

Weinberger is right on ABM Treaty; but will he prevail?

by Kathleen Klenetsky

Secretary of Defense Caspar Weinberger threw some members of the Senate Armed Services, including its chairman, Sen. Sam Nunn (D-Ga.), into an uproar Feb. 17, when he told the committee that a shift by the United States to formal adoption of the so-called broad interpretation of the 1972 ABM Treaty was “coming very soon.”

Weinberger said that he expected a decision from President Reagan “in the next few months” on whether the United States will conduct Strategic Defense Initiative tests under what the defense secretary has repeatedly and rightly called the “legally correct” interpretation of the treaty.

“We are now, because we’ve moved so much more rapidly than we thought we could, at the point where some of the experiments that we can do and should do, require a broader interpretation, and the question really is, should we embark on those?” Weinberger explained.

While stating that a decision on whether to deploy the SDI would not come in the immediate future, the Pentagon chief pointedly noted, “We’re doing things that will enable us to make a deployment decision far earlier than we thought possible,” probably in 1993 or 1994.

Weinberger’s remarks go to the center of the bitter war raging in Washington policy making circles over the fate of the SDI program—the outcome of which will determine the future survival of the United States and its allies. The fight hinges on two separate but related issues: how the ABM Treaty should be applied to the conduct of the SDI program, and the timetable for deployment of a U.S. strategic defense system, the so-called early deployment issue. The first question is the more immediate, since decisions must be made now if the Strategic Defense Initiative is to proceed effectively. How that first issue is decided will fundamentally affect the second.

It is widely acknowledged by the program’s friends and foes alike, that the SDI program cannot advance much further, unless limits on testing and development imposed by the wrong interpretation of the ABM Treaty are lifted. Even Secretary of State George Shultz, no friend of SDI, admitted in a television interview broadcast Feb. 8, that “it is clear

enough now” that SDI can be pursued “much more effectively, and perhaps only, if a different pattern of testing is permitted” than that allowed in the misreading of the Treaty.

What the treaty says

The arms-control mafia, including its congressional thugs, exemplified by Sam Nunn, has been insisting that the “narrow interpretation” of the treaty is the only permissible one, and charging that a move to the less-restrictive reading would be tantamount to ripping up the accord.

But all their noise cannot obscure the demonstrable fact that Weinberger is correct.

There are two major factors which must be taken into consideration in the debate over the ABM Treaty. The first is whether it holds any legal force. That’s not a spurious issue. The treaty states that failure by the United States and Soviets to reach an agreement substantially reducing offensive nuclear weapons, within five years of the ABM Treaty’s signing, “would constitute a basis for withdrawal from the ABM Treaty.”

It was on the basis of this provision, contained in a “Unilateral Statement” appended to the treaty by chief U.S. negotiator Gerard Smith—now one of the loudest voices against the SDI and the “broad interpretation”—that the ABM accord secured Senate ratification. It doesn’t take a genius to figure out that this provision has not been fulfilled.

The other key consideration is what the treaty actually allows, and what it prohibits. It is evident from the accord’s language that its restrictions apply only to ABM technologies *existing at the time* it was negotiated, specifically, ABM interceptor missiles, ABM launchers, and ABM radars.

Perhaps the element of the accord which most clearly supports Weinberger’s arguments is “Agreed Statement D,” which asserts that, in the event ABM technologies based on “other physical principles” are “created in the future, specific limitations on such systems and their components would be subject to discussion” between the two parties to the treaty.

While the arms-control crowd now claims that Agreed Statement D proscribes all testing and development of new

defensive technologies, Gerard Smith himself asserted, "Work in that direction is not prohibited," when he testified on the treaty to a Senate panel in 1972.

Ironically, Agreed Statement D was inserted into the treaty because the Soviets, who were even then working on defensive technologies based on what the treaty calls "other physical principles"—lasers, particle beams, etc.—insisted that the accord contain language which would expressly permit the development of these new defensive means.

The current brawl over the ABM Treaty is actually a replay of a dispute that first broke out publicly in fall 1985, after then-National Security Adviser Robert McFarlane, citing "Agreed Statement D," said in a television interview that the ABM Treaty clearly allowed for the research, development, and testing of defensive technologies based on "other physical principles." McFarlane based his assessment on a Pentagon study of the treaty, whose conclusions were later affirmed by a review conducted by State Department counsel Abraham Sofaer.

An outpouring of indignation immediately ensued from the liberal press, the appeasement crowd on Capitol Hill, and certain of the Western allies, which, along with the expected fulminations from Moscow, induced President Reagan to agree to a compromise. As enunciated by Shultz, Paul Nitze, and other administration officials, this compromise held that while the United States believed that the broad interpretation of the treaty was "fully justified," this was a "moot point," since the SDI program had not yet reached the point where breaking out of the restrictive interpretation was necessary.

But that point has now arrived: If President Reagan does not opt for Weinberger's position, America's SDI will be hamstrung, leaving the Soviets to proceed with the construction of what soon will be the only existing nationwide ABM system.

Accounts of high-level White House meetings in early February indicated that the President has indeed signed on to the broad interpretation, but when he will put that decision into practice is still not clear. As he did in 1985, Shultz—while publicly paying lip service to the rightness of the broad interpretation—has been up to his same old tricks behind the scenes. The *New York Times* recently assured its readers that Shultz was relying upon Congress and the arms-control gaggle to persuade the President not to break with convention, while the *Los Angeles Times* disclosed that Shultz's tactic is to convince the President to delay a final decision until the State Department completes its new analysis of the ABM Treaty. The *Times* broadly hinted that Shultz would attempt to postpone the report's completion for at least six months. Other sources have told *EIR* that the secretary of state believes that, by that time, Reagan will have been conned into a new U.S.-Soviet deal, partially negotiated by Henry Kissinger during his mid-February jaunt to Moscow, which would allow the "broad interpretation," but would also delay SDI deployment until at least the year 2000.

Shultz's buddies have rallied to the cause of defrauding the United States of an anti-missile defense. Sam Nunn, the Trilateral Commission's preferred candidate for President, is threatening to destroy the SDI outright if Reagan dumps the erroneous interpretation of the Treaty. Nunn sent a letter to Reagan Feb. 6 threatening that if he adopts the "broad interpretation" of the treaty, Congress would slash SDI funding to the bone.

Nunn threatened that a decision "to disregard the interpretation of the treaty which the Senate believed it had approved when the accord was ratified in 1972, would provoke a constitutional confrontation of profound dimensions."

On Feb. 9, Nunn appeared on ABC-TV's "This Week With David Brinkley," to vow that Congress will cut funding for SDI "very severely" if Reagan makes the "very bad mistake" of adopting the broad reading. Echoing Nunn was Carter's secretary of state, Cyrus Vance, back from meetings in Moscow with Gorbachov. On "Meet the Press" Feb. 9, Vance declared that he believes the "narrow" interpretation: "I don't believe we should ever deploy."

Despite this, it is also obvious that the Nunn, Vances, and other arms-control luminaries feel themselves on the defensive. Nunn, along with the bulk of his "let's sell out the SDI to Moscow" fellows, was forced into voting for a Senate resolution Feb. 18 which called on the Soviets to dismantle their radar facilities at Krasnoyarsk, terming them a "clear violation" of the 1972 ABM Treaty. Endorsed 93-2, the resolution also cautioned the Soviets against exploiting disagreements in the Western alliance, delaying negotiations because of opposition to the SDI, and continuing practices that violate existing treaties.

'Early deployment'?

The issue of SDI deployment hinges on the outcome of the fight over the ABM Treaty interpretation. As Weinberger has reported, SDI has made such great strides, especially in the realm of space-based kinetic kill weapons, that the prospect of deploying a defensive system in stages, at an earlier date than originally anticipated, is very real.

But, Weinberger has also repeatedly stressed that he does not favor the High Frontier group's program for immediate deployment, on the grounds that deploying off-the-shelf technology in a point-defense mode, would undermine the fundamental objectives of the program.

In a letter published in the Feb. 10 *New York Times*, Weinberger explained his position: "Immediate deployment of a strategic defense is not possible precisely because our goal is the defense of all our territory and that of our allies. If our aim were merely to defend our deterrence force, this would amount to little more than extending the current strategy of deterrence through the threat of retaliation. Our goal is eventually to create a deterrence that is judged effective by the number of lives it can save, not the number of lives it can threaten."