

Statement of Robert G. Joseph
Before the Senate Foreign Relations Committee

Hearing on The New START

June 24, 2010

Chairman Shaheen, Senator Lugar, distinguished members, thank you for the invitation to appear before this Committee to discuss the New START Treaty. Having retired from the career civil service in 2007 after serving at the Department of Defense, on the National Security Council staff, and at the Department of State, I am here today in a personal capacity.

While my direct experience with arms control is grounded within the Executive Branch, I am well aware of the vital role the Senate has played in all of the treaties that I have been associated with – including the INF Treaty and the START I Treaty to reduce nuclear arms and provide strategic stability. In particular, this Committee has consistently provided close scrutiny of all arms control agreements submitted for consent to ratification. Our nation's security has benefited from this due diligence – from asking hard questions and from fixing flaws that have been uncovered in the process.

I would like to raise three questions for your consideration based on concerns that I have in my reading of the New START Treaty.

The first is whether New START – especially the provisions on limitations and monitoring – meet the long-held standards we have thought necessary to protect U.S. security? Do the terms of the Treaty limit what we assume to be limited or are there gaps that must be addressed? And, equally important, do the terms provide for effective verification?

A number of arms control experts have concluded that, based on their examination of the Treaty, rail-mobile ICBMs would not be counted under the Treaty limits. Other experts disagree. The position of the Obama Administration is clear and now part of the Treaty

record. In testimony to this Committee, Dr. Jim Miller, Principal Deputy Under Secretary of Defense for Policy, has stated unequivocally that rail-mobile ICBM launchers, missiles and warheads are accountable.

I do not know the Russian position. But I do know that the New START Treaty is totally silent on rail-mobiles and that all previous START provisions that captured rail-mobile ICBMs were either deleted or changed to exclude them. To me, it is inconceivable that, should Russia again deploy rail-mobile ICBMs, they would not be counted under the Treaty's launcher and warhead limits. That said, based solely on the Treaty text, its protocols and annexes, one can come to a different conclusion than that of the Administration – one that excludes rail-mobiles from accountability.

On this point, I believe Senate can play a very constructive role by ensuring that there is no room for ambiguity, through amendment or other means, such as a formal exchange of notes. The language should not allow for competing interpretations. It should be clear and precise – as it is with silo-based and road-mobile missiles.

When faced with an analogous situation in the INF ratification debate, on important points on which the terms of the INF Treaty were not clear, the Senate directed the Reagan Administration to seek clarification with the then Soviet Union on several aspects of the verification regime and on the meaning of a “weapons delivery vehicle.” As it was then, leaving any potential loophole would not be in our security interest or in the interest of improved U.S.-Russian relations. Ambiguities involving Treaty obligations do not lead to greater confidence. Rather, they undermine mutual trust.

Another principal, long standing theme in Senate oversight has been the requirement for effective verification. “Trust but verify” has been the standard for more than 20 years. Whether the New START Treaty meets this standard is a major issue.

The Intelligence Community (IC) has yet to provide its assessment. How that assessment will be stated and conditioned will be a key factor in evaluating the Treaty. Experience

suggests that there will be substantial conditionality in the IC's judgments. The level of confidence in the assessments will differ depending on the assumptions. As just one example, if Russia does what the IC expects in terms of road-mobile ICBM deployments, the confidence level will be higher than the level if Russia practices denial and deception techniques that are not prohibited by the Treaty. As with previous assessments from the IC and State, the devil will be in the details.

We do know that the verification regime for New START includes data exchanges and on-site inspections that could provide valuable information that we may not have absent the Treaty being ratified. But we also know that the Treaty leaves potentially significant gaps in our ability to monitor developments in Russia's strategic posture. For example, the end of the U.S. on-the-ground presence at Votkinsk means we will have less confidence than under START I in our ability to determine what is exiting this Russian missile manufacturing facility.

Moreover, given the telemetry exchange provisions, whereby each side determines the information to be shared, we may have additional gaps in understanding ongoing and future Russian strategic force improvements. The Obama Administration argues that this change in monitoring posture will not affect the ability to verify New START limits because these limits are different than under START I. While perhaps technically true, New START is being advertised as a means of strengthening predictability. Yet, because of changes in the telemetry regime, we will have less transparency into Russia's modernization. This is likely to undermine confidence and predictability.

The question before the Senate is not whether we are better off with the monitoring provisions of New START Treaty than without them. The question is whether the Treaty is verifiable. The answer is unclear at this time. Before rendering judgment on the Treaty, we must await assurances of the ability to verify its provisions.

A final point on the terms of New START relates to the size of the reductions and whether the Treaty will provide for equal force reductions. While technically accurate,

saying that the Treaty will result in a one-third reduction of deployed strategic warheads (from 2,200 to 1,550) ignores two factors.

First, both sides are already well below the 2,200 level of the Moscow Treaty. Russian military journalist Alexander Golts has written that Russia is now about 100-150 warheads above the 1,550 level and that, with the expected near term retirement of legacy systems, Russia will soon be under the limit -- with or without New START. For our part, under guidance set by President Bush, the United States has been in the process of going significantly lower than the 2,200 warhead limit. In fact, I understand we are now below 2,000 deployed warheads.

Second, actual reductions of warheads may be substantially less than advertised given the change in the bomber counting rule. Technically, because strategic bombers, no matter what their actual load out, are counted as carrying one warhead, it is possible that any actual reductions in deployed warheads would be much less than anticipated. In fact, it is possible under the Treaty for either or both parties to increase the level of deployed warheads beyond the 2,200 level set by the Treaty of Moscow.

While the bomber counting rule may be a positive for the United States if we modernize this leg of the TRIAD, it is essential to understand how the Treaty works and the implications. In doing so, we must recognize that, while the United States will almost certainly seek to go below the 1,550 level of actual deployed warheads, the same may not be true for Russia. And Moscow is not legally obligated to do so.

As for who reduces more, the answer is clear. As stated by Secretary Gates, Russia is currently below the top levels permitted under New START with regard to delivery vehicles. Consequently, Moscow is not likely to have to eliminate a single launcher from where it was headed without New START. The expectation is that Russia will cut some deployed warheads but significantly less than suggested by the Administration. For the United States, the reductions are much deeper and, in the case of launchers, well below what U.S. military officials had earlier stated to be the U.S. requirement.

My second question relates to the Treaty's impact on two vital capabilities for the future: missile defenses and conventional prompt global strike capabilities – the very capabilities that, according to the recently released Nuclear Posture Review, make possible the reductions in nuclear forces envisioned in New START. What will be the impact of New START on our ability and willingness to develop and deploy future capabilities in both of these areas to meet future threats?

I know my esteemed colleague, Ambassador Edelman, will go into some detail on conventional prompt global strike, so I will limit my remarks to missile defenses. Initially, the Obama Administration gave numerous assurances that there would be no limitations on missile defenses in the Treaty – “no way, no how.” Later, once the Treaty text was made public, the line changed to “no meaningful” limitations and “no constraints on current and planned” programs.

We know there are restrictions on missile defenses in the Treaty, both direct and possibly indirect. Article V prohibits the future conversion and use of ICBM and SLBM launchers for placement of missile defense interceptors. While the Obama Administration has stated it has no intention to convert such launchers for missile defense, the previous administration did undertake such conversions. And future administrations might also find the conversion option attractive. As Dr. Kissinger testified before this Committee: “I would also have preferred to avoid prohibiting the use of missile launching sites for strategic defense as unnecessarily limiting strategic options of a future president.”

As for implicit constraints on missile defenses, Russian officials have stressed what they call the “legally binding” protocol language which notes the “interrelationship between strategic offensive arms and strategic defensive arms.” Foreign Minister Lavrov has repeatedly stated that Russia will be entitled to withdraw from the Treaty if there is a change from existing levels in the “quantitative and qualitative” capacities of U.S. strategic defenses. By doing so, Moscow may desire to gain leverage over the future

direction of U.S. missile defense programs – development and deployments of future systems that are necessary to defend the United States and our friends and allies.

Last week Under Secretaries of Defense Michele Flournoy and Ashton Carter, two widely respected professionals, wrote in the *Wall Street Journal* that New START “does not constrain the U.S. from testing, developing and deploying missile defenses.” They emphasized that these “capabilities are critical to protecting U.S. citizens, our forces abroad, and our allies from real and growing threats.” In the ratification process, the Senate can build on, and make formal, this assurance. It can also make evident that the United States will not accept limits on current and future missile defense programs and capabilities. Perhaps the best means of doing so would be an explicit statement that no further limitations or prohibitions on missile defenses, such as those that could potentially be agreed in the Treaty’s consultative body, will be acceptable.

My third question is how does the United States benefit from New START?

The Obama Administration has stressed the importance of New START to “re-set” the U.S.-Russian relationship. To the extent that the Treaty improves mutual confidence in our bilateral relations, it may make a modest, near term contribution. To the extent the Treaty contributes to the re-establishment of the Cold War relationship we had with the Soviet Union, it will carry a long term cost.

For some in Russia, including in high government positions, the United States is seen and described openly as the adversary. For them, New START serves a number of purposes: it constrains U.S. forces while not encumbering Russian forces; it perpetuates deterrence through the balance of terror and mutual assured destruction; it enhances the status of Russia and restores in part the lost prestige from superpower days; and it once again treats nuclear weapons – the one category of arms on which Russia can compete with the United States – as the principal currency of the relationship.

If we do believe the Cold War is over, and if we want a normal relationship with Russia, we need to move beyond Cold War approaches. We need to base our relations on common interests and joint efforts to deal with today's security challenges, such as countering nuclear terrorism and managing the expansion of nuclear energy in a manner that reduces the risks of nuclear weapon proliferation.

Predictability and stability are important elements of our relationship with Russia. Reductions of nuclear weapons to the lowest level possible consistent with our security requirements, including for extended deterrence for our friends and allies, are important to our nonproliferation goals. But these objectives are not well served by traditional arms control of the type practiced in the Cold War when we and the Soviet Union were enemies in a divided world with thousands of nuclear weapons pointed at each other.

The Obama Administration has also made the case that New START is important because it demonstrates the U.S. commitment to disarmament, and thereby will lead to greater support for U.S. nonproliferation goals. The first half of the Administration's case is sound – through New START and other means, it has established impeccable credentials on disarmament. However, it is far from clear that this has or will lead to greater international pressure on states like Iran or to greater cooperation in strengthening the NPT regime. The most recent UN Security Council resolution on Iran falls far short of what the Administration sought, as did the outcome of the NPT review conference.

In closing, I would join with many others, including in the Senate and in the Administration, to stress the need for ensuring an effective, reliable and safe nuclear deterrent force for the future. New START must be assessed in the context of a robust commitment to maintain the necessary nuclear offensive capabilities required to meet today's threats and those that may emerge. This is a long term commitment, not a one year budget bump up. It includes the maintenance of the TRIAD and of a modern nuclear weapons infrastructure. These are the capabilities that will provide strategic stability, deterrence, and credible assurances to our friends and allies.