



British American Security
Information Council

BASIC Backgrounder

Stopping New START?

Anne Penketh, BASIC Program Director

July 2, 2010

Background paper on the Senate ratification hearings for the New Strategic Arms Reduction Treaty (START) between the United States and Russia on reductions to their deployed long-range nuclear weapons arsenal.

It has been standing room only in Room 419 of the US Senate's Dirksen building since the end of April. Room 419 is hosting the longest-running political show in town: it's where the titans of US foreign policy have been distilling their wisdom regarding the New START treaty, the first arms control treaty between Russia and the United States in almost a decade.¹

The Senate Foreign Relations Committee has stepped up its hearings schedule since June, with a view to holding a committee vote before the August recess. Sometimes the hearings throw up something quite unexpected. James Baker, the secretary of state of former president George Bush senior, for example recalled on May 19 exactly how he warned the then Iraqi foreign minister, Tareq Aziz, that the United States would respond with a nuclear attack if Iraq used chemical weapons against American troops.²

Senator Jim DeMint, a conservative Republican from South Carolina, caused a stir on June 16 when pressing Administration officials on missile defense, as he highlighted the fact that Russian and US forces still remain in a Cold War-era nuclear posture of Mutual Assured Destruction (MAD). Republican Senator Jim Inhofe (Oklahoma), who also sits on the Senate Armed Services Committee, showed up on June 24 to explain that he had been boycotting hearings and would continue to do so until the Committee produced a witness opposed to ratification.

¹ The treaty in full: <http://www.state.gov/t/vci/trty/126118.htm>

² "I said if you use weapons of mass destruction against our forces the American people will demand vengeance and we have the means to exact it. That's exact – that's all I said."
<http://foreign.senate.gov/hearings/hearing/?id=f5997718-5056-a032-5269-3f288513998c>

On the same day, Senator Dick Lugar (Indiana), the Senate Foreign Relations Committee ranking member, placed into the official record of the hearings a newspaper ad³ in which a list of prominent national security experts holding responsibility over more than two decades endorsed the treaty. He added, half-jokingly: “It does not mean that every Senator would come to the same conclusions.”

His comments went to the heart of the debate. For members of the Senate Republican minority have publicly remained skeptical about New START despite the expert testimony and high-level endorsements, including in closed hearings. This heightens suspicions that the treaty ratification will come down to partisan politics rather than the substantive issues which have been addressed by witnesses at the hearings. These will continue into July with appearances by the directors of the US nuclear weapons labs and the START I negotiators.

Senator Lugar, who supports the treaty, has become increasingly outspoken in pointing out the benefits of the pact that would cap Russian and US deployed warheads at 1,550 within seven years from the date of its entry into force. In his opening remarks on June 16 the ranking member countered criticism from Republicans concerned about the modernization of the US nuclear arsenal by noting that the Obama Administration plans a 10-year program under which \$80bn will be invested in sustainment and modernization of the nuclear weapons complex and \$100bn in nuclear weapons delivery systems. On June 24, responding indirectly to an intervention by Senator DeMint who claimed that future technology might provide the basis for a comprehensive missile defense shield, Senator Lugar said that such evocations of a “Star Wars” scenario were “as wild as it can be, and not a part of serious talk about arms control.”

Quote, unquote

Senator Lugar has joined Democratic Committee members who have asked each witness what it would mean if the Senate failed to ratify New START.

Here are some of the answers from Cold War hawks and doves, Republicans and Democrats, current and former Administration officials, who have all recommended ratification:

Hillary Clinton (secretary of state): “Let's be clear about the choice before us. It is between this treaty and no obligation for Russia to keep its strategic nuclear forces below an agreed level and between this treaty and no on-the-ground verification of Russia's strategic forces.”⁴

Lt. Gen. Brent Scowcroft (former national security adviser): “I think the principal result of non-ratification would be to throw the whole nuclear negotiating situation into a state of chaos.”⁵

Henry Kissinger (former secretary of state): “It would signal a reversal of an American policy that has been carried on for several decades, and it would be particularly upsetting in the light of the rhetoric of the incumbent Administration, if it were disavowed by the Senate in its first major initiative... it would

³ <http://psaonline.org/downloads/START.pdf>

⁴ June 17 2010, Testimony before Senate Armed Forces Committee.

⁵ June 10, 2010, Testimony before Senate Foreign Relations Committee.

lead to a -- a cooling of US-Russian relations. It would probably lead to some less cooperation in the proliferation field.”⁶

James Schlesinger (former defense secretary): “I think that it is obligatory for the United States to ratify. And any treaty is going to have limitations, questionable areas. There are some in this treaty. We need to watch them for the future, but that does not mean that the treaty should be rejected.”⁷

Robert Gates (defense secretary): “The US is better off with this treaty than without it, and I am confident that it is the right agreement for today and for the future. It increases stability and predictability, allows us to sustain a strong nuclear triad, preserves our flexibility to deploy the nuclear and non-nuclear capabilities needed for effective deterrence and defense. In light of all these factors, I urge the Senate to give its advice and consent to ratification of the new treaty.”⁸

William Perry (former defense secretary): “If we fail to ratify this treaty, the United States will forfeit any right to provide any leadership in this field throughout the world. I mean, that's pretty clear.”⁹

Furthermore, the treaty has the support of the uniformed military, as Admiral Mike Mullen, chairman of the joint chiefs of staff, told the Senate Armed Services Committee on June 17. Many witnesses stressed that the treaty is fundamental to the US-Russian relationship, particularly in preserving transparency, predictability and stability.

Yet still the Republicans on the Senate Committee on Foreign Relations, and on the Senate Armed Services Committee keep chipping away at the answers. Their questions have focused on the following areas:

Missile defense

This is the most controversial aspect of the treaty with Senators unconvinced by Obama Administration assurances that US missile defense plans will not be constrained by the treaty and that there have been no “backroom deals” with the Russians. Some Senators, in particular Senator DeMint,¹⁰ are demanding to see the negotiating record – something which is not being offered by the Administration. Republican Senator John McCain was particularly skeptical, saying to Secretary Clinton and Secretary Gates during the June 17 Senate Armed Services Committee hearing, “I, for one, am going to have to get some kind of statement from the Russians as to exactly what this treaty means in their view,” concerning the extent to which the United States can develop missile defenses before Moscow might withdraw. Russia has expressed fears that the planned US-phased deployment of land- and sea -based Standard Missile 3 interceptors around Europe to counter missiles fired from nations such as Iran could negate the Russian nuclear deterrent. Senator McCain quoted from statements by Russian officials, including Foreign

⁶ May 24, 2010, Testimony before Senate Foreign Relations Committee.

⁷ April 29, 2010, Testimony before Senate Foreign Relations Committee.

⁸ June 17, 2010, Testimony before Senate Armed Services Committee.

⁹ April 29, 2010, Testimony before Senate Foreign Relations Committee.

¹⁰ June 15, 2010, Senate Foreign Relations Committee.

Minister Sergei Lavrov, who have said that the treaty would only be effective if there is no “quantitative or qualitative” buildup of US missile systems.¹¹ Critics also point to language in the treaty’s preamble that admits to “the link between strategic offensive and strategic defensive armaments.”

Secretary Clinton and other US officials maintain that the preamble, and unilateral statements by Russia and the US accompanying the treaty are not legally binding – in fact Secretary Clinton described the Russian statement as equivalent to a “press release”. However Senator McCain¹² in particular has noted that Mr. Lavrov said at a March 30th press conference that New START constituted a “legally binding package.”

Turning to concerns that Russia would withdraw from the treaty if the later stages of the Obama Administration Phased Adaptive Approach are seen as undermining the Russian strategic deterrent, James Miller, principal deputy undersecretary of Defense for Policy and Lt. Gen. Patrick O’Reilly, director of the Missile Defense Agency set out to reassure Senators on June 16. They told the Senate Foreign Affairs Committee that the Russians had been fully briefed on the future of US missile defense. “It is clear the Russians fully understand the situation,” said Lt. Gen. O’Reilly, adding that the US missiles would not have sufficient range to reach the Russian strategic fields. Addressing the same Committee hearing, Gen. Kevin Chilton (commander of the US Strategic Command) quoted Secretary Gates who had noted during his appearance in May, “The treaty will not constrain the United States from deploying the most effective missile defenses possible nor impose additional costs or barriers on those defenses.”

Gen. Chilton went on to say: “As the combatant command also responsible for synchronizing global missile defense plans, operations, and advocacy, this treaty does not constrain any current missile defense plans.”

Furthermore, US officials insist that the possibility for either side to withdraw from the treaty, citing “extraordinary events”, is standard arms control practice. The Senate Armed Services Committee chairman, Senator Levin, went back to the START I treaty and pointed out that the New START wording of Article XIV on withdrawal reflected the language in the earlier pact, enabling either side to pull out if supreme national interests are at stake.¹³

Senator DeMint, meanwhile, repeatedly promoted the Reagan vision of a missile defense shield and prospects for a system that would repel multiple missiles “fired by the Soviet Union (sic).”¹⁴ He pressed the Administration to make public the negotiating records:

“I think if we told the American people that we are going to continue with a Cold War strategy with Russia of Mutually Assured Destruction, that if they shoot at us, we’ll

¹¹ “Russia will have the right to abandon the START treaty if a quantitative and qualitative build-up of the US strategic anti-missile potential begins to significantly affect the efficiency of Russia’s strategic forces,” Russian Foreign Minister Sergei Lavrov said on April 6, 2010.

¹² June 17, 2010 during Senate Armed Forces Committee hearing.

¹³ Exchange between Senator Levin, Secretary Clinton and Secretary Gates during June 17 Senate Armed Forces Committee hearing.

¹⁴ During June 15, 2010 hearing with Rose Gottemoeller and Edward Warner III.

destroy them, they'll destroy us and that we will not attempt to use our technology to develop a system that could not only protect us against the Soviet Union, but multiple missiles from China or some other nation that was capable of developing multiple systems. I don't think that's something that the American people would like. I know it's something I don't like. But implicitly, if not explicitly, that is apparently the terms of the agreement with the START treaty.”

Senator Lugar closed down the conversation by concluding that “I don't know any serious thinker with regard to defense matters or technical matters who has envisioned the thought of a comprehensive missile defense system that would stop multiple warheads coming into the United States.”

Senator Lugar felt it necessary to return to the issue on June 24, expressing the hope that the Senate would come to agree that there are “no constraints” on missile defense, and dismissing as “ramblings” the Russian statements. “I’m not certain what the alternative is” to treaty ratification, he added.

Conversion of silos

This issue has been raised on several occasions by Republican members of the Senate Foreign Relations Committee and the Senate Armed Services Committee. On June 16, Senator Jim Risch pressed Lt. Gen. O’Reilly about the limitations on the conversion of missile silos as stipulated by Article V of New START.¹⁵ The treaty thus prohibits the conversion or use of offensive missile launchers for missile defense interceptors and vice versa. Lt. Gen. O’Reilly acknowledged that even though the treaty banned such conversion, this would not be recommended in any case. Secretary Gates said¹⁶ that this would make no sense financially.

Senator John McCain, the ranking member on the Senate Armed Forces Committee, commented: “this may not be a meaningful limitation, but it's impossible to deny that it is a limitation, as the Administration has said.” He also asked whether it is appropriate to put such things into a treaty. “If we were going to state in a treaty everything we were not going to do, it could be a very heavy document,” he added.

Rail mobile weapons

Republican Senator Saxby Chambliss on the Senate Armed Forces Committee warned Secretary Clinton, Secretary Gates, Admiral Mullen and Secretary of Energy Steven Chu on June 17th that Russian rail-towed mobile weapons were not covered by the treaty and this “could be a serious issue for a lot of us.” Dr. Miller told the Senate Foreign Relations Committee on June 24th that the treaty negotiators had decided “not to address hypotheticals,” and that neither side deployed such weapons. He said that if they were to be deployed in the future, they would be counted. Senator Lugar intervened to explain that all the Russian SS24 rail mobile missiles had been destroyed under the auspices of the Nunn-Lugar Cooperative Threat Reduction initiative.

¹⁵ Article V of the treaty states: “Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein.”

¹⁶ June 17, 2010 before Senate Armed Services Committee.

Speaking as a witness during the afternoon session on the same day, Eric Edelman, a Fellow of the Center for Strategic and Budgetary Assessments claimed that the rail-towed weapons had been deleted from the treaty at Russian request and that the negotiating record would shed light on the controversy. Robert Joseph, a former undersecretary of state for arms control and international security, added that the exclusion of these missiles from accountability needed to be clarified.

"These ambiguities will play out in different forms ... and will continue to undermine confidence and continue to create problems," Mr. Joseph told the same hearing. "And we can have our interpretation, and they can have a different interpretation. That's not the sort of treaty we want to sign, it seems to me." His remarks underscored the lingering Republican concerns that the United States and Russia have differing interpretations of New START.

Verification

The point of a verification regime is to ensure that neither side cheats. Critics of New START have seized on the fact that it would have fewer inspections than START I – down from 25 to 18 - to ensure that US national security is not being weakened. The Republicans, including Senator Lugar, are urging the Obama Administration to swiftly produce a National Intelligence Estimate on Russian compliance with the START I verification regime since 2005. The report is expected in July.

In the meantime, verification issues have been addressed by Rose Gottemoeller, the chief US negotiator on New START, and Ted Warner,¹⁷ the representative of the Secretary of Defense who negotiated the treaty's inspections framework. They have also briefed Senators in closed session. Kenneth Myers III, Director of the Defense Threat Reduction Agency and US Strategic Command Center for Combating Weapons of Mass Destruction, walked¹⁸ Senators through an unclassified manual of inspection procedures on June 24. On the same day, Dr. James Miller explained that there were fewer inspections under New START compared to START I because of the smaller number of facilities involved (35 instead of 55 under START I).

Ms. Gottemoeller described the warhead counting rules under New START as a "significant innovation". She said that telemetric information – which monitors the performance of missiles during flight tests - used in the past would only apply on "up to five missile flight tests" per year, although this may be adjusted by the treaty's Bilateral Consultative Commission. Dr. Warner detailed the "robust treaty verification regime" that will include up to 10 no-notice on-site inspections, and the use of unique identification numbers on all strategic offensive arms which track a system's life cycle, coupled with satellite observation to provide maximum transparency for both sides. The negotiators said that the lack of "boots on the ground," compared to START I, would be compensated by the new verification regime. Gen. Chilton warned the Foreign Relations Committee that if the treaty is not ratified, the verification regime would not be in force and therefore "we would be unfortunately left to use worst-case analyses regarding our own force requirements."¹⁹

¹⁷ Testimony to Senate Committee on Foreign Relations, June 15, 2010.

¹⁸ <http://foreign.senate.gov/imo/media/doc/Ken%20Myers%20Powerpoint%20-%20NST%20Inspection%20%20Escort%20101%20-%20June%202023v8.pdf>

¹⁹ June 16, 2010 before Senate Committee on Foreign Relations.

Modernization

It has been stated frequently during the Senate hearings that the United States is the only officially recognized nuclear power which has not modernized its nuclear arsenal. Administration officials have testified that New START does not inhibit the US ability to maintain an effective and reliable arsenal. The following exchange took place on June 17 between Senator Carl Levin, the chairman of the Armed Services Committee, with the defense secretary and the chairman of the joint chiefs of staff. Speaking to Secretary Gates, he asked: “Mr. Secretary, is there any military need for a new nuclear weapon at this time?”

Secretary Gates: “To the best of my knowledge, no.”

Senator Levin: “Admiral?”

Admiral Mullen: “Same answer.”

Senator Lieberman, an Independent, asked Secretary Chu during the same hearing whether US scientists would in the future, “four years from now, six years from now,” feel free to recommend the need for a replacement warhead to protect US security. “That’s correct,” Secretary Chu replied. “If you look at the language, both in the treaty and in the Nuclear Posture Review, the scientists at the national labs are asked to look at all the scientific possibilities within that menu of refurbishment, replacement and new designs. There is something that says, “OK, before you go to detailed engineering design, you -- there’s a pause button.” But certainly to look at the scientific capabilities, it would be very prudent to not hold them back on any of those options. And that’s the position we’re taking.”

The directors of the nuclear weapons labs are to testify on modernization issues before the Senate. But in the meantime, the administrator of the National Nuclear Security Administration, Tom D’Agostino, told the Senate Armed Services Committee on April 22 that he was comfortable with the New START regime. The president “knows that you cannot reduce the size of the stockpile without maintaining the stockpile and maintaining it in a way that’s going to have some longevity and sustainability,” he said.

Secretary Gates, who served the Republican Administration of President George W. Bush, made it clear that his support for the treaty was conditioned on the \$180bn modernization program approved by the Obama Administration. “Frankly and just basically realistically, I see this treaty as a vehicle to finally be able to get what we need in the way of modernization that we have been unable to get otherwise,” Secretary Gates said.

Other issues

Although not addressed in the treaty as agreed beforehand by Presidents Obama and Medvedev, the issue of US and Russian tactical nuclear weapons have featured quite prominently in the debate owing to Russia’s overwhelming superiority. Former Nixon defense secretary James Schlesinger brought the weapons into sharp focus during his testimony. He recalled that since the Moscow Treaty of 2002, the Committee has sharply criticized the failure to deal with tactical nuclear weapons. “Those criticisms are still relevant today,” he said. Mr. Schlesinger warned that “the Russians have steadfastly resisted any attempt on our part to deal with the imbalance in tactical nuclear weapons – and understandably so. The likelihood of their being willing to do so in the wake of New START, is sharply diminished—for we

have now forfeited substantial leverage.” Obama Administration officials, and Senator Lugar, have urged ratification on the ground that only after the treaty comes into force can further pressure be brought to bear on Russia to enter fresh talks with the United States on reducing tactical nuclear weapons.

The Administration has also had to deal with accusations that the Russians stood to benefit from the treaty provisions more than the United States in terms of actual warhead reductions. Secretary Gates explained that the number of Russian delivery vehicles is below the treaty limits, but the number of warheads is above the treaty limits. “So they will have to take down warheads.”

Political context

If the Administration has been able to swat away the Republican objections to the treaty, which everyone agrees provides for only modest cuts, why did a Washington non-governmental organization feel it necessary to take out the full-page ad in *Politico*? The move reflected concerns about the extremely polarized political environment in which the Senate vote will take place. Under “normal” circumstances, an arms control treaty would sail through the Senate. As Secretary Clinton pointed out on May 18,²⁰ such was the case for the 2002 Moscow Treaty which was approved by 95 to 0, and the 1991 START treaty which was approved by 93 to 6. However, when her husband Bill Clinton was in the White House, the Comprehensive Test Ban Treaty (CTBT) was rejected by the Senate by a vote of 51-48. So it is that New START could fall victim to those politicians facing difficult Senate races in the heartland ahead of the November mid-terms who sense that they could gain political capital from opposing a treaty advocated by President Obama. Senator McCain, for example, is facing a challenge from a conservative challenger in an Arizona primary in August. His colleague on the Armed Services Committee, Republican Senator Inhofe of Oklahoma, has indicated that he will vote against the treaty. On June 18th, expressing his concerns on the Senate floor, he said “in its current state, I do not believe this treaty is in the best interest of the United States as it will have profound negative implications on our national security.”

The size of the Senate majority for this treaty matters because the Obama Administration has made it clear that it will push for ratification of the CTBT once New START is out of the way – but that this would only happen if it was clear that the votes were there to approve the test ban treaty. A slim majority in the full Senate – 67 votes are required for a treaty ratification – would seriously undermine the chances of the CTBT which was first voted down by the Senate in 1999. Senator Kyl, who led the opposition to the CTBT then, is now the powerful Republican whip in the Senate who is watching from the wings. The first indication of the New START treaty’s ratification prospects will come when the Senate Committee on Foreign Relations votes. A majority is required for approval by the Committee where all 11 Democrats (including chairman John Kerry) will vote in favor as will Senator Lugar from the Republican side. But the margin of approval will be a key indicator of the difficulties further down the road in the light of mid-term elections in November which could overturn the Democrats’ Senate majority. That would leave only the lame-duck session between the elections and the next session of Congress in January 2011 for a New START vote.

²⁰ Appearing before the Senate Committee on Foreign Relations.

In addition to Senator Inhofe, it is expected that Senator DeMint, another conservative, will vote against. He said as much at a Foreign Policy Institute event on June 24²¹ during which he described New START as “worthless from the start.” But it remains unclear how many of the other Republicans on the Committee, who appear to be coordinating their questions during the hearings, such as Senators Risch and Isakson, will oppose. So it will be a nail-biting conclusion to the political show of the summer. But Senator Lugar remains confident. “I believe that such a resolution can command strong support in the Senate and that we can act on this treaty with confidence this year,” he said.²²

Anne Penketh may be contacted at: +1 202-546-8055, x105
apenketh (at) basicint.org

British American Security Information Council

In the United Kingdom

The Grayston Centre, 28 Charles Square
London, N1 6HT
+44-(0)207 324 4680

In the United States

110 Maryland Ave., NE, Suite 205
Washington, DC 20002
+1 202 546 8055

On the Web

<http://www.basicint.org>

²¹ <http://csis.org/blog/foreign-policy-institute-hosts-us-russian-relations-beset-reset-senator-demint-rejects-new-star>

²² Remarks during opening statement on June 15 with Rose Gottemoeller and Edward Warner III, representative for Defense Secretary Gates to the Post-START negotiations.