'Narrow' ABM reading is a fraud

Ambassador Gerard Smith, in his letter to the *New York Times* reproduced below, quotes from Article V, Section 1 of the 1972 ABM treaty, which he asserts is so unambiguous as to need no further explanation. In fact, Ambassador Smith himself authored the provision under "Unilateral Statements," reproduced below, which states that failure to achieve an agreement to limit offensive arms constitutes a basis for withdrawing from the treaty. The language here appears just as unambiguous.

In fact, the documentation we reproduce below indicates that there are several reasons why the United States can go ahead with development and full deployment of a directed-energy layered defense system:

1) Article XV permits either party to withdraw if its supreme interests are violated. It would appear that Soviet offensive superiority would be grounds enough for the United States to exercise its rights under this provision.

2) Persistent Soviet violation of the provisions of the treaty (see below) Again, Article XV would apply.

3) The incontrovertible fact of a Soviet offensive buildup in the period 1972-85. The relevant article of the treaty is Ambassador Smith's unilateral statement.

4) Agreed Atatement D, which clearly indicates that the development of defensive systems based on new physical principles (such as a laser defense system) would not be banned but are subject to "discussion" prior to deployment. (This point was already made as early as April 1983 in this publication, see below.)

Contrary, therefore, to Ambassador Smith's assertion of the unequivocal and inviolable nature of the treaty, the truth is, it is a dead letter, and should be declared so. Smith's real purpose is set forth at the beginning of his letter: "This new version of the treaty has drastic implications for the survival of the treaty and indeed of the whole arms-control process." Arms control has been the cover under which the appeasement faction in the West has organized for a new set of understandings with the Soviets, rightly called a New Yalta. The so-called broad interpretation represents a very partial effort to break this control. Smith's letter seeks to provide a rationale for the efforts of West German Foreign Minister Genscher, NATO Secretary-General Carrington, and Secretary of State George Shultz to prevent this from happening.

Smith in 1985, vs. Smith in 1972

In a letter to the editor printed in the New York Times *of Oct. 23, career arms-controller Gerard C. Smith claims that the administration's interpretation of the 1972 treaty to permit the SDI is "new," and that the treaty forbids any development of ABM systems. Excerpts follow:*

. . . The Reagan administration has repudiated its former position, and that of all previous administrations, that the anti-ballistic missile treaty bars development and testing of space-based strategic defenses or components of them that use lasers, particle beams, and other types of nontraditional technology. This new version of the treaty has drastic implications for the survival of the treaty and indeed of the whole arms-control process.

As head of the United States delegation to the strategic arms limitation talks that negotiated the ABM treaty, I would like to record that it was not our intention that any type of technology for space-based ABM systems could be developed or tested under the treaty. This has been the official view of the United States government for more than 13 years. . . . The controlling provisions of the treaty (to which the Senate consented to ratification by a vote of 88 to 2) is Article 5. Section 1 reads, "Each party undertakes not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based. . . ."

. . . The administration . . . now has concluded that space-based systems or components using new technology may be developed and tested under the treaty. . . .

This radical change in a central provision of the treaty, which is the supreme law of the United States, was apparently accomplished in secrecy without consultation with the Congress or United States allies. . . .

. . . the Article 5 ban seems unambiguous to this writer. . . .

Smith's letter contradicts his own sworn testimony before the Senate Armed Services Committee in June 1972, when he was asked by Sen. Margaret Chase Smith (R-Me): ."..you say that the treaty prohibits the development of other ABM systems. Would this affect a development of a laser ABM system by the U.S.?" Smith replied:

. . . One of the agreed understandings says that if ABM technology is created based on different physical principles, an ABM system or component based on them can only be deployed if the treaty is amended. Work in that direction, *development work, research, is not prohibited*. . . . [emphases added]

From the ABM Treaty itself:

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

From the Agreed Statements, Common Understandings, and Unilateral Statements regarding the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles

Agreed Statements

. . .[D.]

not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on *other physical principles* and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in according with Article XIII and agreement in accordance with Article XIV of the Treaty.

Appended to the 1972 ABM treaty was the following "unilateral statement," made by Ambassador Gerard C. Smith on May 9, 1972:

The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The U.S.S.R. delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the U.S.S.R. does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and Interim Agreement, of this statement of the U.S. position.

This was published in EIR*'s April 12, 1983 issue, under the headline, "ABM accord does not ban beam weaponry."*

Charges to the effect that President Reagan's energy-beam development policy violates the 1972 Anti-Ballistic Missile (ABM) treaty between the United States and the Soviet Union, are false. The treaty, which is currently under a scheduled 10-year review by the United States and the Soviet Union in Geneva, does not prohibit research and development on ABM systems, though it does sharply curtail deployment of launchers and radars.

In the section entitled "Agreed Statements and Common Understandings Regarding the Treaty," is the "overview" of how the specific predicates of its prohibitions were viewed by the two nations in 1972.

Agreed Statement "D" clearly states: "The Parties agree that in the event ABM systems based on other physical principles [than those of 1972] and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars arecreated in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

Energy-beam ABM systems do in fact clearly involve fundamentally new physical principles, and they replace ABM interceptor missiles with energy or particle beams: launchers with lasers, accelerators, or pulsed power sources; and radars, at least in part, with long-range long-wavelength infrared sensing devices.

The cited Article XIII of the treaty provides for a "Standing Consultative Commission," to "consider questions . . . and related situations which may be considered ambiguous." Further, to "consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty"; and further, to "consider as appropriate, possible proposals for further increasing the viability of this Treaty; including proposals for amendments. . . ."