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Selling “New START”

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I was asked recently by a journalist what I thought would be – or at least *should* be – in a possible resolution of ratification for the “New START” strategic arms agreement currently pending before the U.S. Senate. Assuming that the Senate is not simply to reject the Treaty, what could it do to help make the deal, with all its weaknesses, acceptable? With the Senate Foreign Relations Committee (SFRC) now reportedly working behind closed doors on this very issue, it’s probably time to offer some thoughts. So here goes.

I. *Basic Numbers*

I have said previously on this site that the basic numbers embodied in the “New START” agreement are not inherently problematic. I think we’ll be alright with 1,550 operationally deployed strategic weapons, and with the missile numbers as set forth in the Treaty. The former figure is (slightly) above the number below which Defense Secretary Gates indicated he could live back when he worked for George W. Bush, and I see no reason to second-guess this assessment now. The “New START” delivery system caps also seem adequate to me, even if they *do* allow one to game the counting rules and avoid warhead “reductions” by uploading weapons onto strategic bombers that are counted as “one” deployed warhead no matter how many they actually carry. That’s goofy, and a trifle embarrassing, but probably not disastrous: we’re not particularly worried about Russian bombers – and we can presumably do much the same thing with our B-52s if we really want, and we, too, can still keep as many *non*-deployed weapons available (perhaps for such upload purposes) as we like. All in all, therefore, I cannot help thinking that the basic numbers in the “New START” deal are something of a yawn.

nuclear weaponry. Moscow seems to be heading, in other words, in quite the *wrong* direction.

The Obama Administration has said or done essentially nothing about this except to make strategic concessions – vindicating Kremlin NSNW saber-rattling by abandoning Bush-era missile defense plans in Europe after Russia’s Iskander threats, which President Medvedev pointedly re-issued in his first state of the (Russian) union address on the very day after President Obama’s election. Moscow thus can certainly be forgiven for concluding that its “non-strategic” weapons do have a strategic deterrent and indeed intimidation effect, especially vis-à-vis NATO. Arguably, in fact, the “New START” cuts make this problem worse: as Schlesinger pointed out to the SFRC, the significance of Russia’s “tactical” arsenal increases as strategic arms are reduced. Yet the NSNW issue remains unaddressed.

Given Russia’s continuing attachment to NSNW, the Obama Administration – desperate for some arms control deal with Russia in order not immediately to squander the impression of disarmament *bona fides* it had so steadfastly cultivated and for which our president has already received the Nobel Peace Prize – clearly considered NSNW to be “too hard” an issue this time. (I predict that former Senator Joe Biden won’t be apologizing to former President Bush for criticizing the Moscow Treaty for this same failing, but he should.) And it may be that the price of insisting upon NSNW in last year’s “New START” talks would indeed have been “no deal” with the Russians.

But the window in which such thorny subjects can be evaded is closing fast. Obama’s own 2010 Nuclear Posture Review (NPR) has conceded the importance of addressing non-strategic weapons, as well as non-deployed strategic weapons, in any follow-on deal with Russia. This is indeed essential, and if Moscow refuses to accept NSNW reductions, we must be willing to take “no deal” as an outcome. This would mean that after the “New START” cuts – promoted by the Obama Administration as a “first step” towards a nuclear “zero” – there *wouldn’t* be any subsequent steps negotiated for the foreseeable future, at least with regard to force reductions. (This would not necessarily rule out *transparency and confidence-building agreements*, but let’s discuss that another time.) Nonetheless, sometimes it is best simply to walk away. Arms control is too valuable and too important to be done stupidly. to4(of)4wf I. (Ts discuss, butcurrny sapcuta(c)-oaddre

simply amounting to a “no” vote or an attempt at amendment. The Senate should avoid actually going this far, in part because of this potential for le

effect enshrine this insight about the *benefits* of BMD against small arsenals in its reservation, thus providing a clarification of the ambiguities of the “New START” Preamble and preventing it from being read – or misread – alone.

Russia, of course, is not likely to be very happy with such a reservation. It claims to view U.S. BMD as being aimed at countering *Russia’s* nuclear arsenal, and to be worried that strategic arms reductions – especially coupled with American BMD augmentations – could bring Moscow’s forces down to the point at which it would be unable to threaten us with nuclear destruction. (Some in the Kremlin purport even to be afraid that defenses could be used to facilitate a U.S. nuclear first strike, by immunizing us against Russian retaliation.) Addressing this challenge is the point of the second prong of the reservation: it aims to articulate the understanding that possessing more robust defenses does not necessarily have to undermine the basic “viability and effectiveness” of either side’s strategic arms.

The aim here is not to press Russia into accepting some repudiation of its anti-BMD policies, but instead merely to highlight – in an official way – the basic *indeterminacy* of the relationship between defenses and the effectiveness of strategic arms by pointing out, in effect, that the conclusions that flow from assuming some such relationship depend upon the degree to which each party relies upon strategic nuclear weapons for security vis-à-vis the other party in the first place. If the parties come to rely less upon such weapons in their bilateral security relationship, defenses will have less impact upon the viability and effectiveness of strategic deterrence in this relationship – even while retaining great utility against proliferation threats.

Such a reservation, therefore, would aim to hold open legitimate conceptual space for the development of an ongoing Russo-American strategic dialogue that seeks further arms reductions, stronger defenses, *and* reduced reliance upon nuclear weaponry. Some such reservation is needed to help prevent “New START” from being interpreted to prevent progress on the latter two of these important fronts, effectively “locking in” the two parties’ indefinite reliance upon mutual assured destruction (MAD). It is certainly not a given that we can actually transcend relationships based upon MAD, of course, but why would we want to *preclude* doing so by tying ourselves to Russian theories on missile defense? A well-crafted Senate reservation could help avoid this.

III. *Prompt Global Strike*

As outlined in an earlier NPF essay, the “New START” agreement will have some impact upon U.S. options in developing near-term “prompt global strike” (PGS) capabilities – that is, the ability to hit critical but perhaps fleeting targets with *conventional* warheads on a near-real-time basis. Given the potential importance of such tools in counter-terrorist and counter-proliferation operations, and in light of the Obama Administration’s ostensible commitment to PGS as a means of reducing our reliance upon nuclear weaponry, these limitations on near-term “prompt strike” capabilities are worrying. The precise impact of “New START” upon PGS is, however, fundamentally unclear – not least because the Administration has yet to give a clear account of precisely how it sees PGS fitting into U.S. strategy and force posture planning.

The Senate, therefore, should force an end to this lack of conceptual and programmatic clarity with regard to PGS. It might do two things in this respect:

- First, the Senate should adopt a reservation making clear that because of the publicly-announced importance of non-nuclear strategic strike capabilities to the United States' strategic posture – and the role that they are intended to play in reducing reliance upon strategic nuclear weaponry – these capabilities are inextricably “related to the subject matter” of the “New START” agreement. This would help solidify the legal groundwork for potential withdrawal from the Treaty if the strategic environment were to develop in such a way that our need to use ballistic missiles for PGS purposes outstrips our ability safely to remove such missiles from nuclear service. This is an unlikely eventuality, to be sure, but because Article XIV purports to limit the grounds for withdrawal to problems “related to the subject matter” of the Treaty, we should make clear that severe PGS-related challenges could indeed thus qualify.
- Second, the Senate – in accompanying legislation – could mandate the preparation of a detailed report on the Obama Administration's PGS planning, and the strategic logic that underlies it. The White House makes much of its support for PGS and the importance of such programs. But it is now also asking the Senate to accept some limits upon these same programs. Perhaps the Administration is right that the near-term limits “New START” will impose on PGS are not really a problem. The Senate should not settle for vague reassurances, however. It is time to force U.S. officials to spell out their thinking in detail.

IV. *The BCC*

In an NPF essay in July 2010, I discussed the worries some conservatives seem to have about the Bilateral Consultative Commission (BCC) that would be set up by the “New START” agreement and its Protocol. I would agree that there is some value in creating a body such as the BCC to serve as a forum for the discussion of compliance concerns, and a body through which to develop tailored inspection and verification procedures in the event that either side develops new missiles not covered by the detailed provisions set forth in the Protocol for existing types. Yet the BCC's authority, as envisioned in the Treaty and its Protocol, is remarkably broad.

The Senate might be able to lessen the risk of abuse in the BCC, however. In the SFRC hearings on “New START,” it has been suggested that the Senate explore express limitations on the BCC's authority. This might be hard to do as a matter of law without actually amending the draft text, but nothing would seem to prevent Congress from striking an agreement with the President – perhaps backed up by some form of domestic legal requirement through the authorization or appropriations process – pursuant to which the U.S. Government would refuse to support or condone certain objectionable uses of BCC authority.

- U.S. representatives, for instance, could be given standing instructions not to accept any modification by the BCC of the various provisions of the “New START” Protocol that define the BCC’s own authority, unless such changes are subjected to Senate advice and consent. (As drafted, Article XV(2) of the Treaty allows the BCC to modify the Protocol on its own authority, including the parts of the Protocol that define the BCC’s own powers.)
- U.S. participants in the BCC process might also be enjoined from using their power under Article XIII – *inter alia*, to “resolve any ambiguities

Article II(1) of “New START,” however, caps all I

“agreed statement” appended to the Protocol, happily opined that developing reload systems is “unwarranted and should not be pursued by eith

To some extent, there is nothing the Senate can do today to preclude “bait-and-switch” gamesmanship over nuclear modernization. One cannot really bind future Administration budget requests, nor ensure that Congress will not itself opt in the future