

January 29, 1987

CONGRESSIONAL RECORD — SENATE

S 1413

Disability Rights Education Defense Fund.
Epilepsy Foundation of America.
Mental Health Law Project.
National Alliance for the Mentally Ill.
National Association of Developmental Disabilities Councils.
National Association of Private Residential Facilities for the Mentally Retarded.
National Association of Protection and Advocacy Systems.
National Association of State Mental Retardation Program Directors.
National Council on Rehabilitation Education.
National Easter Seal Society.
National Head Injury Foundation.
National Industries for the Severely Handicapped.
National Mental Health Association.
National Recreation and Parks Association.
National Rehabilitation Association.
Paralyzed Veterans of America.
The Association for Persons with Severe Handicaps.
United Cerebral Palsy Associations, Inc.

EMERGENCY ASSISTANCE FOR THE HOMELESS

MURKOWSKI (AND OTHERS) AMENDMENT NO. 9

Mr. MURKOWSKI (for himself, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. PRESSLER, Mr. D'AMATO, and Mr. DOMENICI) proposed an amendment to the joint resolution (H.J. Res. 102) supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the status of American foreign food assistance programs in relation to agricultural trade. The hearing will be held on Thursday, February 5, 1987 at 10 a.m. in room SR-332. Senator MELCHER will preside. For further information please contact David Voight at 224-2644.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold field hearings on February 9, 10, and 11 in Minneapolis, MN; Bismark, ND; Omaha, NE; Underwood, IA; and Garretson, SD. For further information please contact Leslie Dach of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Thursday, January 29, 1987, at 1:30 p.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition be authorized to meet during the session of the Senate on Thursday, January 29, 1987, at 3:30 p.m., to hold closed hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOVIET SALT VIOLATIONS—SOVIET BREAK OUT FROM ARMS CONTROL

● Mr. SYMMS. Mr. President, I submit for the RECORD a recent study entitled "The Death of Arms Control: Soviet SALT Break Out," by David S. Sullivan. The Sullivan study will be a chapter in the forthcoming book entitled "The Global Struggle Over Peace: The Arms Control Dilemma," edited by Dr. William Kintner. Dr. Kintner is a distinguished professor emeritus of international relations at the University of Pennsylvania, where he taught for many years, after three other long and equally distinguished careers. His first career was as a combat tested military officer in two wars, then as a CIA officer, and then as U.S. Ambassador to Thailand during the end of the Vietnam war.

The Kintner book will be published soon by the Washington Institute for Values in Public Policy.

The Sullivan study contains valuable information important for the impending Senate deliberations on arms control. It has been cleared for publication by the Central Intelligence Agency.

The Sullivan study contains:

The most complete summary of Presidentially confirmed Soviet SALT and other arms control violations;

The only systematic analysis available of the military implications of the Soviet SALT violations, which goes beyond the mere summary assertions for the Joint Chiefs of Staff;

The evidence that the Soviets are already exceeding the most important SALT II sublimit, are probably covertly over a second SALT II sublimit, and are about to exceed the third SALT II sublimit, as well as being increasingly over the main SALT II overall ceiling on missiles, and bombers with their 22 confirmed SALT II violations;

Some recently declassified CIA judgments about the impact of Soviet camouflage, concealment, and deception in shrouding Soviet violations in the arms control arena;

A description of the Soviet offensive first strike capability, and the emerging Soviet nationwide ABM capability resulting from the Soviet SALT violations.

The most complete and detailed explanation available in the unclassified domain of Soviet violations of the Threshold Test Ban Treaty, resulting in significant contributions to the Soviet first strike capability;

And finally, an analysis of how Marxist-Leninist ideology is the principal obstacle to arms control.

The Sullivan study contains more details which are important contributions to the Senate's arms control debates. For example, the Soviets told U.S. START negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and ALCM-equipped long range bombers. Now the Soviets are doing just that—for example, they have just launched two more ballistic missile submarines, which will put the Soviets over one SALT II sublimit within 2 to 3 months.

Moreover, President Reagan was told by Soviet Communist Party General Secretary Gorbachev in Iceland in October 1986 that the heavily camouflaged and concealed Soviet SS-24 railmobile MIRV'd ICBM was operationally deployed even then. This Soviet admission is conclusive evidence of SS-24 operational deployment. Intelligence reports from the press indicate that the Soviets have already exceeded another SALT II sublimit by deploying at least five heavily camouflaged and concealed railmobile SS-24 MIRV'd ICBM's. President Reagan reportedly informed Congress of his concern about the effects of Soviet camouflage and concealment. He wrote recently that the inherent mobility and transportability of the SS-25 and SS-24 made it likely that the Soviets will try to deploy more launchers for these systems even more covertly than we are aware of today. The Soviets thereby could avoid compensatory dismantlement of other MIRV'd ICBM's. This potential is particularly significant with regard to the 10 warhead SS-24. President Reagan thus recently informed Congress that the Soviets would probably deploy more SS-24 railmobile MIRV'd ICBM's, and even more covertly, in an attempt to further violate SALT II.

The CIA has stated recently that: "We can not exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-24, a railmobile MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II." This CIA judgment has been confirmed as accurate by Soviet General Secretary Gorbachev's admission of SS-24 deployment, by recent evidence of SS-24 deployment from U.S. national technical means of SALT verification, and by President Reagan's suspicion that the Soviets would

try to deploy even more camouflaged SS-24 railmobile MIRV'd ICBM's even more covertly than they are already doing. And this Soviet SS-24 deployment had already occurred at least by early October 1986, over 1½ months before the United States exceeded a SALT II sublimit on November 28, 1986.

Finally, CIA believes that covert, undetectable, deployment of long range ALCM's on 300 intercontinental Backfire bombers could be attractive to the Soviets in a SALT II breakout environment. I believe that the Soviets are already breaking out of SALT I and II. President Reagan has confirmed 5 Soviet violations of the SALT I interim agreement, 9 Soviet violations of the SALT I ABM Treaty, and 22 Soviet violations of the SALT II Treaty. This pattern of Soviet SALT violations has been expanding, clearly indicating Soviet breakout from SALT.

In sum, the Soviets are confirmed by their own admission to be already over the 820 SALT II sublimit on MIRV'd ICBM's, and by their detected deployment of more than five camouflaged SS-24 railmobile MIRV'd ICBM's. The Soviets clearly intend to exceed within 2 to 3 months the SALT II sublimit of 1,200 MIRV'd ICBM's and MIRV'd SLBM's, by their launch of two more ballistic missile submarines, which would exceed this sublimit. And the Soviets are also already over the 1,320 SALT II sublimit on MIRV'd missiles and bombers equipped with ALCM's, with their covert breakout deployment of long range AS-115 ALCM's on 300 intercontinental Backfire bombers.

All these deployments in violation of the three SALT II sublimits were clearly intended since the Soviets announced their intentions to the United States in late 1983. Indeed, these deployment have almost certainly been intended since late 1974.

Therefore, the Soviets have already exceeded the most important SALT II sublimit, are committed to exceed soon a second SALT II sublimit, and are covertly exceeding the third SALT II sublimit, and this is all part of Soviet SALT breakout. Those who advocate a United States return to compliance with the SALT II sublimits are asking that the United States comply with SALT II sublimits that the Soviets exceeded or were committed to exceeding before November 28, 1986. This would be nothing but U.S. unilateral disarmament. I would vote to sustain President Reagan's threatened veto of legislation codifying SALT II sublimits.

The arms control process and the Soviet violations of the SALT treaties have allowed the Soviets to achieve overwhelming strategic superiority, while the United States has practiced unilateral disarmament and appeasement. At least eight times since 1982, President Reagan himself has acknowledged Soviet strategic superiority.

Mr. President, President Reagan himself realized that the arms control process has allowed the Soviet Union to achieve overwhelming strategic superiority over the United States. President Reagan himself stated this as early as May 9, 1982:

So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige.

The Defence Department agreed in stating:

Current Soviet policy on arms agreements is dominated by their attempts to derive unilateral advantage from arms negotiations and agreements, by accepting only arrangements that permit continued Soviet increases in military strength while using the negotiation process to inhibit Western increases in military strength * * *. The Soviet Union regards arms negotiations as arenas of political conflict in which important military advantages can be gained or lost. The Soviet leadership does not think in terms of mutuality or perceived arms control negotiations as a means of reducing arms. They attempt at every turn to achieve strategic advantage.

And the CIA agreed in stating on June 25, 1985, that:

Soviet leaders view arms control policy as an important factor in advancing their strategy of achieving strategic advantage. Moscow has long believed that arms control must first and foremost protect the capabilities of Soviet military forces relative to their opponents.

The Sullivan study provides important evidence to support all of these conclusions, and I ask that it be printed in the Record for the benefit of my colleagues.

The study follows:

THE DEATH OF ARMS CONTROL: SOVIET SALT BREAK OUT

(By David S. Sullivan)

In the wake of the October, 1986, Reykjavik Summit, where Soviet Leader Gorbachev described the discussions as "heated" and "sharp", American leaders are finally beginning to realize that the Soviets have killed arms control as a means of preserving international security. This is because American leaders are beginning to recognize that the Soviets have long been "Breaking Out" of the Strategic Arms Limitation Talks (SALT) Treaties since SALT I was signed as long ago as 1972. The two fundamental US arms control objectives of 1969, when SALT negotiations first began, have not been achieved. Indeed, we are now in precisely the situation that the SALT treaties and negotiation process was supposed to prevent. The Soviets now have the capability for a first strike attack on most US deterrent, retaliatory forces, while at the same time being able to defend with Anti-Ballistic Missiles an increasing proportion of their nation against the small percentage of US deterrent forces that might survive their first strike and execute a retaliatory attack. The Soviets are about to have operational a nationwide ABM defense. The net result of Soviet offensive and defensive SALT Break Out is not just the death of arms control, but much more ominous, the imminent demise of nuclear deterrence itself. The Soviets are rapidly approaching the capability of being able to engage in "nuclear blackmail." As Ronald Reagan stated in 1964: "We are

at war with the most dangerous enemy that has ever faced mankind." This assessment is even more true today.

At the Reykjavik Summit there was Soviet nuclear blackmail already subtly in evidence. Soviet Leader Gorbachev threatened to conduct international relations under the rule of "law by the fist", meaning the Soviet fist. Gorbachev also mentioned "unpredictable, serious consequences" in future US-Soviet relations if the US did not acquiesce in the Soviet demands. Finally, Gorbachev's characterization of President Reagan before the Summit as a liar regarding Daniloff, and his explicit comparison of the President to a "madman", were also unprecedented and provocative. Gorbachev stated that the US must "accept the realities" of Soviet strategic supremacy, and he implicitly referred to a Soviet "break out" superiority.

The Soviets are now confirmed to be violating in significant ways every important existing arms control treaty. The essential results of the Soviet SALT Break Out violations are their first strike offensive capability and their emerging nationwide ABM defense. The US must now take proportionate responses. As President Reagan stated in June, 1986, in regard to his strategic modernization programs, "We come to one of those unique crossroads of history where nations decide their fate . . . our choices are clear."

THE MAIN SOVIET SALT BREAK OUT VIOLATIONS

SALT I Interim Offensive Agreement: SS-19 MIRVed ICBM deployment resulted in a five-fold increase in Soviet first strike counterforce capability.

SALT II Treaty: Excess fractionation of SS-18 MIRVed ICBM, deployment of SS-24 rail mobile MIRVed ICBM, deployment of road mobile SS-25 covertly MIRVed ICBM, testing of the even heavier throwweight follow-on to the super heavy SS-18, all further enhance Soviet first strike, counterforce capability.

SALT I ABM Treaty: Deployment of the 9 Pechora-Krasnoyarsk Class ABM Battle Management Radars providing overlapping, massively redundant coverage, together with massive deployment of 3 types of camouflaged, mobile ABM-capable SAMs, and mass production of ABM-3 mobile ABMs, give the Soviets an impending nationwide ABM capability.

America is now witnessing the Soviet SALT Break Out deployment of illegal new mobile ICBMs, carrying illegal new MIRVed warheads, defended by an illegal nationwide ABM system using illegal ABM Battle Management Radars and illegal mobile ABM and illegal, mobile ABM-capable interceptor missiles and radars. The net result of these Soviet SALT Break Out violations is a Soviet first strike offensive capability, and a nationwide ABM defense. (See the Annex to this study for a complete listing of the Soviet violations confirmed by President Reagan, together with an evaluation of their military implications.

As Defense Secretary Weinberger stated on December 11, 1986: "The Soviets have regularly violated some of the most important SALT II provisions. Their ultimate hypocrisy is their recent statement that they will 'continue to observe SALT II's limits,' with their atheistic hands piously raised, proclaiming another Soviet lie."

WISELY ABANDONING SALT I AND SALT II

President Reagan has wisely decided to abandon US unilateral compliance with the expired SALT I and SALT II agreements, and he should withdraw from the SALT I ABM Treaty as well. A recent poll shows that 70 percent of the American people sup-

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port his decision to abandon the SALT II Treaty. The President's decision was based upon the fact that the Soviets were ignoring all three criteria for his "interim restraint" SALT compliance policy:

1. The Soviets should make tangible negotiating progress on a new arms control treaty in Geneva;

2. The Soviets should reverse their SALT Break Out violations;

3. The Soviets should reverse their threatening strategic and military buildup.

The Soviets have totally ignored each of these three Presidential criteria, so President Reagan was fully justified in his belated decision to abandon SALT I and SALT II. The Soviets have refused to agree to progress in the Geneva negotiations on an equitable, realistic basis, have not even acknowledged their ever widening pattern of SALT Break Out violations, and are ever increasing their ICBM, IRBM, SLBM, bomber, cruise missile, warhead, and ABM gaps over the US.

The Soviets are now engaged only in arms control negotiations by propaganda: Gorbachev's duplicitous offensive nuclear weapons reductions proposals while the Soviet offensive buildup continues relentlessly in violation of SALT I and II; and Gorbachev's duplicitous nuclear test ban moratorium proposals, while the Soviet violations of two existing nuclear test ban treaties continue relentlessly.

The Soviets are deploying scores of illegal SS-25 and now SS-24 ICBMs each year. The Soviets are 75 to 600 missiles and bombers above the number they had when SALT II was signed in 1979. Since 1978, there have been over 20 Soviet violations of the 150 kiloton threshold of the 1974 Threshold Test Ban Treaty, and since 1965 there have been over 30 unambiguous Soviet violations of the 1963 Limited or Atmospheric Test Ban Treaty. (1)

NEED TO WITHDRAW FROM SALT I ABM TREATY

President Reagan is now confronted with the final decision required by Soviet SALT Break Out violations—US withdrawal from the SALT I ABM Treaty. In agreeing to the 1972 SALT I package of the ABM Treaty and the Interim Offensive Agreement, the US gave up a potent ABM capability for defending ICBMs, in exchange for no constraints at all on Soviet offensive programs. Pre-existing Soviet ICBM and SLBM deployment plans were actually codified in the SALT I Interim Agreement. The US thus gave up an advantage in ABMs for worse than nothing, a huge Soviet buildup in the very first strike, counterforce capability that our ABM was designed to thwart. The Soviets also reversed the relative US-Soviet positions in ABM development in the years after SALT I, and now they have deployed 31 large ABM radars, compared to a maximum of only 12 only planned by the US in 1969, more than double the most ambitious US ABM program. In retrospect, SALT I was clearly detrimental to US national security interests. And SALT II merely again codified the ongoing Soviet first strike, counterforce buildup.

Since SALT began in 1969, the Soviets have added over 10,000 nuclear warheads to their arsenal. In the same period, the US has scrapped over 8,000 warheads deployed, and 12,000 more planned were cancelled.

Dr. Henry Kissinger finally conceded to a shocked NATO Brussels Conference on September 1, 1979 that: "The amazing phenomenon about which historians will ponder is that all this [dramatic growth of the Soviet strategic power since 1963] has happened without the US attempting to make any significant effort to rectify that state of affairs . . . It cannot have occurred

often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable."

SOVIET IDEOLOGY: WAR PREPARATION

Indeed, American leaders are finally beginning to ask this fundamental question about the prospects for arms control: Why should the Soviet Union be willing to reduce their nuclear weapons at all, when nuclear weapons are their most important means for becoming and remaining a super power?

An even more significant factor explaining the death of arms control is emerging into the consciousness of American leaders: Soviet Marxist-Leninist ideology is totally incompatible with arms control. But this has long been an obvious obstacle to arms control to those familiar with Marxism-Leninism. Just a few examples can be cited. The 6th World Congress of the Communist International published this Resolution in 1928: "The peace policy of the Proletarian State . . . is merely a more advantageous form of fighting Capitalism."

In 1969, just as SALT negotiations began, the journal of the Soviet General Staff (the key body involved in Soviet arms control policy) *Military Thought*, stated: "Strengthening of its defenses is now the foremost political function of the Soviet State . . . never before has the internal life of the country been subordinated to a war so deeply and thoroughly as at the present time."

Military Thought added in 1971: In fact, a [i.e. Marxist-Leninist] nation's diplomatic activity becomes a part of those non-military means of policy implementation which . . . are contained within the concept of the content of war."

Clearly, to Soviet leaders steeped in Marxism-Leninism, diplomacy and arms control negotiations are a fundamental element of war preparations, which is avowedly the main function of the Soviet State.

The fundamental Soviet war preparation strategy underlying their Marxist-Leninist ideological approach to arms control was discerned as long ago as 1958 by three eminent Americans. Former Secretary of State Dean Acheson recognized in 1959 that: "In the present century the Soviet State has perfected the use of negotiations . . . as a method of warfare."

Dr. Herbert Dinerstein, wrote prophetically in the January 1958 edition of *Foreign Affairs*: "If they [the Soviets] should acquire such preponderant military strength, they would have policy alternatives even more attractive than the initiation of nuclear war. By flaunting presumably invincible strength, the Soviet Union could compel piecemeal capitulation of the democracies. This prospect must indeed seem glittering to Soviet leaders."

And as the late President John F. Kennedy accurately predicted in the 1960 Presidential "Missile Gap" Campaign: "Their [Soviet] missile power will be the shield from behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect non-overt aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the Free World will slowly be nibbled away."

Thus Kennedy recognized that the fundamental Soviet strategy in international relations was one of nuclear blackmail.

President Reagan also seemed to recognize the Soviet war preparation, ideological approach to arms control earlier in his Administration, when he stated on March 31, 1983 that: "The chances for real arms control depend on restoring the military balance. We know that the ideology of the

Soviet leaders does not permit them to leave any Western weakness unprobed, any vacuum of power unfilled. It would seem that to them negotiation is only another form of struggle.

And President Reagan correctly stated on January 29, 1981 at his first news conference as President: They [the Soviets] have openly and publicly declared that the only morality they recognize is what will further their cause, meaning they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that."

He added on March 8, 1983: ". . . they are the focus of evil in the modern world."

President Reagan also stated on May 9, 1982, that: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict US defense programs and, in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige."

Thus President Reagan has shown that he is aware of the ideological basis for the Soviet approach to arms control. It remains only for the State Department to recognize this reality.

U.S. SALT OBJECTIVES: NO SOVIET FIRST STRIKE OR NATIONWIDE ABM CAPABILITY

When the Strategic Arms Limitation Treaty (SALT) talks began in 1969, the United States had two fundamental objectives: (1) preventing the Soviets from deploying an offensive first strike capability; (2) and preventing the Soviets from deploying a nationwide Anti-Ballistic Missile defense.

These two objectives were integrally linked in the Preambles to the 1972 SALT I ABM Treaty, the 1972 SALT I Interim Agreement on Offensive Weapons, and the 1979 SALT II Treaty. Evidence for this assessment is clear. Senator Henry Jackson said this in 1972 about the primary US objective in SALT I—to preserve the survivability of US strategic forces: "The intent of the SALT I Agreements is to enhance our security by enhancing the survivability of our deterrent."

And Article I of the ABM Treaty, the most important provision, prohibits a nationwide ABM defense, or even the base for a nationwide ABM defense.

But the US has completely failed to achieve our two fundamental SALT objectives, after almost two decades of the SALT negotiating process. This US failure results from the clear facts that the Soviets now have a first strike offensive capability, and they are about to have a nationwide ABM defense. Thus supreme United States national security interests should require America to withdraw from the 1972 SALT I ABM Treaty, rather than to pledge to Soviet Dictator Gorbachev to abide by this failed and violated treaty for another seven years. Indeed, the US has already decided to cease its unilateral compliance with the expired SALT I Interim Agreement and the expired, unratified SALT II Treaty, because of systematic Soviet violations of both. The same rationale applies even more clearly to the SALT I ABM Treaty—Soviet violations of the ABM Treaty are conclusive and point to deployment of the prohibited nationwide ABM defense, and the failure of arms control to prevent a Soviet offensive first strike capability requires US withdrawal from unilateral compliance with not only the SALT I Interim Agreement and the SALT II Treaty, but also with the SALT I ABM Treaty.

The US should withdraw from the ABM Treaty partly because of the following US Unilateral Statement to the SALT I ABM Treaty, of May 9, 1972, expressing American policy: "The US Delegation believes that an

objective of the follow-on [i.e. SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, US supreme national interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty."

But the Soviets now have deployed a first strike counterforce offensive capability which threatens the survivability of our deterrent retaliatory forces, according to authoritative Administration statements. The Soviet first strike capability stems from their confirmed violations of SALT I and II—especially the MIRVed SS-19 ICBM deployment, excess fractionation on their MIRVed SS-18 ICBM, and deployment of their rail mobile, MIRVed SS-24 ICBM. Moreover, after 14 years of negotiations on offensive weapons constraints, there are not permanent, or even interim limitations on Soviet offensive forces; the SALT I Interim Offensive Agreement expired in 1977 and the fatally flawed SALT II Treaty was never ratified and expired in 1985. Therefore, under the two conditions of the 1972 US Unilateral Statement, US supreme national interests require US withdrawal from the ABM Treaty.

There is another criterion available to judge the failure of the SALT process. Under the "Brooke Amendment" to the Senate resolution of approval of SALT I in 1972, the Senate itself stated that SALT I and the SALT II negotiations would be based upon: "The preservation of longstanding US policy that neither the Soviet Union or the United States should seek unilateral advantage by developing a first strike potential."

The "Brooke Amendment" thus posited that the success of SALT I and SALT II depended upon the prevention of a Soviet first strike potential.

But according to authoritative Administration statements, the Soviets have achieved a deployed first strike strategic offensive capability. President Reagan has correctly stated in January 1985 that: "Modern, accurate ICBMs carrying multiple nuclear warheads—if deployed in sufficiently large numbers relative to the size of an opponent's force structure, as the Soviets have done with their ICBM force—could be used in a rapid first strike to undercut an opponent's ability to retaliate effectively."

President Reagan's National Security Advisor also stated in January 1985 that: "... American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years."

And in President Reagan's May 1985 Victory in Europe Day speech, he also described the Soviet "first strike" capability, and alarmingly warned that the Soviet threat now emerging jeopardizes "deterrence itself."

In President Reagan's strategic modernization statement of June 3, 1986, he again stated that there is a: "Growing strategic imbalance between the US and the USSR . . . In calculating what they call the 'correlation of forces,' the Soviet political and military leadership are ever mindful of the state of the nuclear balance between the US and the Soviet Union . . . any weakening of our nuclear deterrent, leaving the Soviet Union with superior nuclear force . . . could invite the Soviet Union to rely on such an advantage . . . this loss in survivability of US strategic forces, coupled with the magnitude of the Soviet buildup, had begun to erode seriously the stability of the strategic balance."

Moreover, Admiral William Crowe, Chairman of the Joint Chiefs of Staff, testified to the Senate on June 19, 1986, that: "The strategic nuclear balance has shifted dramatically. The Soviets now enjoy superiority in ICBMs." ICBMs are the key element in a first strike capability, because they are highly accurate weapons capable of destroying hardened targets within only 30 minutes of flight time. The Soviets are acknowledged to have over a 6 to 1 advantage against U.S. hard targets in ICBM warheads. It is in starkest reality more like 8 or 10 to 1 Soviet first strike advantage. As Air Force Chief of Staff, General Larry Welch, confirmed on August 18, 1986: "The existing imbalance in hard target attack capabilities is very heavily in favor of the Soviets."

The CIA testified to the Senate on June 26, 1985, that: "The Soviets already have enough hard target-capable ICBM reentry vehicles today to attack all U.S. ICBM silos and launch control centers. . . In such an attack today, they would stand a good chance of destroying Minuteman silos."

Finally, a Reagan Administration arms control official warned on August 7, 1985 that: "The Soviet Union possesses a tremendous capability to launch a devastating first strike against the United States, and they are continuing to expand that capability."

In sum, it is clear that the Soviets have a first strike offensive capability. The significance of this conclusion is serious. Former Defense Secretary Melvin Laird stated on July 24, 1972, that: "If the Soviet Union goes forward with a program . . . which appears to be a concerted attempt to undermine the survivability of the Minuteman deterrent force, we would view this with great concern. In my view, such a program would be contrary to the intent of the agreements that have been arrived at in SALT [I] . . . I think the intent of this agreement would be violated."

What about the second SALT objective—preventing a Soviet nationwide ABM defense? This objective was integrally linked to preventing a Soviet first strike offensive capability. In November, 1985, Defense Secretary Weinberger testified to the Senate that the Soviets already have "some nationwide ABM capability." Of course, even a base for a nationwide ABM capability is banned by Article I of the ABM Treaty.

According to authoritative, official, unclassified US Intelligence estimates, the Soviet Moscow ABM system modernization and upgrade will be operational in 1987, as will the illegal Krasnoyarsk ABM Battle Management Radar. In fact, three more Pechora-Krasnoyarsk Class ABM Battle Management radars have just recently been discovered, making total of more than 9 large ABM Battle Management Radars in the Pechora-Krasnoyarsk Class alone. (Two more are expected to be discovered.) These three new radars reportedly provide triple coverage of the key Western approaches to the USSR. Counting the Moscow and Hen House Class Radars, the Soviets now have over 31 large ABM Battle Management Radars, over twice as many as the US planned in 1969, at the height of our Safeguard ABM system ambitions. These numerous large ABM Battle Management Radars already comprise a prohibited base for a nationwide ABM defense, because they are the long lead-time element for a nationwide ABM defense.

There has thus been a complete reversal of roles between the US and the USSR since 1969 in ABM Battle Management Radars, the key long lead time element of a nationwide ABM defense system.

ABM interceptor missiles and small ABM engagement radars are necessary to be linked up with ABM Battle Management

Radars in order to form a nationwide ABM system. Ideally, these components should be mobile, in order to enhance their survivability and increase their ability to extend defensive coverage to potential targets. The Soviets have four types of ABM and ABM-capable interceptor-radar systems, three of which are mobile, in mass production even today. These are the SAM-5, SAM-10, SAM-12, and ABM-3 interceptor and engagement radar ABM-capable or ABM systems. There are already over 2,500 ABM-capable SAM-5 interceptor-radar systems deployed around Moscow, around Krasnoyarsk, and nationwide, and the also ABM-capable SAM-10, SAM-12, and ABM-3 systems are mobile. There are reportedly over 2,000 semi-mobile and mobile SAM-10s already deployed nationwide. Both the ABM-capable SAM-10 and SAM-12 mobile systems will be widely deployed nationwide by next year, 1987, and the SAM-10 is already being deployed around Moscow and Krasnoyarsk. The SAM-12 will probably also be deployed around Moscow and Krasnoyarsk. The ABM-3 will also be widely deployed around Moscow and probably nationwide and be operational in 1987. So the Soviets probably already have over 4,600 ABM-capable launchers, to 0 for the U.S.

The engagement radars for these four ABM systems are reportedly being internetworked with each other, and with both the large Pushkino and the Pechora-Krasnoyarsk Class ABM Battle Management Radars. In particular, the SAM-5 and the SAM-10 already deployed around Moscow are reportedly also already internetworked with the Pushkino ABM radar, and also with the ABM-3 system. The SAM-12 is also expected to be deployed both around Moscow, and also around Krasnoyarsk, where there are already large numbers of SAM-5s. Thus the SAM-10 and SAM-12, all being deployed around Moscow, are being internetworked with the SAM-5, which is already tied to the Pushkino ABM radar and the ABM-3 system. The ABM-3 mobile system is also expected to be deployed around the Krasnoyarsk ABM Battle Management Radar, joining the already deployed SAM-5 and SAM-10, and the expected SAM-12.

In sum, all four of these ABM and ABM-capable systems are being deployed around and internetworked with the Moscow ABM, and this deployment and internetworking will probably also occur around the Krasnoyarsk ABM Radar, all during 1987. These ABM deployments will connect the expanded and upgraded Moscow ABM system to the illegal Krasnoyarsk ABM system, making a nationwide Soviet ABM system. This nationwide ABM defense system will be supported by 31 large ABM Battle Management Radars, including more than 9 overlapping Pechora-Krasnoyarsk Class radars. Even before the recent discovery of the 3 new ABM radars, the Defense and State Department's White Paper on "Soviet Strategic Defense Programs" of October, 1985 long ago confirmed: "The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent."

President Reagan stated on October 13, 1985, that "For some years now we have been aware that the Soviets have been developing a nationwide defense" in violation of the ABM Treaty. President Reagan understood the stakes involved in Soviet Break Out from the offensive and defensive constraints of SALT I and SALT II, when he stated in June, 1986: "We come to one of those unique crossroads of history where nations decide their fate. Our choices are clear." He means that the failure of arms

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control is finally being recognized at the highest levels of the American government. The Soviets are indeed Breaking Out of SALT. As long ago as May, 1969, at the very beginning of the SALT negotiations, US Chief SALT Negotiator Gerard Smith prophetically conceded that: "If either side is striving for or appears to be striving for an effective counterforce first strike capability, then there is no hope for strategic arms control."

And Defense Secretary Weinberger stated in November, 1985 that the US would have to add to its offensive forces in the event of Soviet ABM Treaty Break Out. We are already adding to our offensive and defensive forces due to Soviet Break Out from the SALT I Interim Offensive Agreement, and ABM Treaty, and the SALT II Treaty. As the Joint Chiefs of Staff stated to Congress in July: "Taken as a whole, these violations—SS-25, encryption, and the Krasnoyarsk ABM radar—give the Soviets definite Advantages. . ."

CONCLUSION: DEATH OF ARMS CONTROL

In conclusion, it would be a grave concession undermining world peace, American security, and strategic stability for the US to ever agree to extend our unilateral compliance with the ABM Treaty, especially after the start of Soviet ABM and offensive SALT Break Out. Instead, the US should withdraw from the ABM Treaty ourselves, not only because of Soviet nationwide ABM defense Break Out violations, but also because of the 14 year failure of the SALT negotiating process to prevent a Soviet first strike offensive capability jeopardizing American supreme national interests. The US may succumb to nuclear blackmail by the Soviets if we were to agree to extend our compliance with the ABM Treaty, against our supreme national interests. As Secretary of State Shultz correctly stated on May 14, 1984: "Arms control will simply not survive in conditions of inequality."

And as Dr. Zbigniew Brzezinski, former President Carter's National Security Advisor, stated correctly in 1984: "The time has come to lay to rest the expectation that arms control is the secret key to a more amicable American—Soviet relationship, or even to the enhancement of mutual security."

Defense Secretary Weinberger and other experts have stated that we are now in the precise situations the SALT process was supposed to prevent. We are vulnerable to a Soviet first strike, yet the ABM Treaty prevents us from deploying the same nationwide ABM defense that the Soviets are already deploying in violation of the ABM Treaty. There is thus really no useful arms control business left to contract with the Soviets, because their SALT negotiating duplicity and their treacherous SALT Break Out violations have enabled them to checkmate us strategically through arms control.

How can we negotiate with an adversary which is constantly striving to undermine strategic stability and the fundamental purposes of arms control? After all, military forces are only the reflection of political hostility. It is therefore futile to try to regulate or reduce military forces separately from their underlying political causes. But until we can convince Soviet leaders to abandon their Marxist-Leninist ideology, there can be no hope for arms control.

Perhaps in recognition of this fact, President Reagan stated profoundly on March 8, 1983, that: "The struggle now going on for the world will never be decided by bombs or rockets, by armies or military might. The real crisis we face today is a spiritual one; at root, it is a test of moral will and faith."

Will America have the moral will and faith to recognize that the Soviets have killed arms control by their SALT Break Out violations, and that the only way to preserve international security is by unilateral means, enhanced deterrence? After all, the U.S. was far safer from the Soviet threat of nuclear war during the 1945-1963 Cold War period when America relied on its unilateral efforts for deterrence.

The duplicitous history of Detente and SALT shows that the Cold War never ended for the Soviets. Thus the US must finally abandon its futile quest for security through arms control. We must instead seek security by the old fashioned method—through unilateral offensive deterrent deployment programs, and through our own nationwide Strategic Defense Initiative. We must regain security by the old fashioned method—we must earn it. Perhaps this is what President Reagan meant when he said we are at a crossroads of history where we have the choice to decide our nation's fate.

Winston Churchill warned gravely after World War II: "Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever."

ANNEX: PRESIDENTIALLY CONFIRMED SOVIET SALT BREAK OUT VIOLATIONS, AND THEIR MILITARY IMPLICATIONS

A. *Presidentially confirmed expanding pattern of Soviet SALT II break out violations—Total of 22*

I. SS-25 mobile ICBM—prohibited 2nd new type ICBM:

1. Development since about 1975;
2. Flight-testing (irreversible), since Febr. 1983;
3. Deployment since 1985—over 100 plus launchers, "direct violation";
4. Prohibited rapid-refire capability—doubles force;
5. RV-to-Throw-Weight ratio (and doubling of throwweight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation";
6. Encryption of telemetry, "direct violation".

II. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the number only they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II. (2)

III. SS-N-23 SLBM:

8. Heavy Throw-Weight prohibited (conclusive evidence);
9. Development since about 1975;
10. Flight-testing (irreversible);
11. Deployment on Delta IV and III Class submarines;
12. Encryption of telemetry.

IV. Backfire intercontinental bomber:

13. Arctic basing, increasing intercontinental operating capability;
14. Probable refueling probe, increasing intercontinental operating capability;
15. Production of more than 30 Backfires per year for an estimated five years, making more than an estimated 12 extra Backfire bombers; (3)

V. CCD:

16. Expanding pattern of Camouflage, Concealment, and Deception (Maskirovka), deliberately impeding verification.

VI. Encryption:

17. Almost total encryption of ICBM and SLBM telemetry. (3A)

VII. Launcher-ICBM Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers. (4)

VIII. SS-16:

19. Confirmed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at Plesetsk test range, now reportedly probably being replaced by similar number of banned SS-25 mobile ICBM launchers. (5)

IX. Falsification of SALT II Data Exchange:

20. Operationally deployed SS-16 launchers not declared;

21. AS-3 Kangaroo long range air launched cruise missile range falsely declared to be less than 600 kilometers and not counted.

X. Excess MIRV fractionation:

22. SS-18 super heavy ICBM: NIE reportedly says SS-18 deployed with 14 warheads each, adding 1,232 warheads. (6)

Additionally, deployment of more than 5SS-24 railmobile MIRVed ICBM launchers in violation of SALT II sublimit of 820 MIRVed ICBM launchers, was reportedly confirmed to President Reagan at Iceland Summit on October 11, 1986, by Soviet Leader Gorbachev. Moreover, the Soviets are reportedly flight-testing the even heavier throwweight follow-on to the super heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throwweight. This will certainly result in further excess MIRVing of the SS-18. The Soviets reportedly told the US arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in the process of doing.

B. *Presidentially confirmed expanding pattern of Soviet SALT I interim agreement break out violations—5 violations*

1. Soviet deployment of the Heavy SS-19 ICBM and the Medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of 5.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet Camouflage, Concealment, and Deception deliberately impeding verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long range cruise missiles on converted Y Class SLBM submarines, which "is a threat to US and Allied security similar to that of the original SSBN." (7)

5. "The US judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986: "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. *Presidentially confirmed expanding pattern of Soviet SALT I ABM Treaty break out violations—9 violations*

1. The siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" 3 provisions of the SALT I ABM Treaty.

2. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 Surface-to-Air Missiles and radars are "highly proba-

ble" violations of the SALT I ABM Treaty. (8) Two high Soviet officials have even admitted that their SAMs have been tested and deployed with a prohibited ABM capability. The JCS state that the SAM-5, SAM-10, and SAM-12 have an ABM capability.

3. The Soviets "may be developing" and deploying a territorial, nationwide ABM defense, which violates the SALT I ban on developing even a "base" for the "nationwide defense." President Reagan has stated that "this is a serious cause for concern." The Secretary of Defense has testified that the "Soviets have some nationwide ABM capability" already.

4. The mobility of the ABM-3 system is a violation of the SALT I ABM Treaty.

5. Soviet rapid relocation without prior notification of an ABM radar, creating the Kamchatka ABM test range, and mobility of the ABM-3 radar, were "violations" of the ABM Treaty.

6. Continuing development of mobile "Flat Twin" ABM radars, from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets are now mass producing the mobile ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a "serious cause for concern." The State and Defense Departments state that the Soviets "may" have a prohibited reloadable ABM system.

8. Soviet deliberate Camouflage, Concealment, and Deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range launchers is a violation of the ABM Treaty Dismantling Procedures.

As Defense Secretary Weinberger stated on December 11, 1986, there has been: "The recent discovery of three new Soviet large phased-array radars of this type [i.e. The Pechora-Krasnoyarsk class]—a 50% increase in the number of such radars. These radars are essential components of any large ABM deployment . . . The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the US-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities. . ."

D. Presidentially confirmed expanding pattern of Soviet violations of nuclear test bans—Over 70 violations

1. About 40 atmospheric nuclear weapons tests, August through September 1961, in violation of the 1958 Mutual Test Ban Moratorium, including a 58 megaton shot.

2. Over 30 conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (or Atmospheric) Test Ban Treaty. (9)

3. Over 20 cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in "probable violation" of the 1974 Threshold Test Ban Treaty. (10) (See section L. to this annex for more detail.)

E. Presidentially confirmed expanding pattern of Soviet violations of biological and chemical weapons bans

1. "The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapons Convention." The US

has no defenses against this capability. The Sverdlovsk Anthrax Explosion of April 1979, killing several thousand Soviets, is direct evidence to this military capability.

There is also evidence of Soviet deception regarding the BW Convention. The Soviet Military Dictionary of 1978 stated: "Bacteriological Warfare is forbidden by international law and is condemned by all progressive mankind." But in the Soviet Military Encyclopedia of 1982, the Soviets admitted that: "Achievements in biology and related sciences . . . have led to an increase in the effectiveness of biological agents as a means of conducting warfare, and to a qualitative re-examination of the very concept of 'biological weapons.'"

2. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousands of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

F. Soviet violation of the Kennedy-Khrushchev Agreement

The Soviets are violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba, because of the reported presence of 4 or more TU-95 Bear intercontinental bombers, more than 40 nuclear delivery capable Mig-27 Flogger Fighter-bombers, several types of strategic submarines, over 200 nuclear delivery capable Mig-21 fighter-bombers, and the Soviet Combat Brigade. President Reagan, the CIA Director, the JCS Chairman, and the Under Secretary of Defense for Policy have all charged that the Soviets are violating the Agreement.

G. U.S. verification helps Soviet deception

SALT I and II prohibit "deliberate concealment measures which impede verification by National Technical Means."

CIA has stated the following new judgment about Soviet strategic Camouflage, Concealment, and Deception: "Since the SALT I Agreement of 1972, Soviet encryption and concealment activities have become more extensive and disturbing . . . The Soviet program [of strategic Camouflage, Concealment, and Deception—Maskirovka] is extensive and pervasive . . . it makes detection of noncompliance considerably more difficult . . . much of the ambiguity [in US Intelligence about further Soviet SALT violations] is a direct result of data denial . . . these two Soviet activities [i.e. concealment and encryption, and deception] impede our ability to verify the Soviet Union's compliance with its political commitments to SALT II . . . Soviet deliberate [Camouflage, Concealment, and Deception] could also make it more difficult for the US to assess accurately the critical parameters of any future missile." (CIA unclassified memo "Overview of Soviet Data Denial," June 17, 1986.)

The 1968 Soviet Dictionary of Definitions of Military Terms defines "Maskirovka" as including the "creating of deliberate interference with technical means of reconnaissance." Thus Soviet Maskirovka is deliberate, and CIA admits that it impedes US National Technical Means of verification. It is therefore a SALT violation.

And as the noted intelligence expert, Dr. Angelo Codevilla, has correctly pointed out recently in Global Affairs (Summer, 1986): "They [the Soviets] have tested some of their high powered radars in a way that would damage our satellites, and are the world's leaders in electronic jamming that can render satellites useless." (11)

The purpose of Soviet Maskirovka, itself a SALT violation, is to cover and conceal further Soviet SALT violations. Thus Soviet Maskirovka SALT violations have been used for improving Soviet ability to use US verification mechanisms in order to cover perhaps even more serious but undetected Soviet SALT violations.

The US SALT verification process by National Technical Means has actually aided the Soviet strategic Maskirovka program, by assuring predictability of intelligence collection by the US, and more importantly, by providing US incentives for feedback to the Soviets that aids Soviet deception planners. Thus the Soviets use the US verification process to find out how much we know about their violations, when we know it, how accurately we know it, and most importantly, how strong our political will is to challenge their violations and try to enforce their compliance. When they can obtain this kind of feedback from the US on the success of their Maskirovka CCD program, Soviet deception planners are then able to devise even more effective Maskirovka measures to hide even more serious SALT violations. Indeed, the US verification process has effectively aided Soviet Maskirovka through the provision of feedback. The Soviet Maskirovka program plus US feedback on its successes has allowed the Soviets to plan programs effectively countering US national Technical Means of verification. As the President's arms control General Advisory Committee Report of October 10, 1984, correctly stated: "The expanding Soviet national concealment and deception program may have been a preparation or a cover for more extensive violations taking place now."

H. Realistic estimate of military effects of Soviet SALT II violations, based on Presidential reports and data (1)

Violation	SNDV's	Warheads
SS-25 mobile ICBM deployment (5).....	400	200
SS-25 covert 3 MIRV (2).....	200	1,400
Confirmed SS-16 deployment (3).....	50	150
SS-25's at Plesetsk.....	50	600
TU-95 Bear H.....	399	900
Intercontinental Backfire.....	12	36
Extra Backfires.....		1,232
Excess SS-18 fractionation (4).....	200	200
SS-20 as covert ICBM (launcher used to launch SS-16).....	820	820
Covert soft launch of old ICBM's stockpiled.....		
Total.....	2,232	5,538
SNDV's June 1979 SALT II signing Current warheads (2 more subs).....	2,504	10,984
Total military effects.....	4,736	16,522

¹ 100 current, 200 by 1987, doubling by rapid refile.
² Plus equal number of non-SALT I dismantled SS-11's.

Note: Totals do not include 5 Soviet Black-jack bombers which could carry as many as 100 ALCMs (US had to count 4 B-1A bombers in SALT II in 1979.) Totals also do not count probably excess fractionation estimated on new SS-N-23 SLBM. (12)

The US Arms Control and Disarmament Agency has made the following new, unclassified verification judgment: "We cannot exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-X-24, a rail mobile MIRVed ICBM, may have left their place of final assembly and may therefore be accountable under SALT II."

Thus the Soviets may now also be over the most important sublimit of SALT II, the sublimit of 820 MIRVed ICBMs. The Defense Department has stated that SS-24 deployment is expected "soon", and has stated: "The SS-X-24 deployment in a rail mobile mode could begin as early as late 1986 . . . Early preparations for the deploy-

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ment of the SS-X-24 are already underway." The Soviets will probably deploy an initial increment of about 100 heavily camouflaged and concealed rail mobile SS-24s by 1987, which will carry 1,000 first strike warheads. The above totals do not count this SS-24 deployment. Soviet Leader Gorbachev reportedly confirmed on October 11, 1986 at the Iceland Summit, that at least 2 of the railmobile SS-24s were operational. US Intelligence has reportedly detected as many as five SS-24 MIRVed railmobile ICBM launchers already operationally deployed.

ACDA and CIA have also recently made the following additional unclassified verification judgment: "Prior to the sinking of the Soviet Yankee Class SSBN on October 6, 1986, the number of Soviet Strategic Nuclear Delivery Vehicles that are SALT II-accountable was larger than it was when the President, in 1984 and 1985, found the Soviets to be in violation of their obligation to abide by the numerical limits of SALT II. It was also larger than it was on May 27, 1986, when the President announced his new policy abandoning US unilateral compliance with SALT II, and larger than it was on August 5, 1986, when Senator McClure argued on the Senate floor against US unilateral SALT II compliance. Even when the 16 SLBMs carried on the Yankee Class submarine that recently sank are removed from the number of SALT II-accountable Soviet Strategic Nuclear Delivery Vehicles, the number remains greater than the 2,504 SNDVs recognized as permitted by SALT II."

The precise estimated number of Soviet SNDVs is difficult to determine due to Soviet CCD, and it is classified, but it is well above and increasingly above 2,504. Senator McClure estimated publicly on October 17, 1986, that the Soviets are 75 to 225 SNDVs over their allotted 2,504. Total Soviet SNDVs range between 2,579 and 2,729 or even 3,100. In contrast, the US SALT II-accountable SNDV total is only 1,753, according to official Defense Department sources during 1986. This is the lowest total since SALT began in 1969. The Soviets have deployed from 13,000 to 17,000 strategic nuclear intercontinental warheads, compared to only 9,200 for the US.

FOOTNOTES

(1) Soviet Maskirovka—Camouflage, Concealment, Deception—causes many US Intelligence uncertainties, which in turn require realistic and conservative estimates of Soviet strategic forces.

Moreover, there is reason to believe that Soviet Maskirovka is made even more effective by the partial blinding of US Intelligence caused by the space-launch stand-down. The 1980 Reagan Administration CIA Transition Team Report reportedly stated: "The failure of a single launch in the early to mid-1980s could negate all of our capability for a particular type of collector for a protracted period of time. A failure of the space shuttle could be a disastrous for the entire technical collection effort . . . any problem in the space shuttle could prevent the launch of the improved system on schedule, and since there is no back-up whatsoever, the US could be completely blinded with no overhead photoreconnaissance capability at all in the mid-1980s."

(13) There is good reason to believe that there is currently a US verification and reconnaissance crisis which is unprecedented, thereby blinding US Intelligence. Soviet Maskirovka and this reconnaissance crisis should cause the US to err on the high side in estimating Soviet forces, as a measure of caution. President Reagan reportedly informed Congress of his concern about the

effects of Soviet Maskirovka and reconnaissance crisis. He wrote recently that given the extensive concealment associated with the SS-25 and SS-24 ICBM programs, and the inherent mobility and transportability of these systems, there is a probability that the Soviets will try to deploy additional launchers more covertly than we are aware of today. They thereby could avoid compensatory dismantlement of their MIRVed ICBMs. This potential is particularly significant with regard to the 10-warhead SS-24, but with the exception of USAF Intelligence, US Intelligence has an unbroken, scandalous 23-year record of significantly underestimating the quantity, quality, and budget of Soviet strategic forces.

(2) SS-25 RV to Throw-Weight ratio is a conclusive violation of SALT II. The purpose of the constraint violated is to prevent covert MIRVing. It is therefore reasonable to infer probable covert MIRVing of the SS-25. Moreover, the SS-25's throw-weight is twice that of the old, single warhead SS-13. The best explanation for this throw-weight doubling is also covert MIRVing. Finally, US Intelligence believes that the SS-25 will eventually be MIRVed anyway, projecting a MIRVed SS-25 follow-on which could already be covertly deployed. The current National Intelligence Estimate reportedly predicts that the Soviets will deploy ICBMs and SLBMs with more warheads than they have been tested with. (14)

(3) SS-16s disappeared from Plesetsk, but were not destroyed. We must assume that they are covertly deployed with SS-20 forces.

(4) The current National Intelligence Estimate reportedly states that the SS-18 is deployed with 14 warheads each. (15)

(5) The precise number of SS-25 mobile ICBM launchers is never known, due to Soviet concealment of all SS-25 mobile launchers and of the relationship between the SS-25 missile and its launcher, and is ever growing. A reasonable first increment of SS-25s deployed is 200 launchers, based on evidence of SS-16 mobile ICBM deployment. Many more than 200 SS-25s are likely.

As noted, the SS-24 rail mobile ICBM will be operational soon during 1986. About 100 of these launchers are likely as a first increment by 1987, but the US will never know how many SS-24s are deployed rail mobile, due to Soviet camouflage, concealment, and deception. A total of 700 SS-25s and SS-24s mobile ICBM launchers are projected by the current NIE to be deployed by about 1990. All of these mobile launchers have a rapid reload and refire capability, doubling the force. (16) Indeed, the FY 1988 Defense Posture Statement confirms on page 55 that the Soviets have "the ability to refire many of their missiles (ICBMs) and that reloading exercises and procurement of spares to support them" mean that the Soviets have a massive strategic reserve force.

I. Quantitative analysis of military effects of Soviet circumvention of SALT I interim agreement

Replacement of light SS-11 ICBM with heavy SS-19 and SS-17 ICBMs occurred between 1970 and 1983, but the SALT I Interim Agreement's Article II prohibits replacement of light ICBMs with heavy ICBMs. This was a circumvention of SALT I which defeated its object and purpose. A strong element of Soviet negotiating deception and operational deception was involved in this circumvention.

When SALT I was signed on May 26, 1972, the best US Intelligence estimate was that a "new small ICBM" would be deployed in converted SS-11 light ICBM silos and in "new small ICBM silos". The "new small

ICBM" was estimated to be MIRVed, but only with 3 MIRVs. This conversion and deployment would have been within the provisions of SALT I. Only US Air Force Intelligence estimated that the "new small silos" would receive a new heavy, highly fractionated ICBM, which would also be retrofitted into converted SS-11 light ICBM silos. USAF Intelligence was right. The new SS-19 ICBM turned out to have 3 times the throw-weight of the SS-11; in fact, the SS-19's throw-weight was the same as the heavy SS-8 ICBM's.

The SS-19 also turned out to have 6 MIRVs, compared to the 3 estimated by most of US Intelligence, and compared to the single warhead SS-11. The somewhat smaller SS-17 ICBM and twice the throw-weight of the SS-11, and carried 4 MIRVed warheads. In sum, deployment of the heavy SS-19 and SS-17 ICBMs in circumvention of SALT I represented a growth of over five fold in the number of Soviet warheads in the SS-11 light ICBM force prior to SALT I: 2,760 accurate, high yield counterforce SS-19 and SS-17 warheads replaced 510 inaccurate SS-11 soft target warheads. (17)

The military effect of this massive circumvention of SALT I is calculated simply by subtracting from the actual SS-19/SS-17 warhead deployment of 2,760, the number of warheads estimated in May, 1972 on 510 3 MIRV "new small ICBM" replacements for the light SS-11, within the terms of SALT I. The result is that Soviet circumvention of SALT I yielded them 1,230 more MIRVed warheads than the US anticipated. This was the benefit of their deceptive circumvention.

SOVIET SALT I AND II VIOLATIONS ARE MILITARILY SIGNIFICANT

Dr. Angelo Codevilla has succinctly captured the essence of the contemporary problem with arms control today: "Under current agreements, the Soviet have achieved precisely the objectives that we had sought to prevent by entering into the agreements in the first place . . . no one can seriously argue that the Soviets will willingly abandon the capability to disarm and blackmail the United States." The Soviets achieved their offensive first strike capability and their emerging nationwide ABM capability under the guise of SALT I and SALT II and the ongoing arms control process. Their negotiating deception, camouflage, concealment, and deception, and their SALT violations all combined to enable the Soviets to achieve overall strategic superiority even with and despite arms control.

J. Realistic estimate of how Soviets are over the SALT III 820/1200/1320 MIRV/ALCM ceilings

Soviet MIRVed ICBM level.....	818
5 rail mobile MIRVed SS-24's.....	5
Probable covertly MIRVed SS-25's....	100
MIRVed SLBM's.....	352
1 Delta IV and 1 Typhoon about to go on sea trials.....	36
Blackjacks with long range ALCM's..	5
TU-95 Bear H with long range ALCM's.....	50
Backfires capable of carrying AS-3 (650 kms) or AS-15.....	300
TU-95G Bears equipped with long range AS-3's.....	100
Total.....	1,716

According to the Washington Times of January 19, 1987, the sea trials for the 4th Delta IV Submarine and the 5th Typhoon submarine could begin as early as March or April, 1987. These subs were reportedly launched in December, 1986. Their sea trials commencement will clearly put the Soviets over the SALT II sublimit of 1200 MIRVed/

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ICBM's/SLBM's. As noted, Soviet arms negotiators in late 1983 told us that the Soviets intended to exceed the SALT II sublimits of 820 MIRVed ICBM's, 1200 MIRVed ICBM's/SLBM's, and 1320 MIRVED/ICBM's/SLBM's/heavy intercontinental bombers equipped with long range ALCM's. This is exactly what the Soviets are doing.

K. Soviet SALT I and SALT II deactivations and comments

SALT I:

209 SS-7 and SS-8 ICBM's, 1972-1982—Soviets doubly replaced old ICBM's with equal number of modern SLBM's plus 200 covert mobile SS-16 ICBM's; Soviets also have used old SS-7 support facilities to support new SS-25 mobile ICBM's, which is prohibited by SALT I Dismantling Procedures.

192 SLBM's on 12 Yankee Class SSBN's—Many of these Soviet submarines were converted to more lethal cruise missile carrier submarines.

SALT II:

72 SS-11 silos—The silos were not completely destroyed, as is required by SALT I ICBM Dismantling Procedures. This may be in preparation for the retrofit of the SS-24 MIRVed ICBM, which would further violate SALT II's MIRV ICBM ceiling of 820. (18)

21 Bison bombers—Some of these Soviet bombers are unflyable, but there are no agreed bomber dismantling procedures, so the Soviets should not get credit for the dismantling. (19)

As of July, 1986, Soviet SALT compensation dismantling has reportedly stopped.

24 SOVIET VIOLATIONS OF THE THRESHOLD TEST BAN TREATY

(By Senator James A. McClure)

The attached Defense Department chart indicates clearly that the Soviet Union has violated the 150 kiloton threshold on underground nuclear weapons testing of the Threshold Test Ban Treaty (TTBT.)

[Chart not reproducible for the RECORD.]

SOVIET LEGAL OBLIGATION

Even though the TTBT, signed in July, 1974, has not been ratified on either the US or the Soviet side, under international law both the US and the USSR are required to do nothing which would defeat its object and purpose, during the period when ratification is still pending. Moreover, in March, 1976, by US-Soviet mutual agreement the 150 kiloton threshold was put into effect as binding on each side. The Soviets have a clear legal obligation to comply with the 150 kiloton threshold. Thus even one Soviet test exceeding the 150 kiloton threshold would defeat the object and purpose of the TTBT, would violate it, and would be militarily irreversible.

THE SOVIET TTBT VIOLATIONS

Both this chart and this analysis, which have recently been updated, are unclassified, according to the Department of Defense and the Arms Control and Disarmament Agency. This is the most complete unclassified description of the official US Government verification assessment of Soviet TTBT violations. It was published in the CONGRESSIONAL RECORD and in another official US Senate document.

My distinguished colleague, Senator Jesse Helms, requested that the earlier version of this chart be briefed by David Sullivan to the Senate Foreign Relations Committee in open session in October, 1983, when the Committee was at that time considering whether to report out the TTBT to the full Senate. After this briefing, the motion to report the TTBT to the Senate Floor was defeated.

The chart shows that there have been 24 Soviet underground nuclear weapons tests

since 1978 which are estimated to be above the 150 kiloton threshold, and therefore are violations of the TTBT. There is 95 percent confidence that several Soviet TTBT violations have occurred. Ten Soviet tests reportedly have been at 250 kilotons or above.

In June, 1983, Secretary of State Shultz testified to the Senate Foreign Relations Committee that the Soviets had recently tested a nuclear weapon about "double" the 150 kiloton threshold—at about 300 kilotons. The Defense Department chart indicates that since 1978, the Soviet Union has conducted 6 tests at the 300 kiloton level or higher—at a yield twice that allowed by the TTBT.

Indeed, one Soviet test was reportedly estimated to be over 315 kilotons, and it could have been over 600 kilotons. There is 100 percent confidence, which means certainly, that this test was a TTBT violation.

US METHODOLOGY CHANGES GIVE SOVIETS BENEFITS OF EVERY DOUBT

The US has for 12 years given the Soviet Union the benefit of every doubt or uncertainty in TTBT compliance. We have even gone so far as to change our estimating methodology four times since 1974, each time to favor the Soviets by reducing our estimates of their test yields, thereby making their violations under the previous method disappear. Despite this elasticity in US methodology, the Soviets have nevertheless continued to violate the TTBT. This chart shows only one methodology change, which occurred in early July 1977 and which was the most important, and the analysis describes a recent attempt to make a fifth change in Soviet favor.

THE CHART'S VERTICAL AXIS

The vertical axis of the chart is labeled "The Sliding Rulers," showing how the US changed its methodology in early July 1977 to favor the Soviets by making 2 violations disappear. The vertical axis measures "Body Waves" (Mb) from Soviet underground nuclear weapons tests at Shagan River (Semipalatinsk), in Central Asia. Body Waves are seismic shock waves which travel on a constant path through the earth's core. This axis is basically a Richter scale.

THE CHART'S HORIZONTAL AXIS

The horizontal axis is time—March 1976, when the TTBT 150 kiloton threshold went into effect, through 1985. The key point in time is late July 1977, when the Senate Foreign Relations Committee first had hearings on the TTBT. The most important methodology change occurred in early July 1977, in order to make 2 Soviet TTBT violations disappear before the hearings began.

THE HORIZONTAL BANDS ARE 150 KT THRESHOLDS

The horizontal bands represent US estimates of 150 kiloton thresholds, based upon various assumptions about the geological characteristics of the Soviet and US testing sites. The upper two bands represent Soviet 150 kiloton thresholds. The center band was the US-estimated Soviet 150 kiloton threshold until 2 Soviet violations began to appear in late 1976 and early 1977. The top band was the new Soviet 150 kiloton threshold, revised upwards in early July 1977 by the US to benefit the Soviets by making the 2 violations disappear. The higher band allows the Soviets ever larger test yields. This band is still the current Soviet threshold using our established methodology. The lowest band is provided merely to illustrate another benefit of the doubt resolved in Soviet favor. It is the US 150 kiloton threshold. It is based upon the known geological characteristics of the US Nevada Test Site.

We have allowed the Soviets progressively higher thresholds by making progressively more generous assumptions about the geological progressively more generous assumptions about the geological characteristics of the Soviet Shagan River-Semipalatinsk test site.

THE SOVIET NUCLEAR TEST PLOTS

Each black dot on the chart represents a Soviet underground nuclear weapon test at Shagan-Semipalatinsk. This unclassified data was provided by the US National Earthquake Information Service, expressed in Body Waves. (Not all Soviet tests are plotted, in order to avoid cluttering the chart.)

THE EARLY JULY 1977 METHODOLOGY CHANGE

Note that according to the Pre-July 1977 Soviet 150 Kiloton Threshold band, there had been two Soviet tests higher than this threshold in late 1976-early 1977. These 2 Soviet violations necessitated the changed estimative methodology resulting in the raising of the threshold to the Post-July 1977 Soviet 150 Kiloton Threshold. Accordingly, after raising the threshold in Soviet favor to make these 2 violations disappear in early July, the CIA was then able to testify to the Senate Foreign Relations Committee later in July and August, 1977 that there had been no Soviet violations of the TTBT 150 kiloton threshold.

But in late 1978 and 1979, the Soviets again began exceeding even this raised threshold. Moreover, their new excesses were very large.

THE DOTTED LINE—DOUBLING OF SOVIET YIELDS

The dotted line on the chart differentiates tests which have twice the yield of each other. Tests above the dotted line are about twice the yield of tests below the dotted line. Because there are no anomalies except magnitude among Body Waves traveling along the same path through the earth's core, we know with high certainty that tests above the dotted line are twice the yield of tests below the dotted line. This relationship is sound, even though we have uncertainties about the absolute yields of tests.

Thus according to the dotted line, the Soviets doubled the yield of some of their tests in 1979 and thereafter, as compared to 1977. Therefore, if the two highest yields in the 1976-early 1977 period are now estimated to be about 150 kilotons in order for them to be in compliance with the TTBT, then the tests along the dotted line in 1979 and later have to be about 300 kilotons or more, twice the allowed yield.

No credence should be placed in the hypothesis that the Soviets may have cautiously tested at only one half the allowed yield, or at 75 kilotons, between July 1974, when the TTBT was signed, and March 1976, when the 150 kiloton threshold was mutually put into effect. This is because the US itself tested 12 times above 150 kilotons during this period, and the Soviets almost certainly knew this. Moreover, Soviet arms control compliance behavior has always been to exploit all loopholes to their fullest, and to go to the limits of allowed activities and beyond. They have never shown such presumed caution.

CIA ATTEMPTING NEW METHODOLOGY CHANGE TO AGAIN COVER-UP SOVIET VIOLATIONS

Just as the CIA made the 2 1976-early 1977 Soviet violations disappear by raising the Soviet threshold in early July 1977, the CIA is reportedly once again trying to make Soviet TTBT violations disappear. The CIA has reportedly been using a new estimative methodology since January 1986 which makes all but the 12 highest Soviet high yield tests disappear as violations, once

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again trying to raise the threshold in Soviet favor, for a fifth time.

REAFFIRMATION OF PRESIDENTIAL FINDINGS OF TTBT VIOLATIONS

But the new CIA methodology is inconsistent with other established methodologies and is not accepted by a majority of the Executive Branch components. The early July 1977 methodology remains the current one. While additional studies have been undertaken, their conclusions are incomplete and have not been agreed upon. President Reagan's February and December 1985 Reports to Congress that there have been 21 to 24 Soviet underground nuclear weapons tests which are likely to have violated the 150 kiloton limit of the TTBT have been reaffirmed.

ALL-SOURCE EVIDENCE CONFIRMS SOVIET TTBT VIOLATIONS

Soviet TTBT compliance is not solely a technical problem of analysis of teleseismic data. It is an all-source intelligence and verification problem. Far too much attention has been focused over the years upon the narrowly technical teleseismic evidence of Soviet tests. But other, non-seismic evidence and verification judgments about this evidence may be even more important. For example, one method using direct evidence from non-seismic National Technical Means of verification strongly supports the conclusion that there have been multiple Soviet TTBT violations at high yields. Another example is reported Soviet attempts to deceive US National Technical Means of TTBT verification into underestimating Soviet yields. This phenomenon also offers persuasive evidence of Soviet violations. Finally, even despite Soviet efforts at deception, on two widely separate occasions the Soviets have reportedly made statements which had the effect of confirming their violations, both as to yield magnitude and number of violations. This diplomatic evidence is the most persuasive.

MILITARY SIGNIFICANCE OF SOVIET TTBT VIOLATIONS

Why are the Soviets violating the TTBT? They have good reasons. The TTBT 150 kiloton threshold is militarily significant because it restricts testing the full yields and reliability of new Soviet MIRV warheads which could be used for a first strike capability. According to open sources, most new Soviet ICBM MIRV warheads are estimated to have yields in the 200 to 600 kiloton range. The ten Soviet tests over 250 kilotons therefore could have been scaled or even half yield tests of new warheads for the new 5th and 6th generation Soviet MIRVed ICBMs, such as the SS-24 and SS-X-26 follow-on for the SS-18, both of which are reportedly now being deployed.

The SS-X-26, in flight testing since Spring 1986, before SALT II dissolved, was reportedly recently successfully flight tested. SS-18 silos for it are already reportedly being converted. SALT II had an absolute ceiling on SS-18 follow-on ICBM Throw-Weight. The SS-X-26 follow-on to the SS-18 has even more Throw-Weight than the SS-18. The SS-X-26 reportedly will therefore carry even more warheads than the 14 carried on the super heavy SS-18, already in violation of SALT II. There may even have been several full yield tests at 500 or 600 kilotons of these new MIRV warheads for the new Soviet ICBMs.

In contrast, the US was severely handicapped in designing and testing warheads for the MX, Trident II, and ALCM by strict compliance with the 150 kiloton threshold. These warheads reportedly have never been tested for reliability at their full yields.

RATIFICATION OF TTBT-PNET IS APPEASEMENT

In sum, it would be an unprecedented exercise in appeasement of the Soviet Union for the US Senate to give its advice and consent for the President to ratify a TTBT which the Soviets are likely to be violating.

Moreover, the TTBT is integrally linked to its companion treaty, the Peaceful Nuclear Explosions Treaty (PNET). The PNET preamble contains language that the US and the USSR reaffirm "their adherence" to the 1963 Limited Test Ban Treaty (LTBT), and they reaffirm "their determination to observe strictly the provisions of these [TTBT and LTBT] international agreements." Beyond his reports of Soviet TTBT violations, President Reagan also reported in February and again in December 1985 that there have been over 30 unambiguous, conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in clear violation of the 1963 Limited Test Ban Treaty. Indeed, reportedly over 50 percent of all Soviet underground nuclear weapons tests have either clearly, probably, or possibly vented radioactive debris beyond Soviet borders in violation of the LTBT.

Thus Senate advice and consent for Presidential ratification of the TTBT and PNET, with its false reaffirmation of Soviet compliance with the TTBT and LTBT, would be totally inconsistent with the likely violations of the TTBT and the conclusively known violations of the LTBT. Such Senate advice and consent would be completely hypocritical. It would also be a grave and dangerous act of American appeasement of the Soviet Union, completely undermining the integrity of the arms control process, and international stability and peace.

The TTBT has been verifiable since 1976. We have verified Soviet violations with high confidence. The problem is not verification, but enforcing Soviet compliance. While the CORTEX method of direct yield measurement would be a more effective verification method, it will not be a panacea and even it would have uncertainties. Even if the Soviets agree to some form of CORTEX on site direct measurement verification in the future, their past violations give them irreversible military advantages. These Soviet advantages can not be "grand fathered" away, made to disappear, or ignored.

Instead of asking for Senate advice and consent for his ratification of these two treaties, albeit with a reservation to be negotiated with the Soviets on more effective verification, President Reagan should withdraw these two treaties from the Senate so that he can completely renegotiate the verification and compliance provisions with the Soviets.

The Author, David S. Sullivan works for the United States Senate as principal national security advisor to several Republican Senators in leadership positions.

After a lengthy career at the Central Intelligence Agency where he analyzed Soviet strategy, nuclear force modernization, and foreign policy, Mr. Sullivan resigned from the Agency in 1978 to join the staff of a US Senator. In 1981, he accepted an appointment in the Reagan Administration as a senior official of the Arms Control and Disarmament Agency, but later returned to his present position on Capitol Hill to help implement the President's defense and foreign policies in Congress.

Mr. Sullivan was educated at Harvard University (BA cum laude 1965) and at Columbia University where he received a Masters Degree in International Affairs.

He is a Lt. Colonel in the United States Marine Corps Reserve and saw active service

in the Vietnam War in Marine Combat Intelligence.

His previously published works number more than twenty six articles and books on national security and US foreign policy, and include Soviet Military Supremacy, The Bitter Fruit of SALT: A Record of Soviet Duplicity and The Fatal Flaws of SALT II.

He has been attacked 5 times by name in the Soviet press, and has been described in the US press as a "brilliant CIA Soviet analyst", as a "one man CIA," and as a "heroic freedom fighter."

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NO TO RAISE TAXES

● Mr. D'AMATO. Mr. President, one of the great accomplishments of the 99th Congress was enactment of the Tax Reform Act of 1986. In fact, it was one of the greatest legislative achievements to emerge from Congress in its 200-year history. It was a victory for Congress, it was a victory for the President, and, especially, it was a victory for the American people.

Thus, it seems a little odd to this Senator that, only months after enactment of the Tax Reform Act, it has become necessary to rise in its defense. What happened since last October? Tax reform is still in its infancy and already rumors are afloat that, if enacted, would turn tax reform on its head. What was a rare victory for Congress would turn to defeat, and the American people, in whose name we presumably act, would be the ultimate losers.

I rise today to dispel the rumors suggesting that we will increase taxes. I have heard that increasing taxes would somehow reduce the Federal deficit, or would do this, that, and other things. Wrong. Increasing taxes now not only would reverse the economic recovery of the past 6 years, but, above all, would raise serious questions about Congress' ability to hold to a promise. Consistency is essential to effective government. The American people have the right to expect Congress to hold to its promise to reduce taxes without delay.

I commend the distinguished Republican leader for his introduction of a resolution, Senate Resolution 46, expressing the sense of the Senate that the tax rates reduced by the Tax Reform Act of 1986 should not be increased. I urge my colleagues to do what is right for the country, to help us keep our word, to think of the American people: to lend your support to this legislation.●

THE WORLD COURT AND AID TO THE CONTRAS

● Mr. SIMON. Mr. President, I note that the Independent Commission on Respect for International Law, which I believe is connected in some way with the Institute for Policy Studies, issued a statement on July 15, regarding the World Court and aid to the Contras.

I just recently came across that statement. While the issue is no longer on the front pages—and, unfortunately, never was on the front pages long—it remains a fundamental error of U.S. policy.

The commission is chaired by Prof. Burns H. Weston of the College of Law at the University of Iowa, and the vice chairman is Dean Frederic L. Kirgis, Jr., of the School of Law at Washington and Lee University.

Another member of the commission is a former colleague of mine in the House, Father Robert F. Drinan, now a professor of law at Georgetown University. The other members are:

Richard J. Barnet, Senior Fellow, Institute for Policy Studies, Washington, DC.

Richard B. Bilder, Professor of Law, University of Wisconsin, Madison, WI.

Roger S. Clark, Professor of Law, University of Miami, Coral Gables, FL.

Richard A. Falk, Professor of Law, Princeton University Center of International Studies, Princeton, NJ.

Thomas J. Farer, Professor of Law, University of New Mexico, Albuquerque, NM.

Michael J. Glennon, Professor of Law, University of Southern California, Davis, CA.

Richard B. Lillich, Professor of Law, University of Virginia, Charlottesville, VA.

Ved P. Nanda, Professor of Law, University of Denver, Denver, CO.

Jordan J. Paust, Professor of Law, University of Houston, Houston, TX.

Edith Brown Weiss, Professor of Law, Georgetown University Law Center, Washington, DC.

The United States has made a fundamental error in moving away from respect for the World Court. What this Nation and the world needs, clearly, is greater cooperation between nations, not less cooperation; greater respect for international law, not less respect. Yet, we're moving in the opposite direction.

I ask that the International Commission on Respect for International Law statement be inserted in the RECORD.

The statement follows:

STATEMENT OF MEMBERS OF THE INDEPENDENT COMMISSION ON RESPECT FOR INTERNATIONAL LAW ON THE WORLD COURT AND AID TO THE CONTRAS

On June 27, the International Court of Justice issued its decision in the case of *Nicaragua v. United States*. The World Court found a number of U.S. actions against Nicaragua, in particular the mining of Nicaraguan harbors and support of the "Contras," to be in violation of international law.

The Court decided most of the issues in the case by a very substantial 12-to-3 majority, with only the judges from Japan, the United Kingdom, and the United States dissenting (a Soviet judge did not participate). Indeed, the judges from Japan and the United Kingdom dissented primarily on technical grounds.

Suggestions that the Court's judgment was the result of political bias against the United States have little to no basis in fact. The World Court is comprised of some of the most distinguished jurists in the world, jurists whose personal integrity and professional commitment are generally beyond reproach. The majority are from countries which are Western-oriented or traditionally friendly toward the United States. The Court found overwhelmingly in favor of the United States in the *Iranian Hostages* case only six years ago.

Thus, while it is possible to disagree with the outcome of any judicial decision, the Court's decision in the Nicaragua case is responsible and credible. Indeed, the Court reaffirmed the right of collective self-defense in the event of an armed attack by one country against another. In addition it ruled in favor of the United States in certain key instances.

As a party to the United Nations Charter and the Statute of the International Court

of Justice, the United States is legally bound to comply with the Court's decision. It is true that the United States might attempt to block a direct move to enforce the Court's judgment against it, since the formal enforcement mechanism is through the U.N. Security Council where the U.S. has a veto. But such an attempt would not make the judgment less legally binding. A failure by the United States to comply with the Court's decision would constitute a violation of its solemn treaty obligations to uphold it.

A United States failure to honor the World Court's decision also would damage U.S. short- and long-term foreign policy interests. Almost certainly, it would expose the United States to severe international criticism for failing to adhere to its treaty commitments, making the U.S. appear no different than other countries it has criticized on the same grounds. Additionally, it would risk diminishing respect among all nations for the International Court of Justice itself, an institution the United States has historically supported and used to its advantage. Perhaps most importantly, however, it would subvert the Administration's efforts to ensure in other settings (for example, when dealing with arms control, human rights, terrorism, or claims against American foreign investment) that other governments, including the Soviet Union, fulfill their obligations under international law. The legal principles affirmed by the Court—including condemnation of the aggressive use of force, coercive intervention, and violations of the humanitarian rules of armed conflict—clearly apply not only to the United States but to the Soviet Union and every other nation in the world as well.

In short, however much the Administration may wish to ignore the World Court's decision, this decision will not go away. It must be recognized as a serious matter with which our government must conscientiously deal.

This issue is raised immediately by legislation now pending before Congress that would authorize the administration to assist the "Contras" militarily, in clear violation of the court's judgment. In considering this legislation, it is incumbent upon Congress—and particularly the Senate, which has a special constitutional role with regard to treaties—to take the Court's judgment, and the solemn U.S. obligations arising from it, seriously into account. The treaty obligations requiring the U.S. to respect the World Court's judgment are binding as international law.

It would be most unfortunate if any decision on aid to the Contras were reached without a full discussion by both Congress and the public of the costs of such a decision both to our national honor and to our interest in respecting treaty commitments, judicial judgments and the rule of law. In a world that is every day menaced by terrorism and the threat of nuclear war, it is imperative that objective rules of international law shape State conduct. Adherence to the rule of law, a strong U.S. tradition, must not be forsaken.●

AFGHANISTAN: LETTERS FROM THE STATE OF CALIFORNIA

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."