

## New START and Missile Defense Setting the Record Straight

**Emily Coppel**

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*“Relative to the recently expired START treaty, the New START treaty actually reduces constraints on the development of the missile defense program. . . . [Under New START] our targets will no longer be subject to START constraints.”<sup>1</sup>*

**Lieutenant General Patrick O'Reilly, Director of the U.S. Missile Defense Agency**

The New Strategic Arms Reduction Treaty (New START) was signed on April 8, 2010 by the United States and Russia. The treaty seeks to stabilize each country's strategic offensive arms, much like the 1991 Strategic Arms Reduction Treaty (START I) and the 2002 Strategic Offensive Reductions Treaty (SORT). However, a very small group of individuals have criticized New START, saying that it constrains future U.S. ballistic missile defense programs. While New START does contain language pertaining to missile defense, the treaty in no way limits current U.S. missile defense plans, testing, or deployment.

### New START Reduces Constraints and Helps Missile Defense

Lt. General Patrick O'Reilly, Director of the U.S. Missile Defense Agency, the agency within DOD responsible for developing ballistic missile defense, has testified before Congress numerous times<sup>2</sup> in support of New START, stating that it does not constrain U.S. missile defense plans.

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<sup>1</sup> Senate Armed Services Committee. Hearing on *Fiscal Year 2011 Defense Authorization: Ballistic Missile Defense Programs*. April 20, 2010.

<sup>2</sup> Lt. Gen. O'Reilly testified before the House Armed Services Committee on April 15, 2010; before the Senate Armed Services Committee on April 20, 2010; and before the Senate Foreign Relations Committee on June 16, 2010.

Four main points support his statement:

**Article III:** This article states that “a missile of a type developed and tested solely to intercept and counter objects not located on the surface of the Earth shall not be considered to be a ballistic missile to which the provisions of this treaty apply.”<sup>3</sup> Simply put, interceptor missiles (the core of current U.S. missile defense plans<sup>4</sup>) are excluded from this treaty. New START places no constraints on how the U.S. chooses to develop its interceptor force.

**Trident I Missile:** Trident I missiles are Submarine-launched Ballistic Missiles (SLBMs) carried on Ohio-class submarines. Under START I, Trident I missiles were counted towards the U.S. limit. However, New START places no such restrictions on Trident I missiles. The U.S. State Department stated that “Trident I SLBMs...are no longer SLBMs of an existing type.”<sup>5</sup> This means that the U.S. can now use Trident I missiles as missile defense test targets without counting them against its limits under New START.<sup>6</sup>

**Telemetry:** As opposed to START I,<sup>7</sup> New START relaxes restrictions on telemetry (the technical information that a missile sends back about its operation) to only a few exchanges per year. Part II of the Annex on Telemetric Information states that “...the Party conducting launches...may use any method of denying access to telemetric information.”<sup>8</sup> This means that the U.S. can conduct flight testing for missile defense without giving Russia access to the telemetric data.<sup>9</sup>

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<sup>3</sup> “Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms.” April 8, 2010. <http://www.state.gov/documents/organization/140035.pdf>.

<sup>4</sup> Senate Foreign Relations Committee. Hearing on *The New START Treaty: Views from the Pentagon*. June 16, 2010.

<sup>5</sup> “Statement of the United States of America: Trident I SLBMs.” U.S. Department of State: Bureau of Verification, Compliance, and Implementation. April 7, 2010. <http://www.state.gov/t/avc/rls/140186.htm>.

<sup>6</sup> “Senate Foreign Relations Committee Request for Information.” May 17, 2010. <http://lugar.senate.gov/issues/start/pdf/SFRCRequest.pdf>.

<sup>7</sup> START I relied heavily on telemetric information for verification purposes, since the treaty did not count the actual number of warheads. See “Verification of New START: New Treaty Inspections Preserve Strengths of START I,” Union of Concerned Scientists, July 31, 2010. [http://www.ucsusa.org/nuclear\\_weapons\\_and\\_global\\_security/nuclear\\_weapons/technical\\_issues/verification-of-new-start.html](http://www.ucsusa.org/nuclear_weapons_and_global_security/nuclear_weapons/technical_issues/verification-of-new-start.html).

<sup>8</sup> “Annex on Telemetric Information to the Protocol to the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms.” April 8, 2010. <http://www.state.gov/documents/organization/141292.pdf>.

<sup>9</sup> Senate Foreign Relations Committee. Hearing on *The New START Treaty: Views from the Pentagon*. June 16, 2010.

**Long-range Testing:** Under START I, the U.S. was restricted from launching missiles from airborne targets, aircraft, or waterborne targets, making long-range testing difficult. These constraints no longer apply under New START, giving the U.S. greater flexibility in conducting long-range testing in the Pacific. It will also give the U.S. the ability to expand tests from 1,000 kilometers up to 4,000 kilometers without any restrictions.<sup>10</sup>

## New START and Missile Defense – Allegations and Truths

**Allegation:** The language in the Preamble to New START links Russian compliance under New START to limits on U.S. missile defense capabilities.

**Truth:** The Preamble to New START simply states that there is a relationship between strategic offensive arms and strategic defensive arms, and that this relationship will become more important as offensive arms reductions occur. This is simply stating a fact. Offensive and defensive capabilities are inherently related; without an offense, there would be no need for a defense. The preamble also makes clear that currently deployed strategic defensive arms *do not undermine* the strategic offensive arms of either Russia or the United States. Most importantly, the preamble is not legally binding.

**Allegation:** Article V, Section 3 of New START does not allow for silo conversion and therefore limits U.S. missile defense options.

**Truth:** Article V, Section 3 discusses the conversion of Intercontinental Ballistic Missile (ICBM) and SLBM launchers for use in missile defense programs. According to Article V, the U.S. and Russia may not convert existing ICBM or SLBM launchers into missile defense interceptors, and they may not convert existing missile defense interceptors into ICBM or SLBM launchers. This provision does not apply to the ICBM launchers converted at Vandenberg Air Force Base prior to the signing of New START. However, the U.S. does not plan to convert any more silos or launchers for use in missile defense. Converting launchers is technically and financially unattractive. According to Lt. General O'Reilly, the U.S. has developed an interceptor silo that “costs \$20 million less than converting ICBM silos and is easier to protect and maintain.”<sup>11</sup>

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<sup>10</sup> House Armed Services Committee, Subcommittee on Strategic Forces. Hearing on *The Ballistic Missile Defense Review and the FY 2011 National Defense Authorization Budget Request Programs*. April 15, 2010.

<sup>11</sup> Senate Foreign Relations Committee. Hearing on *The New START Treaty: Views from the Pentagon*. June 16, 2010.

**Allegation:** The withdrawal clause in Article XIV links Russian withdrawal from the treaty with development of U.S. missile defenses.

**Truth:** The New START treaty, like every treaty, contains a withdrawal clause which states that the U.S. or Russia may withdraw from the treaty for “extraordinary events.” In its unilateral statement, Russia declared that the development of U.S. missile defenses *may* be considered such an event. It should be noted, however, that this clause is nearly identical to the withdrawal clause contained in other arms-control agreements, such as START I and the Nuclear Non-Proliferation Treaty (NPT). Furthermore, the clause applies to the United States as well. If the Russians develop a capability we believe upsets the strategic balance, then the United States may withdraw from New START.

**Allegation:** Russia will withdraw from the treaty if the U.S. increases its missile defense capabilities, as they declared in their unilateral statement. Therefore, New START limits U.S. missile defense.

**Truth:** Prior to the signing of New START, the U.S. and Russia released unilateral statements pertaining to missile defense.<sup>12</sup> Russia stated that “a build-up in [U.S.] missile defense system capabilities” may be grounds for Russian withdrawal from the treaty. The U.S. stated that, regardless, it will “continue improving and deploying its missile defense systems.” Defense Secretary Robert Gates affirmed this U.S. position when he testified that “the United States will continue to improve our capability to defend ourselves, our deployed forces, and our allies and partners against ballistic missile threats...We have made all this clear to the Russians.”<sup>13</sup> These unilateral statements are just that – independent opinions that reflect each country’s view on the subject. They are *not legally binding* nor are they part of the treaty itself. The Soviet Union made a similar unilateral statement when signing START I, threatening to withdraw from START I if the U.S. pulled out of the Anti-Ballistic Missile (ABM) Treaty. Although the U.S. announced its withdrawal from the ABM Treaty in 2001, Russia remained a Party to START I. Clearly, unilateral statements cannot be counted on as reliable predictors of behavior or future obligations.

**Allegation:** The Bilateral Consultative Commission (BCC) created by the treaty may modify the treaty without the Senate’s advice and consent and could limit U.S. missile defenses.

**Truth:** According to the treaty, the BCC may approve “additional measures as may be necessary to improve the viability and effectiveness of the treaty.”<sup>14</sup> However, Article XV, Section 2 of

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<sup>12</sup> “New START: Unilateral Statements.” U.S. Department of State. April 7, 2010. <http://www.state.gov/t/avc/newstart/c39904.htm>.

<sup>13</sup> Senate Armed Services Committee. Hearing on *New START and Its Implications for National Security*. June 17, 2010.

<sup>14</sup> “Protocol to the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction of Strategic Offensive Arms.” Part Six, Section I (b). April 8, 2010. <http://www.state.gov/documents/organization/140047.pdf>.

the treaty states the BCC may in no way make changes that would “affect substantive rights or obligations under this treaty.” The BCC cannot, therefore, make any changes to the treaty that would limit or constrain U.S. missile defense.

## Reality

Despite critics’ claims to the contrary, New START does nothing to prohibit or constrain U.S. missile defense plans. In fact, it *reduces* previous constraints on missile defense.

New START has the support of top military officers and national security officials, including Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, the head of the U.S. Strategic Command General Kevin Chilton, Commander of Air Force Global Strike Command Lt. Gen. Frank G. Klotz, and Secretary of Defense Robert Gates.

Dr. Janne Nolan, Director for Nuclear Security at ASP, said: “If New START was truly a detriment to missile defense, it would not have such broad support among those entrusted with our nation’s security.”

## **Building a New American Arsenal**

The American Security Project (ASP) is a bipartisan initiative to educate the American public about the changing nature of national security in the 21st century.

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We believe that America must lead other nations in the pursuit of our common goals and shared security. We must confront international challenges with all the tools at our disposal. We must address emerging problems before they become security crises. And to do this, we must forge a new bipartisan consensus at home.

ASP brings together prominent American leaders, current and former members of Congress, retired military officers, and former government officials. Staff direct research on a broad range of issues and engages and empowers the American public by taking its findings directly to them.

We live in a time when the threats to our security are as complex and diverse as terrorism, the spread of weapons of mass destruction, climate change, failed and failing states, disease, and pandemics. The same-old solutions and partisan bickering won't do. America needs an honest dialogue about security that is as robust as it is realistic.

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