

# WebMemo



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## The START Follow-on Treaty: Questions the Senate Needs to Ask

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On April 8, President Obama and Russian President Dmitri Mevedev are scheduled to sign the Strategic Arms Reduction Treaty (START) follow-on treaty in Prague. The new treaty will require each side to reduce the number of deployed strategic nuclear warheads to 1,550 and the number of strategic nuclear missile launchers and bombers to 800.

Regardless of whether a particular Senator views this new treaty sympathetically or not, all Senators should agree on at least one point: The ratification and entry into force of this treaty will have profound implications for the security of the United States. Accordingly, Senators will need to ask some probing questions about the treaty in the coming weeks and months.

**1. Does the Treaty, Either Directly or Indirectly, Limit the Missile Defense Options of the U.S.?** The fact sheet released by the White House describing the content of the treaty in general terms states that the treaty places no constraints on the U.S. regarding missile defenses. Russian Foreign Minister Sergei Lavrov, however, begs to differ. He has stated that if the U.S. exceeds current levels of missile defense systems, then the new treaty will cease to have force. Lavrov also asserts that the limitations on strategic defenses take a legally binding form under the treaty.

Even if this is not the case—and that cannot be certain until the text of the treaty is released—informal linkages to missile defense from the treaty can, as a practical matter, be just as limiting as actual text in the treaty. For example, President Obama estab-

lished precisely such a linkage by canceling a plan to field defensive interceptors against long-range missiles in Poland and associated radar in the Czech Republic last September.

**2. Does the Treaty Limit U.S. Conventional Strategic Strike Systems?** Again, the White House fact sheet says no. The White House assertion is difficult to fathom, however, because the fact sheet states that the treaty will limit both deployed and non-deployed strategic launchers at 800. Thus, such launchers would seem to be applicable against the numerical limit—whether or not they are armed with nuclear warheads.

If launchers are subject to the numerical limitation regardless, then the treaty *by definition* imposes a limitation on U.S. options for fielding conventional strategic strike systems.

**3. Will the Obama Administration Modernize and Test the U.S. Strategic Nuclear Force?** The White House fact sheet includes an anodyne statement that the U.S. is free under the treaty to structure its strategic nuclear force, within the numerical limits, as it sees fit. This would seem to include the freedom to upgrade its strategic nuclear force qualitatively. Upgrading the force, however, will require

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modernization steps, such as developing new generations of missiles and bombers and the warheads to go with them.

Nevertheless, the Obama Administration has been nothing short of adamant that it will not conduct nuclear weapons tests and will press the Senate to consent to the ratification of the Comprehensive Test Ban Treaty, which the Senate rejected in 1999.

**4. How Will the Obama Administration Maintain an Effective Strategic Nuclear Arsenal Following President Obama's Expected Order to "De-Alert" the Force?** The White House fact sheet states that the limits imposed by the treaty are based on rigorous analysis conducted by strategic planners at the Department of Defense. During his campaign President Obama, without the benefit of analysis from the Department of Defense, asserted that U.S. nuclear forces are on "hair trigger alert" and unequivocally pledged to take them off alert.

While a specific description of the steps the President would take to "de-alert" U.S. nuclear forces must await the release of the Nuclear Posture Review, any such steps will make it impossible to maintain a strategic nuclear force that can meet any reasonable military and operational requirements. Even with a large strategic arsenal, reducing the alert levels of U.S. nuclear forces would be a dangerous proposition; under the smaller force mandated by the treaty, it would be even more dangerous.

**5. Will the Treaty Limitation on Deployed Strategic Nuclear Warheads Be Adequately Verifiable?** The White House fact sheet asserts that the verification measures in the treaty are adequate. The description, however, fails to explain whether the warhead limitation (1,550) will be verified directly or only through accounting principles applied through the limitations on launchers.

If the verification regime is focused on ensuring that the launcher limits are observed but just

assumes that the warhead limits will correspond to the number of launchers, the regime will be inadequate; the Russians will be able to explore options to put more warheads on each launcher than is assumed by the accounting principles.

In fact, the Russians will likely argue that warhead numbers that exceed the 1,550 limitation could be perfectly legal under the treaty. Most likely, the Russians will make the reasonable argument that the verification regime is an integral part of the treaty and that, therefore, the treaty only seeks to limit what can be verified.

**Fulfilling the Founder's Role.** Even based on only the summary description of the new treaty by the Obama Administration, it is clear that this is a long and complicated agreement. This treaty will necessarily raise a host of questions that the Senate will need to ask and have answered. Some of these questions, like the five provided above, will be general and the answers will have far-reaching implications for the security of United States. Others, by necessity, will be narrow and have arcane answers. It would be wrong, however, for the Senate to assume that these narrower questions are somehow unimportant.

Accordingly, the Senate needs to take its time in vetting this treaty before it consents to ratification. The nation's founders wrote the treaty-making clause in the Constitution as they did because they saw the Senate as a quality-control mechanism in the treaty process. The Senate must fulfill the role the founders envisioned for it as it considers this START follow-on treaty in the coming months.

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