

United States Senate
Committee on Armed Services

The Treaty with Russia on Measures for Further Reduction and Limitation
of Strategic Offensive Arms, the New START

July 27, 2010

Testimony Prepared By:

Dr. Keith B. Payne
Professor and Head, Graduate Department of Defense and Strategic Studies
Missouri State University

Dirksen Senate Office Building
Room G50

Chairman Levin, Senator McCain, distinguished members, thank you for the invitation to appear before the Committee to discuss New START; it is an honor to do so.

I would like to begin by observing that reductions in the number and diversity of US forces can matter greatly because *the credibility* of our forces is dependent on their flexibility to provide a spectrum of deterrent options and their resilience to adjust in a timely way to changes in the threat environment. This flexibility and resilience, in turn is determined to a great extent by the number and diversity of our strategic forces.

An “assured destruction”-type deterrent lacking this flexibility and resilience is likely to be *incredible* against many of the limited, yet severe threats we and our allies may face. US officials knew this full well during the Cold War; virtually all major nuclear policy documents since the 1960s emphasized the need for flexibility and multiple strategic force options.¹ That need is particularly important today because the contemporary threat environment can shift rapidly and surprisingly. In one crisis we may need one set of strategic capabilities to deter credibly, in a different crisis, a different set of strategic capabilities may be necessary; assuring allies credibly may necessitate still different types of strategic forces; and when an attack cannot be deterred, an altogether different set of forces may be necessary to defend.

If we want a credible deterrent across a spectrum of severe threats, including for example, nuclear and biological threats to our allies, our forces must have the quantity and diversity necessary to be flexible and resilient. The 2009 report by the bipartisan Strategic Posture Commission, *America’s Strategic Posture*, emphasizes this contemporary US requirement given the fluid threat environment.²

Understanding this requirement is the necessary starting point for any review of New START. The material question regarding verification and New START in general is whether the treaty is compatible with the flexibility and resilience essential to the credibility of US forces over the long term—not simply whether we could retain an “assured second-strike” capability. Under New START, would the combination of US force reductions and Russian force deployments (with or without Russian cheating) threaten the necessary flexibility and resilience of our forces? We must not allow enthusiasm for quantitative nuclear reductions to degrade the flexibility and resilience of our forces and return us to old discarded standards of “assured destruction.” Our ability to deter and assure credibly would be undermined. Instead, as our force numbers move lower, we must be careful to advance the force flexibility and resilience that helps make them credible.

My conclusion is that New START raises some concerns in this regard.

For example, a recent administration report on verification apparently emphasizes that “any” Russian cheating “would have little effect on the assured second-strike capabilities of U.S. strategic forces...”³ This claim suggests that an “assured devastating second-strike capability” is adequate for US strategic forces, and therefore “any” Russian cheating could have no serious

effect on our ability to deter or assure.⁴ Yet, as noted, every Republican and Democratic administration since the 1960s has concluded that an “assured destruction” capability alone is inadequate because it requires little or none of the flexibility and resilience so important for *credible* deterrence and assurance.

The treaty would limit US strategic force flexibility and resilience because it requires sizeable reductions in the number of US strategic nuclear launchers, and would limit some types of strategic *conventional* forces for prompt global strike (PGS). Administration officials have said, “The treaty does not constrain our ability to develop and deploy non-nuclear prompt global strike capabilities.”⁵

In fact, New START *would* restrict deployment of US conventional PGS options based on existing ICBMs or sea-based ballistic missiles. These would be limited under New START’s ceiling of 700 deployed launchers.⁶ And, we would have to reduce our strategic nuclear force launchers below 700 on a 1:1 basis for each of these conventional PGS systems deployed. The treaty would thus limit our flexibility and resilience in this area. In general, a 1:1 replacement of nuclear forces by conventional forces has understandably and specifically been rejected for deterrence purposes by senior US military leaders.⁷

Administration officials have said, nevertheless, that so limiting these conventional PGS options is acceptable *assuming there is a need for only a small number of such systems*.⁸ Unfortunately, there can be no certainty behind that assumption given the many different and now-unknown threats that will arise in New START’s 10-15 year timeframe. Perhaps the option of deploying *many* such conventional PGS systems will be critical for deterrence, assurance or defense. Under New START we would be mightily constrained from doing so because of the treaty’s limits and its required 1:1 trade-off with our nuclear forces.

This problem might be mitigated with Senate guidance that there be no further negotiated restrictions on advanced US non-nuclear PGS systems and a requirement for a firm commitment to the development and deployment, as soon as technically and operationally sound, of conventional PGS capabilities that are *not* limited by treaty.

In addition, New START’s force limits do not allow “more [capability] than is needed” for deterrence under current planning.⁹ Leaving little or no such margin may be risky when force flexibility and diversity is necessary to deter and assure across a range of threats.

Senior US military leaders have noted in open testimony that New START *would indeed allow sufficient US strategic force flexibility*.¹⁰ The analysis behind this important conclusion reportedly was predicated on three key assumptions: 1) US planning guidance for strategic forces would remain the same; 2) there would be no requests for an increase in forces; and 3) Russia would be compliant with New START.¹¹

Would the treaty allow sufficient US flexibility and resilience to adjust as necessary for credible deterrence and assurance *if one or all of those starting optimistic assumptions do not hold, as is plausible?*

For example, what if Russia again decides to violate its treaty commitments? What if relations with China and Russia return to a crisis pitch, and they express more severe nuclear threats to our allies or to us? What if Iranian deployment of nuclear weapons and missiles throws the entire Middle East into an unprecedented security crisis? What if the apparent nuclear nexus of Burma, Iran, North Korea and Syria poses unprecedented threats to our allies or our forces abroad?¹² US planning and force requirements might have to change with any and all of these unwanted developments that could arise during New START's tenure. What new quantitative or qualitative strategic force requirements might arise as a result for credible deterrence, assurance or defense, and would New START preserve the necessary US force flexibility and resilience to meet those requirements? These are fundamental questions regarding the treaty and international security.

More simply, will the US, at least, develop and deploy the diverse strategic force structure that remains possible *under the treaty* and could help preserve US force flexibility and resilience? The traditional US triad of bombers, ICBMs, and sea-based missiles—now buttressed by missile defenses and the potential for new non-nuclear PGS capabilities—can be extremely valuable in this regard because the diversity of offensive and defensive options helps provide the flexibility and resilience to adjust to a multitude of different threats and circumstances.

Fortunately, the Obama Administration has expressed its intention to support the triad, missile defense deployment, and conventional PGS. At this point, however, there is no apparent, concrete administration commitment to advanced conventional PGS deployment or to replacing the aging ICBM and bomber legs of the triad, including the air-launched cruise missile. This fosters concern that enthusiasm for force reductions may come at the expense of the long-standing requirements for force diversity, flexibility, and resilience, and take refuge in old “assured destruction” thinking. If our numbers are to decline further, we must take care to ensure continued flexibility and resilience—whether through traditional means or innovations.

Bombers have great inherent flexibility and resilience, and the weapons counting rules for bombers under New START are extremely permissive. But these counting rules will be advantageous for us only if we modernize our bomber force. While Russia has decided to build a new strategic bomber and apparently has a new long-range air-launched nuclear cruise missile near deployment,¹³ the Obama administration plans to cut US nuclear-capable bombers by more than one-third under New START and has made no apparent commitment to replace the venerable B-52 or to a new air-launched cruise missile.¹⁴ Similarly, the administration has announced that it will reduce the number of US ICBM launchers by at least 30 under New START,¹⁵ while Russia is deploying new MIRVed mobile ICBMs, and has decided for a new heavy MIRVED ICBM as is now permitted under New START.

Over time, this New START-inspired combination of US ICBM launcher reductions and permitted Russian MIRVed heavy ICBMs could again challenge the survivability of the US ICBM and bomber legs of the triad—a situation long-recognized as highly “destabilizing.” If their survivability is at risk, so will be much of the triad’s flexibility and the credibility of US forces to deter, assure and defend.

Hard decisions will need to be made during the life of this treaty if we are to advance flexible offensive and defensive capabilities and a resilient force structure. How much confidence can we have that the administration will take the necessary strategic modernization steps given its highest nuclear priority of non-proliferation and movement toward a nuclear free world, its commitment to further negotiations, and its presumption against any new nuclear warheads?¹⁶ Credible assurances and the necessary strategic modernization budgets tied to New START would be helpful in this regard. A solid U.S. commitment to bomber and cruise missile modernization, Minuteman III replacement or life extension with enhanced survivability measures, and missile defenses of all ranges could help provide this confidence.

Concern about New START’s reduction of US force flexibility and resilience—however modest or significant—also might be eased if the treaty’s ceilings on Russian forces actually would reduce the threats we might face. But, according to numerous Russian open sources, New START’s ceilings are of little real consequence for Russia because Russia’s aged Cold War strategic launchers already have been reduced below New START’s ceilings, and will decline further with or without the treaty—and Russia’s comprehensive post-Cold War nuclear modernization programs are moving forward slowly at this point. Aleksey Arbatov, the former Deputy Chairman of the Duma Defense Committee, notes, “The new treaty is an agreement on reducing the American and not the Russian [strategic nuclear forces]. In fact, the latter will be reduced in any case because of the mass removal from the order of battle of obsolete arms and the one-at-a-time introduction of new systems.”¹⁷ Prior to the New START negotiations, Russian open sources already projected that by 2012 Russian strategic nuclear forces could have as few as 406 launchers and fewer than 1500 warheads—well below New START ceilings using its counting rules.¹⁸ The point was made most succinctly by Dr. Sergei Rogov, Director of the USA and Canada Institute in Moscow: “We will not have to reduce anything prematurely. In effect, the ceilings established by the new START Treaty do not force us to reduce currently available strategic offensive forces... Only the United States will have to conduct reductions...”¹⁹

New START’s common ceilings essentially appear to require *unilateral* reductions by the United States. Russian officials and analysts have long celebrated this situation, while some US officials and treaty proponents have acknowledged it only recently.²⁰ In this context, it is difficult to take seriously the notion that the treaty’s supposed reductions for Russia justify its prospective limitations on US flexibility and resilience.

Even though Russia's forces are declining dramatically with or without New START, does not the treaty provide solid barriers against the re-emergence of Russian strategic forces? Unfortunately, no. New START neither requires real Russian reductions nor does it provide hard limits on a renewed build up of Russian strategic nuclear forces. This is a troubling irony.

How can it be so? New START contains sufficient loopholes and permissive counting rules to allow Russia to deploy far beyond the treaty's 1550 strategic nuclear warheads ceiling *within the terms of the treaty* if Russia finds the financial resources to do so. In fact, according to a report by the official news agency of the Russian Federation, *RIA Novosti*, Russia could deploy 2100 strategic nuclear weapons under the treaty—well above the putative 1550 warhead ceiling.²¹ There are avenues that would allow Russia to deploy many more than 2100 warheads under the treaty.

This may be significant over time because Russia's highest defense procurement priority is the modernization of its strategic nuclear forces.²² According to Russian open sources, Russia has a new strategic air-launched nuclear cruise missile near deployment, is MIRVing its new mobile ICBMs (the RS-24), and has committed to deploy at least one new strategic bomber, a new 5000 km-range submarine-launched cruise missile, and a new heavy ICBM. There also has been interest expressed in the Russian press for a new rail-mobile ICBM and a new air-launched ICBM—neither of which, according to some open Russian commentary, would necessarily have to be counted under the treaty's force ceilings.

The bottom line is that aging forces and Russia's production and financial problems are causing reductions in Russia's force numbers precipitously—with or without New START. But, if and when Russia has the necessary financial and production capacity, New START will not prevent Russia from deploying new forces well beyond New START's specified ceilings.

In sum, force numbers and diversity do matter because flexibility and resilience are key contributors to the credibility of our forces. This was true in the past and is even more so now. New START's limits, including on some US conventional PGS options, will require US force reductions and constrain US strategic force flexibility and diversity. The most important question in this regard is whether US forces in the future will retain *sufficient* flexibility and resilience to be credible in conditions that are less optimistic than those assumed by the administration in its New START analyses. An important consideration in this regard is that the treaty's ceilings appear *not* to require real Russian nuclear force reductions in the near-term, and its loopholes and extreme permissiveness would not prevent the renewal of Russian strategic capabilities over time. A treaty that could reduce US flexibility and resilience but not require real Russian cuts nor preclude a future Russian strategic renewal merits close Senate scrutiny.

There are some steps that might help to mitigate these risks posed by New START. They involve US commitments, demonstrated by policy guidance and robust program budgets for

advanced conventional PGS, missile defense, and innovative replacements for our aging ICBMs, bombers and air-launched missiles—modernization programs permitted under the treaty.

New START and Missile Defense

Many others have commented on New START's connections to missile defense. So, I will only summarize my own conclusions here. Senior administration officials have said about missile defense that, "There are no constraints of any kind in the New START Treaty,"²³ and, "The treaty does nothing to constrain missile defenses...there is no limit or constraint on what the United States can do with its missile defense systems."²⁴ Such administration statements simply are false. New START includes limitations on US missile defense options. Judgments may differ regarding the significance of these limitations, but there should be no further denials that New START includes them.

US missile defense options may need to be protected, particularly given Russia's long-standing goal to veto US missile defense and the administration's apparent commitment to further negotiations. Toward this end, the Senate could direct the President to make more clear to Russia than now is reflected in the pertinent US Unilateral Statement that the United States recognizes no treaty limits on missile defense beyond those in Article 5, paragraph 3, and that the US will not agree to any further negotiated limits of any kind on US missile defense options.

In addition, New START establishes the Bilateral Consultative Commission (BCC) and gives it broad authority to "agree upon such additional measures as may be necessary to improve the viability and effectiveness of the Treaty."²⁵ Missile defense is part of the subject matter of the treaty and its protocol, and the BCC is authorized specifically to discuss the unique distinguishing features of missile defense launchers and interceptors and make "viability and effectiveness" changes in the treaty. These could be done in secret and without Senate advice and consent.²⁶ Such institutions are not supposed to make substantive changes in the terms of treaties. But, START I's Joint Compliance and Inspection Commission (JCIC) served with a more limited scope, and appears to have made significant changes in START's terms without Senate advice and consent. This past precedent is not comforting in this regard.

The Senate might find it particularly valuable to insist on continuous and complete visibility into the ongoing workings of the BCC. This could be particularly helpful to ensure that no new limits on missile defense emerge, without Senate advice and consent, from the BCC's potentially secret proceedings.

Thank you.

¹ See Richard Nixon, National Security Council, *National Security Decision Memorandum-242, Policy for Planning the Employment of Nuclear Weapons*, January 17, 1974 (Top Secret, declassified February 20, 1998). See also,

Jimmy Carter, *Presidential Directive/NSC-59*, The White House, July 25, 1980 (Top Secret, Partially declassified August 20, 1996); Harold Brown, *Department of Defense Annual Report Fiscal Year 1982* (Washington, D.C.: USGPO, 1981), p. 40.

² The Final Report of the Congressional Commission on the Strategic Posture of the United States, *America's Strategic Posture* (Washington, DC: USIP, 2009), pp. 23, 24-26.

³ Unclassified portions of the report quoted by Chairman Carl Levin, Senate Armed Services Committee, *Hearing on the New Strategic Arms Reduction Treaty (START) Implementation*, July 20, 2010, CQ Congressional Transcript.

⁴ "Assured devastating second strike capability" is the descriptor used by Dr. James Miller in, Senate Armed Services Committee, *Hearing on the New Strategic Arms Reduction Treaty (START) Implementation*, July 20, 2010, CQ Congressional Transcript.

⁵ Dr. James Miller, *Ibid.* See also, Department of State, Bureau of Verification, Compliance, and Implementation, *Fact Sheet*, April 8, 2010, at <http://www.state.gov/t/vci/rls/139899.htm>.

⁶ Under New START the number of deployed US strategic launchers will have to be reduced from today's reported level of 880 launchers to a ceiling of 700 deployed launchers. Amy Woolf, *The New START Treaty: Central Limits and Key Provisions*, Congressional Research Service 7-5700 (June 18, 2010), p. 19.

⁷ Gen. Kevin Chilton, Senate Armed Services Committee, *Hearing to Receive Testimony on the Nuclear Posture Review*, April 22, 2010, pp. 24-25.

⁸ Woolf, *The New START Treaty: Central Limits and Key Provisions*, pp. 17-18; also, Miller, Senate Armed Services Committee, *Hearing to Receive Testimony on the Nuclear Posture Review*, April 22, 2010, p. 24.

⁹ Gen. Kevin Chilton, Senate Foreign Relations Committee, Hearing, The New START Treaty: Views From the Pentagon, June 16, 2010, Federal News Service.

¹⁰ Gen. Kevin Chilton, Senate Armed Services Committee, *Hearing to Receive Testimony on the Nuclear Posture Review*, April, 22, p. 14.

¹¹ Gen. Kevin Chilton, *Ibid.*, pp. 8, 13; and, House Armed Service Committee, Hearing, *U.S. Nuclear Weapons Policy and Force Structure*, April 15, 2010, p. 11.

¹² See the discussion in, "Article Sees Serious Implications for India From Burma's Purported Nuclear Plans," *The Tribune Online*, (Chandigarh), July 17, 2010, SAP20100717534024.

¹³ See "Moscow Upgrades Strategic Bomber Fleet," *Air & Cosmos*, (Paris) January 8, 2010, pp. 34-35, EUP201001081; "Russian Military Pundits Consider Recent Missile Launches, Prospects," *Mayak Radio*, (Moscow) August 8, 2001, CEP20070811950032.

¹⁴ White House Fact Sheet on the "1251 report," May 13, 2010, available at www.whitehouse.gov/sites/default/files/New%20START%20section%201251%20fact%20sheet.pdf.

¹⁵ *Ibid.*

¹⁶ Department of Defense, *Nuclear Posture Review Report*, April 2010, p. vi; and, Testimony of Dr. James Miller, House Armed Service Committee, Hearing, *U.S. Nuclear Weapons Policy and Force Structure*, April 15, 2010, pp. 38, 41.

¹⁷ "Russia: Arbatov Critique of Khrushchikov Article on Poor State of RF Air Defense," *Nezavisimoye Obozreniye Online*, March 5, 2010, CEP20100305358011.

¹⁸ See, "Russia: Strategic Missile Troops Chief, Aide Cited on 25 December RS-24 Test Launch," *NEWSru.com*, December 25, 2007, CEP20071227358002.

¹⁹ Sergei Rogov, "Attempt Number 6: the Balance of Achievements and Concessions. Only the United States Will Have to Reduce Its Strategic Forces," *Nezavisimoye Voennoye Obozrenie*, April 9, 2010, (In Russian), available at: http://nvo.ng.ru/concepts/2010-04-09/1_snv.html.

²⁰ See for example, Woolf, *The New START Treaty: Central Limits and Key Provisions*, p. 20.

²¹ Ilya Kramnuk, “New START Treaty based on Mutual Russian-U.S. Concessions,” *RIA Novosti*, April 22, 2010, at <http://en.rian.ru/analysis/20100409/158499862.html>.

²² As stated by the First Deputy Defense Minister, Col-Gen. Vladimir Popovkin in, Pavel Felgenhauer, “Russia Seeks to Impose New ABM Treaty on the US by Developing BMD,” July 16, 2010, at georgiandaily.com.

²³ Secretary Ellen Tauscher, House Armed Service Committee, Hearing, *U.S. Nuclear Weapons Policy and Force Structure*, April 15, 2010, p. 19.

²⁴ Secretary Ellen Tauscher, Press Briefing, “New START Treaty and the Obama Administration’s Nonproliferation Agenda,” March 29, 2010, available at, www.state.gov/t/us/139205.htm.

²⁵ New START Treaty, Protocol, Part 6, Section 1, paragraph b.

²⁶ New START Treaty, Article XV, paragraph 2; New START Treaty, Protocol, Part 6, Section 5.