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## THE ABM TREATY—NOT POLITICAL PRESSURE— CAUSES RISKS IN BALLISTIC MISSILE DEFENSE

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A Department of Defense commission chaired by former Air Force Chief of Staff Larry Welch recently concluded that the U.S. missile defense program risks failure because of undue political pressure to deploy a system quickly. This charge is unfounded. The pressure to develop and deploy a missile defense system is driven by the urgent threat of ballistic missile attack. In addition, a heightened technical risk in developing a national missile defense (NMD) program is caused primarily by the Clinton Administration's insufficient funding requests for the program. The best way to reduce the technical risks involved in implementing a missile defense program is to adopt a more disciplined testing regime—not to defer the program.

However important those problems are, they are not the most important reason for the potential risk of failure. The biggest cause of technical risk in the missile defense program is the 1972 Anti-Ballistic Missile (ABM) Treaty, a factor ignored by the Welch Commission in its report. The ABM Treaty imposes restrictions on the development, testing, and deployment of an NMD system. To be in compliance, for example, the Clinton Administration's NMD program focuses on research and development of fixed, ground-based interceptors, the only kind of interceptor the ABM Treaty allows. As a result, less-expensive, more capable systems that could be deployed at sea or in space are barred from consideration.

Relief from the restrictions of the ABM Treaty would allow the Department of Defense to take advantage of its \$50 billion investment and years of

operational experience with the Navy's Aegis shipborne air defense system and deploy a sea-based defense. By upgrading the existing Aegis system and building on experience, the Department of Defense could reduce the risks involved in fielding a ground-based antimissile system. There is no recent experience in operating ground-based interceptors for strategic defense, which is the approach the Administration favors. A ground-based interceptor system would need to be created from scratch and would involve more technical risk than upgrading the existing sea-based system.

### PROTECTING THE ADMINISTRATION'S POLICY OF VULNERABILITY

How do the strictures of the ABM Treaty increase technical risk? Article I prohibits the deployment of a missile defense system to protect all U.S. territory. As amended by a 1974 protocol, the ABM Treaty permits the deployment of a missile defense system to protect the portion of U.S. territory housing the country's intercontinental ballistic missiles (ICBMs) or its

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national capital area. The United States has declared its preference for the Midwest region containing ICBMs, and has designated Grand Forks, North Dakota, as its deployment site. Limiting the size of the protected area in this way makes the system less capable and therefore less likely to intercept enemy missiles. It requires limiting the system's access to critical targeting data and lowering the speed of the interceptor. "Dumbing down" systems in this way—in order to conform with the ABM Treaty—creates more technical risk, which rises as the program approaches deployment.

The restrictions of the ABM Treaty slow testing and narrow deployment options. Instead of blaming such problems on the treaty, however, the Welch Commission report blames them on political pressure. This is nonsense. The missile defense effort is 15 years old; this is enough time to develop and deploy an effective missile defense system. It typically takes about 12 years for the Department of Defense to bring a new weapon system from the drawing board to initial deployment. If anything, Americans should complain that not enough pressure has been brought to bear on the Clinton Administration.

### CONGRESS CAN STOP THE TECHNICAL RISK CHARADE

Congress can stop the confusion surrounding risk by requiring future assessments of the missile defense programs, whether conducted by the Department of Defense or any other agency, to include the cost of compliance with the ABM Treaty. Specifically, a compliance "impact statement" should answer the following questions:

1. **What** additional funds are required to develop, test, and deploy a missile defense system under the strictures of the ABM Treaty?
2. **How** do restrictions in the ABM Treaty limit the kinds of tests that may be performed to confirm both the effectiveness and deployment capability of a missile defense system?
3. **How** do ABM Treaty restrictions reduce the capabilities of a deployed antimissile system?

Such an assessment would reveal that the ABM Treaty is the true source of the roadblocks in deploying an effective missile defense system in

the United States. The treaty's impediments to the development, testing, and deployment of a missile defense system should be catalogued and presented to Congress and the public in terms they understand. Then it would become clear how the ABM Treaty increases the financial costs of developing and deploying a missile defense system, and how it is complicating testing and increasing technical risk in developing an antimissile program.

### CONCLUSION

The findings of the Welch Commission are nothing new. Opponents of missile defense have used the charge of excess technical risk once before to stop a decision to deploy. In 1992, the Department of Defense's Office of Program Analysis and Evaluation leveled the charge of excess technical risk. The ostensible purpose of this criticism was to improve management of the missile defense program. The actual (and likely intended) result of the criticism was to reverse the 1991 Missile Defense Act policy that mandated the deployment of a missile defense system by a specified time. If the Welch Commission's criticisms are accepted, the outcome will be the same. The decision to deploy an effective missile defense system will be deferred, and the United States will remain completely vulnerable to missile strikes.

Congress cannot assess technical risk in the NMD program properly without considering the negative impact of the ABM Treaty. If Congress fails to account for the treaty, the program will continue to be mired in a *Catch-22* situation. As the ABM Treaty impedes progress in development and increases technical risks, the inevitable technical risks caused by compliance will be blamed erroneously on the political pressure to rush deployment of missile defenses. Congress should focus on weighing technical risks in the missile defense program against risks to national security posed by an intentional policy of vulnerability. Today, the military is unable to intercept a single ballistic missile launched against the United States, whether intentionally or by accident. What possible technical risk could be worth continuing to expose Americans to this deadly threat?

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