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New START: Trust but Clarify

By [Henry Sokolski](#)

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It could be Washington's blogospheric impatience with argumentation or it could be the public's overwrought desire for political clarity, but one thing is clear — the current debate over New START's ratification has become genuinely phony.

As I explained today at the Heritage Foundation event "[Will Obama's Arms Control Agenda Stop with New START?](#)" the treaty's critics need to get on with the serious business of identifying what amendments, reservations, understandings, and declarations, if any, they think the Senate should consider. And Senate supporters of the treaty need to stop dismissing critics' concerns and blocking access to information that all sides of the debate need to have. This prescription ought to be a no-brainer; unfortunately, it's nowhere close to where we are in the current debate.

New START's supporters, in a mad tear to get the treaty rammed through the Senate, have either dismissed or impugned the motives of the treaty's critics. The loudest of START's opponents, meanwhile, have publicly positioned themselves to block the treaty's ratification — even though they and their staffs privately concede that the agreement is likely to pass, and that they may well end up voting for it themselves.

Has the Senate's treaty-making role been reduced to this? Welcome to Congress's steady-state, post-health-care-reform distemper: If you are in the majority, the louder you yell for decisive positions, the less you have to listen to quieter voices. Count heads, and when you have the requisite numbers on your side, damn the details: demand a vote. For the minority, if you are not a reactionary, you risk becoming a chump, a dope, or both. The drill is to dig in your heels from the start, or at least suggest that you will not negotiate until the very last possible moment.

This has produced a mess. First, the Senate majority pushed its New START hearing schedule into warp overdrive in order to check off the procedural treaty "oversight" box. Instead of the 45 hearings that were held in the late 1980s for the largely uncontroversial Intermediate Nuclear Forces Agreement (INF), or the 50 that START II demanded back in the 1990s, the Senate is now shooting for fewer than 15. Where INF took at least five months to ratify and START I well over a year, the Senate Foreign Relations Committee is now aiming to get New START ratified in less than ten weeks.

Nobody who has much Hill experience thinks this possible. Still, President Obama insists he wants the New START agreement on his desk so he can finalize it before the November elections. Why? It's the second dimension of New START's ratification dysfunction — political fear and loathing.

This fall, the Democrats are almost certain to lose Senate seats. The first to go will be Biden's old Senate seat, which Republican congressman Mike Castle is expected to occupy after a special election. Then, with the new Congress, the Democrats are sure to see yet another three to four of

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their Senate seats being filled by the GOP. New START's ratification today would require at least seven Republican votes. So far, only Richard Lugar has announced his intention to back the treaty; Sen. Jim Inhofe has all but said he would vote against it; the rest of the Republican pack has chosen to keep their powder dry. Add three to five more Republican Senators to this mix this fall, and Washington wisdom has it that the treaty could be in trouble.

But consider this: Why would a treaty that some fear would have difficulty securing Republican backing after November, be easier to ratify with solid Republican support *before* the elections? More important, what makes anyone think New START won't ultimately be ratified with Republican support?

Certainly, when you consider the critics' three key questions about New START — will it give Russia a veto over U.S. missile defenses? will it stymie our non-nuclear missile programs? will the administration scrimp in modernizing America's nuclear-weapons-mobilization base? — the White House has answered with an emphatic no on each issue.

So why are the critics unconvinced? Simple: Ultimately, the answers to all of these questions are very political. Who can say, in this deepest of recessions, that the administration is guaranteed to deliver on a ten-year, \$100 billion nuclear-weapons-modernization pledge? It certainly doesn't help that this pledge will be implemented by the Department of Energy, an agency that has a rock-solid reputation for falling behind schedule and over budget.

As for the issues of missile defenses and offenses, Republicans have demanded access to the negotiating record to a) make sure the administration is telling the truth and b) clarify how Russia negotiators view these matters. Given the first aim's skeptical tone, the administration and the majority have dismissed the request as an insulting delaying tactic. But the second aim is more difficult to dismiss. After all, if there is nothing in the record to feed concerns about limits on missile defenses or offensive non-nuclear missiles, granting access to the record for a handful of Senate staffers at the classified level could help clear the air.

As a former Senate aide who actually had access to the INF negotiating record, I can attest to a) how boring and anodyne the record turned out to be and b) how, despite this, it was still extremely useful to read. In that case, the worry was that in 20 years' time the United States and Russia could have very different views of what was banned under the treaty, since it lacked any precise definition of what an INF missile was. After examining the record, it was clear that the definition was never discussed. Result: Both sides of the Senate aisle demanded that U.S. negotiators go back to Moscow and secure a sound, prescriptive definition of what was to be banned before the Senate would ratify — and so an aide memoire with Moscow was negotiated.

New START's negotiating record, which covers no more than a year of talks, would be far shorter than the six-year INF record. It should not take long to see if it exonerates the White House's claim that New START does not limit U.S. offensive conventional missile and missile defense programs. If not, the Senate would be wise to call for a treaty reservation that would alter the treaty's legal effect on this score to make sure it does not. My hunch is that a mere Senate understanding of what it believes the treaty allows and prohibits would be sufficient, but access to the negotiating record would help determine this.

Testimony before the Senate Foreign Relations Committee also questioned whether or not rail mobile ICBMs are covered under New START. The text is silent on this point. Perhaps an aide memoire of the sort reached on the definition of INF missiles would be in order here.

Finally, and perhaps most important, the Obama administration has pushed the New START agreement as the first step in a series of follow-on arms-control agreements with Russia and other nuclear-weapons states. Unfortunately, they have given almost no details regarding these follow-on treaties.

Why? Because the administration has no serious planning efforts underway for such agreements. Instead, it has focused almost all of its energy on getting New START ratified. The truth is nobody with much Russian negotiating experience expects our reaching another major arms-control agreement with Moscow in anything less than several years (read: no sooner than the next

administration). Russia wants to renegotiate the Conventional Forces Agreement in Europe to limit NATO military capabilities before it talks about reducing its thousands of tactical nuclear weapons. It also wants to place limits on U.S. and allied missile defenses before it will discuss major cuts to its strategic weapons deployments. Getting to yes on these topics will hardly come easily or quickly.

That's a worry. The conventional wisdom is that it will be impossible to get China involved in strategic weapons talks until and unless the U.S. and Russia reduce their tactical and strategic deployments below 1,000 each. This would suggest that after New START, at least two more arms control agreements would have to be reached with Russia. This could easily take a full decade to accomplish.

Is this the arms-control course the one the Senate wants the administration to pursue? Security experts argue that in five to ten years, China may be able to knock out all U.S. and allied air bases, ports, and possibly even moving U.S. carrier task forces, with conventional long-range missiles. These same experts also worry that China is developing anti-satellite capabilities that could threaten U.S. and allied space satellites.

Shouldn't these threats be the focus of bilateral negotiations with China *before* they are realized? [Elsewhere](#), I have argued that we should work with Russia to encourage Beijing to limit its ground-launched missiles at least as much as we and Russians already limit them under the INF Treaty. Is there any reason to wait a full decade to get these talks underway?

As for space control talks — something President Obama says he favors — if we begin negotiations to keep Russia from knocking out our ability to accomplish key military communications and surveillance missions with our satellite system (and our doing the same to Russia), shouldn't we have China at the table as well?

Finally, as more countries demand peaceful nuclear power (and so acquire much of what is needed to acquire nuclear weapons), how will we keep French, Russian, Japanese, and Korean nuclear companies from undermining the nonproliferation conditions the United States is trying to secure?

All of these concerns are policy matters suitable for possible inclusion as New START Senate policy "declarations." There probably won't be another arms-control treaty before the Senate for five or more years; not giving the executive its advice would be a mistake.

Of course, all of this will make New START ratification before November less likely, but this is no excuse for not getting started. Assuming the Senate gets down to business now and starts deliberating, ratification early in 2011 is both feasible and reasonable. Trying to short-circuit this process, on the other hand, is more likely to result in more of what we have already have — an unhelpful game of political chicken.

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