ABM Treaty Withdrawal Neither Necessary nor Prudent

Events

An ACA Press Conference

On December 13, as President George W. Bush announced that the United States would pull out of the Anti-Ballistic Missile (ABM) Treaty, the Arms Control Association held a press conference to discuss the ramifications of the U.S. withdrawal.

The speakers were Daryl G. Kimball, executive director of the Arms Control Association; Joseph Cirincione, senior associate and director of the Non-Proliferation Project at the Carnegie Endowment for International Peace; Lisbeth Gronlund, senior scientist at the Union of Concerned Scientists; and John Rhinelander, a legal adviser to the ABM Treaty and SALT I delegation.

The following is an edited transcript of their remarks and the question-and-answer session that followed.

Daryl G. Kimball

Today, President George W. Bush is expected to formally notify Russia that the United States intends to unilaterally withdraw from the landmark Anti-Ballistic Missile [ABM] Treaty in six months. He is basing the withdrawal on his claim that the treaty blocks necessary testing of strategic anti-missile technologies and the eventual development of land-, sea-, and space-based strategic missile defenses.

From my perspective, this decision is unnecessary, unwarranted, and unwise. It will negatively affect long-term U.S.-Chinese relations, U.S.-Russian relations, and U.S. relations with its allies, as well as undermine efforts to curb the spread of nuclear, chemical, and biological weapons—work that has become more urgent since the September 11 terrorist attacks.

We will hear from three expert speakers who have long been involved in missile defense and ABM Treaty issues, and then we will entertain questions. But first I will make a few remarks to put this matter in a proper context, because we’re dealing with more than one treaty here, which is no small matter.

Bush’s intention to withdraw from the ABM Treaty is not all that surprising. After all, the president is on record supporting national missile defense [NMD] deployment. Withdrawal from the treaty is but the latest in a series of moves that reflect the Bush administration’s policy of unilateralist nonengagement with U.S. allies, partners, and erstwhile adversaries. And it marks the resumption of the Bush administration’s strategy—which it was pursuing before September 11—of dismantling and discarding proven arms control strategies and international efforts to prevent the acquisition, development, and potential use of weapon of mass destruction. In fact, in recent weeks the administration blocked progress on an international agreement to enforce the Biological Weapons Convention and boycotted international consultations on the Comprehensive Test Ban Treaty.

Although not surprising, President Bush’s withdrawal notification is the administration’s most blatant and radical departure to date from three decades of U.S. support for multilateral and bilateral arms control and nonproliferation measures. Arms control and nonproliferation were valuable during the
Cold War. And they will continue to be valuable in the post-Cold War, post-September 11 environment by providing confidence, transparency, and predictability, especially between the United States and Russia.

Bush argues that the Anti-Ballistic Missile Treaty is a Cold War relic that preserves mutual assured destruction policies. But so long as thousands of deployed and nondeployed strategic and tactical nuclear weapons remain, it will be necessary to have clear limits on strategic offenses and defenses to help establish lasting confidence and stability between the United States and Russia—two states with a long history of adversarial relations.

Another important point is that Bush’s withdrawal decision may set a very dangerous precedent for other countries’ adherence to and willingness to participate in multilateral arms control regimes. What message does this send when the world’s pre-eminent military, economic, and cultural power believes that it must be unconstrained by international rules of conduct to protect its security? This could tempt other states to pursue destabilizing weapon systems or to refuse to agree to limits on other military capabilities that they might wish to pursue. The Arms Control Association strongly urges Russia, which has warned that it would pull out of various arms control agreements related to the Anti-Ballistic Missile Treaty, not to respond in kind to President Bush’s announcement by withdrawing from START I, the implementation for which was just recently completed.

As Joe Cirincione will detail further, President Bush’s apparent decision to abandon the ABM Treaty will likely weaken U.S. efforts to win support for the paramount goal of stopping the spread of weapons of mass destruction, particularly from Russia and China. When coupled with the president’s dismissal of formal strategic arms reductions with Russia, U.S. withdrawal from the ABM Treaty will likely inhibit Moscow’s willingness to implement deep, verifiable reductions in its nuclear stockpile. It will also likely complicate the already difficult task of securing and safeguarding Russian nuclear weapons and materials. So, Bush’s overall approach is also dangerous, especially in the aftermath of September 11 and news of al Qaeda’s quest for weapons of mass destruction. Bush’s decision may also encourage China to accelerate its nuclear weapons modernization program and increase its relatively small strategic force, and it could set off a dangerous arms race involving China, India, and Pakistan.

Lisbeth Gronlund will make the case that withdrawal from the ABM Treaty is, at least in the near future, an unnecessary move, given the immature state of the Pentagon’s national missile defense program. Bush and his advisers insist that the ABM Treaty must be discarded because it stands in the way of a robust testing program and eventual deployment. But as Lisbeth and her colleagues from the Union of Concerned Scientists have documented in a new report, these technologies will require many more years of treaty-compliant developmental testing before operational testing—some of which may not be permitted by the treaty—can even begin.

And as John Rhinelander will describe, President Bush has thus far bypassed opportunities to reach an understanding with Russia that would allow for a more robust national missile defense testing program while preserving the ABM Treaty’s basic framework. I should note that, as we all know, Russian President Vladimir Putin has reiterated his country’s opposition to scrapping the ABM Treaty, but President Bush has not come halfway with Putin in trying to reach an understanding on this issue. As a presidential candidate in September 2000, George Bush promised to “offer Russia the necessary amendments to the ABM Treaty so as to make our deployment of effective missile defenses consistent with the treaty.” However, since taking office Bush officials have refused to offer or even consider any such amendments.

Joseph Cirincione

I will play the role of Chicken Little and tell you what parts of the sky are going to fall and when. U.S. withdrawal from or abrogation of the ABM Treaty is not a helpful step at this point. It is bad news. You can tell how unpopular Bush’s decision will be around the world by its timing. It comes while a war is going on and we have lots of other things to talk about. It comes during a holiday season when people are distracted. You have to admire the administration’s skill in timing and executing this plan, however ugly the policy may be.
The consequences of U.S. withdrawal will be in four different areas: the U.S.-Russian strategic relationship, the U.S.-Chinese strategic relationship, U.S. relationships with its allies, and the overall nonproliferation regime.

First, I wouldn’t expect any nation to react immediately to this for three reasons. One, this is just an announcement of an action that is going to take place six months from now. So, we have a timeline of six months or more when it’s possible the president may reverse his decision. Two, the administration has signaled for some time its intention to do this. So, it has softened the ground. And three, most of the nations involved will want to see what happens next. It’s not just the withdrawal that matters; it is also important to find out what the United States intends to do afterward and whether it is possible to preserve some of the benefits of the treaty.

But if everything proceeds according to Bush’s plan, in six months the United States will become the first nation since World War II to withdraw from a major international security agreement. No country has done anything like this before. The closest example is North Korea’s announcement in 1993 that it was going to withdraw from the nuclear Nonproliferation Treaty. That provoked an international crisis, and we almost went to war. But fortunately, conflict was averted at the last moment when North Korea changed its mind. It’s possible the president will change his mind if the international reaction is as harsh as expected, but I believe that the administration seems intent on tearing down the international regime that its predecessors labored for many decades to construct.

What exactly will this mean for Russia? First, it undermines President Putin. There’s no question that this is a slap in his face. I don’t expect Putin to protest too loudly. He can’t admit defeat. He will express disappointment, concern, and Russian resolve. The real criticism will come from others, and we’re already seeing that in some of the papers—not just from the hardliners in the military and security establishment who have not been persuaded by Putin’s pro-Western tilt, but by members of Putin’s own alliance in the Duma.

For example, you may have seen quotes in *The Washington Post* today from Vladimir Lukin, a Duma leader, expressing concern that Russia went out of its way to cooperate with the United States in the war in Afghanistan and gave the United States everything it needed—logistical support and intelligence support—and as soon as the war appears to be over, this is how the United States repays Russia.

Take Lukin’s quote and multiply it several thousand times, and then you’ll have some idea of what the Russian reaction is going to be. They will feel betrayed and embittered. There will also be a feeling that President Putin has been played for a sucker, particularly over the way the United States orchestrated this with a period of phony negotiations. Washington had no intention of compromising with Russia, as *The Washington Post* reported today.

The irony is that Secretary of State Colin Powell, who maybe the only leading administration official who favored a compromise, turned out to be the bagman for the deal. He was sent over not to do negotiations but to deliver the news—here is how and when it’s going to happen. This will embitter the Russians.

What else does this mean for Russia? It means that Moscow is now likely to maintain a higher level of nuclear forces than it would have otherwise. That is, Russian nuclear forces are coming down. Nothing is going to stop that. Russia faces bloc obsolescence of its Soviet-era weapons, and it doesn’t have the money to replace old weapons at the rate that they are being retired. In fact, our projections indicate that, by the end of this decade, we expect the Russian force to be about 1,000 deployed strategic warheads.

But without the ABM Treaty and START II limitations that ban land-based MIRVed missiles, Russia could maintain a much larger force. Just by having MIRVs alone, it could maintain about 2,000 weapons. If U.S.-Russian relations deteriorate and Moscow devotes more resources to its strategic force, we calculate that, by the end of this decade, it could have as many as 4,000 deployed strategic warheads in its arsenal, rather than 1,000.

This matters for three reasons. First, no matter what some people may tell you, each side’s nuclear
force is based primarily on calculations of the other side’s force. The reluctance of U.S. Strategic Command, for example, to go much below 2,500 deployed warheads is primarily based on a calculation of the number of warheads it needs to assure the destruction of the Russian arsenal. So, if Russia maintains more warheads, the United States will have to maintain more warheads.

Second, there are questions about the physical security of Russia’s nuclear forces. With a larger number of nuclear weapons, Moscow must maintain a larger production and maintenance complex, increasing the risk that its materials, weapons, and experts could leave for other countries or other groups.

Third, if the U.S.-Russian relationship deteriorates and we no longer have a safety net of treaties that is designed to regulate that relationship in bad times, it’s quite possible that Congress or the administration would seek to cut funds from threat reduction programs, which aid the destruction of Russia’s nuclear materials and safeguards those materials that exist. You can imagine the argument: “Why should we give Russia funding if they’re spending money to increase the number of nuclear weapons that they will aim at us?”

As for China, Beijing is perhaps most directly affected by Bush’s decision, even though it has played no part in the ABM Treaty negotiations. China must now calculate that the United States will deploy an anti-ballistic missile system that, by its very size and characteristics, is designed primarily for use against the Chinese nuclear force. Washington is designing an ABM force that can intercept 20 to 100 warheads. Since China is the only country that has 20 to 100 warheads, Beijing sees this system as an anti-Chinese system.

No Chinese leader can allow the Chinese nuclear force to be neutralized by the United States. China is already engaged in strategic modernization. No matter what the relationship with the United States is over the next 10 years, Beijing will have to consider the U.S. defensive system. This means that it will likely increase its pace of modernization, place multiple warheads on its missiles, and probably deploy countermeasures with those missiles. It may even sell countermeasures to other countries.

Regarding U.S. allies, I expect most of the allied reaction to range from disbelief to bitter disappointment. I don’t expect there to be many outright statements of condemnation or outrage. After all, there is a war going on. Our alliance partners are loyal. However, none of the allies see either the threat or the technology that the president imagines. They rely heavily on the international framework of treaties and arrangements that has kept the peace so successfully over the last 56 years, and they will see U.S. withdrawal from the ABM Treaty as a threat to that framework.

Moreover, U.S. allies will be disappointed that the United States is not turning around and embracing multilateralism, as it appeared it would after September 11. Instead, the United States appears to be pursuing what I call “unilateral multilateralism.” That is, Washington wants international cooperation on its terms. You can see this policy in the way the United States dealt with its allies when it torpedoed the talks on the Biological Weapons Convention last week. You can see it in the way the United States has conducted the war. Allied support was requested, but very little cooperation was accepted to help conduct the war, much to the regret of the Germans, French, and others. This will mean that, in the future, U.S. allies will be a little more reluctant to offer their unconditioned cooperation with the United States. They will be more suspect of U.S. motives and less trusting of the United States’ vision.

Finally, for the nonproliferation regime, this is a body blow. It was bad enough that Washington rejected the Comprehensive Test Ban Treaty, scuttled the verification protocol to the Biological Weapons Convention, rejected negotiations on small arms, and hasn’t signed the landmines treaty. It now appears that the United States is intent on tearing down the strategic arms treaties as well.

This sends the wrong message to other countries. If the world’s most powerful country feels that it can withdraw from an international agreement because it finds it inconvenient, why can’t other nations? For example, why can’t Iran decide that it needs weapons, not pieces of paper, to protect its security? Why can’t Iraq withdraw from a treaty that it no longer finds convenient?
International disenchantment with international nonproliferation regimes, when combined with Russian embitterment and China’s increased pace of strategic modernization, could lead to a new wave of proliferation—where countries withdraw from control regimes and seek their individual national interests instead of placing their faith in international cooperation.

Finally, as if this wasn’t bad enough, Bush’s decision undermines the domestic cooperation that has characterized life in Washington since September 11. After the terrorist attacks, Democratic congressional leaders suspended planned budgetary cuts to and restraints on the missile defense program. They took this action not because they agreed with missile defense after September 11 but because they sought to preserve national unity. However, the president apparently feels no such obligation. Withdrawal from the ABM Treaty will not go down well in Congress. I expect the debate on missile defense to pick up again in January with more vigor than ever. That’s my summary of the situation.

Lisbeth Gronlund

I want to talk a little bit about the rationale that the Bush administration has given for withdrawing from the treaty sooner rather than later. As previous speakers have noted, the administration has said it needs to withdraw from the ABM Treaty because the treaty prevents it from testing missile defense systems and finding out which technologies are suitable for deployment. In fact, the administration has indicated that there are several near-term activities that it wants to conduct that could run afoul of the treaty. However, the kinds of tests that the United States needs to conduct now are not restricted by the ABM Treaty, so the administration’s argument for withdrawal is specious.

The first of the administration’s near-term activities is a series of so-called tracking tests that would involve using a SPY radar on an Aegis ship to track an intercept test of the ground-based missile defense system that the Pentagon is developing, which would violate the treaty. The SPY radar is intended for use in two missile defense systems that are under development—but have not yet been deployed—to defend against short-range missiles. The administration has not been very clear about the purpose of using the SPY radar to track the launch of a long-range test missile and interceptor, but Deputy Secretary of Defense Paul Wolfowitz said this summer that these tests would enable the Pentagon to gather some basic data on the radar’s capability to track long-range missiles.

Well, this is something that the United States already has a lot of information on. The SPY radar is not new. The United States already has all kinds of tracking data for this radar. And the basic capability of a radar to track various kinds of objects is something that you can calculate using computer programs. In fact, the United States has presumably already done this because it has concluded in numerous fora that this radar is not suitable for tracking long-range missiles. The Ballistic Missile Defense Organization did a study in 1998 in which it looked at the utility of sea-based assets for national missile defense. In that study, it said that the Aegis SPY radar is not capable of supporting national missile defense-type engagements due to limited detection and tracking ranges for long-range ballistic missiles and their re-entry vehicles. A report last year by the Pentagon’s director of operational test and evaluation echoed that sentiment.

The results of these studies are not surprising. If you look at the characteristics of the radar, it was designed to track large objects, such as airplanes that are fairly close. It doesn’t have the power to track smaller objects, such as re-entry vehicles, that are far away. So, the utility of testing these radars in this way is, at best, marginal, and I would argue is zero. As the Pentagon itself has indicated, it already understands the radar’s capabilities quite well.

The second rationale that the Pentagon has given for needing near-term relief from ABM Treaty limitations is that it is planning to add a new set of so-called testing facilities, in particular at Fort Greely, Alaska. These facilities would include five interceptor silos as well as some battle management nodes and an in-flight interceptor communication system. The Pentagon claims that this is part of a new “test bed” that will allow it to test the ground-based midcourse missile defense system more fully.
However, if you look closely at these plans, you will find that the United States can’t actually test-fire interceptors from Fort Greely because it’s an inland site and there are safety concerns. So, the Pentagon is building these five interceptor silos and planning to put five interceptors there, but it has acknowledged that it cannot actually test-fire the interceptors from this site. So the site will have no utility in the ongoing ground-based midcourse system flight-test program.

Well, the administration says, “Okay, that’s true, but there are other things we can do. There are other kinds of testing, other things that we can test if we build these silos. We can test whether the fuels in the missile interceptor will degrade in the cold Arctic environment.” Well, the Pentagon could test that without building five missile silos. And if it really has these concerns, the last thing it should be doing is building five missile silos if it doesn’t know whether the fuel is going to be able to withstand the temperatures at Fort Greely. So, if you look closely at the arguments that the Pentagon has given for why it needs to build these silos at Fort Greely, they fall apart.

Now, the Pentagon also says that it intends to have this missile defense site operational by 2004, in which case, it could serve as an “emergency defense.” So, in a sense, it is acknowledging that Fort Greely is a deployment site, not a testing site. And, of course, the ABM Treaty prohibits deployment in Alaska.

The Pentagon wants to start building these silos this summer. The six-month ABM Treaty withdrawal notice would allow it to begin construction and have construction finished by 2004, which is the next presidential election. So, in a sense, President Bush wants to put silos somewhere so that he can say that the United States has deployed a very rudimentary missile defense system. Ironically, the capability of this missile defense system will be extremely marginal because the interceptors will not have been tested and no adequate sensors will have been deployed to go along with the interceptors.

So, if you look at the two reasons that President Bush has given for needing to withdraw from the treaty soon—conducting SPY radar tracking tests and building facilities at Fort Greely—you will see that they are not a sound rationale.

Of course we can then ask, “Certainly, if these are not things that need to be done now, sooner or later, the U.S. development program will bump up against the ABM Treaty.” So the question is, how soon will the United States need to withdraw from the ABM Treaty if it wants to continue with a robust research and development program?

Well, despite Bush’s restructuring of the whole U.S. missile defense program since taking office, most of the Ballistic Missile Defense Organization’s efforts remain devoted to the system President Bill Clinton began to develop—the ground-based midcourse system. If you take a look at last year’s budget and President Bush’s proposed budget for this year, you will see that this system will receive $3.2 billion in the next year. Now, there are three other programs devoted to intercepting long-range missiles—one is based on an idea to have a space-based kill vehicle that intercepts during boost phase; another idea is to have hit-to-kill interceptors launched from ships; and there is a notion to put an orbiting laser in space. President Bush’s request for the first program was $15 million; the second was $50 million, and the third was $175 million.

So, the ground-based midcourse system is receiving 20 to 200 times more funding than these other programs. That gives you a sense of how far along the other programs are. They are in the very early stages of research and development, and it will be years before the United States tests them against long-range missiles, which would be prohibited by the ABM Treaty.

The system that the United States is spending most of its money on and that is the furthest along in development is the Clinton ground-based midcourse system. The ABM Treaty permits the Pentagon to fully test that system; there are no treaty restrictions. The Pentagon has imposed lots of limitations while testing this system, but none of those are due to the ABM Treaty. They’re due to technology.

Finally, there are two theater missile defense systems that the United States is developing that might have some utility for defense against long-range missiles. The first is the Airborne Laser
program, which would basically deploy a laser on an airplane. The idea behind it would be to fire a laser beam at a missile during the missile’s boost phase and weaken the booster so that it stops boosting. The intended result is for the warhead to fall short of its target. But there are basic technical questions that are unanswered for this program—the Pentagon doesn’t really know what will happen when it tries to fire the laser through the atmosphere.

The Defense Department is on schedule to conduct its first Airborne Laser intercept test against a short-range Scud-type missile in 2003. Assuming that the program remains on schedule, which is probably an optimistic assumption, and that these tests against short-range missiles are successful, the United States could not schedule a test against long-range missiles, which would not be permitted under the ABM Treaty, until after 2003. So, Washington has several years before it would want to conduct treaty-prohibited tests.

The other system the Pentagon is developing is the Navy Theater Wide system, which is a midcourse system. The Pentagon is hoping to deploy by 2006 the first phase of that system, which is intended to shoot down relatively short-range missiles. In the longer term, it is planning to upgrade the interceptor and perhaps the sensors, but that is not something that is scheduled to take place until the end of the decade.

So again, if you look at the programs the United States is working on, you will see that there is no justification to withdraw from the ABM Treaty for several years for testing purposes.

John Rhinelander

I’d like to cover three points. The first is that there is absolutely no compelling reason for the United States to withdraw from the treaty. The second point covers why we are withdrawing. Third, I want to talk about whether there is any legal way to challenge the president on his power to withdraw the United States from a treaty. The answer is no, and I’ll tell you why.

With respect to the treaty, there are three legal issues that must be dealt with that the White House fuzzes up. The first is the legality of the Alaska test range that the Pentagon intends to build. The test range would have three ABM components: five launchers at Fort Greely, two launchers at Kodiak Island, and an upgrade to a radar on Shemya Island to give it some ABM potential.

Under the treaty, the United States and Russia each have two test ranges. The U.S. sites are located at White Sands in New Mexico and Kwajalein Atoll in the Marshall Islands. A 1978 agreed statement permits each country to establish additional test ranges, consistent with other treaty provisions, simply upon notification to the other side.

The Alaska test range would be permitted under the treaty if the United States submits a simple sentence notifying Russia that, pursuant to Article IV of the treaty and paragraph 5 of the 1978 agreed statement, it intends to establish a test range in Alaska. That’s all it takes. The Russians may not like it. They can complain about it. But, in fact, that’s all it takes. So answering the Alaska test range problem is simple: one sentence will take care of it. And I’m personally convinced—having talked to a number of Russians about this myself—that Moscow would accept it. Russia would raise questions and object to it but would accept it in the end.

The second issue is using the Aegis radar—designed for surface-to-air missile and theater missile defense purposes—concurrently with long-range missile defense tests. This would violate the explicit ban on concurrent tests of ABM and non-ABM systems at a test range. The simple answer to this issue is to stop using these Aegis radars. There is no technical reason whatsoever for using these radars to try to advance a national missile defense. The real problem is that the United States doesn’t have the interceptors or the radars for a true national missile defense. The Aegis radar is a surface-to-air missile system upgraded to be a missile defense system, but these tests are designed to violate the treaty rather than to advance an effective national defense.

Defense Secretary Donald Rumsfeld cancelled the Aegis radar test scheduled for October. There’s another one scheduled for February, but there’s no reason in the world to go through with it. But if the Pentagon really wants to test the Aegis radar against an ICBM-capable missile, all it has to do is
wait until the United States launches a satellite, which it does both from California and Florida. The Pentagon could then turn the radar on and get the same kind of readings.

Now, the third issue and only serious question involves Article V of the treaty, which prohibits the development, testing, and deployment of mobile ABM systems. As Lisbeth pointed out, the treaty makes absolutely clear that you can test ABM components as long as they are part of fixed land-based systems, as we’re doing right now out of Kwajalein. The United States is currently considering sea- and air-based mobile systems for boost-phase intercepts. There are three answers to this problem. First, air- and sea-based systems are years away from being ready for testing that would violate the treaty. I don’t know how many years because it depends on the pace at which Congress funds the programs. But it will be years before the Pentagon even arguably would come up against treaty limitations on what it can do with these systems.

Second, where does the treaty language draw the line on prohibiting development and tests of mobile-type systems? The fact is, in the almost 30 years that the treaty has been in effect, the United States hasn’t sought specific agreement with the Soviets or Russians on this issue. When the United States took the treaty before the Senate in 1972, based on discussions with the Soviets during the negotiations, the executive branch stated that the ABM Treaty ban begins at the field-testing phase. However, the parties have never sought to pin down this understanding in explicit language, leaving the Russians room to challenge U.S. activities. So again, another one-sentence solution would help fix the problem: “The United States and Russia agree that the ban in Article V begins at the field-testing phase.” That takes care of it for at least three to five years, again, depending on the pace of funding of actual tests approved by Congress.

Third, the more complete and permanent way to deal with this problem is to amend the treaty to suspend the ban on development and testing of air- and sea-based systems for a fixed period, such as 10 years. It would be a simple amendment but would, of course, have to go before the Senate. The first two solutions I talked about earlier, a sentence on the Alaska test range and a second sentence on testing, wouldn’t have to go to the Hill for approval. The Senate would be notified. But if the United States were to amend the treaty, which I think is the better long-term way to do it, the Senate would be involved.

When I was involved in the 1970s, the difficult issues were based 60 percent on technology and 40 percent on politics. At present, keys issues are decided 100 percent on politics and zero percent on technology.

Basically, the stage was set for withdrawal when Bush campaigned in favor of effective missile defense and getting rid of the treaty. And the final nail was put in the coffin November 9, when nine Senate Republicans delivered a letter to Bush saying, “You’ve got to get rid of that treaty.” If there was any possibility of a deal being cut with Russia, I think that letter ended it. Bush realized that, if he was going strike a deal with Moscow, the Senate might have to approve it, but it would be over the dead bodies of the senators who wrote that letter, plus a few more. Personally, I think the Senate would have approved an amendment if the president were behind it by a vote of roughly 80 to 20. But I think the president remembers, rightly or wrongly, that his father lost his re-election campaign because he lost the support of the right. Bush is determined not to lose the right’s support, and on this one, he’s not only not losing support, but he’s also giving red meat to the right wing. So I think this is politics pure and simple, and withdrawal is going to go forward.

On the third point, whether the president can withdraw the United States from the ABM Treaty, in my judgment, this is an issue for the president alone. Under the Constitution, Congress has no role whatsoever. They can complain about it and pass resolutions against it, but it will have no legal effect.

Furthermore, the federal courts will stay out of it. The last time this came up with an important treaty was in 1979, when President Jimmy Carter withdrew from the mutual defense treaty with Taiwan. Senator Barry Goldwater led a band of Republicans against Carter’s action. The Republican’s challenge went up to the Supreme Court, which threw the case out. The courts will have no role; that’s the precedent. Of course, now you have the political parties’ roles reversed. It will be the conservatives talking about the unlimited power of the president. If there’s any kind of legal
challenge—which I don’t think there should be because it would be foolish—it would come from the Democrats.

The final irony here is that the withdrawal clause was first put in a treaty at the insistence of the United States to limit Moscow’s freedom of action. That happened in 1963 during the Limited Test Ban Treaty negotiations. At that time, Andrei Gromyko, foreign minister of the Soviet Union, was taking the position that the Soviets could withdraw from a treaty at any time for any reason that they wanted. That line of reasoning didn’t give the Americans much comfort, so the United States persuaded the Soviets to accept a formal withdrawal process, which, incidentally, would help get the treaty through the Senate. No country has withdrawn from a post-World War II arms control agreement to date. As Joe indicated, the North Koreans are the only ones who have ever given notice under a treaty, and even they suspended their withdrawal the day before it became effective.

Let me conclude with a couple of comments. First, Congress will become the replacement for the ABM Treaty. From now on, we’re going to have a fight in the fall over funding for ballistic missile defense, and Congress will assume prime responsibility for the pacing and shaping of ABM developments. This year, Congress let it go, given the situation in Afghanistan.

I would also like to remind you that Washington has twice deployed systems against strategic threats to the continental United States. The first was the Nike system from the 1950s, which had conventionally armed missiles and later nuclear-armed missiles to protect against long-range Soviet heavy bombers. The more than 200 Nike sites were basically disbanded after 20 years because they were totally ineffective in the missile age. The second system was the Safeguard ABM system, which the United States had up in North Dakota and operated for four months before shutting it down because it was ineffective.

Finally, I predict that, by the end of the Bush administration, whether it’s January 2005 or January 2009, we will have no ABM Treaty and no deployed ABM defense. Technically, there simply isn’t anything close to being proven effective for deployment. The good thing I can say about what Bush and Rumsfeld have done is that they didn’t follow Clinton’s plan of deploying something that was just foolish. They’re going to conduct tests first, but a deployable system is a long way off, and, as has been testified before the Senate, it will be at least a decade before the Pentagon knows whether it can build anything that is effective.

Questions and Answers

**Question:** How will U.S. withdrawal from the ABM Treaty affect the nuclear Nonproliferation Treaty [NPT]? Will non-nuclear-weapon states be more likely to pull out?

**Rhinelander:** I think no one is going to withdraw immediately from the NPT. A step before withdrawal could simply be to suspend performance and lay some conditions out for continued participation. It’s much more likely that the nonproliferation regime will just dribble away in terms of effectiveness and that the withdrawal from the ABM Treaty will prevent the United States from effectively saying, “Look, treaty constraints are the norm we all have to live up to.”

So I think the degradation of the regime is going to be a slow process. It’s not going to be a dramatic one. There are countries you could easily identify that are the leading candidates to go nuclear, some already parties to the NPT, others not. But I think the main point is that, in the end, we’ll be in a world without effective legal constraints. In terms of nuclear nonproliferation, we’ll have some constraints—the Nuclear Suppliers Group and things like that—but I think more and more we will not have effective legal constraints on proliferation.

In the final analysis, that’s the most serious thing of all, and I would just conclude by saying I think the biggest threat obviously from proliferation is from Russia. We’re not funding the Nunn-Lugar threat reduction programs the way we should, and that’s where the biggest threat of all of proliferation is. But I think proliferation threats are also going to come from other countries, and proliferation is going to be slow, but I think withdrawal from the ABM Treaty is really a fatal blow over the long term to the NPT regime.
Question: What about India and Pakistan specifically? Do you see any direct effect on those countries?

Rhinelander: Well, India and Pakistan haven’t joined the NPT and they cannot join it as it’s presently written if they keep their nuclear weapons capability. The treaty permits in that club only the five countries that had tested nuclear weapons before 1967. The fact that India and Pakistan have tested nuclear weapons and that the United States is now lifting the sanctions against them has adversely affected the nonproliferation regime. Decisions to go nuclear have a lot of factors involved. Obviously the NPT is only one, but I think undermining the NPT removes from our arsenal a tool for persuading countries not to go nuclear, something which is very important. Over the longer term, you’ll see more countries deciding to develop nuclear weapons, and we’ll have to deal with that.

Cirincione: The president’s actions cheapen the currency of international agreements. It makes it more likely that other nations will withdraw from their international obligations should they find them inconvenient.

I agree with John: deterioration of treaty restraints is a slow but steady process. The direction is very disturbing. Treaties are inanimate objects. They don’t enforce themselves. They reflect the will of the international community. They reflect the power of the countries that have established the treaties. They require leadership to continue to live and to be enforced. The leadership from this administration is moving in exactly the opposite direction. The administration is moving away from treaty-based international security toward international security based on preponderance of arms.

The regimes that the Bush team seems to favor hearken back to the strategies of the Eisenhower administration, when we thought we could control proliferation by controlling the technologies and establishing export control regimes. So the administration favors things like the Missile Technology Control Regime and the Nuclear Suppliers Group.

Withdrawal from the ABM Treaty makes it less likely that India and Pakistan will join any international agreement, although the administration still may hope to draw them into arrangements like the Missile Technology Control Regime.

If U.S. relations with China develop in the way I indicated and China increases the pace of its modernization, India will certainly take note of that and operationalize its nuclear force. Pakistan will then be forced to operationalize its nuclear force. An increasingly nuclearized Asia will have serious implications for Japan’s international security, and Iran will, of course, take notice.

So the nuclear reaction chain could lead to the emergence of many more nuclear nations by the end of this decade. I’m afraid that the United States may have just lit the fuse.

Cirincione: I think the strategic framework is a concept, but it remains an empty shell. The administration has not filled it in. In part, the events of September 11 may have disrupted any plan they had in mind and taken them off in new directions. But there’s no there there. There is no replacement course for the ABM Treaty regime. I think the best definition of the strategic framework consists of U.S. military and diplomatic leadership in the world, ad hoc international coalitions formed around specific events or specific regions that are then disbanded, control of technologies, and harsh punishment for those who violate the U.S. led norms.

But the treaties that the administration envisions are mostly bilateral. It believes that international security is guaranteed through strong alliance relationships, not the swamp of multilateral negotiations. But so far, you haven’t seen any of those other instruments strengthened or replaced. There’s nothing there yet.
**Question:** Earlier, you mentioned a period of “phony negotiations” with the Russians. Could you elaborate on that?

**Kimball:** We’ve heard for weeks and months from Bush administration officials that they have been engaged in a productive dialogue with their Russian counterparts. In reality—and if you ask them this directly, I think they will admit it—defense officials in the United States have mainly just conducted a series of briefings for Russian officials on the general outline of the planned test program for the U.S. missile defense system. What the Bush administration says it’s trying to do is regularize these discussions, much as our defense consultations with NATO are.

Up until as recently as just a few days ago when Secretary Powell met with Foreign Minister Ivanov, there had been no exchange of proposals as to how the ABM Treaty might be modified or amended to accommodate the United States’ more robust plans, if you will, for missile defense testing over the next two to three years.

What President Bush, Condoleezza Rice, Colin Powell, and Donald Rumsfeld have gone to Moscow and offered was a pretty tough choice for the Russians: unilateral withdrawal from the ABM Treaty or joint withdrawal. These are options that the Russians, given their situation, have clearly not been interested in accepting, and they have apparently made it clear that they would be willing to entertain proposals for amendments to the treaty to allow additional testing.

The president, as I said before, has turned down that option, and it is very much I think a repudiation of the history of bilateral discussions between the United States and Russia and something of a snub to our newest and closest ally in the war on terrorism.

**Cirincione:** I agree with that assessment.

**Rhinelander:** Let me add one comment on this. The essence of a treaty is a mutuality of obligations. Many in the administration oppose any treaty on any subject dealing with security. But to the extent they’re willing to deal at all with treaties in this field, it’s only in terms of providing some information at some point in time. They simply say “absolutely no” to the kinds of treaties we’ve had since World War II, which have prohibitions or limitations on acts, including prohibitions applicable to us. They want an absolutely free hand where no document and nobody tells them what they can do, although they don’t mind restrictions on others. So treaties, in the way the arms control community has thought of them since World War II, are simply unacceptable to them.

**Question:** I’d like to follow up on Joe’s point about lighting the fuse for the nuclear buildup in Asia. China already has intermediate-range missiles that could hit India. If China builds more intercontinental ballistic missiles to counter a U.S. missile shield, why would that necessarily trigger a buildup in India?

**Cirincione:** Two things. First, none of the dire possibilities I’ve outlined may come to pass. It’s quite possible that U.S. relations will be very good with Russia and China for the next decade and that missile defenses will be deployed in small numbers in a cooperative fashion, or will be deployed and then withdrawn, or not deployed at all. So none of this necessarily needs to take place. I’m just laying out some of the possibilities and arguing that there’s no reason to run the risk, there’s no reason to get into a situation where those worst cases may unfold for all the reasons that Lisbeth articulated. We can do plenty of testing over the next four or five years within the ABM Treaty.

Second, on China, you have to look at this from India’s point of view. The Indians already see themselves in a rivalry with China. Their nuclear tests were not aimed primarily at Pakistan, whom they consider to be an annoyance and an unstable state that will soon pass from the scene. They’re concerned about their rival to the north. So their nuclear tests were aimed at China and at establishing India’s rightful place in the world.

China is in a modernization drive. It has 20 ICBMs that can reach the United States. It has 20 intermediate-range missiles that can reach India, plus shorter-range missiles. Even though China’s modernization is aimed primarily at the United States, India won’t necessarily see it that way. They have a very Indo-centric view of the world. They will think of China’s modernization as a challenge to
them. They see themselves as a competitor in Asia in the world with China. They want to assert their role in the world, and they will feel compelled to keep pace, to modernize and operationalize their force and not leave it the way it is. Currently, India basically has unassembled components that could be put together quickly, but none of its weapons, as far as we know, are operationally deployed. India could change its posture and deploy assembled weapons. The arguments in the Indian nuclear community will have more force. The Indian politicians will feel more threats from this Indian-Chinese challenge.

China will assure India that its nuclear improvements aren’t aimed at them. India will respond very nicely, “Yes, we know that, and so our modernization isn’t aimed at you either.” But that dynamic is already in place. It’s already engaged. Any acceleration on either side will certainly lead to an acceleration on the other side.

Gronlund: I would like to add that in the near term there may be another treaty casualty that will come before the NPT: the fissile material cutoff treaty, which has been under preliminary discussions in the Conference on Disarmament and could offer a way to constrain India’s and Pakistan’s nuclear weapons programs, short of them giving up nuclear weapons.

But one thing that China has made fairly clear in those talks is, if the U.S. goes forward with missile defenses, it is not willing to cut off its future production because it wants to reserve the option of building up its forces. And if China won’t play, then India and Pakistan won’t play that game either. So the effect of U.S. withdrawal from the ABM Treaty may be something less draconian than a massive buildup; it may be the loss of an ability to constrain things.

Cirincione: And needless to say all this happens slowly. None of these are going to look like the Cold War buildup, where suddenly we were pumping out hundreds of missiles a year. This all happens much more slowly in Asia. It’s the direction that you have to worry about.

Gronlund: Right. The tragedy is really that U.S. withdrawal will probably prevent things from getting a lot better. Even if they don’t get a lot worse, the current situation—10 years after the end of the Cold War—is not very good.

Question: For the past year, the focal point of the debate in Congress has been adherence to the treaty. What is the congressional role in missile defense now, and how will missile defenses balance against other defense priorities?

Kimball: Prior to September 11, the Democrats in the Senate were pushing the administration quite hard on the rationale for the test program—for the reasons why the Bush administration wanted to or thought it needed to pull out of the ABM Treaty. I think those questions and those concerns continue to be there, despite the fact that Senator Carl Levin, for instance, withdrew his language that would have required congressional approval for any administration action that was inconsistent with the ABM Treaty.

Now, there still may be no action that is inconsistent with the ABM Treaty over the next fiscal year, but as John Rhinelander said, it is the president’s prerogative to withdraw from this treaty.

But in the final analysis, we are not going to have a missile defense system for many, many years. The technological problems are substantial. The financial problems are enormous when you take into consideration the additional expenditures that the United States has just made in the war on terrorism, which we’ve not yet reckoned with. We’ve not really seen how this is going to affect the overall budget balance and other priorities. Add on top of that the Bush administration’s plan for a layered missile defense system, which I think by most conservative estimates can be said to cost in the range of $150-250 billion over the next decade.

So it’s difficult to calculate, but my prediction is that in the end we’re not going to have a missile defense system that is effective, that fulfills the promise that the Bush administration is advertising, and the United States will not in the end be more secure but will be less secure because we are not making forward progress in the effort to stop the spread of weapon of mass destruction.
Rhinelander: Let me add a comment on the budget and on China. On the budget, the first Republicans I think who will fall off this whole thing are those in the House dealing with appropriations. They’re going to be the ones where fiscal tightness is going to be overriding some of the interests of others in terms of defense. In the past, it’s been those Republicans on the appropriations committee or allied with them who have been resistant to large expenditures. That’s going to come up again.

Just take one facet of this program, which is the space-based infrared system [SBIRS-low]. The current budget estimates range from $10 billion to $23 billion. The schedule is slipping and slipping and slipping. This was a program designed to take the place of the X-band radars, which we were going to put in Greenland and the United Kingdom and a few other places. If SBIRS-low doesn’t fly, then we’re going to be back to that problem of getting allies to agree to put big radars on their turf.

The history of all missile defense programs is that the actual costs are way, way above the estimates. In the end, it’s going to be the failure of the technology to do what the enthusiasts expect, and it’s going to be the budget overruns that are going to be the two fatal blows to missile defense. It’s going to take time. You never know what’s going to happen in the near term. This year was a free ride on the budget. In the end, Carl Levin pulled back his action in the Senate. But the idea that there will be unlimited money to do whatever the Pentagon wants in this field is not in the cards.

But let me go to one comment made earlier on China. I think what China is going to fear, among other things from this, is all of a sudden the constraints on weaponization of space—the development and testing of offensive and defensive space weapons—are out because that goes down with the ABM Treaty.

Now, we’ve got no space weapons ready to go as far as I know. I don’t think there have been any hard proposals, but certainly Donald Rumsfeld in his prior capacity just before he came in was a strong advocate of space weapons, and if we begin to make noises on aggressively testing and then deploying assets in space, I think that’s going to be a real tripwire with the Chinese.

Kimball: Let me make a couple of final comments. Article XV of the ABM Treaty does allow the United States to withdraw “if extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests.”

Now, we need to contemplate what that meant in 1972, and we need to ask the question—and I think President Bush needs to make the case—why we must pull out of this treaty to deal with supreme national interests.

In our view, withdrawal is neither necessary or prudent, given the nature of the long-range ballistic missile threat, which is low; the technological state of the NMD program; and Russia’s willingness to modify the treaty to allow the further testing that is necessary to find out if national missile defense can be effective some day in the future in a real world environment. So I think this decision to withdraw does not meet the Article XV standard.