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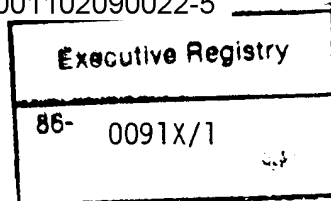
TO #5: Any comment?

Executive Secretary

21 Apr 86
Date

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April 14, 1986

Mr. William J. Casey
 Director of Central Intelligence
 7-E-60 HQ
 Washington, D.C. 20505

Dear Bill,

The HPSCI staff requested a set of specific suggestions on ways to improve intelligence relating to arms control. Enclosed is a copy of my submission, slightly trimmed in the course of security review.

One issue that you and Bob Gates might consider is whether it would be advisable for the Congress to broaden the charter of the annual report on Soviet arms control noncompliance to also report on apparent compliance, as well.

In the early 1980s, it has been prudent to report on noncompliance, without purporting to certify apparent compliance as well. But if the pattern of noncompliance is not related to patterns of concurrent or restored compliance, then future arms control initiatives are unlikely to incorporate the lessons from the mixed record of past Soviet treaty compliance.

Recent statements by State Department officials (not cleared with the NSC or DOD staffs) have suggested that the Soviet Union complies with the "substantial" or "overwhelming" majority of the provisions of SALT agreements. Such ad hoc representations erode support for policy initiatives to strengthen incentives for treaty compliance both at home and abroad.

My preliminary review suggests: If one controls for SALT provisions that are not operationally limiting or that are only procedural, and if one uses a preponderance of the evidence standard (appropriate for civil contracts and treaties), the Soviets have materially breached [violations + fraudulent evasions defeating an essential object or purpose] 55 to 60 percent of separable SALT treaty duties. The rates of noncompliance are higher for the Biological Weapons Convention and the ABM Treaty, and lower for various accident limiting measures and other arms control agreements.

Some officials do not as yet trust that CIA will do a rigorous job of assessing the state of both compliance and non-compliance, together. But [redacted] reminds us, the CIA of the mid-1980s is not the CIA of the mid-70s. It is, in my view, time for the government to begin the effort to obtain a more comprehensive and clearer picture. Only

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through more comprehensive analysis is it possible to see the types of arms limitations that have failed, those that have accomplished their objectives, and those with a mixed record.

You are in a position to implement at least some of these suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

William R. Harris

Revised attachment to Ltr., W. R. Harris to the Hon. Dave McCurdy, HPSCI
14 April 1986

CANDIDATE INITIATIVES TO IMPROVE INTELLIGENCE
RELATING TO ARMS CONTROL AGREEMENTS AND STRATEGY

INTEGRATIVE REQUIREMENTS

Several initiatives are proposed for the purpose of providing a better understanding of the overall state of performance of arms control obligations, bilateral agreements with the Soviet Union and multilateral treaties (which generally involve significantly higher rates of compliance by almost all parties). The U.S. government has not as yet undertaken a systematic analysis of the significance of performance under existing arms control agreements for a performance-based strategy for arms control.

Initiative #1: The Congress could amend the annual duty of the President to report to the Congress on Soviet noncompliance, so as to include: statistical indicators of apparent compliance and material breaches (violations + fraudulent evasions of specified duties) of all Soviet arms control agreements in force or extended as political commitments.

Aggregate statistics for all operationally limiting duties of arms control treaty instruments would place noncomplying conduct within a broader perspective, as prelude to development of a performance-based strategy for arms control initiatives. If the Congress seeks to compare Soviet treaty violations by treaty, or by type of treaty object or purpose, or by rate of compliance with particular types of limits, aggregate and comparative statistics may be helpful. But Members of Congress should not expect that statistical indicators would support a "business-as-usual" approach to new arms control agreements, or an excuse for deferral of responsive measures to Soviet treaty violations that are irreversible or that are correctable but stand uncorrected.

Contrary to testimony suggesting that the Soviets have complied with the "overwhelming majority" of arms control provisions, my preliminary review indicates that the Soviets have materially breached (violated or engaged in fraudulent evasion that would authorize treaty rescission) the majority of separable duties within operationally limiting provisions of the the SALT I Interim Agreement (1972), the ABM Treaty (1972), and the SALT II Treaty (1979).

The Soviets have breached the substantial majority of specified duties under the SALT I Interim Agreement and the ABM Treaty of 1972. After controlling for provisions that are not operationally limiting (about 2/3rds of the SALT II provisions), the Soviet record of SALT II compliance indicates a higher rate of

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compliance than with the preceding SALT agreements. Nevertheless, the Soviet Union has engaged in material breaches of this Treaty as well.

Regarding non-SALT arms control duties, the Soviet record is mixed: they have violated all 15 separable duties under the Biological Weapons Convention, but few of the separable duties of the Nonproliferation Treaty, various accident-avoidance agreements, and most other arms control commitments.

If the Congress seeks a comparative review of Soviet compliance and noncompliance, it should be prepared to cope with a broader pattern of Soviet arms control noncompliance than has been suggested by witnesses whose assertions of Soviet compliance with "the substantial majority" or the "overwhelming majority" of treaty provisions reflect wishful and seriously understated guesses regarding the rate of Soviet treaty violations. Statistical indicators of Soviet compliance and noncompliance must not be misapplied to excuse the utterly unacceptable policy of selective compliance. A treaty is a solemn contract between nations, taken as a whole. A material breach of any provision allows another party to suspend or terminate the entire treaty. But statistical indicators may help to understand what types of past arms control restrictions have or have not weathered the test of opportunistic Soviet compliance and noncompliance policies.

Initiative #2: The executive departments might task intelligence to estimate the likely consequences of alternative policy initiatives to strengthen incentives for arms control compliance.

This initiative could facilitate development of responsive and anticipatory safeguards to strengthen incentives for arms control compliance.

Initiative #3: The President or the executive departments might commission an historical review of the performance of international arms control obligations since World War II.

This study should be designed to place Soviet compliance issues in a broader historical context. If well done, it should help us to understand: why a great power, the Soviet Union, has entered into some arms control commitments without intending to comply fully with their terms; why U.S. responses to Soviet noncompliance in 1972-75 preceded more extensive disregard of Soviet arms control duties, as by exportation of lethal chemicals for first use in Southeast Asia, expansion of an offensive biological weapons program after treaty ratification in 1975, and disregard of certain ABM and SALT II treaty duties well before the Soviets had reason to expect delayed U.S. ratification. Moreover, an historical review might place the unusual Soviet record within the broader pattern of general compliance with arms control commitments.

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TAILORED REQUIREMENTS

Initiative #4: The President or Special Assistant for National Security Affairs could direct the production of Semi-Annual SALT Monitoring Reports by each appropriate U.S. intelligence agency (e.g. CIA, DIA, NSA, INR) instead of the production of a single coordinated report.

In the course of reviewing U.S. records concerning a quarter century of Soviet conduct with arms control commitments, 1958-1983, I found the semi-annual SALT monitoring reports of recurring value. CIA is to be commended for recording U.S. intelligence assessments in such convenient form, year after year. Yet, the most helpful reporting for a retrospective and integrative assessment involved that of the period 1973-1975, when both CIA and DIA produced independent SALT monitoring reports. These highlighted different factual patterns, and differing assessments. DIA's assessments of concurrent Soviet testing of SAM and ABM system components were particularly helpful when separately reported. Thereafter, a common SALT monitoring report tended to blur many of the differences, and made it harder to retrieve -- years later -- alternative explanations that would be more readily available if separate agency reports were published. A coordinated monitoring report might also be produced (if the policy community found it useful), but the competitive vigor of the 1973-1975 period should be encouraged.

Initiative #5: The President or Special Assistant for National Security Affairs could request the production of Semi-Annual Monitoring Reports on Non-SALT Arms Control Agreements.

The pattern of compliance, noncompliance, and selective restoration of compliance with non-SALT arms control agreements would be more readily apparent if there were an integrative intelligence assessment. The Non-SALT Arms Control Monitoring Report should include at least brief review of foreign arms control compliance with treaties, such as the Conventional Weapons Convention of 1981, and the Montreux Convention (whose limits on movement of capital warships and aircraft carriers are carried forward by the 1982 Law of the Sea Convention), even though the United States is not a party to these treaties. It is important to understand, for example, why the Soviet Union moved an aircraft carrier through the Turkish straits on exactly the 40th anniversary of the signing of a treaty that, at the initiative of the Soviet Commissar of Foreign Affairs (Litvinov), prohibited exactly this conduct. If the U.S. is to develop a more effective strategy for arms control, it must learn from all of the pertinent experience, and not merely from treaties signed or ratified by the United States.

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Initiative #6: The Congress should, in my judgment, make more effective use of the Derwinski Amendment of 1977, Section 37 of the Arms Control and Disarmament Act, by greater precision in requests for and oversight of Section 37 reports.

This provision establishes as a duty of the Director of the Arms Control and Disarmament Agency reporting to the Congress, upon request, the verifiability of existing and proposed arms control agreements of the United States. If the Committee is interested in more effective utilization of the Derwinski Amendment, it might direct its Staff to undertake a comparative review of all of the requests (by both House and Senate) for Section 37 reports, and of all of the Section 37 reports received, reasons for delay or failure to respond, and utility of information obtained. How do past Section 37 reports square with classified and unclassified Presidential reports on Soviet arms control noncompliance in the period 1984-1985? How should requests for Section 37 Reports be designed to elicit more useful responses, taking into account limited resources within ACDA to respond to legislative requests? Can Section 37 Reports improve prospects for adequate verification (including informing policy responses in event of noncompliance) of proposed arms control agreements?

Under the Intelligence Oversight Act of 1980, as amended, both the House and Senate Intelligence committees have oversight (and concurrent budget) jurisdiction over the Verification and Intelligence Bureau of ACDA. It is an intelligence entity, within the meaning of this statute, irrespective of its residence within a policy agency rather than within an intelligence agency. Your committee has jurisdiction to hold oversight hearings if it considers them helpful in assuring that ACDA receives and produces the arms control intelligence that is needed.

CAPABILITIES TO MEET CONTEMPORARY REQUIREMENTS: PERSONNEL

Having labored in the verification trenches, I am sensitive to the recurring emphasis upon collection, when the most cost-effective investment appears to be personnel for analysis. One of the shortages that is apparent to me is of trained international lawyers with an understanding of weapons technology and pertinent intelligence. There are more ambiguities of verification relating to legal duties than those relating to intelligence data. The salary structure within the government does not encourage recruitment and retention of some of the more able international lawyers who are skilled in verification assessments. More extensive use of consultants for this purpose is a realistic and needed initiative.

Similarly, there is a shortage of technical intelligence personnel, with appropriate education and experience, assigned to arms control verification. There are some treaties that are

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better staffed than others. At times, the availability or loss of a single person makes the difference between a national ability or inability to verify an arms control treaty. The shortage could be remedied, I believe, were the House and Senate Intelligence committees to apply their oversight authority to assure appropriate staff, consultant, and advisory committee support for arms control verification.

CAPABILITIES TO MEET CONTEMPORARY REQUIREMENTS: MULTILATERAL VERIFICATION INITIATIVES

U.S. verification capabilities must be augmented by more extensive U.S. participation in multilateral verification activities. Many of the treaties involving material noncompliance are multilateral. Even if the U.S. can adequately verify a treaty on its own, the U.S. cannot guarantee effective multilateral responses to treaty violations if other nations have not worked the verification issues to their own satisfaction. And some treaties, such as the Threshold Test Ban Treaty, require multilateral cooperation for verification by any nation.

CAPABILITIES TO MEET CONTEMPORARY REQUIREMENTS: COLLECTION OF PERTINENT DATA

Major changes in the intelligence investment program may be unrealistic in an era of federal deficits. But if resources for verification shrink (when measured in constant dollars), it becomes more important than before to acquire those intelligence systems that can help verify militarily significant parameters.

Unless the Soviets demonstrate a reduction in their counter-measures to verification, new collection systems are likely to be required if the U.S. is to verify compliance with the precision and timeliness that are needed. At the request of your staff, I have applied this principle to particular proposed arms control limits and particular collection technologies, on a classified basis.

To verify numbers of silo-launchers in the ground while there are reserve missile inventories (some upon transporter-erector-launchers), is both self-defeating and imprudent. If mobile missiles are to be limited, intelligence must be prepared to sample, with some reliability, deployments of even those mobile systems that are designed for reduced observability. And if there are to be numerical limits on deployed nuclear delivery systems (both mobile and fixed-based), definition of criteria for "rapid reload" and declaration of reserve inventories of delivery vehicles would improve prospects for verification.

If the U.S. is to defer new arms control commitments until more comprehensive Soviet remediation of treaty violations, then new investments for arms control verification can be largely deferred. But if the U.S. is prepared to embark upon new arms

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control agreements, the Congress must authorize and appropriate funds for verification of compliance/noncompliance, and for intelligence that more adequately supports effective responses after detection of violations.

CAPABILITIES TO MEET CONTEMPORARY REQUIREMENTS: UNEXPECTED AND ADAPTIVE COLLECTION

Soviet deliberate concealment measures impeding treaty verification are illegal. Since U.S. complaints in the Standing Consultative Committee and elsewhere preceded expansion of Soviet maskirovka programs, it is imprudent to count upon Soviet self-restraint to make verification economical. Accordingly, the U.S. has both the need and the legal justification to attempt overcoming Soviet concealment and deception programs by seeking verification by unexpected national technical means, or by expected national technical means operating in unexpected modes. The U.S. should unabashedly ask other nations to augment global resources for arms control verification, by establishing or modernizing facilities, including jointly-operated facilities, for that purpose. Soviet denial and deception programs may ultimately bring other nations together to strengthen verification capabilities,

CAPABILITIES TO MEET CONTEMPORARY REQUIREMENTS: PUBLIC INTELLIGENCE

Finally, it is important to build within the verification system of the U.S. and foreign nations a larger component of what I term "public intelligence." This is intelligence data or the product of intelligence analysis that can be publicly released. An unclassified photograph of a Soviet aircraft carrier transiting the Turkish straits, a Backfire bomber with extended fuel probe during in-flight refueling, or a child injured by a mine disguised as a toy in Afghanistan, speaks to all who care about the integrity of arms control commitments.

Much of the data that is required for verification cannot be publicly released, particularly when public release is likely to lead to further concealment efforts. But if a strategy for future arms control initiatives is to be based upon learning from past performance, it will be essential to share more fully with the American and world publics information on the state of performance of all contemporary arms control agreements. If too much of the balance sheet remains secret, a failure to redirect arms control initiatives will only result in the bankruptcy of obsolete policies, perhaps earlier than some could imagine.

The preceding suggestions for better integrated intelligence requirements, for coverage of oft-neglected treaties, and for technical, institutional, and staff capabilities to produce more helpful intelligence are just that -- suggestions.

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