

Statement of Eric S. Edelman

Before the Senate Foreign Relations Committee

Hearing: The New START Treaty (Treaty Doc 111-5): Benefits and Risks

SD-419

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Chairman Shaheen, Senator Lugar, members of the Committee, thank you for providing me with the opportunity to share some thoughts with you today on the New START Treaty. A year ago I retired from the United States Foreign Service after almost 30 years and I bring to the subject at hand some perspectives from my years of work at the State Department, White House and Department of Defense, but today, however, I am not representing any institution, organization, or party. I am speaking solely for myself.

I would like to begin by saluting you Mr. Chairman, and your colleagues on the Committee, as well as the Armed Services and Intelligence Committees, for approaching the subject with the thoroughness and careful deliberation it deserves. As the Constitutional scholar George Anastaplo has observed,

“the arrangements in Section 2 with respect to treaties and appointments take it for granted that the Senate can be depended upon to be as well equipped as the President to know, or at least to be told, what is needed by the Country from time to time. The Senate shares the Executive power here, however convenient it may be to vest in a single man the negotiation of treaties....The President is not assumed to know things the Senate does not know or that the Senate cannot be told in appropriate circumstances.”¹

The Senate’s scrutiny and skepticism has played a valuable role in the history of arms limitation and reduction agreements and, in at least one case, SALT II, this body did not ratify an agreement reached by the Executive Branch.

¹ George Anastaplo, *The Constitution of 1787: A Commentary* (Baltimore, MD: Johns Hopkins University Press, 1989), p. 112.

I believe the systematic airing currently being provided by the Committee can contribute to increased understanding of how this Treaty fits into the broader set of national security issues facing the nation when, as the Nuclear Posture Review notes, “the threat of global nuclear war has become remote, but the risk of nuclear attack has increased.”² This is particularly the case because the earlier arms limitation and reduction agreements were reached in a context of what was widely perceived as an out of control arms race. Today both sides are already lowering their number of deployed nuclear warheads, and contrary to some assertions, despite the expiration of the START Treaty in December 2009, the number of deployed warheads remains governed by the Moscow Treaty until 2012. The Senate therefore can and should take the time to make sure that we get things done right rather than done fast.

I spent a good deal of my career as a diplomat working on U.S.-Soviet and, after 1992, U.S.-Russian relations. I served three consecutive Presidential Administrations, all of which operated from the assumption that the collapse of the Soviet Union marked the end of an ideologically-driven, strategic antagonism between the United States and Russia. All three Administrations based their policies on the hope and expectation that a democratizing Russia would become a “normal” country, an active proponent of a new and stable world order, a partner with the U.S. and NATO in seeking peace and stability in a Europe whole and free and also in resolving conflicts and dangers in Southwest Asia, Northeast Asia and elsewhere. In that sense the recurrence to a format that posits an adversarial relationship between the U.S. and Russia, defined by a need to control their respective nuclear arsenals, seems to mark an unfortunate retreat from those earlier aspirations. We don’t, for example, have arms control treaties with “normal” countries that have nuclear weapons like the U.K. and France. Russia’s increasing turn

² Department of Defense, *Nuclear Posture Review Report*, April 2010, p. iv

toward authoritarianism and the tensions and conflicts along the country's periphery that have developed over the past half-decade may have made the return to a START-like Treaty structure an inevitable, if lamentable, development. But a START-like treaty that ignores North Korea and Iran may be a step backward rather than forward.

Given these circumstances the New START Treaty, in my view, needs to be evaluated both against the standards used for predictability, strategic stability, and verifiability that were employed for earlier treaties of this type. If we are going to use the traditional arms control treaty structure we need to approach treaty questions with the same care and attention to detail that we did in earlier Senate reviews. In addition, however, because we are entering a Second Nuclear Era with emergent nuclear powers in North Korea, most likely Iran, and perhaps in Burma as well, the Senate's review must also be measured against a standard that incorporates the kinds of capabilities, particularly robust missile defenses and conventional prompt global strike, that will likely be required to cope successfully with new challenges.

In his statement, my colleague Robert Joseph deals with issues regarding ambiguities in the Treaty language, verifiability, and limits on missile defenses. I will not belabor those issues, although I very much share his concerns. Rather I will focus my attention on some characteristics of the Second Nuclear Era and pose some questions, in that regard, about the launcher limits set in the New START Treaty and their impact on the development of Prompt Global Strike (PGS) capabilities.

Since the middle of the 1990s a number of scholars, including Fred Ikle, Keith Payne, Paul Bracken, Colin Gray and Andrew Krepinevich have written about the emergence of a Second

Nuclear Age.³ This era is characterized by the continuing need to maintain deterrence among the great powers and to manage a more complicated multinational nuclear competition resulting from the progressive nuclearization of Asia with Iran and Burma possibly soon joining India, Pakistan, China and North Korea as nuclear weapons states. Others may perhaps follow in a cascade of proliferation that has been highlighted in the reports of both the Perry-Schlesinger Nuclear Posture Commission and the Graham-Talent Commission on Prevention of Weapons of Mass Destruction Proliferation and Terrorism. The growing number of nuclear weapons states with relatively small nuclear inventories imposes on the United States a requirement to put more emphasis on both missile defenses and long-range precision conventional strike weapons. This requirement has been recognized by the Nuclear Posture Review.

How well does the New START Treaty position the United States for the task of both maintaining deterrence among the existing nuclear powers and dealing with emergent regional nuclear powers?

With regard to the overall question of deterrence I hope the Senate will carefully examine the launcher limit of 700 deployed (with an additional 100 non-deployed launchers) to determine for itself if this limit meets the requirements of deterrence. In September 2008, Secretary Gates and then Energy Secretary Samuel Bodman produced a joint DoE-DOD White Paper “National Security and Nuclear Weapons in the 21st Century” that suggested a force of roughly 900 launchers was needed for purposes of deterrence. As recently as last fall the Vice Chairman of the Joint Chiefs of Staff, General James Cartwright, during an exchange with Senator Thune in

³ See for example, Fred Charles Iklé, “The Second Coming of the Nuclear Age,” *Foreign Affairs*, January/February 1996; Keith Payne, *Deterrence in the Second Nuclear Age* (Lexington, KY: University Press of Kentucky, 1996); Colin Gray, *The Second Nuclear Age* (Boulder, CO: Lynne Rienner Publishers, 1999); Paul Bracken, “The Second Nuclear Age,” *Foreign Affairs*, January/February 2000; and Andrew F. Krepinevich, *U.S. Nuclear Forces: Meeting the Challenge of a Proliferated World* (Washington, DC: Center for Strategic and Budgetary Assessments, 2009).

the SASC, said he “would be very concerned” if the launcher limit dropped below 800. What has changed? Why are 700 deployed launchers now sufficient? How will the U.S. maintain a resilient triad of ICBMs, SLBMs, and manned bombers in the medium term? It is easy to understand why this lower limit was appealing to Russian officials since their launcher numbers appear to be dropping below 700 as a consequence of the aging of their systems and problems with their foundering modernization plans. But is a treaty that requires no elimination of nuclear force structure by Russia while forcing the U.S. to reduce launchers in the U.S. national interest, particularly given U.S. global responsibilities for providing extended deterrence to its allies a requirement which Russia does not face. Secretary Clinton and others have suggested that the possible emergence of a nuclear Iran may lead the U.S. to take on even more commitments to provide extended deterrence in the Middle East. Can the U.S. credibly take on such commitments with a shrinking arsenal of launchers?

The launcher limit has implications for our Prompt Global Strike capabilities. Both the 2001 and 2010 Nuclear Posture Reviews make the point that advancing U.S. conventional capabilities, and in particular long-range precision conventional strike weapons, make it possible to decrease the role of nuclear weapons in the nation’s military force posture. It is important to note, however, that while long-range conventional strike weapons can achieve some of the discrete target effects that were previously reserved for nuclear weapons they cannot produce the mass effects or credibility that are uniquely resident in our nuclear weapons inventory. As General Chilton told the Senate Armed Services committee on April 22, “I consider prompt global strike capability as a niche capability, another quiver, if you will, of the United States to address warfighting concerns. I do not see it as a replacement for the nuclear deterrent in that role, specifically...you don't replace the nuclear deterrent with that, one-for-one, not even ten-for-one.” Today, as we

move into the Second Nuclear Era the question of a Prompt Global Strike capability is taking on greater urgency. But the use of either ICBMs or SLBMs for the PGS mission will henceforth be constrained by the Treaty which counts them as Strategic Delivery Vehicles accountable under the 700 launcher limit. The difficulty here is that we do not yet know what the requirement for PGS will be, and thus run a substantial risk of putting the arms control cart ahead of the capability requirements horse.

The use of prompt conventional strikes for the purpose of destroying a fleeting, emergent target, such as a terrorist leader or a suspected transfer of WMD, would require small numbers of PGS vehicles which might be easily accommodated under the 700 launcher limit. However, PGS increasingly needs to be seen as necessary for the leading edge of combat operations in an environment where anti-access/area denial capabilities will preclude traditional uses of U.S. airpower or where the President (current or future) will want non-nuclear options for dealing with a spreading number of nations with small nuclear inventories. One recent study has suggested the need for 50 such systems, but the number could easily be larger.⁴ This number could already pinch the nuclear forces needed to maintain the nuclear triad under the New START negotiated launcher limit. The problem could become even more acute if lower limits are negotiated in subsequent agreements. A major problem here is that the Treaty's preamble suggests a link between the deployment of PGS and "strategic stability," thereby establishing a precedent for counting these weapons as part of nuclear arms control agreements. Although the article-by-article analysis of the Treaty submitted to the Senate suggests that the United States

⁴ Bruce Sugden, "Speed Kills: Analyzing the Deployment of Conventional Ballistic Missiles," *International Security*, 34:1, Summer 2009, 113-146, estimate of a minimum force of 50 for counter-nuclear missions is on page 119. See also Thomas Scheber, "Conventionally-Armed ICBMs: Time for Another Look", *Comparative Strategy*, 27:4, 336 — 344.

has registered with Russia its view that “not all new kinds of systems of strategic range would be 'new kinds of strategic offensive arms' subject to the New START Treaty” (a statement that would seem to protect a hypersonic glide vehicle from being subject to the Treaty), the fact remains that for the ten year life of this agreement the cheapest and quickest route to a PGS capability would be a conventionally armed Trident or Minuteman missile, whose numbers are limited by the Treaty.

Let me conclude by noting that the United States has probably never faced a more complex or daunting set of challenges to the nation’s security as we will in the years ahead. In that context, the requirement for nuclear deterrence will remain a concern for policy makers. As Secretary Gates suggested in October 2008 a sine qua non for maintaining our nuclear deterrent is a modernized nuclear force. He rightly pointed out that “at a certain point, it will become impossible to keep extending the life of our arsenal – especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won’t have as much confidence in the efficacy of the weapons we do have. Currently, the United States is the only declared nuclear power that is neither modernizing its nuclear arsenal nor has the capability to produce a new nuclear warhead. The United Kingdom and France have programs to maintain their deterrent capabilities. China and Russia have embarked on ambitious paths to design and field new weapons. To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.”

That said much of the danger and difficulty the nation faces will present itself in the form of regional, nuclear armed powers. The Nuclear Posture Review rightly points out that the nation can reduce the role of nuclear weapons, even in the face of these difficulties, because we have

improved Missile Defense and PGS capabilities, but this is true only if we continue to field these capabilities in sufficient numbers, and with plausible operational concepts that enable us to preserve our security interest. New START, unfortunately introduces limits and obstacles to further development of precisely these means of defending the country. As part of the ratification process I would hope that, at a minimum, the Senate will express its sense that no further limitations on either Missile Defense or Prompt Global Strike should be considered as a part of future nuclear arms reduction agreements. Allowing any further such constraints could well prove a major error in long-term strategy because they would trade away areas of U.S. comparative advantage for reductions in Russian strategic forces that would be likely to happen even in the absence of a treaty.