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SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS: SO WHAT?

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IN BRIEF

The debate over Soviet violations of arms control agreements and treaties (particularly SALT) is featuring a great deal of quibbling over technical and legalistic trivia, thus both missing and distracting from the fundamental issue for debate: namely, the state of the U.S. military posture after two decades of arms control efforts. Beyond reflecting on Moscow's cynical approach, the violations and our reactions to them are symptomatic of a basic phenomenon in Western democracies well documented by history: a mind-cast that, once entracked on the rails of hopes and fears, comes to regard the arms control "process" as more important than both the actual results achieved and the other side's compliance with them — and more important even than the adversary's displayed intentions, which the continuing process is supposed to shift in the direction of peaceful and faithful behavior. The issue of violations is baring the kind of self-contradictory policies that public opinion in a democracy cannot long support.

A debate is unfolding in the United States over the facts and implications of violations by the Soviet Union of existing arms control agreements. Thus far the debate has swirled around specific cases of such violations: the arguments have been draped in technicalities and legalisms. It is the contention here that, in focusing on such narrow parameters, the debate not only fails to shed any real light on the difficult military and political choices that the United States now faces, but, indeed, holds the danger of further distorting and trivializing the fundamental questions relevant to our country's security.

Almost a generation ago many prominent Americans in and out of government, investing hopes and reputations in arms control, shaped this country's military and intelligence plans accordingly, and convinced public opinion that all of this would make the world safer. Today public opinion in the West rightly fears war more than ever. It anxiously looks for expedients to lift the incubus, and for people to blame. Whereas in the mid-1960s Soviet strategic forces were vulnerable to superior

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American ones, today numerically inferior American forces are in the deepening shadow of a relentlessly growing Soviet arsenal. And beneath this shadow, the Soviet global offensive has gained a momentum that would have been considered unimaginable two decades ago.

In short, any objective analyst in the West now must realize that a generation's labors on behalf of arms control have not borne the anticipated fruit. Nonetheless, all we have done in the name of arms control — the very depth of our involvement with it — renders us unable to confront our strategic problems directly. Although no one in public life today will argue that any specific arms control scheme would be accepted and adhered to by the Soviets — and would make us all safer — we still discuss our hopes and fears in terms of arms control, anticipating that today's realities will not again be reflected in the results of tomorrow's agreements.

Lately that discussion has come to turn upon one question: Do certain Soviet activities violate arms control agreements or do they not? Yet, that question obscures another, much more important one: What do the Soviet activities in question tell us about the possibilities and limitations of arms control? Our task here is to answer this question. Once that is done, only then can we consider Soviet strategic plans — and our own — in terms of their intrinsic merits.

The Debate Over "New" Missiles

Two fellow members of the Senate, James McClure of Idaho and Joseph Biden of Delaware, have drawn together respectively the case for the proposition that the Soviets are violating SALT agreements, and the case against it. Senator McClure contends that the Soviets are violating the most important provision of the SALT II Treaty — Article IV, Paragraph 9 — by flight-testing *two* new-type ICBMs. Senator Biden argues that Senator McClure is "simply and flatly inaccurate."

The SALT II Treaty indeed allows only one new-type ICBM to be developed by either side. The two Soviet missiles that have been tested are sufficiently different from all other missiles to be new types. Yet, the Treaty also stipulates that the differences that determine a new-type missile — discrepancies of more than 5 per cent in length, diameter, launch-weight and throw-weight between the missile tested and all other missiles — may not be counted as violations until after the twelfth test.

Inasmuch as the Soviets have only conducted thus far three tests, Biden has a technical point. But McClure has a substantive one. The second new Soviet missile, known as the PL-5, differs in throw-weight by more than 200 per cent and in length by more than 2 meters from any other Soviet missile remotely like it. No matter how many times it is tested, these characteristics will not change. Moreover, modern test programs may not require more than twelve launches before a weapon becomes operational. Neither set of arguments, however, touches the crucial point: while the United States has produced one new missile (the Trident I) and is planning two (MX and Trident II), the Soviets have produced four fourth-generation missiles and have begun a fifth generation likely to include six new missiles.

Soviet Missile Numbers and "Reloads"

Senator McClure charges that the Soviets have exceeded the SALT II ceiling of 1,320 MIRVed missile launchers and bombers equipped with long-range cruise missiles. Senator Biden cites the CIA's count of 788 Soviet MIRVed ICBMs and claims that the total of MIRVed ICBMs, SLBMs and bombers capable of carrying cruise missiles does not go above 1,320. The legal issue turns on whether one counts the "Fencer," the Soviet equivalent of the American FB-111 bomber. Once again, however, the legal issue is of scarce practical relevance. Even if one chose to agree with Senator Biden, one would not thereby skirt the issue of the threat which the Soviet Union's nearly 6,000 counterforce warheads carried by the Soviet MIRVed systems pose to the United States, or change the fact that our most potent MIRV, the Mark 12-A, is considered to have only about one chance in three against Soviet silos.

Senator McClure contends that the Soviets have violated SALT II by testing the "rapid reload of ICBM launchers" and by stockpiling at least 1,000–2,000 missiles which could be refired from standard silos. These missiles could also be fired by "soft" launchers from

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covert sites. Senator Biden considers this point to be "succinctly rebutted" by the U.S. Defense Department's volume, *Soviet Military Power*, which states (on page 21): "The Soviets probably cannot refurbish and reload silo launchers in a period less than a few days." Biden concludes: "Although the Soviet Union might have a limited capability to reconstitute its strategic forces after an initial firing, there is no real indication of a rapid reload capability." McClure concedes that a legal grey area exists because "the Soviets never agreed on a definition of 'rapid'." All parties refer to the same data: during the summer of 1980 the United States observed that the Soviet Union *routinely* practiced reloading its principal missile silos many times during war games. This procedure takes a few days.

However, all the parties concentrate on the Treaty so fixedly that they miss the point. Whether the Soviet practice of reloading missiles is legally "rapid" or not is quite irrelevant to American security. Ever since the beginning of the arms-control process in the mid-1960s the United States has based its entire strategic policy on the notion that each side would only have about as many missiles as it has launchers. The Soviets never formally agreed to this; nevertheless, informally, in a thousand ways, they led us to believe that they did. Now we know that, probably from the beginning, the Soviets held a wholly different view of the matter. Thus, not only is it a virtual certainty that they have available for use many more missiles than overtly deployed launchers, but the implication is much larger: namely, that the Soviets do not share the Western view that nuclear war, if it ever comes, will be a mutually annihilating spasm. While American planning stops in effect at the edge of the contingency of a nuclear exchange, the Soviets are planning and practicing what to do after the first round. If this is not strategically significant, nothing is. Yet, as we can see, the arms control perspective is capable of trivializing even this fundamental factor in the nuclear equation.

Other Soviet Violations

Senator McClure says that the Soviets since 1976 have conducted at least 15 underground nuclear tests whose yield was probably above the ceiling of 150 kilotons specified by the Threshold Test Ban Treaty. Senator Biden cites an article by two geophysicists in *Scientific American*, in which they claim that charges like McClure's "are based on a miscalibration of one of the curves that relates measured seismic magnitude to explosive yield."

Some background is needed to understand this aspect of the debate. In 1977 some of the U.S. geophysicists involved in evaluating the yields of Soviet tests from seismic data became apparently distressed at the fact that they were consistently providing judgments on the basis of which the Soviet Union and, more important, arms control itself were being impeached. Therefore, they successfully lobbied for a change in the yardstick. Even then, the new and more liberal geophysical yardstick still shows a few Soviet tests to have been above 150 kilotons. Although there is really not much reason to prefer one yardstick over the other, the fact that one was abandoned because it gave unpleasant answers should give no one, least of all scientists, cause to rejoice.

Technicalities versus Strategic Substance

I could go on with such comparisons, but my basic point already should have become clear: by thinking and arguing about Soviet activities in terms of the relationship of these activities to treaties — instead of relating them to security substance — both Senators are quibbling with trivialities while the strategic position of the United States crumbles apace. Moreover, those who argue in these terms inevitably cast themselves in the role of either the Soviet Union's prosecutors or defenders. Senator Biden has strongly expressed the wish, no doubt sincere, that he not be taken as the Soviet Union's defender. But how else can one characterize the invitation not to be alarmed by activities which are clearly threatening but which might possibly be shielded by some technicality as a contravention of agreements?

In one instance Senator Biden, like the geophysicists, has to resort to redefining the terms of the Treaty. He notes that the Soviets have encrypted just about all the telemetry in their tests of the fifth generation of missiles. Article 15 of SALT II prohibits encryption that

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impedes verification of the Treaty. Senator Biden notes that Soviet practices in this respect "raise questions" about whether the Soviets have violated the Treaty. Questions? These activities are not questions; they are answers!

Senator Biden says that "Soviet activities in regard to... the ban on the [mobile] SS-16... can only make one wonder about the depth of Soviet interest in maintaining the SALT framework." In thus "wondering," he was no doubt inspired by the CIA's version of said Soviet activities. According to this version (reported by the *Washington Post* on April 9, 1982), the Soviets have some mobile SS-16 missiles (prohibited by the SALT II Treaty) at Plesetsk. They are ready to be fired. But because they are not being handled in a way that fits the CIA's definition of deployment, they are not "deployed." The point, again, is: Why cast for artificial definitions and technicalities that might becloud the issue of whether a given Soviet activity is or is not in contravention of SALT? Why not think — first, last and foremost — in terms of the strategic implications of the threatening activity itself?

Finally, Senator Biden, searching for a definition of what a violation of SALT II might be, has posited that if the Soviets were to have more than 830 MIRVed ICBMs, *that* would be a violation. A little later he noted in passing that by not having dismantled 95 strategic nuclear delivery systems as new ones have joined their forces, the Soviets now have more than the 2,400 permitted by SALT. Yet, he does not come out and say that the Soviets are in violation. Why not?

On a more fundamental level, Senator Biden has conceded that the Soviets have violated the Biological Warfare Convention of 1972. At the same time, he describes himself as "a strong supporter of the unratified SALT II agreement and of worthwhile future arms control agreements." Clearly these are contradictions that cannot be bridged with technicalities regarding Soviet compliance.

Senator McClure's position is more direct, but contains an anomaly. He so strongly hammers on the fact that the Soviets are cheating on the treaties that he leads his audience to infer that our strategic difficulties would vanish if only the Soviets could somehow be held to the letter of the treaties. Yet, not even the most enthusiastic advocates of arms control have claimed — at least not since the mid-1970s — that the treaties are so well conceived or drawn up that abidance by them will solve the future of mankind.

In short, even while the strategic position of the United States continues to erode, men of goodwill find themselves saying things about arms control which cannot halt that erosion, and that cast them in roles that they sincerely reject for themselves: apologists for the Soviet Union and/or apologists for the SALT process.

Hope and Historical Logic

We should not be surprised at the fact that assumptions based strictly or even predominantly on arms control often lead to sterile arguments. After all, the entire premise of arms control — that safety can be gained by mutual limitations on weapons — abstracts from the most fundamental fact that weapons are tools in the hands of men, not vice-versa. The propensities of men to kill or respect one another have never been basically affected by the existence of particular kinds of weapons. Genocide was routine in the ancient world. In our day, the greatest slaughters have been perpetrated by simple tools: barbed wire, starvation and hand-held weapons. Whether or not a weapon is dangerous depends on the direction in which it is pointed and on the intention of the person wielding it. Where nations are friends, there is no talk of the need to negotiate arms control. Where they are enemies, even total disarmament could only make the world safe for hand-to-hand combat.

In practical and historical terms, it is difficult to prove the proposition that arms control by itself leads either to peace or security. History affords no example whatever of nations possessed of serious reasons to fight one another who disabused themselves of those reasons by agreeing to limit the means by which they could fight. Nevertheless, the desire for peace is so natural and strong that it has always made attractive the claim that perhaps, just perhaps, all men are sane and all sane men want peace — which is in everyone's interest — and that the danger of war issues from the weapons themselves. If all sides can slowly rid themselves of the burdens of their worst weapons, they will simultan-

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eously learn to value peace and to trust one another. But this appealing promise discounts the ever-present possibility that one side in the arms control process may be determined not only to pursue its goals as vigorously as ever, but also to use agreements as a means of achieving the other side's moral and material disarmament.

The stark record of our century is that arms control has been embraced by democracies as a means of exorcising the specter of war with dictatorial enemies — and that it has been exploited by dictatorships as a means of increasing their capacity for waging war against democracies. At various points along this historical road some within the democracies have asked whether there was any proof that the dictatorships really meant to keep their agreements in good faith. Others have answered that although there could be no real proof, democracies must take the lead and show good faith, because no one could afford the alternative.

In the normal flow of international negotiations, a determination of the other side's intentions is a prerequisite to the process that culminates in agreements. In the case of arms control, any issue of the other side's intentions tends to be considered *a priori* as disruptive to the perceived imperative of reaching an agreement. Instead, we as democracies invest in the agreements themselves the hope of favorable omens of the opponent's intentions. Questions regarding a dictatorship's *compliance* with arms control agreements go to the heart of the question: What are the dictatorship's *intentions?* But since the arms control process itself is based on at least a suspension of questions about intentions, the issue of compliance must thus be suspended as well, lest the process be disrupted.

Patterns of Democratic Behavior

Some of the generic difficulties in the path of rational discussion of compliance with arms control agreements were outlined by Fred Iklé in his classic article, "After Detection — What?" in the January 1961 issue of *Foreign Affairs*. They are well worth reformulating after nearly a generation's experience.

First, unless the violator acknowledges that his activities constitute a violation, politicians in a democracy are likely to feel that the evidence in their possession might be insufficient to convince public opinion that a violation has occurred — or at least that trying to persuade the public would be a thankless task. Moreover, many politicians, having staked their reputations on the agreements, will fear being damaged in the public's esteem if the agreements were perceived as failures.

Second, a political leader who declares that arms control agreements which are a fundamental part of national policy have been violated, thereby faces the obligation to propose a new, redressive policy — one that will make up for the other side's violations and assure his nation's safety in an environment more perilous than had previously been imagined. Inevitably such a policy looms as more expensive and frightening than continuing on the arms control track. Few politicians are willing to take this step of personal and political valor — especially if they can rationalize away the observed violation as "insignificant." Iklé in his article cites Stanley Baldwin's admission that fear of losing an election had prevented him from admitting that Germany was violating the Treaty of Versailles. This remains a rare example of honesty, albeit after the fact of dishonesty.

Third, politicians can always hope — more or less in good conscience — that continuing negotiations will eventually reach the goal of a stable and mutually accepted peace and that therefore "this is not a good time" to accuse the other side of bad faith and risk driving it from the bargaining table. But when is it a "good time"? Moreover, as time passes and the dictatorship's arsenal rises in relative terms (abetted by the violations), the premium on finding a *modus vivendi* with it rises apace. The net result is that the brave declarations that accompany the signing of arms control treaties, according to which this or that action by the dictatorship (usually some form of interference with verification) would cause withdrawal from the treaty, become dead letters.

Finally, these inhibitions are compounded when they are involved in alliance diplomacy among democratic nations. Each alliance partner is likely to find in the other a confirming reason for not pressing the issue of violations.

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The Contemporary Mind-Set

These historically documented attitudes — which ushered in the tragedy of World War II — have been strengthened in contemporary times by the seductive premises of the nuclear age. The primary such premise is that the only alternative to arms control is an arms race that is certain to lead to the nuclear holocaust and the end of the world; therefore, there is no alternative to continuing arms control negotiations and making the best of them. In this view the "process" of negotiations is more important than the tangible results achieved — and, by extension, more important than the other side's adherence to solemnly agreed-upon results.

The second premise relates to the fashionable notion of "overkill": since each side already possesses enough weapons theoretically to obliterate the adversary, any advantages wrested by the other side are "marginal" at best. It deserves mention that this "marginality" tends to be applied only to Soviet strategic programs: by contrast, American counter-programs, like the MX missile, are deemed "provocative."

This latter premise illuminates the cavalier attitude of so many U.S. officials toward Soviet forces superior in numbers and quality to the American ones. The State Department, for example, has long opposed even *proposing* to the Soviets an equality in throw-weight of missile forces, on the assumption that the Soviet advantage is so overwhelming (the SS-18 force alone carries more megatonnage than the entire U.S. strategic force) that the Soviets would never agree to surrender it. In the interagency controversy over U.S. policy, the State Department's line, only partly tongue-in-cheek, has been in effect that "real men do not need throw-weight." This of course begs the question: What *do* we need? The only answer consistent with the State Department's position would be: If we had a small force able to deliver a few warheads to major Soviet cities, it would not matter how big, powerful or accurate Soviet forces were, because the deterrent effect would be the same.

This variant of Mutual Assured Destruction (MAD), which goes by the name "minimum deterrence," has been gaining inchoate acceptance in the Congress as weapon after American weapon has been delayed or canceled — in part because of hopes for arms control. As the SALT debate of 1979–1980 proved, neither the Congress nor American public opinion will accept MAD in any form when it is presented explicitly. Nonetheless, "minimum deterrence" survives as the theology of many.

An instructive example of this came in the testimony of a CIA official who in 1980 briefed the Senate about the newly discovered Soviet practice of reloading ICBM launchers. This practice had invalidated a basic premise underlying U.S. strategic planning and procurement for almost twenty years. Nevertheless, the official was nonchalant. What would be the implications of a possible doubling or tripling of the Soviet SS-18 force? There was no need for concern, he answered: the extra Soviet missiles could not be fired because, after an initial exchange, nothing could be fired. Only a little pressing elicited that neither he nor his Agency had really determined what would be required to prevent the Soviets from reloading their SS-18 launchers. Indeed, the facts show that we would be in no position to prevent it.

As far as the alleged irrelevance of all military assets after an initial nuclear exchange is concerned, it is noteworthy that the entire thrust of Soviet military strategy is to reduce the size, efficacy and significance of any American strike — to protect Soviet society and to win the war. The Soviets do not merely wish this: they also work at it. Hence, while the sizes and shapes of opposing nuclear arsenals seem to be of secondary importance to many American officials, for the Soviets they are clearly matters of life and death.

The Artificial World of SALT I

American advocates of arms control sought to create a situation unprecedented in history: two rivals for primacy in the world would agree for all time to stop trying to gain the edge over one another in the most important category of weapons, thus ending military history at the highest achieved level. Moreover, each would cede to the other in perpetuity the right to deliver nuclear weapons onto its soil and would refrain from efforts to protect itself. Thus, spurred by the fear of annihilation, both sides would enter into a kind of perpetual Hobbesian social contract. The

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Soviets did not seem enticed by this contract, but it was one of the prevalent assumptions in the 1960s that in time they would be "educated" by our negotiators to the realization that their own interests lay there as well.

Yet, from the very first the Soviets' refusal to see their own interests through the eyes of American arms control theorists led the U.S. Government to construct an elaborate, highly ambiguous intellectual framework — one which has given American arms control enthusiasts warrant to pursue their utopia with respect to U.S. forces, but within which the Soviets have continued to pursue the orthodox military goals of self-protection and victory in the event of a conflict.

From the outset Americans recognized that verifying an equality in missilery and restraint in research and development would require the presence of inspectors in production facilities and laboratories. But also from the outset the Soviets' clear refusal of such on-site inspection placed American arms controllers before a fateful choice: If arms control agreements constrained production and research, or the number of warheads or their accuracy, they would stand a chance of bringing about the desired arms stability in the world. But the agreements could not possibly be verified beyond the limited scope of technical means of detection, and thus could not be presented to American public opinion as prudent arrangements.

The answer to the dilemma was to construct agreements that could define the weapons and practices to be limited in terms that were more or less verifiable by technical means. The agreements could thus be sold to the U.S. public and the Congress, but — as it turned out — they were inherently weak agreements that failed to cover the significant parts of the strategic equation and whose real restraining power was questionable at best.

Thus, from the very first American arms controllers chose to negotiate treaties which were verifiable at least in part, and therefore ratifiable, but which were intellectual constructs well removed from reality. The SALT I Interim Agreement set limits on numbers of missile launchers because American satellites could take pictures of Soviet missile fields and submarines. Silos and tubes could be counted. The controversies of the 1970s over the Soviets' failure to dismantle older launchers as new ones were built and over their operational use of silos that were nominally for tests and command and control — straightforward issues of compliance — were basically unrelated to that decade's strategic revolution: the replacement by the Soviets of the SS-9 with the SS-18 in the "heavy launchers" and the replacement of the majority of single-warhead SS-11s with MIRVed SS-17s and SS-19s. The latter replacement was not a direct violation: rather, it stretched the definition of a "light" missile under the Agreement. In any event, these replacements precisely brought about the situation (a mounting Soviet threat to American strategic forces) which American negotiators had sought to prevent by entering the talks in the first place.

There was little question within the American establishment about what was transpiring. Nevertheless, official anger was muted. After all, advances in technology sooner or later would have been able to turn even light missiles into multiple-killers like the SS-17, SS-18 and SS-19, but American arms controllers had simply assumed that the Soviets would not thus escalate the weapons competition. American officialdom has not yet mustered the humility to admit that it has been deceived — not because it was deceived primarily by the Soviets, but because it was deceived by its own fancies. Indeed, there is evidence that, on the eve of the signing of SALT I, Henry Kissinger learned about the development of the SS-19 but apparently did not deem the reported development significant enough to derail the process.

The SALT II Trail

The negotiations for SALT II dragged on for six years largely because of American concerns over definitions. Having been "burned" in SALT I, American negotiators were now going to be more rigorous. As regards launchers, however, they could not be rigorous without declaring the treaty unverifiable. In fact, if one defines a launcher merely as that which is necessary to launch a missile — and one acknowledges that ICBMs can be launched by very little equipment (Minutemen have been erected and launched by equipment carried on the back of a jeep) — one must admit that

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limits on launchers cannot be verified. Of course, because *some* kinds of launchers can be monitored, the tendency is to think of the "launcher problem" solely in terms of that small part of it that is controllable.

American negotiators in SALT II did insist on a complex definition of new missiles in order to prevent the wholesale substitution by the Soviets of a fifth generation of missiles for the fourth generation, even as the fourth had substituted for the third generation under SALT I. The four cornerstones of that definition are the requirements that a modified missile not exceed the original by more than 5 per cent in launch-weight and throw-weight, that the number of warheads on any modified missile not exceed the number on the original, that on any single-warhead missile the ratio of the weight of any warhead to the weight of the total reentry package not be inferior to 1 to 2, and that each side be allowed only one new missile.

Opponents of SALT II, including myself, pointed out that under this definition the Soviets could develop and deploy a generation of missiles that were new in every way but still not "new" in terms of SALT. The new missiles could be made of wholly new materials and according to wholly new designs. They could be vastly more reliable and accurate. They could thus pose wholly new military problems — all without ever violating the treaty in the slightest. Circumventions would be profitable and difficult to prove, especially if — as is now happening — Soviet missile tests are almost totally encrypted. Post-boost vehicles can be tested with fewer reentry vehicles than they can carry. Single-warhead missiles can be MIRVed, and the number of warheads carried by MIRVed missiles can be increased. Thus, a new, more numerous, more powerful Soviet missile force can emerge more or less within the "constraints" of SALT II.

Our negotiators could have devised a tighter definition of newness. But that definition would have been unacceptable to the Soviets, or wholly unverifiable. They had to choose between reality and the SALT process.

Legacies of the ABM Treaty

Many consider the ABM Treaty of 1972 the jewel in the crown of arms control achievements. More than anything else it is supposed to symbolize the superpowers' mutual commitment to MAD. But the closer one looks at the Treaty's unrealistic requirements, the more one realizes that questions of the Soviets' compliance with them are of secondary importance.

A nationwide ABM system must be served by a nationwide network of battle-management radars. The Treaty allows such radars only at one ABM site in each country. The Soviets have built five huge radars that are inherently capable of performing that function. Are these radars intended to perform it? We will probably never have absolute proof short of their performance in actual battle.

The ABM Treaty forbids the rapid reload of ABM launchers at the one ABM site available. But when these launchers are underground, how does one know how rapidly they can be reloaded? Given the range of modern ABM missiles and radars, how much of a country can a "site" protect?

The Treaty forbids the testing of mobile ABM systems. Yet, the components of the Soviets' fully tested ABMX-3 system — the Flat Twin radar and the SH-04 and the SH-08 missiles — are merely "transportable," not "mobile." The Treaty does not limit mass production or storage of these components. If they are ever deployed *en masse* after a sudden denunciation of the Treaty, the United States would have no legal complaint.

The Treaty forbids testing — much less using — air defense systems "in an ABM mode." Yet, advancing technology has deprived that concept of whatever meaning it may once have had. Today the technology available for the American Patriot and Soviet SA-12 air-defense systems allows them to be used both against aircraft *and* against reentry vehicles. Still, the ABM Treaty is not being violated so much as it is being left behind by evolving reality.

Perhaps the best example of the ABM Treaty's decreasing relevance is the controversy surrounding the question of whether it would permit or prohibit space-based anti-ballistic missile lasers. Many American champions of arms control aver that Article I of the Treaty prohibits all anti-ballistic missile systems forever, except for the two ground-based sites specifically allowed. The Treaty deals with ABM launchers, missiles and

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radars because at the time it was drafted no other means for anti-missile defense were known. Some argue that the Treaty was meant automatically to ban any other devices which might be invented, so long as they were capable of destroying ballistic missiles, but of course the Treaty says no such thing, and in fact it is an axiom of international law that nations are bound only by the commitments they specifically undertake.

The ABM Treaty does not mention lasers at all: indeed, it could hardly have done so in 1972, when laser technology was in its infancy. The only possible reference to lasers is in Agreed Interpretation "D," which states that in the event components based on "other physical principles" and capable of substituting for ABM launchers, missiles and radars "are created," the two parties would discuss how they might be limited. That is to say, the two parties would develop definitions.

A moment's reflection is enough to realize that, in the case of space lasers, to distill reality into legal terms verifiable by national technical means would be much more difficult than it has been in the case of ballistic missiles. Unlike missiles, the characteristics which make lasers fit or unfit for strategic warfare are not discernible through mere observation. Observation will yield information on gross size, power plant and, possibly, wavelength. But the laser's power, the quality of its beam, its pointing accuracy, its jitter, the time it needs to retarget and the number of times it can fire can be learned only from direct access to test data.

Hence, once again we see a demonstration of the folly, and dangers, of approaching a strategic question with the mind-cast of arms control. Suppose for a moment that the Soviet Union placed a number of laser weapons in orbit. Discussion of the strategic significance of this event would instantly be distracted by questions of whether a violation of the ABM Treaty had occurred. But on what basis could the Soviet Union be accused of having violated the Treaty? There could be little in the way of determining — much less hard proof — that the lasers' mission was ballistic missile defense. Yet, against this background of legal murkiness and ominous strategic implications, many devotees of arms control, while they question the efficacy of American lasers against ballistic missiles, still object to placing such lasers in orbit, on the grounds that doing so would violate the ABM Treaty. When will they learn that unilateralism is not the road to arms control, let alone to national security?

In short, the difficulty of reducing the reality of modern weapons to legal terms, the pressures on American negotiators to make those terms both negotiable and arguably verifiable, and the political impediments to deciding that any given Soviet activity warrants abandoning a fundamental foreign policy — all these have produced an intellectual tangle of our own making, within which we thrash about even as the Soviets widen their margin of military superiority. Since the question of Soviet violations of arms control treaties refers to a framework removed from reality, dwelling on the question is only to compound the unreality.

The Political Predicament

The issue of past Soviet violations played a minor role in the SALT debate of 1979–1980. To be sure, the earlier debate did turn on the right question: Has arms control with the Soviet Union enhanced our security in the past, and can it be expected to do so in the future?

The proponents of SALT II conceded that the United States' strategic position in relation to that of the Soviet Union had deteriorated, and that mistakes had been made in the conception of SALT I and in the management of U.S. forces under it. But they argued that SALT II was necessary to keep U.S.–Soviet relations headed in the direction of peace. When confronted with criticism of specific provisions of the treaty, they often conceded the treaty's weaknesses, but argued that only ratification would make possible the continuation of negotiations, wherein lay the ultimate solution to those weaknesses. The U.S. Senate rejected these arguments, and in the election of 1980 the American people clearly rebuffed SALT.

Nevertheless, an army of bureaucrats simply could not recast their thinking beyond a framework within which they had operated so long. Since 1980, however, the principal argument in favor of arms control has been quite different from previous ones. It reads basically

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as follows: However harmful arms control might have been in the past, however unlikely might be Soviet acceptance of anything which enhances the West's security, nevertheless we must pursue the arms control process in order to convince our own fellow citizens that we are not warmongers but peace-loving people. When the question is raised why we should pursue negotiations with an adversary who, by one means or another, has used them as a screen for overturning the strategic balance and is apt to use further negotiations for the same purpose, the general answer is that we, too, must practice cynicism. We, too, must negotiate in order to legitimize our own military buildup.

This argument ignores the fact that in a democracy public opinion cannot support self-contradictory policies. If the U.S. Government declares that the Soviet leaders are the sort of people from whom one can reasonably expect a fair deal on arms control — and that arms control is so important that it is essential that a deal be reached — then public opinion will reasonably blame the Government for doing anything which seems to put obstacles in the way of agreements. The Soviets, having received from the U.S. Government the credentials of men of goodwill, will persuasively point to our military programs and our own proposals as obstacles.

On the other hand, when our Government replies with figures showing how the Soviets have seized military advantages — along with suggestions that the Soviets might have circumvented or violated treaties — public opinion rightly questions the Government's motives. If the Soviets really had tipped the strategic balance using arms control as a screen — if there were reasonable evidence that they regarded arms control far differently than we, and circumvented or violated whenever they could — why would we be negotiating with them at all? To evade such questions is to be too clever by half.

Some American officials regard the publication of evidence regarding the Soviet Union's violation of the Biological Warfare Convention and other arms control treaties as embarrassments to their own policy preferences rather than as occasions for reexamining their own approach to arms control. Deputy Secretary of State Lawrence Eagleburger recently declared that, in light of all that happened, it is clear we must "do a better job" of arms control. But what can he mean by "a better job?" Can anyone really believe that there exists a formula which, if discovered and presented to the Soviets, would lead them to agree to unmake the military gains they achieved as a result of their strategic buildup? Does a set of words exist which would induce them no longer to regard arms control as a means of thwarting our countermoves to their strategic programs? I doubt it.

The proposition that it is possible to do "a better job" deserves a definitive test. President Reagan's Director of the Arms Control and Disarmament Agency, Kenneth Adelman, has expressed the view that the foremost criterion by which arms control proposals should be judged is their effect on national security. Only proposals that meet this criterion warrant examination from the standpoint of verifiability and acceptability to the Soviets. This sensible approach would draw the dialogue on arms control closer to the real world and help remove the blinders that have prevented us from seeing it.

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