



Executive Memorandum

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THE FALSE CHOICE: START II OR NATIONAL MISSILE DEFENSE

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After seven years of delay, the Russian Duma has conditionally approved the 1993 Strategic Arms Reduction Treaty II (START II) with the United States. It is a long-awaited step in the process of reducing the number of deployed strategic nuclear warheads in the Russian and American arsenals, bringing the quantity to no more than 3,500 each.

The U.S. Senate approved the original START II agreement in 1996 to reduce the threat of ballistic missile attack against America. But the Duma—and regrettably the Clinton Administration—would have Americans believe that this reduction will not proceed unless the Anti-Ballistic Missile (ABM) Treaty is revived and its restraints imposed on any U.S. missile defense system. In other words, they want the Senate to choose *between* START II and national missile defense (NMD). This is a false choice: Both START II and a deployed NMD system will reduce the threat and increase national security. Reducing the number of missiles alone means little if Americans remain vulnerable to even one.

The Duma's conditions on the implementation of START II are unacceptable. For example, it is demanding that the United States observe the terms of the defunct 1972 ABM Treaty with the former Soviet Union, which will keep America vulnerable to missile attack. And it is demanding that the United States ratify a series of agreements the Clinton Administration signed in 1997 that will revive the ABM Treaty and broaden its application. (The Duma already has voted to ratify these agreements.)

The Senate should ignore such demands to link START II to the ABM Treaty. Defending Americans against missile attack—a foremost concern of Congress embodied in the National Missile Defense Act of 1999—includes reducing the threat of attack, which is START II's goal. The Senate should consider the 1997 START II protocol on its own merits. Above all, the Senate should not allow a missile defense system for America to be held hostage to false choices about arms control.

The Duma Conditions Do Not Alter START II. The Duma's conditions merely establish the terms under Russian law or policy

by which Russia will ratify START II or withdraw from it. They are not modifications to the treaty that require the U.S. Senate's approval. The demand that the United States observe the ABM Treaty restrictions, for example, is in the form of a non-binding resolution. In fact, only one modification has been made to the START II agreement that requires Senate approval—a protocol signed in 1997 extending the implementation period from January 1, 2003, to December 31, 2007. Approving

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this modification does not require the United States to accept any other conditions.

U.S. Interests Should Be the Priority. START II will reduce—if not eliminate—Russia's current advantage over the United States in the number of deployed warheads on intercontinental ballistic missiles (ICBMs). Since reducing the missiles will also reduce the threat to America, approval of the 1997 START II modification is in America's best interest. Caving in to the Duma's conditions, especially if they leave Americans and U.S. territory vulnerable to ballistic missile attack, is not.

Nevertheless, some observers believe the Administration, which has restricted missile defense progress by unilaterally adhering to the restrictions of the old ABM Treaty, will attempt to force the Senate to accept the Duma's conditions. It may try to intimidate the Senate by arguing that refusing to meet the conditions is tantamount to opposing START II and jeopardizing a new round of arms control negotiations on START III. It may try to force the Senate to agree to the new ABM-related agreements it signed with Russia in 1997 by submitting them with the START II modification protocol as a package. Or it may try to entice the Senate to approve the Duma's conditions by signing an agreement with Russia that allows the United States to deploy a limited national missile defense system in Alaska.

However, these attempts would be hollow political ploys. The ABM Treaty between the United States and the Soviet Union is no longer valid; and Russia is not now and never has been a party to it. The United States is free today to deploy the most effective missile defense that technology allows.

The Senate demonstrated its resolve to pursue a full, effective, and broad NMD system in a letter to the President on April 17, 2000. In it, Senate Majority Leader Trent Lott (R-MS) and 24 other Senators stressed that there are

compelling incentives to deploy such defenses based on the growing missile threat from rogue nations. Therefore, we oppose in the strongest terms the effort to conclude an agreement that would purchase Russian consent to the U.S. NMD system in exchange for U.S. reaffirmation of a new, very limiting, legally binding accord.

Moreover, they advised the White House that a single site in Alaska "cannot effectively protect the United States." So certainly in the future, more would need to be done to make the system effective and to provide for a national defense. But as the letter explains, this "phased approach" would "establish a permanent cycle of confrontation with Russia."

The Senate should consider the START II protocol as a separate treaty apart from the ABM agreements and on its own merits, without regard to the Duma's conditions. Doing so would demonstrate the Senate's commitment to defending Americans *and* reducing the number of offensive nuclear weapons that threaten them.

Conclusion. The Senate should not allow the Duma to make perpetual vulnerability to missile attack the price America pays to secure its ratification of START II. There is no choice to be made: Both START II and missile defense are in America's best interest. By approving the START II protocol, the Senate will again demonstrate its support for this important treaty. If, after Senate approval, START II does not enter into force or Russia withdraws from the agreement because the United States would not accept its security-compromising conditions, then the Duma will bear the blame for killing it.

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