two-thirds of the Senate must approve a treaty for it to take effect.

A similar 1979 lawsuit by Senator Barry Goldwater against President Jimmy Carter for his decision to abrogate the U.S. mutual defense treaty with Taiwan eventually reached the Supreme Court. But the justices dismissed Goldwater’s suit without ruling whether the president could independently terminate a treaty.

The U.S. District Court for the District of Colombia will hear the ABM lawsuit, but it is uncertain when a decision will be made. The District Court, which was the first court to hear the 1979 case, ruled in favor of Goldwater.

Despite the pending trial, the Pentagon is pressing ahead with its missile defense programs.

Lieutenant General Ronald Kadish, director of the Pentagon’s Missile Defense Agency (MDA), has claimed three benefits of the treaty withdrawal for U.S. missile defense efforts. First, the Pentagon will be permitted to experiment with different types of sensors, such as testing a sea-based radar to see if it can track strategic targets. MDA plans to use the radar in an August test despite past Pentagon assessments that the radar is not capable of supporting strategic intercepts.

Second, the Pentagon says it will now be able to explore greater international cooperation on missile defenses.

Third, the United States will be free to deploy strategic missile defense systems when they are ready. The Pentagon currently has only one missile defense system, the ground-based midcourse program begun by President Bill Clinton, that has been tested against strategic targets. Pentagon plans call for constructing six ground-based midcourse missile interceptor silos—five for missiles and one spare—at Fort Greely, Alaska, by September 2004. Ostensibly for testing purposes, the interceptors could be used in an emergency situation, according to the Pentagon.

Although preparatory work began at Fort Greely last year, Kadish traveled to the site June 15 for a groundbreaking ceremony with Senator Ted Stevens (R-AK) to mark the beginning of silo
construction this summer. The Fort Greely site would have been legal under the ABM Treaty if built strictly for testing purposes.

### Statement by the President on the ABM Treaty

Six months ago, I announced that the United States was withdrawing from the 1972 Anti-Ballistic Missile (ABM) Treaty, and today that withdrawal formally takes effect. With the treaty now behind us, our task is to develop and deploy effective defenses against limited missile attacks. As the events of September 11 made clear, we no longer live in the Cold War world for which the ABM Treaty was designed. We now face new threats from terrorists who seek to destroy our civilization by any means available to rogue states armed with weapons of mass destruction and long-range missiles. Defending the American people against these threats is my highest priority as commander-in-chief.

The new strategic challenges of the 21st century require us to think differently. But they also require us to act. I call on the Congress to approve the full amount of the funding I have requested in my budget for missile defense. This will permit the United States to work closely with all nations committed to freedom to pursue the policies and capabilities needed to make the world a safer place for generations to come.

I am committed to deploying a missile defense system as soon as possible to protect the American people and our deployed forces against the growing missile threats we face. Because these threats also endanger our allies and friends around the world, it is essential that we work together to defend against them, an important task which the ABM Treaty prohibited. The United States will deepen our dialogue and cooperation with other nations on missile defenses.

Last month, President Vladimir Putin and I agreed that Russia and the United States would look for ways to cooperate on missile defenses, including expanding military exercises, sharing early-warning data, and exploring potential joint research and development of missile defense technologies. Over the past year, our countries have worked hard to overcome the legacy of the Cold War and to dismantle its structures. The United States and Russia are building a new relationship based on common interests and, increasingly, common values. Under the Treaty of Moscow, the nuclear arsenals of our nations will be reduced to their lowest levels in decades. Cooperation on missile defense will also make an important contribution to furthering the relationship we both seek.

*Source: White House*

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