



Max M. Kampelman Papers

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**MAX M. KAMPELMAN
OPENING REMARKS
CONFERENCE ON THE
LEGAL STATUS OF THE ABM TREATY**

**SENATE OFFICE BUILDING
WASHINGTON, DC**

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Good morning.

The immediate subject before us is "The Legal Status of the ABM Treaty," given the dissolution of the USSR in December 1991, followed by President Bush's decision in January 1992 to recognize Russia as a legitimate successor state to the USSR. The superb talents and experiences of our participants will address that vital subject, one that is inadequately understood and will be thoroughly explored today.

I will not, as your Chairman, in any way prejudge the question, but I do want to comment on the issues surrounding it. The precise question is an important one, but I suggest it is subservient to the more vital question of whether a missile defense system is in the national interests of the United States. If it is not, we should not pursue such an expensive and divisive program, whether or not the ABM Treaty is in effect. If it is in the national interest, then we must find a way to make it a reality.

Since 1985, when I first gave the subject serious thought while co-authoring an article for *The New York Times Magazine* with Dr. Brzezinski and Dr. Robert Jastrow, it has been my opinion that a national missile defense program was essential for our security. When, shortly thereafter, I was asked by President Reagan to head up our negotiating team at the Geneva nuclear arms reduction talks with the Soviet Union, I believed that we should find a way of constructively dealing with the ABM Treaty so as to avoid a fruitless controversy. I explained to our Soviet negotiating colleagues that our SDI program was one of research and testing, short of deployment, and did no violence to the spirit of the Treaty, particularly given President Reagan's pledge to share our research findings with the Soviet Union.

In talks with the Soviet Foreign Minister and other senior officials, I further explained that our desire to expand our talks on space and defense was justified by the Treaty's Agreed Statement D and its reference to missile defense technologies based on "other physical principles." The parties, I maintained, assumed inevitable changes and required us and the Soviet Union to sit down as new technologies evolve to formulate new rules to govern our relationship in a stable fashion. I am persuaded that this understanding is what led the Soviet Union to abandon their earlier assertions that they would not agree to either an INF or START agreement until we agreed to abandon our SDI program.

During all of this period, the opponents of missile defense adopted the pejorative term "Star Wars" as a political slogan and declared our SDI program to be in violation of the ABM treaty and, therefore, contrary to our national best interests.

At this point, the proponents of the SDI program fell into the trap of acknowledging that the program was indeed in violation of the Treaty, which, therefore, required an amendment to the Treaty or our withdrawal from it in order to achieve SDI's stated objective. This slap in the face of the Treaty and to those reluctant to tamper with it exaggerated confrontation, led to an impasse, resulted in a slow-down of research funds, and made a highly necessary national consensus impossible to obtain. This was an unnecessary waste of years, as well as bad policy and bad politics.

Let me here, parenthetically, report on a private conversation I had with a senior Soviet official during the Geneva talks. I acknowledged that he, many in his country, and many in my country looked on the ABM Treaty as a "holy document." I pointed out that the United States had a "holy document" in the form of the American Constitution, but that if any of its original framers were alive today, they would turn over in their graves as it was hardly recognizable. The fact that it was altered by custom, experience, amendments, or interpretation did not make it

any less holy to us. I urged, and he understood, that we look at the ABM treaty in the same spirit.

It is of interest to note that during this period of our talks, in January 1992, Marshall Shaposhnikov, the Commander of the Joint Armed Forces of the CIS (Commonwealth of Independent States) supported the idea of cooperative ballistic missile defenses with the United States, stating that its intent would be to “control space so that no unauthorized employment of such weapons [ballistic missiles] can be undertaken by any third country.” He went on to say that “it is time to think about a global defense system.”

In October 1991, Vladimir Lukin, who was then Chairman of the International Affairs Committee of the Supreme Soviet and now a Deputy Chairman of the Duma, said:

“... the United States is extending a hand to us for a real alliance in the nuclear sphere and the strategic defense system. If we agree on this, we could be talking about a strategic defense system for the whole of mankind – that is, a situation will arise where we, together with the United States, Europe, and all democratic countries, will protect ourselves from people such as Saddam and others capable of destroying mankind...”

Sergei Kortunov, a former senior official in the Ministry of Foreign Affairs, with whom I have discussed this issue, expected that our talks

could be arranged so that they “would not cause mutual concerns and would not provoke the other party to create destabilizing systems...”

And in July 1992, Grigoriy Berdennikov, Deputy Foreign Minister, stated “...in our view no amendments are needed in the Anti-Ballistic Missile Defense Treaty of 1972 in order to clear the way for the establishment of a global defense system...” The basis for his conclusion was that a cooperative, as distinguished from a national system, was not limited by the ABM Treaty.

There are other similar statements, all of which make it deeply regrettable that our campaign of slogans on missile defenses paralyzed us. Serious talks on the subject that began at the end of the Bush administration, known as the Ross-Mamedov talks, were not renewed by us and the subject was demoted to lower level empty exercises. Nor did we pursue the Global Protection System which was embraced by President Yeltsin at the United Nations.

We are fortunate that this paralysis was challenged by private individuals and organizations such as Fred Ikle and Keith Payne of the National Institute for Public Policy, our host today. Keith has refused to let the candle be extinguished and has kept the dialogue going between us and influential Russian colleagues. For that patriotic service I commend him!

It has been a long road and we still have a distance to travel. Today there is movement. The propaganda value of "Star Wars" as a paralyzing slogan is losing its appeal as our public officials come to learn that they cannot responsibly support deliberate vulnerability to missile attacks.

Our task is clear. We seem to be moving towards a national consensus in support of theatre and strategic missile defense programs. Varying systems, including the use of ships in international waters, are under consideration. That goal cannot be achieved without presidential leadership cooperating with and involving a Congress that must free itself from partisanship. The issue must be depoliticized.

Simultaneously, we must ignore the shortsighted political yelps occasionally heard from some European leaders and we should develop a serious consulting and sharing process with our NATO colleagues, as well as with vulnerable friends such as Japan, South Korea, and Israel.

Finally, we must intensely engage in a serious negotiating program with Russia in an effort to develop a mutual, non-threatening global missile defense program. A joint early warning system in Russia is a step in the right direction. Missile interception should be added to its scope. It is heartening that President Reagan's farsighted offer to share details as well as findings from our own research and development programs has recently been reaffirmed by President Clinton.

It is constructive that President Putin is calling for “new mechanisms” to protect against certain Third World countries, by which he appears to mean “boost phase” defenses, as he calls for “umbrellas” so that “we could jointly protect all of Europe.” There is some encouragement, furthermore, from the signs that at the recent Clinton-Putin meeting, some of the cooperative themes of the Ross-Mamedov talks, such as the early warning center, multi-lateral options, and technology sharing, are reappearing.

We enter the 21st century with new leadership in our country and in Russia. May it be a safe and secure century for all of us.

I now end these much too long introductory comments with appreciation for your patience and indulgence. You did not come here this morning to hear me. We return to our major theme by now hearing from one of the giants in the United States Senate.