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SYSTEM II
90659

THE WHITE HOUSE
WASHINGTON

August 15, 1988

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 313

ABM TREATY REVIEW: U.S. DELEGATION INSTRUCTIONS (U)

I hereby approve the appended instructions for use by the U.S. Delegation in the conduct of the third five-year review of the 1972 Anti-Ballistic Missile Treaty. (S)

Ronald Reagan

Attachment

Tab A ABM Treaty Review Instructions

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Declassify on: OADR

DECLASSIFIED

Agency BSC CASE 140406

BY CS NIPAC DATE 7/7/14

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ABM TREATY REVIEW INSTRUCTIONS

1. SECRET-ENTIRE TEXT.

2. THE U.S. OBJECTIVES FOR THE ABM TREATY REVIEW ARE TO ELICIT SOVIET AGREEMENT TO DISMANTLE THE KRASNOYARSK AND GOMEL RADARS AND TO RESOLVE AS MANY OTHER ABM TREATY COMPLIANCE QUESTIONS AS POSSIBLE. TOWARD THIS END, THE U.S. DELEGATION SHOULD:

-SATISFY THE LEGAL OBLIGATIONS UNDER ARTICLE XIV OF THE TREATY IN CONDUCTING THE THIRD FIVE-YEAR REVIEW;

-DOCUMENT THE U.S. POSITION ON PRINCIPAL OUTSTANDING COMPLIANCE ISSUES, BUT REFRAIN FROM ENTERING INTO NEGOTIATIONS CONCERNING THE OUTSTANDING ISSUES;

-REVIEW THE STATUS OF U.S. EFFORTS TO RESOLVE THESE ISSUES;

-STATE UNILATERALLY THAT SOVIET VIOLATIONS OF THE ABM TREATY, ESPECIALLY THE KRASNOYARSK RADAR, CALL INTO QUESTION THE VIABILITY OF THE TREATY;

-PROVIDE AN OPPORTUNITY FOR THE SOVIETS TO RESPOND POSITIVELY TO CORRECT THESE VIOLATIONS;

-RESERVE ALL RIGHTS UNDER INTERNATIONAL LAW TO RESPOND TO CONTINUING SOVIET VIOLATIONS OF THE ABM TREATY;

-ENCOURAGE THE SOVIET UNION TO CORRECT ITS ACTIVITIES IN AREAS WHERE THE U.S. BELIEVES THAT THERE ARE PROBABLE OR POSSIBLE VIOLATIONS, WHICH ARE IMPORTANT ISSUES.

-AVOID UNDERCUTTING THE U.S. POSITION IN THE DEFENSE AND SPACE NEGOTIATIONS AND AVOID ACCEPTING NEW PROHIBITIONS OR CONSTRAINTS BEYOND THOSE CURRENTLY IN THE ABM TREATY.

3. IT REMAINS THE U.S. OBJECTIVE TO KEEP THE ABM REVIEW CONFERENCE AS SHORT AS POSSIBLE, NOT TO EXCEED ONE WEEK. SHOULD THE DELEGATION CONSIDER IT ADVISABLE TO EXTEND THE AGREED DURATION OF THE REVIEW CONFERENCE, THE DELEGATION'S RECOMMENDATIONS SHOULD BE PROVIDED TO WASHINGTON.

4. WITH RESPECT TO THE ISSUE OF A SECOND SCC MEETING DURING 1988, THE U.S. DELEGATION SHOULD INFORM THE SOVIET SIDE THAT, AS CONVEYED BY THE U.S. THROUGH DIPLOMATIC CHANNELS, THE U.S. DELEGATION IS PREPARED TO DISCUSS, DURING THE TREATY REVIEW, THE PRACTICAL USEFULNESS OF HOLDING SUCH A SECOND SESSION. THE U.S. DELEGATION SHOULD STATE THAT THE U.S. CONTINUES TO BELIEVE THAT THE REVIEW MEETING OBTVIATES THE NEED FOR THE REQUIRED SECOND SESSION OF THE SCC THIS YEAR. THE U.S., THEREFORE,

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CONTINUES TO BELIEVE THAT A SECOND SCC SESSION IS UNNECESSARY. THE U.S. DELEGATION MAY NOTE THAT THE U.S. BELIEVES THAT THERE IS NOTHING IN THE 1972 MEMORANDUM OF UNDERSTANDING WHICH PRECLUDES AGREEMENT BETWEEN THE PARTIES TO HOLD FEWER THAN TWO SCC SESSIONS IN A GIVEN YEAR. THE U.S. DELEGATION SHOULD STATE THAT THE U.S. IS PREPARED TO EXCHANGE THE REQUIRED NOTIFICATIONS DURING THE REVIEW.

IF THE SOVIET SIDE CONTINUES TO INSIST ON HOLDING A SECOND SCC SESSION THIS YEAR, THE U.S. DELEGATION SHOULD STATE THAT THE U.S. WILL ADVISE THE USSR THROUGH DIPLOMATIC CHANNELS, AFTER THE REVIEW, OF ITS VIEWS.

5. THE USG INTENDS TO FOCUS ON SOVIET NONCOMPLIANCE. THE DELEGATION SHOULD NOT SOLICIT FROM THE SOVIETS RESPONSES (E.G. REQUESTS FOR INFORMATION, ETC.) OTHER THAN THOSE RELEVANT TO CORRECTION OF THEIR VIOLATIONS.

THE INTENT OF THE USG IS THAT THIS REVIEW FOCUS ON THE BROAD ISSUES OF NONCOMPLIANCE AND SOVIET WILLINGNESS TO CORRECT THEIR VIOLATIONS, AND NOT ON TECHNICAL ISSUES. THE DELEGATION WILL AVOID ENGAGING IN SUCH TECHNICAL DISCUSSIONS.

THE DELEGATION SHOULD AVOID AN "ARTICLE BY ARTICLE" DISCUSSION OF THE TREATY, AND A DISCUSSION OF THE PRECISE LEGAL MEANINGS OF THE PROVISIONS OF THOSE ARTICLES.

6. THE U.S. DESIRES TO MINIMIZE THE DISCUSSION OF THE SDI AT THE REVIEW CONFERENCE. THE DELEGATION SHOULD REFER ALL QUESTIONS CONCERNING OUR DEFENSE & SPACE PROPOSALS AND FUTURE PLANS TO THE DST. WITH REGARD TO SPECIFIC SDI ACTIVITIES, THE DELEGATION SHOULD FOLLOW THE APPROPRIATE SECTIONS OF PARAGRAPH 15 OF THESE INSTRUCTIONS.

7. PLENARY STATEMENTS PROVIDED SEPTEL ON KRASNOYARSK, GOMEL, AND OTHER SOVIET COMPLIANCE ISSUES SHALL BE DELIVERED AS WRITTEN AND APPROVED IN WASHINGTON. PRIOR AUTHORIZATION SHOULD BE REQUESTED FROM WASHINGTON IF THE DELEGATION BELIEVES THAT IT IS NECESSARY TO MAKE SUBSTANTIVE CHANGES IN THESE STATEMENTS. IN ANY ADDITIONAL PLENARY STATEMENTS OR IN CONTINGENCY OR SUPPLEMENTARY PRESENTATIONS, THE DELEGATION SHOULD DRAW ON MATERIAL IN PARAGRAPHS 12-15 BELOW. SHOULD ADDITIONAL POINTS BE NECESSARY TO REBUT SOVIET RESPONSES DURING THE REVIEW, THE DELEGATION SHOULD ADVISE WASHINGTON.

8. THE DELEGATION SHOULD PREPARE A CLOSING STATEMENT TO BE MADE TO THE SOVIETS BASED ON THE DELEGATION'S ESTIMATE OF THE OUTCOME OF THE REVIEW AND SUBMIT IT TO WASHINGTON FOR REVIEW AND APPROVAL. SHOULD A JOINT STATEMENT BE WARRANTED BY SOVIET AGREEMENT TO DISMANTLE KRASNOYARSK, THE DELEGATION SHOULD ALSO SUBMIT THE PROPOSED STATEMENT TO WASHINGTON FOR REVIEW AND APPROVAL. IN DISCUSSIONS OF A JOINT STATEMENT WITH THE SOVIETS, THE DELEGATION SHOULD NOT ACCEPT LANGUAGE WHICH MIGHT SUGGEST THAT THE REMAINING COMPLIANCE ISSUES ARE UNIMPORTANT OR

THAT THE ABM TREATY IS WORKING EFFECTIVELY. FURTHERMORE, THE DELEGATION SHOULD NOT ACCEPT LANGUAGE WHICH SUGGESTS THAT THE CONCEPTUAL BASIS OF THE ABM TREATY -- MUTUAL VULNERABILITY -- IS A WORKABLE LONG-TERM SECURITY SOLUTION.

9. DRAFTS OF TWO FINAL PUBLIC STATEMENTS, ONE UNILATERAL AND THE OTHER A JOINT STATEMENT ARE BEING PROVIDED SEPTEL, IN ANTICIPATION OF POSSIBLE SOVIET RESPONSES. ANY MODIFICATIONS OF THESE DRAFT STATEMENTS SHOULD BE SUBMITTED TO WASHINGTON FOR REVIEW AND APPROVAL BEFORE PRESENTATION TO THE SOVIETS AND BEFORE RELEASE. SHOULD AGREEMENT BE REACHED, AND A JOINT PUBLIC STATEMENT BE APPROPRIATE, THE JOINT DRAFT PROTOCOL BETWEEN THE DELEGATIONS WILL BE TRANSMITTED TO WASHINGTON FOR APPROVAL.

THE U.S. OBJECTIVE FOR THE DISMANTLING OF KRASNOYARSK SHALL BE THE DEMOLITION OF THE RECEIVER AND TRANSMITTER BUILDING STRUCTURES AND THE EXPLOSIVE DESTRUCTION OF THEIR FOUNDATIONS. WITH REGARD TO THE GOMEL RADARS, OUR OBJECTIVE IS THAT THE SOVIET UNION SHOULD VERIFIABLY DESTROY ALL GOMEL FLAT TWIN AND PAWN SHOP PARTS INCLUDING THE FLAT TWIN PEDESTAL SUPPORT BASE. THE UNITED STATES WILL NOT FORECLOSE THE CONSIDERATION OF ALTERNATIVE SOVIET PROPOSALS FOR CORRECTING THE KRASNOYARSK AND GOMEL VIOLATIONS. HOWEVER, THE U.S. DELEGATION SHOULD REJECT ANY SOVIET PROPOSED TRADE OF KRASNOYARSK FOR THE DISMANTLEMENT OF THE RADARS AT THULE AND FYLINGDALES OR ANY SOVIET SUGGESTION THAT DISMANTLEMENT SHALL MERELY ENTAIL THE REMOVAL OF EQUIPMENT FROM THE KRASNOYARSK RADAR BUILDINGS. IF THE SOVIETS PRESENT A NEW PROPOSAL, IT SHOULD BE FORWARDED TO WASHINGTON WITH THE DELEGATION'S RECOMMENDATION.

10. DURING THE ABM TREATY REVIEW, THE U.S. DELEGATION SHOULD NEITHER RAISE THE ISSUE OF PARAMETERS AND CHARACTERISTICS EXCHANGE NOR REITERATE PREVIOUS U.S. OFFERS. IF THE SOVIETS REPEAT THEIR PROPOSAL TO TYPE-CATEGORIZE RADARS BASED UPON THEIR PARAMETERS AND CHARACTERISTICS, THE U.S. DELEGATION SHOULD ADVISE THE SOVIET SIDE THAT, AT THIS TIME, WE HAVE NO BASIS TO CHANGE OUR DETERMINATION THAT A COMPARISON OF TYPES OF RADARS, BASED SOLELY ON INDIVIDUAL PARAMETERS OR PHYSICAL FEATURES, AS OBSERVED BY NTM, WILL PROVIDE ONLY AMBIGUOUS CONCLUSIONS AND WILL NOT BE DEFINITIVE IN MANIFESTLY DISTINGUISHING ABM RADARS FROM EARLY WARNING RADARS. IT IS CLEAR THAT THE ROLE AND CAPABILITY OF RADARS MUST BE JUDGED IN THE CONTEXT OF A BROADER PICTURE, TAKING INTO ACCOUNT THE ABM CAPABILITY AND ROLE OF OTHER SYSTEMS AND THEIR INTERRELATIONSHIP.

11. IF THE SOVIETS RAISE THE QUESTION OF D & D PROCEDURES FOR RADARS AT TEST RANGES, THE U.S. DELEGATION SHOULD ADVISE THE SOVIET SIDE THAT THE U.S. GOVERNMENT IS CONSIDERING THE SOVIET UNION'S PROPOSAL TO WORK OUT PROCEDURES FOR DISMANTLING OR DESTRUCTION OF ABM RADARS AT ABM TEST RANGES AND WILL RESPOND WHEN THE KRASNOYARSK AND GOMEL VIOLATIONS ARE SATISFACTORILY RESOLVED. DURING THE COURSE OF THE DISCUSSION, THE U.S.

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DELEGATION SHOULD MAKE CLEAR THAT THE VIOLATION AT GOMEL IS ONE OF ILLEGAL DEPLOYMENT.

12. KRASNOYARSK RADAR

THE U.S. DELEGATION SHOULD MAKE THE FOLLOWING POINTS TO THE SOVIET DELEGATION IN AN APPROPRIATE MANNER IN THE COURSE OF THE REVIEW CONFERENCE:

-THE BASIS FOR U.S. CONCERNS REGARDING SOVIET NONCOMPLIANCE WITH THE ABM TREATY, THE TOTALITY OF WHICH SUGGESTS THE SOVIET UNION MAY BE PREPARING A PROHIBITED ABM TERRITORIAL DEFENSE.

-THE LARGE PHASED ARRAY RADAR DEPLOYED IN THE VICINITY OF KRASNOYARSK IS A SIGNIFICANT VIOLATION OF A CENTRAL ELEMENT OF THE ABM TREATY.

-IN ORDER FOR THE SOVIET UNION TO CORRECT THIS VIOLATION, THE KRASNOYARSK RADAR MUST BE DISMANTLED. THE U.S. IS PREPARED TO OUTLINE THE SOVIET ACTIONS NECESSARY TO CORRECT THIS VIOLATION IN A VERIFIABLE MANNER.

-THE U.S. HAS OBSERVED THE CURRENT SLOWDOWN OF CONSTRUCTION ON THE KRASNOYARSK RADAR, BUT THIS SLOWDOWN, OR EVEN A FULL CONSTRUCTION FREEZE, WOULD NOT BE SUFFICIENT EITHER TO CORRECT THE TREATY VIOLATION OR TO MEET U.S. CONCERNS ABOUT THE SIGNIFICANT IMPACT OF THE VIOLATION.

-THE CONTINUED EXISTENCE OF THE KRASNOYARSK RADAR CALLS INTO QUESTION THE VIABILITY OF THE ABM TREATY AND MAKES IT IMPOSSIBLE TO CONCLUDE ANY FUTURE ARMS AGREEMENTS IN THE START OR DEFENSE AND SPACE AREAS.

-THE KRASNOYARSK RADAR VIOLATION WILL CONTINUE TO RAISE THE ISSUE OF MATERIAL BREACH AND PROPORTIONATE RESPONSES UNTIL RESOLVED.

-IF THE SOVIET UNION IS NOT PREPARED TO SATISFY U.S. CONCERNS WITH RESPECT TO THE KRASNOYARSK RADAR VIOLATION AT THE REVIEW CONFERENCE, FOLLOWING THE REVIEW, THE UNITED STATES WILL HAVE TO CONSIDER DECLARING THIS CONTINUING VIOLATION A MATERIAL BREACH OF THE TREATY.

-IN THIS CONNECTION, THE UNITED STATES RESERVES ALL OF ITS RIGHTS, CONSISTENT WITH INTERNATIONAL LAW, TO TAKE APPROPRIATE AND PROPORTIONATE RESPONSES IN THE FUTURE. (THE DELEGATION, HOWEVER, SHOULD NOT SPECULATE ON THE DETAILS OF ANY POTENTIAL RESPONSES OR THE TIMING OF SUCH A DECLARATION AT THE REVIEW CONFERENCE.)

-SPECIFICALLY ASK THE SOVIET DELEGATION WHAT ACTIONS THE SOVIET UNION WILL TAKE TO RESOLVE PROMPTLY THE KRASNOYARSK VIOLATION.

-IF THE SOVIETS DO NOT AGREE TO DISMANTLE THE KRASNOYARSK RADAR IN A VERIFIABLE FASHION, THEN:

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-- ACCEPT NO JOINT STATEMENT OR COMMUNIQUE;

--ISSUE A UNILATERAL STATEMENT CRITICIZING THE SOVIETS FOR THEIR KRASNOYARSK VIOLATION, BASED ON THE POINTS ABOVE, MAKING ADDITIONAL POINTS AS APPROPRIATE BASED UPON SOVIET STATEMENTS MADE DURING THE REVIEW; AND,

--STATE THAT NOTHING IN THE REVIEW OR ITS COMPLETION SHOULD BE INTERPRETED AS DEROGATING IN ANY WAY FROM RIGHTS THE U.S. HAS UNDER INTERNATIONAL LAW WITH REGARD TO ANY SOVIET VIOLATION OF THE TREATY.

-IF THE SOVIET SIDE AGREES TO DISMANTLE THE KRASNOYARSK RADAR ON TERMS ACCEPTABLE TO THE UNITED STATES, THEN:

--ACCEDE TO SOVIET DESIRES FOR A JOINT STATEMENT ON CONDITION THAT IT REFLECT THE DETAILS OF THE SOVIET AGREEMENT TO VERIFIABLY DISMANTLE THE KRASNOYARSK RADAR; AND,

--STATE THAT THE U.S. IS PREPARED TO WORK WITH THE SOVIET SIDE TO ELIMINATE, BY THEIR RESOLUTION, AS MANY ABM COMPLIANCE AGENDA ITEMS AS POSSIBLE, PERHAPS BY CONVENING A FALL SESSION OF THE STANDING CONSULTATIVE COMMISSION (SCC).

THE DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

A. SINCE JULY 1983, THE QUESTION OF THE DEPLOYMENT OF THE LARGE PHASED-ARRAY RADAR (LPAR) IN THE VICINITY OF KRASNOYARSK HAS BEEN DISCUSSED WITH THE SOVIET SIDE IN A NUMBER OF DIFFERENT FORA AND BETWEEN VARIOUS HIGH LEVEL OFFICIALS, INCLUDING THE PRESIDENT OF THE UNITED STATES AND THE GENERAL SECRETARY OF THE COMMUNIST PARTY. DURING THIS LONG PERIOD OF DISCUSSION, THE SOVIET UNION HAS NOT SATISFIED U.S. CONCERNS REGARDING THIS RADAR. THE U.S. GOVERNMENT CONTINUES TO BELIEVE THAT THIS RADAR IS A CLEAR AND SERIOUS VIOLATION OF THE SOVIET UNION'S OBLIGATION UNDER THE PROVISIONS OF THE ABM TREATY.

B. THE REASONS FOR THE U.S. DETERMINATION OF A VIOLATION AND CALL FOR THE DISMANTLING OF THIS RADAR INCLUDE THE FOLLOWING POINTS:

-IN ACCORD WITH THE PROVISIONS OF AGREED STATEMENT "F" TO THE ABM TREATY, LPARS MAY NOT BE DEPLOYED EXCEPT:

(1) AS ABM RADARS WITHIN AN ABM DEPLOYMENT AREA PERMITTED UNDER ARTICLE III;

(2) AS ABM RADARS LOCATED AT A TEST RANGE IN ACCORDANCE WITH ARTICLE IV;

(3) FOR EARLY WARNING OF STRATEGIC BALLISTIC MISSILE ATTACK DEPLOYED (AFTER THE TREATY ENTERED INTO FORCE) ALONG THE PERIPHERY OF A PARTY'S NATIONAL TERRITORY AND ORIENTED OUTWARD, IN ACCORDANCE SUBPARAGRAPH (B) OF ARTICLE VI;

- (4) FOR PURPOSES OF TRACKING OBJECTS IN OUTER SPACE; AND,
- (5) FOR USE AS NATIONAL TECHNICAL MEANS OF VERIFICATION.

C. THE LPAR DEPLOYED IN THE VICINITY OF KRASNOYARSK MEETS NONE OF THESE CRITERIA. SPECIFICALLY:

-THE RADAR IS NEITHER LOCATED WITHIN A PERMITTED ABM DEPLOYMENT AREA, NOR IS IT AT AN AGREED ABM TEST RANGE.

-THE RADAR IS NOT LOCATED ON THE PERIPHERY OF THE SOVIET UNION AND ORIENTED OUTWARD. INSTEAD, IT IS LOCATED OVER 700 KILOMETERS FROM THE SOVIET UNION'S NEAREST BORDER AND IS ORIENTED ACROSS SOVIET TERRITORY TOWARD THE SOVIET UNION'S NORTHEASTERN BORDER, 4600 KILOMETERS AWAY.

-THE RADAR IS SIMILAR TO PHASED-ARRAY RADARS THAT THE SOVIET SIDE HAS CHARACTERIZED PREVIOUSLY AS RADARS FOR EARLY WARNING OF STRATEGIC BALLISTIC MISSILE ATTACK.

-THE RADAR'S PHYSICAL BORESIGHT IS OPTIMIZED FOR LONG-RANGE SURVEILLANCE OF THE HORIZON -- AN ESSENTIAL REQUIREMENT FOR AN EARLY WARNING RADAR.

-THE RADAR IS LOCATED AND ORIENTED IN SUCH A MANNER AS TO FILL A MAJOR GAP IN THE BALLISTIC MISSILE DETECTION, WARNING AND TRACKING SCREEN OF THE SOVIET UNION.

D. THE U.S. HAS REJECTED THE SOVIET CLAIM THAT THE KRASNOYARSK RADAR IS INTENDED TO PERFORM EXCLUSIVELY A SPACETRACK ROLE USING THE FOLLOWING POINTS:

-THE ELEVATION BORESIGHT OF THE RADAR WILL NOT BE OPTIMIZED FOR LONG-RANGE SPACE SURVEILLANCE.

-THE SOVIET SIDE'S PREVIOUS SUGGESTION THAT THE "ELEVATION OF THE DIRECTION OF THE ELECTRICAL AXIS" WILL BE DIFFERENT FROM THE ELEVATION BORESIGHT DOES NOT CHANGE THE FACT THAT THIS RADAR'S ELEVATION BORESIGHT IS OPTIMIZED FOR LONG-RANGE SURVEILLANCE OF THE HORIZON.

-THE U.S. DOES NOT FIND ANY PRACTICAL APPLICATION FOR THIS RADAR IN FUTURE SOVIET MANNED SPACE PROGRAMS.

-THE RADAR COULD NOT MONITOR THE CURRENT INSERTION AND LANDING PHASES OF SPACECRAFT LAUNCHED FROM CURRENT SOVIET TEST RANGES.

-WHILE THE RADAR MIGHT BE ABLE TO TRACK SOME SATELLITES IN MEDIUM-TO-HIGH ORBITS WHEN THEY ENTER ITS FIELD OF VIEW, THE OPPORTUNITIES TO TRACK SATELLITES IN THIS ALTITUDE REGIME WILL OCCUR ONLY INFREQUENTLY. MOREOVER, THERE ARE OTHER SOVIET RADARS BETTER SUITED FOR THIS AND OTHER SPACETRACK TASKS.

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-IT WILL NOT BE POSSIBLE FOR THIS RADAR TO TRACK THE FIRST REVOLUTION OF ANY SATELLITES CURRENTLY LAUNCHED FROM VANDENBERG AIR FORCE BASE.

E. THE U.S. HAS EMPHASIZED THE FOLLOWING POINTS:

- THAT THIS RADAR IS NOT A SPACETRACK RADAR AS THE SOVIET SIDE HAS CLAIMED. RATHER IT IS AT LEAST AN EARLY WARNING RADAR, PRIMARILY DESIGNED FOR BALLISTIC MISSILE DETECTION AND TRACKING AND HAS THE INHERENT POTENTIAL FOR ATTACK ASSESSMENT IN SUPPORT OF BALLISTIC MISSILE DEFENSE. THAT IT IS NEITHER ORIENTED OUTWARD NOR LOCATED ON THE PERIPHERY OF THE SOVIET UNION AND AS SUCH IT VIOLATES SUBPARAGRAPH (B) OF ARTICLE VI OF THE ABM TREATY.

-THAT DURING THE NEGOTIATIONS LEADING TO THE ABM TREATY, IT WAS RECOGNIZED THAT LPARS WERE THE LONG-LEAD TIME ELEMENTS OF A TERRITORIAL DEFENSE. IN VIEW OF THE PROVISIONS OF PARAGRAPH 2 OF ARTICLE I PROHIBITING THE DEPLOYMENT OF A DEFENSE FOR AN INDIVIDUAL REGION OF A PARTY'S TERRITORY AND NOT TO PROVIDE A BASE FOR SUCH A DEFENSE, THE DEPLOYMENT OF A PROHIBITED LPAR TAKES ON ADDED SIGNIFICANCE;

-THE KRASNOYARSK RADAR VIOLATION COULD BE EASILY REVERSED BY EXISTING TECHNIQUES;

-THAT THE POSITION OF THE U.S. GOVERNMENT IS THAT THE SOVIET UNION MUST DISMANTLE THE LARGE PHASED-ARRAY RADAR LOCATED IN THE VICINITY OF KRASNOYARSK BY DEMOLISHING THE RECEIVER AND TRANSMITTER BUILDING STRUCTURES AND EXPLOSIVELY DESTROYING THEIR FOUNDATIONS.

13. GOMEL

-THE DELEGATION SHOULD REITERATE THE USG FINDING REGARDING ACTIVITIES AT GOMEL AND STATE THAT NOTHING OBSERVED DURING THE DECEMBER 1987 VISIT TO THAT SITE BY U.S. OFFICIALS CHANGED THAT FINDING.

-IT SHOULD REITERATE THE POSITION STATED AT THE MOSCOW SUMMIT CALLING ON THE SOVIET UNION TO RESOLVE THE GOMEL ISSUE.

-IT SHOULD PRESENT THE ACTIONS THE SOVIETS SHOULD TAKE TO CORRECT THE GOMEL VIOLATION THAT WOULD BE ACCEPTABLE TO THE U.S., DRAWING UPON PREVIOUS GUIDANCE PROVIDED TO AGENCIES.

THE DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

A. THE U.S. CONSIDERS THE SOVIET DEPLOYMENT OF THE FLAT TWIN AND PAWN SHOP RADARS AT AN ELECTRONICS FACILITY NEAR GOMEL TO BE A VIOLATION OF THE ABM TREATY.

-THE SOVIET SIDE WAS AWARE, AT THE TIME THEY MOVED THE RADARS

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FROM SARY SHAGAN, THAT THE U.S. CONSIDERED THE FLAT TWIN AND PAWN SHOP TO BE ABM COMPONENTS BECAUSE THEY HAVE MET THE CRITERIA FOR BEING "TESTED IN AN ABM MODE." THE U.S. IS AWARE OF NUMEROUS INSTANCES IN WHICH THEY HAD BEEN TESTED "IN AN ABM MODE" AT THE SARY SHAGAN ABM TEST RANGE.

-PARAGRAPH (8) OF SECTION II OF THE 1978 AGREED STATEMENT PROVIDES THAT DEPLOYMENT OF RADARS OF A TYPE TESTED IN AN ABM MODE, EXCEPT AS PROVIDED FOR IN ARTICLES III AND IV OF THE TREATY, TO CARRY OUT ANY FUNCTIONS WOULD BE INCONSISTENT WITH OBLIGATION OF EACH PARTY NOT TO PROVIDE A BASE FOR AN ABM DEFENSE OF THE TERRITORY OF ITS COUNTRY. GOMEL IS NOT AN ABM DEPLOYMENT AREA OR AN AGREED ABM TEST RANGE AND, THUS, RADARS "TESTED IN AN ABM MODE" MAY NOT BE DEPLOYED AT GOMEL FOR ANY PURPOSE.

-THE SOVIET UNION HAS UNDERTAKEN ACTIONS AT GOMEL, SPECIFICALLY, THE CONSTRUCTION OF THE FLAT TWIN PEDESTAL BASE, WHICH CONSTITUTE INITIATION OF DEPLOYMENT IN VIOLATION OF THE ABM TREATY.

-THE FACT THAT THE EQUIPMENT AT GOMEL WAS NOT "OPERATIONAL" AT THE TIME OF THE U.S. VISIT DOES NOT AFFECT THE U.S. DETERMINATION THAT THE DEPLOYMENT OF THE FLAT TWIN AND PAWN RADARS AT GOMEL CONSTITUTES A VIOLATION OF THE ABM TREATY.

-INITIATION OF DEPLOYMENT HAS OCCURRED AND THE FLAT TWIN AND PAWN SHOP RADARS AT GOMEL ARE SUBJECT TO THE LIMITATIONS OF THE ABM TREATY. THE WORK ON THE PEDESTAL CONSTITUTES THE INITIATION OF DEPLOYMENT OF A RADAR OF A TYPE "TESTED IN AN ABM MODE."

-THE GOMEL RADAR VIOLATION COULD BE EASILY REVERSED BY EXISTING TECHNIQUES.

-GIVEN THE NATURE OF THE VIOLATION OF THE ILLEGAL DEPLOYMENT OF AN ABM RADAR AT GOMEL, THE UNITED STATES CALLS UPON THE SOVIET UNION TO VERIFIABLY DESTROY, (CUT UP OR CRUSH), ALL FLAT TWIN AND PAWN SHOP PARTS INCLUDING THE FLAT TWIN PEDESTAL SUPPORT BASE.

-THIS VERIFIABLE DESTRUCTION BY THE SOVIET SIDE WOULD REVERSE THE VIOLATION OF THE ABM TREATY THAT HAS OCCURRED WITH ILLEGAL DEPLOYMENT OF AN ABM RADAR AT GOMEL.

B. SHOULD THE SOVIETS AGREE TO CORRECT GOMEL, AND REQUEST MORE DISCUSSION ABOUT CUTTING AND CRUSHING, THE U.S. DELEGATION WILL ADVISE WASHINGTON.

14. OTHER QUESTIONS REGARDING SOVIET COMPLIANCE

A. TERRITORIAL DEFENSE

(1) THE U.S. DELEGATION SHOULD CONTINUE TO EMPHASIZE THAT THE

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TOTALITY AND INTERRELATIONSHIP OF THE ABM OR ABM-RELATED ACTIVITIES SUGGEST THAT THE SOVIET UNION MAY BE PREPARING AN ABM DEFENSE OF ITS NATIONAL TERRITORY.

(2) IN DOING THIS THE U.S. DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

-THERE ARE A NUMBER OF ABM AND ABM-RELATED ACTIVITIES IN THE SOVIET UNION WHICH IN THEIR TOTALITY AND INTERRELATIONSHIP SUGGEST THAT THE SOVIET UNION MAY BE PREPARING AN ABM DEFENSE OF ITS NATIONAL TERRITORY, E.G., RADAR CONSTRUCTION, CONCURRENT OPERATIONS, SAM UPGRADE, ABM RAPID RELOAD AND ABM MOBILITY AND THE ILLEGAL DEPLOYMENT OF ABM RADARS AT GOMEL.

-THE US SIDE HAS REPEATEDLY STRESSED THAT LARGE PHASED-ARRAY RADARS WOULD BE THE KEY ELEMENT IN PROVIDING A BASE FOR TERRITORIAL DEFENSE. WE HAVE NOTED THAT THE SOVIET UNION HAS BUILT OR IS BUILDING A NUMBER OF LARGE PHASED-ARRAY RADARS WHICH TOGETHER COULD POTENTIALLY SUPPORT A NATIONWIDE ABM DEFENSE. THE NEW DEPLOYMENT OF THREE ADDITIONAL LPARS INCREASES THIS CONCERN.

-THE DEPLOYMENT OF THE LARGE PHASED-ARRAY RADAR AT KRASNOYARSK, IN VIOLATION OF THE ABM TREATY, CAN ONLY LEAD THE US TO REGARD WITH MORE CONCERN OTHER SOVIET ABM AND ABM-RELATED ACTIVITIES.

-IT IS INCUMBENT UPON THE SOVIET UNION, IN ADDITION TO TAKING THE NECESSARY STEP OF DISMANTLING THE KRASNOYARSK RADAR, ALSO TO GIVE CLEAR AND DETAILED EXPLANATIONS REGARDING OTHER ABM AND ABM-RELATED ACTIVITIES.

3. FYI. IN MAKING THESE POINTS THE U.S. DELEGATION SHOULD BEAR IN MIND THE USG POSITION STATED TO THE SOVIETS IN JUNE 1985, DURING THE NST NEGOTIATIONS, THAT IT IS NOT POSSIBLE TO VIOLATE ARTICLE I OF THE ABM TREATY WITHOUT VIOLATING AT LEAST ONE OF THE SUBSEQUENT TREATY PROVISIONS. END FYI.

B. SAM UPGRADE

(1) IN THE ABM TREATY REVIEW, THE U.S. DELEGATION SHOULD PURSUE THE SAM UPGRADE ISSUE ONLY AS A PART OF THE U.S. TERRITORIAL DEFENSE CONCERN. IN DOING THIS THE U.S. DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

-THE U.S. HAS SERIOUS CONCERNS ABOUT THE POTENTIAL ABM CAPABILITY OF SOVIET SAMs. THIS CONCERN PREDATES THE ABM TREATY. THE SOVIET UNION MAINTAINS A MASSIVE NETWORK OF SAM MISSILES FOR STRATEGIC AIR DEFENSE.

-THE SOVIET DEVELOPMENT AND TESTING OF MODERN AIR DEFENSE SYSTEMS THAT THE U.S. BELIEVES HAVE CAPABILITIES AGAINST SOME TYPES OF BALLISTIC MISSILES ADDS TO OUR CONCERN THAT THE SOVIET UNION MAY BE PREPARING AN ABM DEFENSE OF ITS NATIONAL TERRITORY. THE U.S. HAS NOTED SPECIFICALLY THE SURFACE-TO-AIR MISSILE SYSTEM KNOWN TO THE U.S. AS THE SA-12. PROVIDING ABM

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CAPABILITIES TO AIR DEFENSE MISSILE SYSTEMS WOULD PERMIT THE RAPID EXPANSION OF ABM FORCES BEYOND THE TREATY-ESTABLISHED LIMIT OF 100 LAUNCHERS FOR ABM INTERCEPTOR MISSILES.

(2) THE UNITED STATES IS STILL CONCERNED THAT THE SA-12 MAY HAVE THE CAPABILITY TO INTERCEPT STRATEGIC BALLISTIC MISSILES IN FLIGHT.

C. MOBILE ABM COMPONENTS

(1) THE U.S. DELEGATION SHOULD NOTE THE INADEQUACIES OF SOVIET EXPLANATIONS ON THE DISPOSITION OF THE THIRD PAWN SHOP THAT WERE PROVIDED DURING SCC-XXXIV.

(2) IN DOING THIS THE U.S. DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

-THE U.S. HAS REPEATEDLY SOUGHT ADDITIONAL INFORMATION WITH REGARD TO THE DISPOSITION OF THE UNACCOUNTED FOR PAWN SHOP RADAR. NONE HAS BEEN FORTHCOMING FROM THE SOVIET SIDE. THE U.S. HAS ASKED THE SOVIET SIDE HOW IT CAN BE SURE THAT THE PAWN SHOP WILL NO LONGER HAVE APPLICATION TO THE SOVIET ABM PROGRAM. WE HAVE NOT OBTAINED A MEANINGFUL RESPONSE FROM THE SOVIET UNION.

-TO RESOLVE THE U.S. CONCERN ABOUT SOVIET INTENTIONS, THE USG BELIEVES THAT ALL PAWN SHOP RADARS, INCLUDING THE RADAR NEAR MOSCOW, MUST BE DESTROYED.

D. CONCURRENT OPERATIONS

(1) THE U.S. DELEGATION SHOULD INFORM THE SOVIETS THAT THE "OTHER CATEGORIES" OF CONCURRENT ACTIVITY ARE OF CONCERN TO THE U.S.

(2) IN DOING THIS, THE U.S. DELEGATION MAY DRAW UPON:

-INCIDENTS OF CONCURRENT OPERATION OF AIR DEFENSE COMPONENTS AND ABM SYSTEM COMPONENTS HAVE CREATED A LONG-STANDING CONCERN ON THE PART OF THE UNITED STATES IN THE CONTEXT OF THE PROVISIONS OF ARTICLE VI OF THE ABM TREATY.

-THE JUNE 1985 COMMON UNDERSTANDING DEALS EXCLUSIVELY WITH CIRCUMSTANCES IN WHICH STRATEGIC BALLISTIC MISSILES OR ABM INTERCEPTOR MISSILES ARE IN FLIGHT.

-THE U.S. IS ALSO CONCERNED ABOUT TWO OTHER KINDS OF CONCURRENT OPERATIONS OF ABM SYSTEM COMPONENTS AND AIR DEFENSE COMPONENTS THAT ARE NOT COVERED BY THE COMMON UNDERSTANDING. ONE OF THESE IS THE OPERATION OF ABM RADARS CONCURRENTLY WITH THE LAUNCHES OF SAM INTERCEPTOR MISSILES. THE OTHER IS THE CONCURRENT OPERATION OF ABM AND AIR DEFENSE (SAM) RADARS WHEN NO STRATEGIC BALLISTIC MISSILE OR INTERCEPTOR MISSILE IS IN FLIGHT.

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-IT IS INCUMBENT UPON THE SOVIET UNION TO TERMINATE ITS PRACTICE OF CONDUCTING TYPE 2 AND 3 ACTIVITY.

E. RAPID RELOAD

(1) THE U.S. DELEGATION MAY DRAW UPON THE FOLLOWING POINTS:

THE SOVIET UNION HAS DEMONSTRATED THE RELOAD OF AN ABM INTERCEPTOR LAUNCHER IN MUCH LESS THAN A DAY.

-THE PRINCIPAL CONCERN IS WITH THE HIGH ACCELERATION INTERCEPTOR MISSILE LAUNCHER AT SARY SHAGAN.

-THIS ACTIVITY IS OF PARTICULAR CONCERN WHEN CONSIDERED WITH OTHER SOVIET ACTIVITIES WHICH, IN THEIR TOTALITY AND INTERRELATIONSHIP, SUGGEST THAT THE SOVIET UNION MAY BE PREPARING AN ABM DEFENSE OF ITS NATIONAL TERRITORY.

(2) THE U.S. DELEGATION SHOULD NOT RESPOND TO THE SOVIET DEFINITION OF RAPID RELOAD NOR DISCUSS ANY U.S. DEFINITION.

15. U.S. ABM AND ABM-RELATED ACTIVITY

-SHOULD THE SOVIET SIDE RAISE COMPLIANCE ISSUES CONCERNING U.S. ABM OR ABM-RELATED SYSTEMS OR PROGRAMS, THE U.S. DELEGATION SHOULD RESPOND AND MAY DRAW UPON THE FOLLOWING TALKING POINTS TO DO SO:

A. SMR

-AS THE SOVIET SIDE HAD NOT RAISED THE SMR ISSUE BETWEEN SCC-XXIX AND XXXIV, THE U.S. SIDE ASSUMED THE SOVIETS HAD REEXAMINED THE U.S. POSITION AND FOUND THAT THE U.S. WAS IN COMPLIANCE WITH THE PROVISIONS OF THE TREATY AND THERE WAS NO CAUSE FOR FURTHER CONSIDERATION OF THIS ISSUE.

-SECTION II, PARAGRAPH 6, OF THE AGREED STATEMENT OF NOVEMBER 1, 1978, STATES: "THE TERM 'TESTED IN AN ABM MODE' SHALL NOT BE APPLIED TO RADARS, INCLUDING PHASED-ARRAY RADARS, WHICH ARE CONSTRUCTED AND USED ONLY AS INSTRUMENTATION EQUIPMENT FOR TESTING OF ANY TYPES OF WEAPONS OR MILITARY EQUIPMENT.

-THE SMR WAS AN INSTRUMENTATION RADAR, NOT AN ABM RADAR. ONE SMR WAS BUILT AND, UPON COMPLETION OF ITS INSTRUMENTATION MISSION, WAS DISMANTLED. ITS OPERATION WAS CONSISTENT WITH THE 1978 AGREED STATEMENT AND COMMON UNDERSTANDING WHICH PERMIT RADARS CONSTRUCTED AND USED ONLY AS INSTRUMENTATION EQUIPMENT TO TRACK STRATEGIC BALLISTIC MISSILES WITHOUT BEING CONSIDERED "TESTED IN AN ABM MODE" OR CLASSIFIED AS AN ABM RADAR.

-THE SMR WAS NEVER "TESTED IN AN ABM MODE" NOR EVER OPERATED IN CONJUNCTION WITH A RADAR "TESTED IN AN ABM MODE" OR DURING AN ABM INTERCEPTOR MISSILE TEST.

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-BECAUSE THE SMR WAS AN INSTRUMENTATION RADAR AND NOT AN ABM RADAR, ITS MOVEMENT FROM LOCATION TO LOCATION AT KMR WAS NOT LIMITED BY THE ABM TREATY.

B. DESIGNATED OPTICAL TRACKER

-THE DEVICE (DO NOT USE THE TERM DOT) WAS NOT AN ABM COMPONENT (NEITHER AN ABM INTERCEPTOR MISSILE NOR AN ABM RADAR). IT WAS NOT CONSTRUCTED AND DEPLOYED FOR AN ABM ROLE. IT WAS NOT "TESTED IN AN ABM MODE." IT DID NOT HAVE THE CAPABILITY TO COUNTER STRATEGIC BALLISTIC MISSILES OR THEIR ELEMENTS IN FLIGHT TRAJECTORY.

-NOR WAS THE DEVICE IN QUESTION CAPABLE OF SUBSTITUTING FOR AN ABM COMPONENT.

-SHOULD THE SOVIETS ASSERT THAT DOT HAD BEEN IN VIOLATION OF THE ARTICLE V PROHIBITION ON THE TESTING OF OTHER THAN FIXED LAND-BASED ABM COMPONENTS, RESPOND THAT THE DEVICES IN QUESTION WERE LAUNCHED FROM FIXED, LAND-BASED LAUNCHERS AND WERE NOT ABM COMPONENTS, THUS ARTICLE V DOES NOT, IN ANY WAY, APPLY.

C. HOMING OVERLAY EXPERIMENT (HOE)

-THE HOMING OVERLAY EXPERIMENT WAS PERMITTED BY THE ABM TREATY.

-THE SOVIET SIDE HAS REAFFIRMED IN THE DEFENSE AND SPACE TALKS THAT TESTS OF FIXED, LAND-BASED INTERCEPTORS AT AGREED TEST RANGES ARE COMPATIBLE WITH THE ABM TREATY. HOE MET THOSE CONDITIONS.

-THE HOE INTERCEPTOR WAS ASSEMBLED USING A COMBINATION OF AVAILABLE ELEMENTS OF DECOMMISSIONED SYSTEMS, OFF-THE-SHELF ITEMS, AND A SINGLE NON-NUCLEAR KILL MECHANISM. THAT MECHANISM SUCCESSFULLY INTERCEPTED A SIMULATED ICBM REENTRY VEHICLE OUTSIDE THE ATMOSPHERE.

-WHILE THE MISSILE USED IN THIS TEST WAS NOT OF A TYPE CONSTRUCTED AND DEPLOYED FOR AN ABM ROLE, IT WAS OF A TYPE TESTED IN AN ABM MODE AS DEFINED IN PARAGRAPH 1(A) OF ARTICLE II OF THE ABM TREATY AND FURTHER DEFINED IN PARAGRAPHS 2 AND 4(A) OF SECTION II OF THE AGREED STATEMENT OF NOVEMBER 1978.

-ACCORDINGLY, THIS EVENT WAS NOT A TEST OR PART OF A DEVELOPMENT PROCESS TO GIVE A MISSILE, OTHER THAN AN ABM INTERCEPTOR MISSILE, CAPABILITY TO COUNTER STRATEGIC BALLISTIC MISSILES OR THEIR ELEMENTS IN FLIGHT TRAJECTORY, OR TO TEST SUCH A MISSILE IN AN ABM MODE. THEREFORE, THE TEST OF THE HOE WAS NOT INCONSISTENT WITH ARTICLE VI(A) OR ANY OTHER PROVISION OF THE ABM TREATY.

-THERE HAVE NEVER BEEN NOR ARE THERE NOW ANY MULTIPLE-WARHEAD ABM INTERCEPTORS UNDERGOING TESTING OR DEVELOPMENT IN THE U.S.

THE HOE EMPLOYED A SINGLE NON-NUCLEAR KILL MECHANISM TO DESTROY A SINGLE TARGET. NO ELEMENTS OF A MULTIPLE WARHEAD WERE USED. THIS TEST IN NO WAY VIOLATED AGREED STATEMENT E.

-IF ASKED, NO RADAR GUIDED THE INTERCEPTOR MISSILE AT ANY TIME. THE KAENA POINT RADAR IS AN INSTRUMENTATION RADAR. THIS RADAR WAS NOT TESTED IN AN ABM MODE SINCE IT DID NOT OPERATE IN CONJUNCTION WITH AN ABM INTERCEPTOR MISSILE OR ABM RADAR.

-IF THE SOVIETS RAISE, IN RELATION TO HOE, THE ISSUE OF "OTHER PHYSICAL PRINCIPLES," THE U.S. DELEGATION SHOULD SEEK GUIDANCE FROM WASHINGTON.

D. U.S. BMEW RADARS

(1) THULE/FYLLINGDALES

-THE RESTRICTIONS CONTAINED IN THE ABM TREATY ON EARLY WARNING RADARS DO NOT APPLY TO THE FACILITIES AT THULE AND FYLLINGDALES. ARTICLE VI(B), WHICH OBLIGATES THE PARTIES "NOT TO DEPLOY IN THE FUTURE" EARLY WARNING RADARS EXCEPT AT LOCATIONS ALONG THE PERIPHERY OF THEIR NATIONAL TERRITORY AND ORIENTED OUTWARD, PROHIBITS SUCH DEPLOYMENTS ONLY AFTER 1972. NEITHER SIDE PROPOSED, AND THE TREATY DOES NOT CONTAIN, ANY LIMITATIONS ON THE MODERNIZATION BY REPLACEMENT OF PERMITTED EARLY WARNING RADARS WHICH EXISTED AT THE TIME THE TREATY ENTERED INTO FORCE. THEREFORE, THERE WAS NO NEED FOR THE PROVISIONS OF THE TREATY TO INCLUDE EXPLICIT PERMISSION FOR THE MODERNIZATION OF THESE RADARS. THIS IS CONSISTENT WITH THE TREATY'S APPROACH OF PERMITTING THE MODERNIZATION AND REPLACEMENT OF ABM SYSTEMS AND COMPONENTS.

-NOR DOES AGREED STATEMENT F PROHIBIT MODERNIZATION OF THE EARLY WARNING RADARS AT THULE/FYLLINGDALES BY REPLACEMENT WITH AN LPAR. IN AGREED STATEMENT F, THE PARTIES AGREED NOT TO DEPLOY LPARS, "EXCEPT AS PROVIDED FOR IN ARTICLES III, IV AND VI OF THE TREATY, OR EXCEPT FOR THE PURPOSES OF TRACKING OBJECTS IN OUTER SPACE OR FOR USE AS NATIONAL TECHNICAL MEANS OF VERIFICATION." THUS, AGREED STATEMENT F LIMITS LPARS TO FIVE USES: THOSE PERMITTED IN ABM DEPLOYMENT AREAS (ARTICLE III), THOSE AT PERMITTED ABM TEST RANGES (ARTICLE IV), BALLISTIC MISSILE EARLY WARNING RADARS AT LOCATIONS PROVIDED FOR IN ARTICLE VI, SPACE TRACKING RADARS, AND RADARS FOR NATIONAL TECHNICAL MEANS OF VERIFICATION. SINCE THE FACILITIES AT THULE AND FYLLINGDALES ARE FOR EARLY WARNING AND WERE DEPLOYED PRIOR TO SIGNING OF THE TREATY, THE MODERNIZATION OF THE EARLY WARNING RADAR FACILITIES AT THOSE LOCATIONS WITH LPARS DOES NOT CONSTITUTE A "DEPLOYMENT" WITHIN THE MEANING OF AGREED STATEMENT F. PUT ANOTHER WAY, ARTICLE VI(B) "GRANDFATHERS" THE THULE AND FYLLINGDALES RADAR SITES FOR BALLISTIC MISSILE EARLY WARNING PURPOSES, NOT MERELY THE SPECIFIC EQUIPMENT THERE AT THE TIME OF THE SIGNING OF THE ABM TREATY. SINCE THE U.S. IS ONLY MODERNIZING (BY REPLACING) THAT

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-14-

EQUIPMENT, AGREED STATEMENT F DOES NOT PROHIBIT THESE MODERNIZATIONS.

-FURTHERMORE, THE MODERNIZATIONS AT THULE AND FYLINGDALES ARE CONSISTENT WITH THE INTENT AND PURPOSE BEHIND ARTICLE VI(B) AND AGREED STATEMENT "F". THESE PROVISIONS WERE MEANT TO ENSURE THAT THE PARTIES WOULD NOT DEPLOY LPARS IN THE INTERIOR OF THEIR TERRITORY WHICH HAD THE POTENTIAL TO PERFORM ABM FUNCTIONS, YET PRESERVED THE EARLY WARNING FUNCTION WHICH BOTH PARTIES RECOGNIZED AS NECESSARY FOR STABILITY AND EACH PARTY'S NATIONAL SECURITY.

-ARTICLE IX PROHIBITS THE DEPLOYMENT OF ABM SYSTEMS OR THEIR COMPONENTS OUTSIDE THE NATIONAL TERRITORY OF THE PARTIES AND PROHIBITS THE TRANSFER OF ABM SYSTEMS OR THEIR COMPONENTS TO OTHER STATES. HOWEVER, THE U.S. BMEWS RADARS ARE NOT ABM RADARS; THEY ARE EARLY WARNING RADARS. THEY ARE NOT CAPABLE OF SUBSTITUTING FOR ABM RADARS.

-THE SOVIET CONCERN ABOUT RADAR POTENTIAL IS NOT RELEVANT. THE ABM TREATY AND AGREED STATEMENTS ALLOW LEGITIMATE BMEWS RADARS TO EXCEED THE THREE MILLION WATT-METERS-SQUARED CRITERION.

-THE DISMANTLEMENT OF THE OLD EXISTING RADARS AT THULE IS NEARLY COMPLETE, AND WILL BEGIN AT FYLINGDALES SHORTLY AFTER THE PHASED-ARRAY RADAR BECOMES OPERATIONAL.

-IF THE SOVIETS AGAIN PROPOSE AN AGREEMENT WHICH WOULD LINK THULE/FYLINGDALES WITH KRASNOYARSK, REMIND THE SOVIETS THAT THE USG HAS PREVIOUSLY REJECTED SUCH PROPOSALS.

-IF THE SOVIETS MENTION THE MORATORIUM ON KRASNOYARSK CONSTRUCTION AND ATTEMPT TO LINK THIS TO A RECIPROCAL MORATORIUM ON THE FYLINGDALES MODERNIZATION, THE U.S. SIDE SHOULD POINT OUT THAT THE USG INSISTS ON DISMANTLEMENT OF THE ILLEGAL KRASNOYARSK LPAR. THIS, HOWEVER, HAS NO BEARING UPON, AND CANNOT IN ANY WAY BE LINKED TO, THE LEGAL MODERNIZATION OF THE EXISTING EARLY-WARNING RADAR AT FYLINGDALES, AS THE SITUATIONS ARE IN NO WAY ANALOGOUS.

-SHOULD THE SOVIET SIDE RAISE THE ISSUE OF CONTRACTOR TESTIMONY, THE U.S. DELEGATION SHOULD RESPOND THAT:

--THE CONGRESSIONAL TESTIMONY OF THE SPOKESMEN FOR PRIVATE CONTRACTORS IS NOT INDICATIVE OF U.S. GOVERNMENT POLICY OR POSITIONS; THE PORTIONS OF THE TESTIMONY QUOTED WERE TAKEN OUT OF CONTEXT BY THE SOVIET SIDE, THEIR MEANING DISTORTED AND,

-THERE IS, IN FACT, NO BASIS FOR THE SOVIETS' CHARGE THAT THE THULE AND PROPOSED FYLINGDALES RADARS HAVE WITHIN THEM ELEMENTS WHICH WOULD UPGRADE THEIR PERFORMANCE TO THAT OF ABM RADARS.

-IN SEVERAL SESSIONS OF THE SCC, THE SOVIET UNION HAS CLAIMED THE RIGHT TO MODERNIZE ITS EARLY WARNING RADAR SYSTEM WITH

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MODERN TECHNOLOGY IN THE FORM OF LPARS, WHICH WERE DEVELOPED FOR THE REPLACEMENT OF RADARS WHOSE USEFUL LIFE HAD EXPIRED. IT IS LOGICALLY INCONSISTENT TO ASSERT THAT ONE SIDE MAY MODERNIZE, BY REPLACEMENT NON-ABM FUNCTIONS ALLOWED BY THE ABM TREATY, WHILE DENYING THAT RIGHT TO THE OTHER SIDE.

(2) FYLINGDALES (TEXT APPROVED BY UK):

-THE FYLINGDALES RADAR FACILITY IS A BMEW RADAR FACILITY IN THE UNITED KINGDOM THAT WAS DEPLOYED PRIOR TO THE SIGNING OF THE ABM TREATY. THE TREATY DOES NOT ADDRESS MODERNIZATION OF BMEW RADAR FACILITIES. THUS, THE INTENDED MODERNIZATION OF THIS RADAR WOULD BE FULLY CONSISTENT WITH U.S. TREATY OBLIGATIONS.

(3) CLEAR (USE ONLY IF SOVIETS RAISE AN ISSUE WITH THE SITE):

-THE FACILITY AT CLEAR, ALASKA, IS A BMEW RADAR DEPLOYED PRIOR TO THE SIGNING OF THE ABM TREATY. THE SOVIET SIDE RECOGNIZED THIS FACT DURING THE NEGOTIATIONS.

-THE U.S. HAS THE RIGHT TO MAINTAIN THE CURRENT EARLY WARNING CAPABILITY OR TO MODERNIZE THAT CAPABILITY BASED ON ITS NATIONAL INTEREST AND IS NOT PROHIBITED FROM DOING SO UNDER THE ABM TREATY.

E. PAVE PAWS

-PAVE PAWS RADARS ARE EARLY WARNING RADARS FOR THE DETECTION OF BALLISTIC MISSILE ATTACK, PRIMARILY SLBM ATTACK. THEY ARE LOCATED ON THE PERIPHERY OF U.S. NATIONAL TERRITORY AND ORIENTED OUTWARD IN FULL COMPLIANCE WITH SUBPARAGRAPH (B) OF ARTICLE VI OF THE ABM TREATY.

-BECAUSE PAVE PAWS RADARS ARE BALLISTIC MISSILE EARLY WARNING RADARS AND ARE DEPLOYED AS PROVIDED FOR IN ARTICLE VI (B) OF THE TREATY, THEY MEET THE RESTRICTIONS OF AGREED STATEMENT "F".

-THE U.S. DELEGATION SHOULD NEITHER PROVIDE ANY INFORMATION ON PAVE PAWS NOR COMPARE THE TECHNICAL PARAMETERS OF PAVE PAWS WITH THE PARCS RADAR.

-IF THE SOVIET SIDE RAISES THE MATTER OF EARLY WARNING COVERAGE, THE U.S. DELEGATION SHOULD STATE THAT COVERAGE IS NEITHER DEFINED NOR EVEN MENTIONED IN THE ABM TREATY. THE COVERAGE OF EARLY WARNING RADARS MUST BE SUFFICIENT TO PROVIDE SATISFACTORY WARNING TO THE SIDE CONCERNED, AND PROVIDING THE EARLY WARNING RADARS IN QUESTION ARE CONSISTENT WITH PROVISIONS OF THE ABM TREATY, THERE SHOULD BE NO QUESTION CONCERNING THEIR LEGALITY.

-IF THE SOVIET SIDE QUESTIONS WHETHER THE AZIMUTH FOV OF 240 DEGREES MAKES THE TERM "ORIENTED OUTWARD" MEANINGLESS, THE U.S. DELEGATION SHOULD STATE THAT THE PURPOSE OF PAVE PAWS IS TO PROVIDE EARLY WARNING OF BALLISTIC MISSILE ATTACK PRIMARILY

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-16-

FROM THE OCEAN AREAS. THE USE OF 240 DEGREES FOR THE FOV MINIMIZES THE NUMBER OF RADAR SITES NEEDED FOR THIS PURPOSE AND TAKES INTO ACCOUNT THE INTENT OF THE ABM TREATY WHICH IS TO ALLOW WARNING OF ATTACK FROM BEYOND THE NATIONAL TERRITORY.

-IF THE SOVIET SIDE CLAIMS THAT THE U.S. HAS UPGRADED THE PAVE PAWS RADARS THE U.S. DELEGATION SHOULD NOTE THAT THE SOVIETS HAVE FAILED TO PROVIDE INFORMATION REQUESTED BY THE U.S. IN ORDER TO SUBSTANTIATE SUCH ALLEGATIONS.

-SHOULD THE SOVIET SIDE RAISE THE ISSUE OF CONTRACTOR TESTIMONY, THE U.S. SHOULD RESPOND THAT:

--THE CONGRESSIONAL TESTIMONY OF SPOKESMEN FOR PRIVATE CONTRACTORS IS NOT INDICATIVE OF U.S. GOVERNMENT POLICY OR POSITIONS; THE PORTIONS OF THE TESTIMONY QUOTED WERE TAKEN OUT OF CONTEXT BY THE SOVIET SIDE AND THEIR MEANING DISTORTED AND,

-THERE IS, IN FACT, NO BASIS FOR THE SOVIETS' CHARGE THAT THE PAVE PAWS-TYPE RADARS HAVE WITHIN THEM ELEMENTS WHICH WOULD UPGRADE THEIR PERFORMANCE TO THAT OF ABM RADARS.

F. GENERAL SDI

(1) THE U.S. STRATEGIC DEFENSE INITIATIVE RESEARCH PROGRAM IS DESIGNED TO: (A) ASSESS THE FEASIBILITY OF USING ADVANCED TECHNOLOGIES TO PROVIDE THE BASIS FOR AN INFORMED DECISION TO MOVE TOWARD A STABLE DETERRENT BASED INCREASINGLY UPON THE CONTRIBUTION OF EFFECTIVE DEFENSIVE SYSTEMS AND (B) PROVIDE A DEFENSIVE TECHNOLOGY BASE TO BE ABLE TO RESPOND TO SOVIET VIOLATION OF, OR WITHDRAWAL FROM, THE ABM TREATY.

(2) THE STRATEGIC DEFENSE INITIATIVE IS CONSISTENT WITH ALL U.S. INTERNATIONAL OBLIGATIONS INCLUDING ITS LEGAL OBLIGATIONS UNDER THE ABM TREATY, AND SUPPORTS U.S. NATIONAL SECURITY POLICY. THE U.S. WILL REMAIN IN COMPLIANCE WITH THE PROVISIONS OF THE ABM TREATY BY ENSURING THAT INFORMATION PASSED TO THIRD NATIONS DOES NOT CONTAIN ABM DESIGNS OR SPECIFICATIONS.

(3) IN THE NEAR TERM, THE SDI PROGRAM PROVIDES A BALANCE TO THE ON-GOING AND EXTENSIVE SOVIET STRATEGIC DEFENSE RESEARCH, DEVELOPMENT, TESTING, AND DEPLOYMENT EFFORTS. IT PROVIDES A POWERFUL DETERRENT TO ANY SOVIET DECISION TO EXPAND ITS ANTI-BALLISTIC MISSILE DEFENSE SYSTEM BEYOND THAT PERMITTED BY THE ABM TREATY. THE U.S. IS CONFIDENT THAT THE STRATEGIC DEFENSE INITIATIVE WILL FACILITATE DEEP REDUCTIONS IN OFFENSIVE BALLISTIC MISSILES AND ENHANCE STABILITY IN THE STRATEGIC RELATIONSHIP.

(4) WHEN THE PRESIDENT FIRST ANNOUNCED THE SDI PROGRAM IN MARCH 1983, HE MADE CLEAR THAT IT WOULD BE CONDUCTED "CONSISTENT WITH OUR OBLIGATIONS UNDER THE ABM TREATY." THIS COMMITMENT HAS BEEN MAINTAINED.

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(5) THE 1972 ABM TREATY IS AN AGREEMENT THAT ADDRESSES THE DEVELOPMENT, TESTING, AND DEPLOYMENT OF DIFFERENT TYPES OF ABM SYSTEMS AND COMPONENTS. IT SHOULD BE NOTED THAT NOWHERE DOES THE ABM TREATY USE THE WORD "RESEARCH." NEITHER THE U.S. NOR THE SOVIET DELEGATION TO THE SALT I NEGOTIATIONS CHOSE TO PLACE LIMITATIONS ON RESEARCH, AND THE ABM TREATY MAKES NO ATTEMPT TO DO SO. THE UNITED STATES MADE CLEAR DURING THE ABM TREATY NEGOTIATIONS THAT DEVELOPMENT COMMENCES WITH THE INITIATION OF FIELD TESTING OF A PROTOTYPE ABM SYSTEM OR COMPONENT. THE UNITED STATES HAS TRADITIONALLY DISTINGUISHED "RESEARCH" FROM "DEVELOPMENT" ALONG THE LINES OUTLINED BY HAROLD BROWN IN A 1971 STATEMENT TO THE SOVIET SALT I DELEGATION. RESEARCH INCLUDES, BUT IS NOT LIMITED TO, CONCEPTUAL DESIGN AND LABORATORY TESTING OF SYSTEMS AND COMPONENTS DESIGNED FOR ACTUAL DEPLOYMENT. DEVELOPMENT OF A WEAPON SYSTEM IS USUALLY ASSOCIATED WITH THE CONSTRUCTION AND TESTING OF ONE OR MORE PROTOTYPES OF THE SYSTEM OR ITS MAJOR COMPONENTS. HOWEVER, THE CONSTRUCTION OF A PROTOTYPE CANNOT NECESSARILY BE VERIFIED BY NATIONAL TECHNICAL MEANS (NTM) OF VERIFICATION. THEREFORE, IN LARGE PART BECAUSE OF THESE VERIFICATION DIFFICULTIES, THE ABM TREATY PROHIBITION ON THE DEVELOPMENT, TESTING, OR DEPLOYMENT OF SEA-BASED, AIR-BASED, SPACE-BASED, OR MOBILE LAND-BASED ABM SYSTEMS, OR COMPONENTS FOR SUCH SYSTEMS, APPLIES WHEN A PROTOTYPE OF A SYSTEM OR ITS COMPONENTS ENTERS THE FIELD TESTING STAGE.

(6) THE ABM TREATY REGULATES THE DEVELOPMENT, TESTING, AND DEPLOYMENT OF ABM SYSTEMS WHOSE COMPONENTS WERE DEFINED IN THE 1972 TREATY AS CONSISTING OF ABM INTERCEPTOR MISSILES, ABM LAUNCHERS, AND ABM RADARS. SYSTEMS AND COMPONENTS BASED ON "OTHER PHYSICAL PRINCIPLES" ARE ADDRESSED ONLY IN AN AGREED STATEMENT TO THE TREATY AS "ABM SYSTEMS BASED ON OTHER PHYSICAL PRINCIPLES AND INCLUDING COMPONENTS CAPABLE OF SUBSTITUTING FOR ABM INTERCEPTOR MISSILES, ABM LAUNCHERS, OR ABM RADARS." THIS AGREED STATEMENT PROHIBITS THE DEPLOYMENT OF SUCH SYSTEMS, BUT DOES NOT PROSCRIBE THEIR DEVELOPMENT AND TESTING REGARDLESS OF BASING MODE. THE SDI PROGRAM WILL CONTINUE TO BE CONDUCTED IN A MANNER THAT FULLY COMPLIES WITH ALL U.S. OBLIGATIONS UNDER THE ABM TREATY.

(7) RESEARCH AND CERTAIN DEVELOPMENT AND TESTING ON DEFENSIVE SYSTEMS IS NOT ONLY PERMITTED BY THE ABM TREATY, BUT WAS ANTICIPATED AT THE TIME THE TREATY WAS NEGOTIATED AND SIGNED. BOTH THE UNITED STATES AND THE SOVIET UNION SUPPORTED THIS POSITION IN TESTIMONY TO THEIR RESPECTIVE LEGISLATIVE BODIES. WHEN THE TREATY WAS BEFORE THE U.S. SENATE FOR ADVICE AND CONSENT TO RATIFICATION, DEFENSE SECRETARY MELVIN LAIRD ADVOCATED IN HIS TESTIMONY THAT THE U.S. "VIGOROUSLY PURSUE A COMPREHENSIVE ABM TECHNOLOGY PROGRAM." IN A STATEMENT BEFORE THE PRESIDIUM OF THE SUPREME SOVIET, MARSHALL GRECHKO SAID THE ABM TREATY "PLACES NO LIMITATIONS WHATSOEVER ON THE CONDUCTING OF RESEARCH AND EXPERIMENTAL WORK DIRECTED TOWARDS SOLVING THE PROBLEM OF DEFENDING THE COUNTRY FROM NUCLEAR MISSILE STRIKES."

(8) IF THE SOVIETS RAISE ARTICLE IX WITH RESPECT TO SDI AND TECHNOLOGY TRANSFER TO THIRD PARTIES, THE U.S. COMPONENT SHOULD RESPOND ALONG THE FOLLOWING LINES:

-ALL SDI RESEARCH AGREEMENTS WITH THIRD PARTIES HAVE BEEN AND WILL BE IMPLEMENTED IN A MANNER CONSISTENT WITH U.S. INTERNATIONAL OBLIGATIONS, INCLUDING THE ABM TREATY. THE USG HAS ADOPTED GUIDELINES TO ENSURE THAT ALL EXCHANGES OF DATA AND RESEARCH ACTIVITIES ARE CONDUCTED IN FULL COMPLIANCE WITH ABM TREATY OBLIGATIONS NOT TO TRANSFER TO OTHER STATES ABM SYSTEMS OR COMPONENTS LIMITED BY THE TREATY, NOR TO PROVIDE TECHNICAL DESCRIPTIONS OF BLUE PRINTS SPECIALLY WORKED PUT FOR THE CONSTRUCTION OF SUCH SYSTEMS OR COMPONENTS.

G. SDI PROGRAMS

(1) FLEXIBLE LIGHTWEIGHT AGILE GUIDED EXPERIMENT (FLAGE)

--FLAGE WAS AN EXPERIMENTAL PROGRAM TO INVESTIGATE TECHNOLOGIES THAT MAY HAVE APPLICATION FOR NON-NUCLEAR DEFENSE AGAINST TACTICAL BALLISTIC MISSILES. FLAGE WAS NOT A PROGRAM TO DEVELOP AN ABM INTERCEPTOR MISSILE.

-FLAGE'S RELATIONSHIP TO THE U.S. SDI PROGRAM NEITHER CONSTITUTES NOR IMPLIES ABM CAPABILITY. THE SDI PROGRAM IS A RESEARCH PROGRAM INVOLVED IN THE EXAMINATION OF TECHNOLOGIES, NOT ALL OF WHICH ARE NECESSARILY UNDER CONSIDERATION FOR ABM APPLICATIONS.

-ON 21 MAY 1987, A TEST OF THE FLAGE DEVICE WAS CONDUCTED AT WHITE SANDS MISSILE RANGE, IN WHICH A TARGET MISSILE WAS INTERCEPTED AND DESTROYED. PREVIOUS TESTS WERE CONDUCTED AGAINST TARGETS, SPECIALLY CONSTRUCTED TO HAVE SIMPLE RADAR SIGNATURES, WHICH WERE NOT BALLISTIC MISSILES. THE MAY 1987 TEST WAS A "PROOF-OF-PRINCIPLE" EXPERIMENT INTENDED TO RESOLVE CRITICAL TECHNOLOGY ISSUES ASSOCIATED WITH A NON-NUCLEAR, "HIT-TO-KILL," DEFENSE AGAINST TACTICAL BALLISTIC MISSILES. THE TEST VERIFIED GUIDANCE AND CONTROL TECHNIQUES FOR THE INTERCEPTION OF TACTICAL BALLISTIC MISSILES WITHIN THE ATMOSPHERE.

-THIS EXPERIMENT, LIKE ALL ASPECTS OF THE FLAGE PROGRAM, WAS FULLY CONSISTENT WITH THE ABM TREATY, IN THAT IT DID NOT INVOLVE ABM SYSTEMS OR COMPONENTS, PROTOTYPES THEREOF, OR DEVICES WITH ABM CAPABILITY, AND THE DEVICE INVOLVED WAS NOT TESTED IN AN ABM MODE.

-FLAGE WAS AN EXPERIMENTAL TEST DEVICE AND WAS NOT INTENDED TO BE, AN OPERATIONAL SYSTEM OF ANY TYPE. THE FLAGE DEVICE WAS NOT AN ABM COMPONENT AND SPECIFICALLY WAS NOT AN ABM INTERCEPTOR MISSILE. IT WAS NEITHER CONSTRUCTED NOR DEPLOYED FOR AN ABM ROLE, NOR WAS IT A PROTOTYPE OF, NOR CAPABLE OF SUBSTITUTING FOR, AN ABM INTERCEPTOR MISSILE.

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-THE FLAGE DEVICE WAS NOT ON THIS OR ANY OTHER OCCASION TESTED IN AN ABM MODE. IT HAS NOT BEEN TESTED AGAINST A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS IN FLIGHT TRAJECTORY. THE TARGET FOR THE 21 MAY 1987 TEST WAS A LANCE SHORT-RANGE, SURFACE-TO-SURFACE TACTICAL BALLISTIC MISSILE, A TYPE WHICH DOES NOT, AND DID NOT DURING THIS TEST, HAVE THE CHARACTERISTICS OF A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS IN FLIGHT TRAJECTORY. THE TARGET MISSILE WAS INTERCEPTED AT AN ALTITUDE OF 12,000 FEET AND BOTH IT AND THE FLAGE DEVICE WERE DESTROYED.

-THE LAUNCHER FOR THE FLAGE DEVICE WAS NOT AN ABM LAUNCHER NOR HAS IT BEEN TESTED IN AN ABM MODE. SINCE THE FLAGE EXPERIMENT DID NOT INVOLVE ABM COMPONENTS, THE QUESTION OF THE LAUNCHER'S MOBILITY IS IRRELEVANT.

(2) AIRBORNE OPTICAL ADJUNCT (AOA)

FYI: THIS IS A FUTURE PROGRAM (I.E., NO OBSERVABLE TEST OR EXPERIMENTAL ACTIVITY HAS TAKEN PLACE). THE SOVIETS HAVE NOT FORMALLY IDENTIFIED THIS ACTIVITY AS AOA, BUT ONLY AS AN "AIRCRAFT SYSTEM." CONSEQUENTLY, IN RESPONDING TO THE SOVIETS, THE COMPONENT SHOULD NOT REFER TO A SPECIFIC PROGRAM (I.E., AOA, AOS, OR OAMP). END FYI.

IF THE SOVIETS RAISE THIS ISSUE:

-STATE, IF APPROPRIATE, THAT NO PLANNED U.S. ACTIVITY WILL VIOLATE THE PROVISIONS OF THE ABM TREATY;

-STATE THAT NO ONGOING U.S. ACTIVITY IS INCONSISTENT WITH THE PROVISIONS OF THE ABM TREATY;

-STATE, IF APPROPRIATE, THAT THE SIDES SHOULD ONLY CONSIDER SOVIET CONCERNS REGARDING ACTIVITIES OBSERVABLE BY NTM WHICH THE U.S. ACTUALLY HAD UNDERTAKEN IN CARRYING OUT THE SDI PROGRAM.

(3) SKYLITE MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)/BEAM DIRECTOR EXPERIMENT TALKING POINTS

--THE SKYLITE PROGRAM IS A FUTURE PROGRAM AND SHOULD NOT BE DISCUSSED BEYOND SAYING THAT:

-THIS IS A FUTURE PROGRAM (I.E., NO OBSERVABLE TEST OR EXPERIMENTAL ACTIVITY HAS TAKEN PLACE).

-THE U.S. HAS NOT CONDUCTED A DEMONSTRATION OBSERVABLE BY NTM (E.G., EXPERIMENTS TAKING PLACE WITHIN A LABORATORY).

-NO PLANNED U.S. ACTIVITY WILL VIOLATE THE PROVISIONS OF THE ABM TREATY,

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-NO ONGOING U.S. ACTIVITY IS INCONSISTENT WITH THE PROVISIONS OF THE ABM TREATY,

-THE SIDES SHOULD LIMIT THEMSELVES TO CONSIDERING SOVIET CONCERNS REGARDING ACTIVITIES OBSERVABLE BY NTM WHICH THE U.S. ACTUALLY HAD UNDERTAKEN IN CARRYING OUT THE SDI PROGRAM.

FYI: THE 1985 TEST CONCERNING THE MIRACL LASER AND THE TITAN MISSILE STAGE COULD HAVE BEEN OBSERVED BY NTM. THE ONLY ASPECT OF THE MIRACL LASER THAT MAY BE DISCUSSED IS THE SEPTEMBER 1985 TITAN DESTRUCTION TEST. END FYI:

-THE DEVICE USED WAS NOT AN ABM SYSTEM OR COMPONENT. IT WAS NOT CAPABLE OF COUNTERING A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS IN FLIGHT TRAJECTORY.

-THE DEVICE WAS NOT TESTED IN AN ABM MODE.

-THEREFORE, IT WAS NOT SUBJECT TO ABM TREATY CONSTRAINTS.

-TESTING OF NON-ABM DEVICES AT AN ESTABLISHED ABM TEST RANGE IS NOT PRECLUDED BY THE ABM TREATY.

(4) NUCLEAR TESTS AND THE ABM TREATY

-THE SDI RESEARCH PROGRAM IS FOCUSED PRIMARILY ON NON-NUCLEAR TECHNOLOGIES. HOWEVER, AS THE U.S. GOVERNMENT HAS CONSISTENTLY STATED, IT IS CRITICAL TO THE PROGRAM TO EXPLORE THE FEASIBILITY AND SIGNIFICANCE OF NUCLEAR-DRIVEN, DIRECTED-ENERGY CONCEPTS, IN ORDER TO UNDERSTAND THE POTENTIAL IMPACT OF ANY SUCH SYSTEMS THAT THE SOVIET UNION MIGHT DEVELOP, AS WELL AS TO DETERMINE THE FEASIBILITY OF THESE CONCEPTS FOR FUTURE SDI OPTIONS.

-TESTING RELATED TO THE FEASIBILITY OF NUCLEAR-DRIVEN, DIRECTED-ENERGY CONCEPTS IS IN CONFORMITY WITH THE ABM TREATY. IT DOES NOT INVOLVE AN ABM COMPONENT OR TESTING IN AN ABM MODE.

-THE ABM TREATY DOES NOT PROHIBIT SUCH UNDERGROUND NUCLEAR TESTING, WHEREVER CONDUCTED.

-THE SOVIET UNION HAS PURSUED NUCLEAR-DRIVEN, DIRECTED-ENERGY RELATED RESEARCH AND SOME OF THE WORK IN THE OPEN LITERATURE PREDATES WORK DONE IN THE WEST.

(5) ACTIVITIES AT SHEMA (QUEEN MATCH) TALKING POINTS:

-THE ACTIVITIES AT SHEMA ARE ENTIRELY CONSISTENT WITH THE ABM TREATY AND INTERNATIONAL LAW.

-SOVIET ALLEGATIONS TO THE CONTRARY ARE BASED ON THE PREMISE THAT THE ACTIVITY AT SHEMA INVOLVES ABM COMPONENTS. SINCE THE ONLY ACTIVITY THAT HAS TAKEN PLACE AT SHEMA TO DATE HAS BEEN CONSTRUCTION OF SUPPORT FACILITIES, THERE IS NO FACTUAL BASIS ON WHICH THE SOVIET UNION CAN REACH SUCH A CONCLUSION OR RAISE SUCH AN OBJECTION.

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-THE FACILITIES BUILT AT SHEMA SUPPORT ACTIVITIES WHICH ARE FULLY CONSISTENT WITH THE ABM TREATY. THE ACTIVITY AT SHEMA SUPPORTS TECHNOLOGY RESEARCH AND THE COLLECTION OF DATA, AND IS CARRIED OUT IN A MANNER AND FOR PURPOSES WHICH ARE FULLY CONSISTENT WITH THE ABM TREATY AND THE RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW AND WILL BE USED FOR PURPOSES OF EARLY WARNING AND NATIONAL TECHNICAL MEANS OF VERIFICATION.

-THE DATA COLLECTION DEVICE IN QUESTION IS NOT AN ABM COMPONENT OR A PROTOTYPE THEREOF. IT IS SPECIFICALLY DESIGNED FOR THE COLLECTION OF DATA. IT HAS NO ACQUISITION, TRACKING, OR GUIDANCE CAPABILITIES, AND THUS IS NOT CAPABLE OF SUBSTITUTING FOR AN ABM RADAR.

-IF THE SOVIETS AGAIN ATTEMPT TO DRAW ANALOGIES BETWEEN ACTIVITY AT SHEMA AND ACTIVITY OBSERVED EARLIER AT KWAJALEIN FROM 1978 TO 1982, THE DELEGATION SHOULD POINT OUT THAT:

(1) THE ACTIVITY AT KWAJALEIN DID NOT INVOLVE ABM COMPONENTS OR TESTING IN AN ABM MODE; AND

(2) SOVIET SPECULATION CONCERNING EARLIER ACTIVITY WHICH OCCURRED ELSEWHERE HAS NO BEARING ON THE LEGALITY OF THE ACTIVITY AT SHEMA.

-THE ACTIVITY AT SHEMA IS NOT PROHIBITED BY ARTICLE III BECAUSE THE U.S. IS NOT DEPLOYING ABM SYSTEMS OR THEIR COMPONENTS AT SHEMA. ARTICLE V DOES NOT APPLY BECAUSE THE ACTIVITY AT SHEMA DOES NOT INVOLVE THE DEVELOPMENT, TESTING, OR DEPLOYMENT OF ABM SYSTEMS OR THEIR COMPONENTS.

-SINCE THE DEVICE IN QUESTION IS NOT AN ABM COMPONENT OR CAPABLE OF SUBSTITUTING FOR ONE, THE QUESTION OF ITS BASING MODE (PER ARTICLE V.1) IS IRRELEVANT. FYI: ALTHOUGH THE QUEEN MATCH SENSOR PERFORMS ITS FUNCTION WHILE TEMPORARILY IN SPACE, IT IS IN FACT LAUNCHED FROM A FIXED, LAND-BASED LAUNCHER, AND THUS ITS BASING MODE IS REGARDED BY THE U.S. AS BEING FIXED LAND-BASED RATHER THAN MOBILE SPACE-BASED. END FYI.

-THE BOOSTER USED TO LAUNCH THE DEVICE IN QUESTION IS NOT AN ABM INTERCEPTOR MISSILE, IS NOT CAPABLE OF SUBSTITUTING FOR AN ABM INTERCEPTOR MISSILE, AND HAS NOT BEEN TESTED IN AN ABM MODE.

-IN SHORT, THE ACTIVITIES AT SHEMA DO NOT AND WILL NOT INVOLVE ABM SYSTEMS OR COMPONENTS OR DEVICES CAPABLE OF SUBSTITUTING FOR THEM, NOR THE DEVELOPMENT AND TESTING OF SUCH DEVICES, NOR TESTING IN AN ABM MODE. UNLESS IN THE FUTURE THE SOVIET UNION OBSERVES AND IDENTIFIES SUCH ACTIVITY, THE SOVIET SIDE HAS NO BASIS IN FACT OR LOGIC TO CONTINUE THIS ITEM ON THE SCC AGENDA.

(6) SHEMA CONTINGENCY

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-22-

THE FOLLOWING TALKING POINTS MAY BE DRAWN UPON IF THE SOVIETS RAISE THE ISSUE OF A SOVIET VISIT TO SHEMA. INCLUDED ARE TALKING POINTS WHICH MAY BE USED IF THE SOVIETS RAISE SUCH AN ISSUE IN THE CONTEXT OF THE U.S. VISIT TO GOMEL AND MOSCOW.

-THERE IS NO BASIS FOR A SOVIET VISIT TO SHEMA. ALL ACTIVITY THERE IS FULLY COMPLIANT WITH THE ABM TREATY AND INTERNATIONAL LAW.

-IN ACCEPTING THE SOVIET INVITATION TO INSPECT THE ABM RADARS AT GOMEL AND MOSCOW, THE U.S. EMPHASIZED THAT THE VISIT COULD NOT BE REGARDED AS A PRECEDENT FOR FUTURE INSPECTIONS AND THAT THE INVITATION WAS ACCEPTED WITH NO PRE-CONDITIONS OF RECIPROCITY. VERIFICATION OF THE PROVISIONS OF THE ABM TREATY IS BASED ON NATIONAL TECHNICAL MEANS.

-THIS SITUATION IS IN SHARP CONTRAST TO THE SITUATION AT GOMEL, WHERE U. S. NTM OBSERVED ABM RADARS WHICH HAD BEEN TESTED IN AN ABM MODE WHOSE PRESENCE THERE IS PROHIBITED BY THE ABM TREATY.

-THE U.S. SIDE HAS REPEATEDLY EXPLAINED TO THE SOVIET SIDE THE NATURE AND PURPOSE OF THE ACTIVITY AT SHEMA. THOSE ACTIVITIES WHICH HAVE TAKEN PLACE HAVE NOT VIOLATED THE ABM TREATY, AND NO PLANNED ACTIVITY WILL VIOLATE THE TREATY. THIS CAN BE VERIFIED BY NATIONAL TECHNICAL MEANS.

-THE FACILITIES BUILT AT SHEMA SUPPORT ACTIVITIES WHICH ARE FULLY CONSISTENT WITH THE ABM TREATY. THE ACTIVITY AT SHEMA SUPPORTS TECHNOLOGY RESEARCH AND THE COLLECTION OF DATA FOR PURPOSES FULLY CONSISTENT WITH THE ABM TREATY.

(7) DELTA 180

-THIS EXPERIMENT WAS FULLY COMPLIANT WITH THE ABM TREATY. NO ABM COMPONENTS WERE USED DURING THIS EXPERIMENT. NEITHER VEHICLE HAD THE FLIGHT TRAJECTORY CHARACTERISTICS OF A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS. THUS, THIS EXPERIMENT DID NOT CONSTITUTE A TEST IN AN ABM MODE AS DEFINED IN THE ABM TREATY.

-THE EXPERIMENT WAS DESIGNED SO THAT THE RANGE, SPEED, ORBITAL PARAMETERS, RELATIVE VELOCITIES, AND SENSOR LIMITATIONS PRECLUDED ANY POSSIBILITY THAT THE VEHICLES WOULD HAVE ABM CAPABILITY OR THAT THE EXPERIMENT INVOLVED A TEST IN AN ABM MODE.

-THIS EXPERIMENT'S OBJECTIVE WAS TO COLLECT A VARIETY OF DATA IN A SPACE ENVIRONMENT. TO DO THIS, BOTH VEHICLES CONTAINED A VARIETY OF SENSORS. THE ORBIT OF EACH VEHICLE WAS CONTROLLED SO WE COULD ACCURATELY EVALUATE THE PERFORMANCE OF THE SENSORS. BECAUSE WE WANTED TO EVALUATE THE GUIDANCE LAWS APPROPRIATE TO A HIT-TO-KILL VEHICLE, AND BECAUSE OF THE VERY SENSITIVE AND TIME-CRITICAL VEHICLE DYNAMICS, IT WAS NECESSARY TO PROGRAM THE VEHICLES FOR A COLLISION. THIS AIDED OUR

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-23-

ABILITY TO GATHER VALID SIGNATURE DATA BECAUSE OF THE LIMITED RESOLUTION OF SEVERAL OF THE SENSORS.

-THE STM EXPERIMENT COULD NOT MEET ITS OBJECTIVES UNLESS IT WAS CONDUCTED IN SPACE. IN PARTICULAR, WE NEEDED TO VALIDATE GUIDANCE LAWS USING ACTUAL VEHICLES ACCELERATING OVER GREAT DISTANCES.

-THE STM VEHICLE IS NOT SUITABLE FOR MODIFICATION TO GIVE IT ABM CAPABILITY. IT USED OFF-THE-SHELF ITEMS WITH INHERENT PERFORMANCE LIMITATIONS.

-INHERENTLY LIMITED SENSOR CAPABILITIES REQUIRED THE STM ENCOUNTER TO OCCUR AT RELATIVE SPEEDS SIGNIFICANTLY BELOW THOSE REQUIRED FOR AN ICBM INTERCEPT. THIS ENHANCED THE SCIENTIFIC DATA GATHERED AND ENSURED THAT THERE WAS NO CONFLICT WITH THE ABM TREATY. REALISTIC SPACE INTERCEPTS OF ICBM BOOSTERS WOULD REQUIRE RELATIVE SPEEDS MUCH GREATER THAN IS POSSIBLE WITH THE STM EQUIPMENT.

-THE GUIDED VEHICLE REQUIRED AN ORBITAL SAFETY AND FLIGHT TERMINATION DESTRUCT PACKAGE TO CONDUCT THE EXPERIMENT PRUDENTLY. THIS DESTRUCT PACKAGE WAS NECESSARY TO ENSURE THAT CERTAIN CLASSIFIED COMPONENTS WOULD NOT SURVIVE REENTRY INTACT. THE DEVICE USED WAS A MODIFIED, NON-NUCLEAR, WARHEAD WITH ALMOST ALL THE METAL COMPONENTS REPLACED WITH FIBERGLASS COUNTERPARTS. THE USE OF FIBERGLASS MINIMIZED THE AMOUNT OF FRAGMENTATION INTO DEBRIS, AND ALLOWED U.S. TO STUDY CERTAIN SHOCK PHENOMENA. THE DEVICE WAS ALSO USED DURING THE INTERCEPT.

-THE AGREED STATEMENT OF NOVEMBER 1, 1978, PROVIDES IN PART THAT AN INTERCEPTOR MISSILE IS CONSIDERED TO BE "TESTED IN AN ABM MODE" IF IT HAS ATTEMPTED TO INTERCEPT (SUCCESSFULLY OR NOT) A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS IN FLIGHT TRAJECTORY. LIKEWISE A RADAR IS CONSIDERED TO BE "TESTED IN AN ABM MODE" IF IT PERFORMS CERTAIN FUNCTIONS SUCH AS TRACKING BALLISTIC MISSILES OR THEIR ELEMENTS IN FLIGHT TRAJECTORY IN CONJUNCTION WITH AN ABM RADAR WHICH IS TRACKING AND GUIDING AN ABM INTERCEPTOR MISSILE.

-"STRATEGIC BALLISTIC MISSILES OR THEIR ELEMENTS IN FLIGHT TRAJECTORY," USED IN THE TREATY, ALSO REFERS TO BALLISTIC TARGET-MISSILES WHICH, AFTER BEING LAUNCHED, ARE USED FOR TESTING THESE ABM SYSTEM COMPONENTS IN AN ABM MODE, AND THE FLIGHT TRAJECTORIES OF WHICH, OVER THE PORTIONS OF THE FLIGHT TRAJECTORY INVOLVED IN SUCH TESTING, HAVE THE CHARACTERISTICS OF THE FLIGHT TRAJECTORY OF A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS.

-DELTA 180 WAS NOT A TEST IN AN ABM MODE. NEITHER VEHICLE WAS A STRATEGIC BALLISTIC MISSILE OR ONE OF ITS ELEMENTS, NOR DID EITHER FOLLOW A BALLISTIC MISSILE TRAJECTORY. INSTEAD, BOTH VEHICLES TRAVELLED IN ORBIT IN SPACE. NEITHER VEHICLE WAS AN ABM INTERCEPTOR MISSILE, NOR DID THE EXPERIMENT INVOLVE AN ABM LAUNCHER OR AN ABM RADAR.

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(8) DELTA 181 (SIGNIFICANT TECHNICAL MILESTONE (STM) II)
TALKING POINTS:

-THE DELTA 181 EXPERIMENT COMPLIED FULLY WITH THE ABM TREATY.

-THE PURPOSE OF THE DELTA 181 EXPERIMENT WAS TO EVALUATE PHENOMENOLOGY ASSOCIATED WITH THE DETECTION AND TRACKING OF SPACE OBJECTS.

-THE EXPERIMENTS WERE LAUNCHED ON A DELTA ROCKET FROM CAPE CANAVERAL, FLORIDA, ON 8 FEBRUARY 1988. THE PAYLOAD INCLUDED BOTH PASSIVE AND ACTIVE SENSORS, NONE OF WHICH WERE CAPABLE OF PERFORMING AN ABM FUNCTION. THE SENSORS OBSERVED TWELVE TEST OBJECTS, NONE OF WHICH FOLLOWED THE TRAJECTORY OF A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS IN FLIGHT.

-THE DELTA 181 MISSION EXPERIMENTS INCLUDED THE COLLECTION OF DATA AND ITS SUBSEQUENT RETRIEVAL. THE DATA COLLECTION CONSISTED OF DEPLOYMENT OF THE TEST OBJECTS AND OBSERVATIONS OF THEM AND OTHER PHENOMENA BY THE SENSORS AGAINST VARIOUS BACKGROUNDS AND IN SEVERAL ENVIRONMENTS, AS WELL AS OBSERVATION OF A SOUNDING ROCKET LAUNCHED FROM BARKING SANDS, HAWAII. NEITHER THE ORBITING TEST OBJECTS NOR THE SOUNDING ROCKET FOLLOWED THE FLIGHT TRAJECTORY OF A STRATEGIC BALLISTIC MISSILE OR ITS ELEMENTS. ADDITIONALLY, NONE OF THE SENSORS WAS CAPABLE OF INDEPENDENTLY LOCATING AND TRACKING THE TEST OBJECTS. FINALLY, THERE WAS NO REAL-TIME DOWNLINK OF THE SENSOR DATA, NOR DID SUCH CAPABILITY EXIST. THEREFORE, THE DELTA 181 EXPERIMENT IN NO WAY CONSTITUTED A TEST IN AN ABM MODE.

-DELTA 181 HAD NO HARDWARE WHICH WAS ABM CAPABLE, NOR ANY DEVICES CAPABLE OF SUBSTITUTING FOR ABM COMPONENTS. DELTA 181 DID NOT INVOLVE A "TEST IN AN ABM MODE." THEREFORE, THE DELTA 181 EXPERIMENT COMPLIED FULLY WITH THE ABM TREATY.

-IF THE SOVIETS ALLEGE THAT THE INVOLVEMENT OF THE KWAJALEIN AND WHITE SANDS ABM TEST RANGES IS IN SOME WAY PROHIBITED, THE U.S. DELEGATION SHOULD STATE:

--THE 1978 AGREED STATEMENT ALLOWS THE TESTING OF NON-ABM EQUIPMENT AT ABM TEST RANGES.

(9) IF THE SOVIET DELEGATION CHARGES THAT THE U.S. IS UNDERTAKING A U.S. TERRITORIAL DEFENSE, THE U.S. DELEGATION SHOULD STATE:

-THE GOAL OF THE U.S. STRATEGIC DEFENSE INITIATIVE PROGRAM IS TO CONDUCT A VIGOROUS RESEARCH AND TECHNOLOGY DEVELOPMENT PROGRAM TO ASSESS THE FEASIBILITY OF USING ADVANCED TECHNOLOGIES TO PROVIDE THE BASIS FOR AN INFORMED DECISION TO MOVE TOWARD A STABLE DETERRENT BASED INCREASINGLY UPON THE CONTRIBUTION OF EFFECTIVE DEFENSIVE SYSTEMS.

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-25-

-OUR LONG-TERM GOAL IS TO DEVELOP A SAFER AND MORE STABLE MEANS OF DETERRING AGGRESSION. DETERRENCE WOULD BE STRENGTHENED SIGNIFICANTLY AND PLACED ON A MORE STABLE FOUNDATION BY REDUCING THE ROLE OF OFFENSIVE BALLISTIC MISSILE WEAPONS AND PLACING GREATER RELIANCE ON STRATEGIC DEFENSE.

-THE STRATEGIC DEFENSE INITIATIVE PROGRAM IS CONSISTENT WITH ALL U.S. INTERNATIONAL OBLIGATIONS INCLUDING ITS LEGAL OBLIGATIONS UNDER THE ABM TREATY.

-IN THE NEAR TERM, THE SDI PROGRAM PROVIDES A BALANCE TO THE ON-GOING AND EXTENSIVE SOVIET STRATEGIC DEFENSE RESEARCH, DEVELOPMENT, TESTING AND DEVELOPMENT EFFORTS.

-THE U.S. IS CONFIDENT THAT AN EFFECTIVE STRATEGIC DEFENSE INITIATIVE WILL FACILITATE DEEP REDUCTIONS IN STRATEGIC OFFENSIVE FORCES AND ENHANCE STABILITY IN THE STRATEGIC RELATIONSHIP.

-WHEN THE PRESIDENT FIRST ANNOUNCED THE SDI PROGRAM IN MARCH 1983, HE MADE CLEAR THAT IT WOULD BE CONDUCTED "CONSISTENT WITH OUR OBLIGATIONS UNDER THE ABM TREATY." THIS COMMITMENT REMAINS IN FORCE.

-THE SDI IS A RESEARCH AND TECHNOLOGY PROGRAM. HENCE IT COULD NOT POSSIBLY CONSTITUTE A BASE FOR A DEPLOYED ABM SYSTEM FOR A DEFENSE OF THE TERRITORY OF A COUNTRY.

-THE SOVIETS ALSO KNOW THAT SUCH RESEARCH IS ALLOWED AND WILLINGLY ACKNOWLEDGED IT WHEN, IN A MAJOR STATEMENT BEFORE THE SOVIET PRESIDUM IN 1972, SOVIET DEFENSE MINISTER GRECHKO STATED THAT THE ABM TREATY "...PLACES NO LIMITATIONS WHATSOEVER ON THE CONDUCTING OF RESEARCH AND EXPERIMENTAL WORK DIRECTED TOWARD SOLVING THE PROBLEM OF DEFENDING THE COUNTRY FROM NUCLEAR MISSILE STRIKE."

-SDI IS A RESEARCH PROGRAM TO EXPLORE PROMISING NEW TECHNOLOGIES AND WILL PERMIT AN INFORMED POLICY DECISION IN THE EARLY 1990S REGARDING POSSIBLE FUTURE DEVELOPMENT. UNDER PRESIDENTIAL DIRECTION THE OVERALL SDI PROGRAM IS UNDER CONSTANT REVIEW TO ENSURE THAT ALL SDI EFFORTS WILL BE FULLY CONSISTENT WITH OUR INTERNATIONAL LEGAL OBLIGATIONS INCLUDING THE ABM TREATY.

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