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CONDITIONS FOR RATIFYING START II

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In the coming days, the Senate Committee on Foreign Relations may take up the matter of ratifying the Strategic Arms Reduction Talks (START II) Treaty. Signed by President George Bush on January 3, 1993, START II requires that the United States and Russia reduce their strategic nuclear arsenals to no more than 3,500 deliverable warheads. The Senate Foreign Relations Committee should not consent to the ratification of START II, and thereby allow the U.S. strategic nuclear arsenal to shrink to such low levels, unless the Clinton Administration first makes some changes in the U.S. nuclear force posture, strategy, and policy. Before reductions are made, the U.S. must be committed to four goals:

- ① **Building** a national missile defense system;
- ② **Devising** a backup plan in case the reductions process breaks down;
- ③ **Continuing** nuclear testing to ensure a safe and reliable arsenal; and
- ④ **Establishing** a clear strategic nuclear targeting policy.

The Senate can ensure that these changes are made by imposing conditions on the ratification of START II. These are conditions which the Clinton Administration would have to meet before the treaty could be brought into force. While these conditions do not affect the draft of the treaty, and thus would not involve a renegotiation with the Russians, they would mandate that the Clinton Administration correct some of the serious flaws in its nuclear, strategic, and arms control policies.

PROBLEMS WITH CLINTON'S STRATEGIC POLICY

On September 22, 1994, the Clinton Administration released a study of U.S. nuclear doctrine and force structure called the Nuclear Posture Review (NPR).¹

¹ Department of Defense, "DoD Review Recommends Reduction in Nuclear Force," News Release No. 541-94, September 22, 1994. This press release and its accompanying package of materials constitute the Department of Defense's disclosure of NPR findings. The NPR itself has not been released to the public.

The study was designed to establish a new nuclear policy for the United States covering 1) nuclear doctrine, 2) the force structure for both strategic and tactical nuclear weapons, 3) nuclear arms control matters, 4) nuclear command and control, and 5) safety issues. One of the most important of the NPR's findings was that the doctrine of intentional vulnerability to nuclear attack, called Mutually Assured Destruction (MAD), should be replaced with a doctrine called Mutual Assured Safety (MAS). Another major conclusion was that the U.S. should retain the existing "triad" of intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers, even with a smaller nuclear arsenal.

The NPR, however, presents a number of problems which must be solved before the Senate agrees to ratify START II. Indeed, solving these problems should be conditions which the Senate imposes on the Administration before consenting to ratification.²

Problem #1: The Nuclear Posture Review fails to establish a proper role for strategic defenses.

While the NPR declares that Mutually Assured Destruction (MAD) has been replaced with Mutual Assured Safety (MAS), it fails to provide a clear definition of this new doctrine. Furthermore, it fails to acknowledge that strategic defenses, and particularly missile defenses, can play an indispensable role in buttressing MAS.³ Discussion of strategic defenses was omitted because such weapons are not nuclear-armed and therefore were deemed to be outside the scope of the study. This is a mistake. What matters is the strategic nature of missile defenses, not whether they are nuclear-armed. Missile defenses are strategic weapons that must be considered in devising a strategy of Mutual Assured Safety.

Solution #1: Condition the ratification of START II on submitting a plan to deploy strategic defenses. In light of the decision to replace MAD with MAS, the Clinton Administration needs to revisit the recommendation to defer deployment of strategic defenses. The President made this decision in 1993 when his Administration completed its study of conventional military forces, called the Bottom-Up Review. A deployment plan should provide for defenses not only against ballistic missiles, but against bombers and cruise missiles as well. Absent such a plan, U.S. territory and the American people will remain vulnerable to the broad array of strategic weapons deployed by foreign countries. This vulnerability will exist at a time when an increasing number of countries are building ballistic missiles and the political stability of Russia is uncertain. The Clinton Administration needs to back up its MAS promises with action. It needs to present a plan for deploying missile defenses.

The Senate can require the President to order the Secretary of Defense to revisit the issue of deploying strategic defenses. Both the House and Senate versions of the FY 1996 Defense authorization bill already contain provisions requiring the Secretary of Defense to produce a plan for developing and perhaps deploying a national missile defense system. But the bill is bogged down in a House-Senate conference and under the threat of a veto by the President. To get around this problem, the Senate could impose a condition on the ratification of START II: The President should order the Secretary of Defense to submit a plan to Congress for deployment of strategic defenses.

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- 2 The Senate informs the President of its consent to the ratification of a treaty by adopting a resolution of ratification. Conditions the Senate wishes to impose on the President prior to the ratification of a treaty take the form of amendments to the resolution. A sample resolution of ratification is presented in the appendix to this paper. Having met the conditions imposed by the Senate, the President may then exchange the instruments of ratification. The exchange of the instruments of ratification has the effect of bringing a treaty into force.
 - 3 For a detailed description of why strategic defenses can bolster strategic stability and safety and lead to a reduction in offensive nuclear weapons, see Baker Spring, "What the Pentagon's Nuclear Doctrine Review Should Say," Heritage Foundation *Background* No. 987, May 26, 1994.

Problem #2: The Clinton Administration has failed to articulate which steps should be taken if the arms reduction process breaks down. The NPR requires the Pentagon to maintain a “hedge” against a breakdown in the arms control process. It fails to state, however, which steps the U.S. would take under adverse circumstances. For example, nothing is said about what the U.S. should do if the Russians delay in implementing the START treaties, or refuse even to comply with them. In short, the term “hedge” remains undefined. Since the NPR’s force structure recommendations are predicated on the implementation of START II and START I, the Clinton Administration essentially is assuming that nothing can go wrong with the reduction process.

But something already is going wrong: America is reducing its nuclear arsenal faster than Russia. The U.S. has cut its arsenal to 6,000 deliverable warheads, while Russia retains 9,000.⁴ This kind of unilateral disarmament undermines the strategic balance. If this trend continues, America may end up with too few weapons to cover all its strategic targets. Even if the Russians are not technically in violation of START II, a targeting disparity could emerge if the U.S. continues to disarm unilaterally. If the U.S. rushes to disarm too quickly, there will be a disparity between the number of U.S. nuclear warheads and their respective targets in Russia—the very nuclear missiles the Russians have been so slow to dismantle. If Russia were to drag its feet, it would violate START II. As things now stand, the U.S. would have no recourse but to issue diplomatic complaints about such violations. There currently are no provisions specifying how the U.S. strategic force posture should be adjusted if the disarmament process breaks down.

Solution #2: Condition ratification of START II on a halt in U.S. reductions and, if necessary, the reconstitution of U.S. strategic nuclear forces if the disarmament process breaks down.

The Clinton Administration, at a minimum, needs to declare that it will halt the disarmament process if the disparity in the pace of U.S. and Russian reductions becomes too great. In addition, the U.S. should state unequivocally that if the Russians seem poised to break out of the START treaties, it will reconstitute its nuclear force to the levels necessary to hold the larger Russian nuclear force at risk.

Thus, in keeping with these provisions, before it agrees to the ratification of START II, the Senate should impose the following requirements on the President:

- ☛ **A declaration** that the U.S. will halt reductions and reconstitute the strategic nuclear force if the disarmament process breaks down;
- ☛ **A halt** to dismantling strategic nuclear weapons under START I and START II any time the number of accountable warheads in the strategic nuclear arsenal of the United States is 500 fewer than in the strategic nuclear arsenal of Russia;
- ☛ **A resumption** of U.S. reductions only after Russia has lowered its strategic nuclear arsenal to a level equal to that of the United States; and
- ☛ **A plan** to begin rebuilding U.S. strategic nuclear forces in six months if the number of accountable Russian warheads has not been reduced to U.S. levels.

Problem #3: The Clinton Administration has no plan if countries other than Russia build or expand their nuclear arsenals. The NPR, for good reasons, is focused primarily on Russia. To be sure, Russia retains one of the largest strategic nuclear arsenals in the world. Moreover, it remains the only country capable of destroying the U.S. Nevertheless, because START I and START II will shrink America’s nuclear arsenal dramatically, the U.S. must be cognizant of nuclear weapons de-

⁴ Department of Defense, “DoD Review Recommends Reduction in Nuclear Force.” See accompanying chart, “Force Structure Paths: Protecting Options in an Uncertain World.”

velopment in other countries—such known proliferators as China and North Korea, for example—which may threaten the American people. Otherwise, the combined threat of Russian and other nuclear arsenals could put the U.S. at a strategic disadvantage.

Solution #3: Condition ratification of START II on a declaration that the U.S. will withdraw from START II if countries other than Russia significantly expand their nuclear arsenals. Article VI of the START II Treaty permits either party to withdraw, with six months notice, if it determines that “extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.” The Senate should require the President to notify the Russians that the expansion of strategic arsenals by countries other than Russia may well cause the U.S. to exercise its option to withdraw under Article VI.

Problem #4: The Clinton Administration has failed to explain how the U.S. can retain a modern, safe, and reliable nuclear arsenal without nuclear testing. The NPR fails to explain how the safety and reliability of the nuclear arsenal it recommends can be ensured absent underground explosive tests of nuclear weapons. If the NPR is clear in declaring that the U.S. will remain a nuclear power for the foreseeable future, it is not clear as to how it will assure this outcome without conducting explosive weapons tests. President Clinton announced on August 11 that he desires to extend the current moratorium on U.S. nuclear testing until the ratification of a comprehensive test ban treaty. In reality, a modern, safe, and reliable nuclear arsenal cannot be maintained under a comprehensive test ban. The U.S. cannot remain a nuclear power indefinitely, nor can it modernize its arsenal, if a truly comprehensive ban on testing is adopted.⁵

Solution #4: Condition ratification of START II on the resumption of nuclear testing. The Senate needs to be absolutely clear in expressing its determination that the U.S. will retain the capable and reliable nuclear arsenal recommended by the NPR. It can do so by requiring the Clinton Administration to order the Department of Energy to conduct at least one underground nuclear test per year until a comprehensive test ban treaty is ratified by the United States and enters into force.

Problem #5: The Clinton Administration has failed to clarify the connection between its strategic policy of Mutual Assured Safety (MAS) and the targeting requirements established for the U.S. strategic nuclear arsenal. A strategic policy like Mutual Assured Safety is designed to define both the purpose and the mission of the strategic nuclear arsenal. The purpose should be to deter an enemy attack on the U.S. or, if deterrence fails, to stop that attack with nuclear weapons and strategic defenses. The mission of U.S. strategic forces, whether they be offensive or defensive, can be defined by assigning enemy missiles and other strategic objects as “targets” for U.S. forces (called targeting requirements).⁶ For example, if the mission of the strategic nuclear arsenal is to deter an attack by threatening the civilian populations of potential aggressor nations, the targets will be urban centers. If, on the other hand, the mission is to deter attack by threatening enemy missiles, the missiles themselves will be the targets.

The public description of the NPR provides only the most cursory definition of the targeting requirements it established for the strategic nuclear arsenal. The NPR is classified, but press releases state only that targeting requirements are based on “projected military requirements.”⁷ Absent some

5 For a more detailed description of the problems with the Clinton Administration’s policy on nuclear testing, see Baker Spring, “Will America Remain a Nuclear Power? Implications of Clinton’s Nuclear Test Ban,” Heritage Foundation *Executive Memorandum* No. 427, August 23, 1995.

6 The targeting requirements established for the strategic nuclear arsenal by the Nuclear Posture Review are used for planning purposes. Currently, U.S. strategic missiles are not actually targeted on anything because of a January 14, 1994, agreement with Russia to “de-target” the missiles. This agreement fails to serve the national interest because it is not verifiable and the Russians can easily “re-target” their missiles in a matter of minutes.

7 Department of Defense, “DoD Review Recommends Reduction in Nuclear Force.” See accompanying chart, “Military Requirements for US Strategic Nuclear Forces.”

explanation of what "projected military requirements" means, there is no clear indication that these targeting requirements are connected in any way to MAS policy. In other words, it is not clear whether potential enemy missiles will be targeted for destruction by America's offensive and defensive strategic arsenal. If they are not, Clinton's MAS policy will have no practical meaning.

Solution #5: Condition ratification of START II on the establishment of strategic targeting requirements that assume the destruction of weapons that threaten the United States. If the word "safety" has any meaning, the Clinton Administration's strategic policy should seek to protect the American people against nuclear weapons. How can safety be achieved? By developing a strategic mission for both offensive and defensive weapons that would destroy enemy missiles and the infrastructure that supports them. The infrastructure would include such things as strategic nuclear command and control centers and storage facilities. The purpose of this strategy would be to use both offensive (nuclear missiles and bombers) and defensive (anti-missile missiles) weapons to limit damage from an attack on the U.S.

The Senate can ensure that these targeting requirements are reflected in America's strategic policy. The Senate can condition the ratification of START II on adoption of these targeting requirements. Furthermore, the Administration should be required to certify that the vast majority of U.S. strategic weapons are targeted on the weapons that threaten U.S. territory and their supporting infrastructure. This will ensure that the Administration has taken the necessary steps to implement the targeting policy required by the condition.⁸ Finally, the Senate should require the Administration to notify both houses of Congress in advance of any future changes in strategic targeting policy. With this provision, future Congresses will not be caught by surprise in the event there is a decision to change the targeting policy.

CONCLUSION

The Clinton Administration's Nuclear Posture Review (NPR) has declared that Mutually Assured Destruction is no longer U.S. policy. This is a step in the right direction. The U.S. is entering a period in world history where the threat of retaliation with nuclear weapons is less likely to deter an attack on the U.S. But the NPR also contains a number of problems. It does not account adequately for the role of strategic defenses, and it fails to explain how the U.S. would react if the nuclear arms reduction process breaks down. Until these problems are resolved, it would be foolish for the Senate to agree to the dramatic reductions in the U.S. strategic nuclear arsenal required by START II.

The Senate Foreign Relations Committee can use the opportunity presented by the ratification of START II to solve the problems presented by the NPR. This can be done by imposing conditions on the ratification of START II. Once these conditions are imposed, the Senate can and should consent to ratification. Only then can the treaty really help to protect the American people from nuclear attack.

⁸ This provision also will have the effect of overturning the U.S.-Russian "de-targeting" agreement of 1994.

APPENDIX

Sample Resolution of Ratification

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Weapons signed at Moscow on January 3, 1993, including Protocols on Elimination or Conversion and Inspections, and Memorandum of Understanding on Warhead Attribution (all transmitted within Treaty Doc. 103-1); all such documents being integral parts of, and collectively referred to as, the "START II Treaty," subject to the following:

(1) **CONDITIONS.**—The Senate's advice and consent to the ratification of the START II Treaty is subject to the following conditions, which shall be binding upon the President:

(1) **A PLAN FOR DEPLOYING STRATEGIC DEFENSES.** —Prior to the exchange of the instruments of ratification of the START II Treaty, the President shall order the Secretary of Defense to submit to the Senate and the House of Representatives, by no later than six months following the issuance of the order, a plan that—

(A) recommends the deployment of strategic defenses to counter the following strategic weapons, which may be used to attack the territory of the United States and against which the offensive strategic nuclear arsenal cannot readily be used: 1) mobile intercontinental ballistic missiles; 2) submarine-launched ballistic missiles; 3) long-range bombers; 4) cruise missiles;

(B) recommends providing the means for destroying at least 50 percent of weapons in each category of weapons described in subparagraph (A) likely to be deployed by Russia after the implementation of the START II Treaty;

(C) includes a plan for the deployment of a national missile defense system that combines sea-based and space-based systems such that when the entire system is deployed it is capable of meeting the requirements established by subparagraph (B) for countering mobile intercontinental ballistic missiles and submarine-launched ballistic missiles.

(2) **PRESIDENTIAL ORDER ON HALTING THE DISARMAMENT PROCESS AND RECONSTITUTING THE STRATEGIC NUCLEAR FORCE.** —Prior to the exchange of the instruments of ratification of the START II Treaty, the President shall issue an order to the Department of Defense requiring it to—

(A) discontinue dismantling strategic nuclear weapons under the START Treaty and the START II Treaty at any time the number of accountable warheads in the strategic nuclear arsenal of the United States is 500 fewer than in the strategic nuclear arsenal of Russia;

(B) resume dismantling the strategic nuclear weapons of the United States after the United States halts the disarmament process pursuant to the requirements of subparagraph (A) only after Russia has reduced its strategic nuclear arsenal to a level equal to that of the United States in terms of accountable warheads;

(C) initiate the drafting of a plan to reconstitute U.S. strategic nuclear forces at the time the United States halts the disarmament process pursuant to the requirement established by subparagraph (A), which shall be submitted to the President for his consideration if the number of accountable warheads in the strategic nuclear arsenal of Russia has not been reduced to a level that equals the number of accountable nuclear warheads in the strategic arsenal of the United States by six months following the initiation of the drafting of the plan.

(3) EXPANDING STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA. —If during the time the START II Treaty remains in force there is an expansion of strategic arsenals by countries not party to the Treaty, the supreme interests of the United States could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the START II Treaty. This statement shall be communicated by the President to the Russian Federation, in such form as he deems appropriate.

(4) NUCLEAR TESTING. —Prior to the exchange of the instruments of ratification of the START II Treaty, the President shall issue an order to the Department of Energy requiring it to—

(A) conduct no less than one underground nuclear explosive test in each fiscal year, beginning with the fiscal year that starts immediately following the entry of the START II Treaty into force;

(B) halt the conduct of underground nuclear tests only after the United States and an adequate number of additional countries ratify a comprehensive test ban treaty in order to bring the test ban treaty into force;

(C) pay for the tests described in subparagraph (A) from funds Congress may make available to the nuclear stockpile stewardship program.

(5) STRATEGIC NUCLEAR TARGETING REQUIREMENTS. —Prior to the exchange of the instruments of ratification of the START II Treaty, the President shall certify to the Senate that—

(A) the targeting requirements for strategic nuclear weapons of the United States, along with those for strategic defensive weapons, are based on a policy that seeks to limit, to the greatest extent possible, the damage that would otherwise be inflicted on the territory of the United States from an attack with strategic weapons by seeking to destroy such weapons and their supporting infrastructure in a timely and effective manner;

(B) the strategic nuclear weapons of the United States, along with strategic defensive weapons, are now targeted primarily, although not necessarily exclusively, on the strategic weapons deployed by nations other than the United States that may pose a threat to the territory of the United States and their supporting infrastructure;

(C) the Senate and the House of Representatives shall be notified in advance of any future changes in the policy governing the targeting requirements for the strategic nuclear weapons of the United States.

