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BRIEFING ON SALT I COMPLIANCE

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

BRIEFINGS ON SALT I COMPLIANCE WITH ROBERT W. BUCHHEIM, U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION, AND SIDNEY N. GRAYBEAL, FORMER U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION

SEPTEMBER 25, 1979

[SECRET HEARING HELD ON SEPTEMBER 25, 1979; DECLASSIFIED AND MADE PUBLIC NOVEMBER 7, 1979]

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Note.—Sections of this hearing have been deleted for various reasons at the request of the executive branch. Deleted material is indicated by the notation "[Deleted]."

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FOREWORD

On September 25, 1979, the Committee on Foreign Relations heard testimony in executive session from Hon. Robert W. Buchheim and Hon. Sidney N. Graybeal, respectively the current and former U.S. Commissioners to the Standing Consultative Commission. They were accompanied by Raymond McCrory, Chief of the SALT Support Staff, CIA; and Howard Stoertz, National Intelligence Officer for Strategic Affairs, CIA. The subject of the hearing was SALT I compliance and the operations of the Standing Consultative Commission. At the end of the hearing, the committee requested that the administration declassify the hearing for public release.

On October 16, 1979, the committee received the declassified version of the September 25 transcript under the cover of a letter from Thomas Graham, Jr., General Counsel of the Arms Control and Disarmament Agency. This declassified transcript along with other relevant documents is being published under one cover as part of the SALT II Treaty hearing record.

FRANK CHURCH,
Chairman.

LETTER OF TRANSMITTAL

UNITED STATES ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, D.C., October 16, 1979.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations,
United States Senate.

DEAR MR. CHAIRMAN: Enclosed is the edited transcript from the September 25, 1979, hearing held by your Committee on SALT I Compliance, at which Ambassador Buchheim and Mr. Graybeal testified. In response to your request, we have also deleted that material we believe to be classified.

If we can be of any further assistance, please let me know.

Sincerely,

THOMAS GRAHAM, Jr.,
General Counsel.

BRIEFINGS ON SALT I COMPLIANCE

TUESDAY, SEPTEMBER 25, 1979

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10:12 a.m., in room S-116, the Capitol, Hon. Frank Church (chairman of the committee) presiding.

Present: Senators Church, Pell, Glenn, Stone, Sarbanes, Muskie, Zorinsky, Javits, Percy, and Hayakawa.

Also present: Senator Cranston.

Also present: George Murphy, Director, Senate National Security Office.

Also present from the executive branch: Mark Ramee, assistant to Lloyd Cutler, Office of the President; Col. Thomas Bligh, Office of the Joint Chiefs of Staff; Col. James Granger, Office of the Joint Chiefs of Staff; James P. Timbie, Chief, Strategic Affairs Division, Arms Control and Disarmament Agency; Thomas Graham, General Counsel, Arms Control and Disarmament Agency; George Schneiter, Deputy Director, Department of Defense SALT Task Force; Robert Savitt, Chief, Strategic Forces Division, Office of Strategic Affairs, INR, Department of State; Raymond McCrory, Chief, SALT Support Staff, Central Intelligence Agency; Howard Stoertz, National Intelligence Officer for Strategic Affairs, Central Intelligence Agency; and Rodger Gabrielson, Assistant Legislative Counsel, Central Intelligence Agency.

The CHAIRMAN. Now that we are in executive session, I would ask the Staff Director to attest that everyone present for this meeting has the proper security clearance.

Mr. BADER [committee staff director]. I can so attest for persons on the Senate side, Mr. Chairman.

Mr. GABRIELSON. I will vouch for those from the executive branch, Mr. Chairman.

The CHAIRMAN. Thank you.

This morning our witnesses are Hon. Robert W. Buchheim, the current Commissioner to the Standing Consultative Commission, and Hon. Sidney N. Graybeal, a former U.S. Commissioner on that Commission. They are accompanied by members of the Central Intelligence Agency, whom we have come to know.

I understand that Mr. Buchheim will begin by discussing the SCC process and SALT II provisions relating to compliance. Then we will hear from Mr. Graybeal and Mr. Buchheim as well in discussing the SALT I compliance record. During the testimony, I understand that the general questions contained in a letter which I sent to Secretary Vance on September 17, 1979, will be addressed.

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Let us conduct this proceeding the way we have other similar sessions. Senators should feel free to ask questions at any time that they wish, without any restriction or time limit constraints.

Ambassador Buchheim, we are happy to hear from you. Please proceed.

STATEMENT OF HON. ROBERT W. BUCHHEIM, U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION, ARMS CONTROL AND DISARMAMENT AGENCY

Ambassador BUCHHEIM. Thank you, Mr. Chairman.

It is a pleasure for me to have the opportunity to appear before you today to discuss the role of the Standing Consultative Commission in implementing agreements which are now in force, and the responsibilities of the SCC under the SALT II Treaty.

I have provided you with an unclassified statement for the record and a classified statement [deleted]. I would like to summarize very briefly these statements, and I would be most pleased to reply to your questions.

Before plunging into detailed subject matter, I must discharge an obligation, deeply felt, to the fine men and women who have worked long and hard at the tasks of the SCC by mentioning to you that they have applied themselves to these tasks in full knowledge of the fact that their efforts could not lead to any public recognition. The SCC is a "silent service" of our time.

The Standing Consultative Commission was established pursuant to article XIII of the ABM Treaty. A brief, unclassified history of this unique international institution has been provided to this committee in a paper dated July 18, 1979. The responsibilities of the SCC include consideration of questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous; and working out procedures for implementing agreements.

In addition to the ABM Treaty, the SCC is responsible for matters relating to the implementation of, compliance with, and viability of the SALT I Interim Agreement and the agreement on measures to reduce the risk of outbreak of nuclear war.

In article XVII of the SALT II Treaty on strategic offensive arms, which is now before the Senate, those responsibilities are also assigned to the SCC. The SALT II Treaty includes a number of responsibilities for the SCC which I have identified in detail in my prepared statement. These include working out of agreed procedures to implement the provisions of the agreement, notification where called for in the agreement, and maintenance of the data base on strategic offensive arms.

A description of the SCC would not be complete if it did not include mention of the confidentiality understanding in the SCC regulations. Paragraph 8 of those regulations provides that: "The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except with the express consent of both Commissioners."

The two edges of this important sword are rather obvious.

The first is that this confidentiality understanding has facilitated problem solving exchanges which have been, as international ex-

changes go, rather candid and direct; and, therefore, this understanding has been a significant factor in the effectiveness of the SCC in carrying out its tasks.

The second edge, of course, is the one that cuts across the clear American preference for public openness in international dealings. I cannot offer a complete and perfect reply to any who may find themselves troubled by this second aspect of the confidentiality understanding. I can only point out three relevant practical facts.

One is that the SCC has worked rather well, and the confidentiality understanding in my opinion has contributed substantially to the degree of success attained by the SCC.

Two, within the U.S. Government, the reasons for public openness in international dealings have been served within the strictures of the confidentiality understanding by informing the following congressional committees of any specific understandings resulting from SCC consultations: The Committee on Foreign Relations and the Committee on Armed Services of the Senate; the Committee on Foreign Affairs and its predecessor committees, and the Committee on Armed Services of the House of Representatives; the Joint Committee on Atomic Energy until its disestablishment; and the Select Committees on Intelligence of both the Senate and the House of Representatives since their establishment.

Three, negotiations aimed at international agreements are customarily, for well-recognized reasons, carried out in private, and the SCC is charged with carrying out a continuous process of negotiations for an unlimited period of time on matters of implementation of agreements referred to it for action.

There are no reasons evident at this time which indicate that the SCC will need to change in form to handle its responsibilities. The frequency and/or duration of sessions, and the number and specialties of advisers, can be adjusted to deal with needs.

The two components of the SCC—the U.S. component and the U.S.S.R. component—are constituted along similar lines. Each is made up of a Commissioner, a Deputy Commissioner, an Executive Secretary, a Deputy Executive Secretary, and advisers. The number of advisers, their fields of expertise, and their agencies of normal employment are at the discretion of each government.

In the case of the U.S. component, the Commissioner and the Deputy Commissioner are appointed by the President.

The logistical and procedural aspects of SCC sessions are not different, on a day-by-day basis, from most international negotiations. There are plenary meetings; meetings of a less formal character and composition—usually Commissioners, Deputy Commissioners, and Executive Secretaries; meetings of working groups for drafting and other purposes; traffic between Executive Secretaries on procedural and substantive matters, and so forth.

To date, there have been 15 SCC sessions; the 16th session is currently in progress. This session began on August 21, 1979, and as is customary at the beginning of the session, the sides exchanged notifications as required by procedures worked out under the provisions of the ABM Treaty and the Interim Agreement.

[Deleted.]

The aspect of SCC responsibilities most commonly noted in discussions such as the current deliberations on the SALT II Treaty is

its charge to deal with questions of compliance with agreements in force. That is, indeed, one of the functions of the SCC.

The record to date of discussions of compliance related questions has been summarized in documents provided to this committee.

In particular, this committee has been provided with a document, classified top secret, dated July 20, 1979, containing an up-to-date account of each question related to compliance which the United States and the U.S.S.R. have brought to the SCC.

In the case of questions raised by the United States, those historical accounts set forth the beginnings of each question in the findings of U.S. intelligence that something, possibly questionable, had or might have taken place, and describe the process of study and analysis which led to SCC discussions and consultations, as well as relating an account of the important points of those discussions and their conclusions.

I will not repeat or attempt to paraphrase that lengthy document, but I will be pleased to try to answer any questions of this committee concerning the material in that document.

Thank you.

[Ambassador Buchheim's prepared statement follows:]

STATEMENT OF ROBERT W. BUCHHEIM, U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION, ARMS CONTROL AND DISARMAMENT AGENCY

Mr. Chairman, it is a pleasure to have the opportunity to provide to this Committee a brief history of the Standing Consultative Commission and its work.

I

The Standing Consultative Commission (SCC) was established pursuant to Article XIII of the ABM Treaty of May 26, 1972. That Article provides:

"1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

"(a) Consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

"(b) Provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

"(c) Consider questions involving unintended interference with national technical means of verification;

"(d) Consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

"(e) Agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

"(f) Consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

"(g) Consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

"2. The Parties through consultation shall establish, and may amend as appropriate, the Regulations of the Standing Consultative Commission governing procedures, composition, and other relevant matters."

The Interim Agreement on Certain Measures With Respect to the Limitation of Strategic Offensive Arms, the SALT I companion agreement to the ABM Treaty, contained an Article VI providing that: "To promote the objectives and implementation of the provisions of this Interim Agreement, the Parties shall use the Standing Consultative Commission established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems in accordance with the provisions of that Article."

The SCC was established by the signing on December 21, 1972, of a Memorandum of Understanding between the U.S. and the U.S.S.R.; that Memorandum of Understanding was published in the State Department's "Treaties and Other International Agreements Series" (TIAS 7545).

In that Memorandum of Understanding of December 21, 1972, the U.S. and the U.S.S.R. reaffirmed the charter of the SCC to deal with implementation of the ABM Treaty and of the Interim Agreement on strategic offensive arms. In addition, that Memorandum of Understanding assigned to the SCC the responsibility of dealing with implementation of the first agreement produced in the course of the SALT I discussions, that is, the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War, signed and entered into force on September 30, 1971. That Agreement, in its Article 7, provides that: "The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement."

Paragraph 2 of Article XIII of the ABM Treaty provides for Regulations for the Standing Consultative Commission. Such Regulations were prepared in the form of a document signed by the U.S. and the U.S.S.R. SCC Commissioners, acting for their Governments, on May 30, 1973. These Regulations were also published in the Treaties and Other International Agreements Series (TIAS 7637). They have not been amended since signature.

Before departing from this description of the origins of the SCC and entering into further details on its evolution and activities, I should note the broad range of possible uses of the SCC that were authorized in Article XIII of the ABM Treaty. The more general of these possibilities include: consideration of possible changes in the strategic situation, consideration of amendments to the Treaty, and consideration of proposals for further measures aimed at limiting strategic arms. Such provisions, incorporated in a treaty of unlimited duration, have institutionalized and chartered an arrangement that will always be available to the Parties in which to implement a process of continuing exchanges on arms control in the field of strategic weapons.

II

Subparagraph (e) of paragraph 1 of Article XIII of the ABM Treaty specifies that the SCC will "agree upon procedures and dates for destruction or dismantling of ABM systems or their components . . ." in order to implement the provisions of Article VIII of the ABM Treaty. Article VIII provides that: "ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time."

The procedures provided for were prepared in the SCC, and they were signed and entered into force on July 3, 1974. They stand today without amendment. Copies of these procedures, along with the appropriate statement and background information, were transmitted to this Committee on August 23, 1974.

At the same time, the SCC prepared procedures to regulate the dismantling or destruction of strategic offensive arms covered by the Interim Agreement in accordance with Article III of the Interim Agreement. Those procedures also were signed and entered into force on July 3, 1974, and copies of the document were transmitted to this Committee on August 23, 1974.

Later, the SCC worked out the agreed procedures necessary to regulate the replacement provisions of the ABM Treaty (Article VII) as well as to implement those provisions of the July 3, 1974, Protocol to the ABM Treaty which permit either Party to change, one time, the location of its single permitted ABM system deployment area. Those procedures, in the form of a Protocol negotiated in the SCC, signed and entered into force on October 28, 1976, were submitted, with an explanatory memorandum, to the Committee on December 27, 1976.

Article XIV of the ABM Treaty provides for joint review of the Treaty by the Parties at five-year intervals. The first such review was carried out in 1977 in the SCC. The conclusions reached in that review were recorded in the joint communique of the Parties of November 21, 1977.

As I noted earlier, the SCC has also been the forum for U.S.-U.S.S.R. exchanges concerning implementation of the September 30, 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War. In connection with that function of the SCC, and as a product of discussions initiated by the U.S., the SCC has worked on ways to enhance or improve the usefulness of that Agreement. Specifically, a Protocol was negotiated during 1975 and 1976, in which the Parties provide for facilitating and speeding the transmission of those immediate notifications we undertook to send under the provisions of the Agreement on Measures. This document called the Protocol on the Use of Immediate Notifications in Implementation of the Agreement on Measures, entered into force on March 30, 1977, and was provided to this Committee, with appropriate background statements, on May 4, 1977.

III

The SALT II Treaty on strategic offensive arms, unlike the 1972 Interim Agreement, sets forth the charter of the SCC with respect to that Treaty without any reference to Article XIII of the ABM Treaty; rather, it sets forth an independent set of provisions as to the responsibilities of the SCC in implementing the SALT II Treaty.

The general responsibilities of the SCC under the SALT II Treaty are set forth in Article XVII of that Treaty, as follows:

"1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall use the Standing Consultative Commission established by the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission of December 21, 1972.

"2. Within the framework of the Standing Consultative Commission, with respect to this Treaty, the Parties will:

"(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

"(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

"(c) consider questions involving unintended interference with national technical means of verification, and questions involving unintended impeding of verification by national technical means of compliance with the provisions of this Treaty;

"(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

"(e) agree upon procedures for replacement, conversion, and dismantling or destruction, of strategic offensive arms in cases provided for in the provisions of this Treaty and upon procedures for removal of such arms from the aggregate numbers when they otherwise cease to be subject to the limitations provided for in this Treaty, and at regular sessions of the Standing Consultative Commission, notify each other in accordance with the aforementioned procedures, at least twice annually, of actions completed and those in process;

"(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

"(g) consider, as appropriate, proposals for further measures limiting strategic offensive arms.

"3. In the Standing Consultative Commission the Parties shall maintain by category the agreed data base on the numbers of strategic offensive arms established by the Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Data Base on the Numbers of Strategic Offensive Arms of June 18, 1979."

The differences between the stated responsibilities of the SCC under the Interim Agreement and the stated responsibilities of the SCC under the SALT II Treaty are as follows:

(i) Article XVII of the SALT II Treaty does not adopt, by reference or in any other way, the specific statement of SCC responsibilities set forth in Article XIII of the ABM Treaty. Instead, Article XVII of the SALT II Treaty refers to the SCC as having been established by the December 21, 1972, Memorandum of Understanding noted above. Departure from reference to Article XIII of the ABM Treaty is accompanied in the SALT II Treaty by an independent array of provisions setting forth responsibilities of the SCC in implementing the SALT II Treaty. By reference to the Memorandum of Understanding, Article XVII of the SALT II Treaty also provides for SCC Regulations, because Article V of the Memorandum of Understanding provides that: "The Standing Consultative Commission shall establish and approve Regulations governing procedures and other relevant matters and may amend them as it deems appropriate."

(ii) As noted above, a list of specific SCC responsibilities under the SALT II Treaty is set forth in subparagraphs (a) through (g) of paragraph 2 of Article XVII. These include some departures from the corresponding list of responsibilities under the Interim Agreement, as reflected in the differences between the language of those subparagraphs and the language contained in subparagraphs (a) through (g) of paragraph 1 of Article XIII of the ABM Treaty. Those differences are as follows:

Subparagraphs (a)—no difference.

Subparagraphs (b)—no difference.

Subparagraphs (c)—the text of subparagraph (c) of Article XIII of the ABM Treaty is: "consider questions involving unintended interference with national technical means of verification." Subparagraph 2(c) of Article XVII of the SALT II Treaty contains the same language, and adds: "and questions involving unintended imped-

ing of verification by national technical means of compliance with the provisions of this Treaty."

Subparagraphs (d)—no difference.

Subparagraphs (e)—the general subject matter of the texts is the same, i.e., procedures for changing the status under the agreement of strategic arms. However, the text of the SALT II Treaty is more extensive, as is appropriate to the more extensive undertakings in that Treaty, and, in addition, that text incorporates in the SALT II Treaty provisions for notifications in the SCC parallel to the notifications which, under the Interim Agreement, were provided for in SCC procedures documents.

Subparagraphs (f)—no difference.

Subparagraphs (g)—no difference.

(iii) The SALT II Treaty includes other responsibilities for the SCC in the following provisions:

Second Agreed Statement associated with paragraph 3 of Article II (notification on a case-by-case basis of inclusion of types of bombers as heavy bombers, and the holding of consultations in this connection).

Third Agreed Statement associated with paragraph 3 of Article II (case-by-case determinations of which types of bombers in the future can carry out the mission of a heavy bomber in a manner similar or superior to that of current heavy bombers on the basis of criteria agreed upon in the SCC).

Second Agreed Statement associated with paragraph 5 of Article II (notification on a case-by-case basis of designation of permitted new or additional types of MIRVed missiles at specified times in programs of flight-test or installation).

Agreed Statement associated with paragraph 6 of Article VI (agreement on procedures for removal of strategic offensive arms from the aggregate numbers provided for in Article III and Article V of the Treaty).

Paragraph 7 of Article VI (agreement upon procedures to implement the provisions of Article VI of the Treaty).

Second Agreed Statement associated with paragraph 2 of Article VIII (notification of the location of any future ICBM test range).

Second Common Understanding associated with paragraph 2 of Article VII (agreement on procedures for dismantling or destruction of launchers of fractional orbital missiles and agreement on procedures for destruction of fractional orbital missiles).

Second Common Understanding associated with paragraph 1 of Article VIII (notification of the number of airplanes, according to type, used for testing with cruise missiles capable of a range in excess of 600 kilometers or with ASBMs).

Third Common Understanding associated with paragraph 1 of Article VIII (agreement on procedures for replacement of an airplane used for testing with cruise missiles capable of a range in excess of 600 kilometers or with ASBMs and for removal of any such airplane from the permitted total of sixteen).

Paragraph 1 of Article XI (agreement on procedures for dismantling or destruction of strategic offensive arms).

Paragraph 2 of Article XVI (agreement on procedures to implement provisions on notification of ICBM launches).

Paragraph 3 of Article XVII (maintenance of data base on strategic offensive arms).

IV

A description of the SCC would not be complete if it did not include mention of the confidentiality undertaking in the SCC Regulations. Paragraph 8 of those Regulations provides that: "The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except with the express consent of both Commissioners."

The two edges of this important sword are rather obvious. The first is that this confidentiality understanding has facilitated problem-solving exchanges which have been, as international exchanges go, rather candid and direct; and, therefore, this understanding has been a significant factor in the effectiveness of the SCC in carrying out its tasks. The second edge, of course, is the one that cuts across the clear American preference for public openness in international dealings. I cannot offer a complete and perfect reply to any who may find themselves troubled by this second aspect of the confidentiality understanding; I can only point out three relevant practical facts:

(1) The SCC has worked rather well, and the confidentiality understanding has, in my opinion, contributed substantially to the degree of success attained by the SCC;

(2) Within the U.S. Government, the reasons for public openness in international dealings have been served within the strictures of the confidentiality understanding by informing the following Congressional committees of any specific understandings resulting from SCC consultations: the Committees on Foreign Relations and on

Armed Services of the Senate; the Committee on Foreign Affairs, and its predecessor committees, and the Committee on Armed Services of the House of Representatives; the Joint Committee on Atomic Energy until its disestablishment; and the Select Committees on Intelligence of both the Senate and the House of Representatives since their establishment.

(3) Negotiations aimed at international agreements are customarily, for well-recognized reasons, carried out in private, and the SCC is charged with carrying out a continuous process of negotiations for an unlimited period of time on matters of implementation of agreements referred to it for action.

V

There are no reasons evident at this time which indicate that the SCC will need to change in form to handle its responsibilities. The frequency and/or duration of sessions, and the number and specialties of advisers, can be adjusted to deal with needs.

The two Components of the SCC—the U.S. Component and the U.S.S.R. Component—are constituted along similar lines. Each is made up of a Commissioner, a Deputy Commissioner, an Executive Secretary, a Deputy Executive Secretary, and advisers. The number of advisers, their fields of expertise, and their agencies of normal employment are at the discretion of each Government.

In the case of the U.S. Component, the Commissioner and the Deputy Commissioner are appointed by the President.

The logistical and procedural aspects of SCC sessions are not different, on a day-by-day basis, from most international negotiations. There are plenary meetings; meetings of a less formal character and composition—usually Commissioners, Deputy Commissioners, and Executive Secretaries; meetings of working groups for drafting and other purposes; traffic between Executive Secretaries on procedural and substantive matters; etc.

All meetings of the SCC to date have been held in Geneva, and there are practical reasons for presuming that most SCC meetings in the foreseeable future will be held in Geneva. The two Governments did, however, in the Memorandum of Understanding of December 21, 1972, agree that meetings could be held elsewhere as agreed in the SCC. The sites of meetings in Geneva have generally alternated between the mission of the U.S.S.R. and an annex building of the U.S. Mission.

Communications with the press generally are limited to an announcement, agreed as to substance, of the opening and of the end of an SCC session, and notices for each meeting of the date and place of that meeting. On the part of the U.S. Component, these contacts are handled by the Counselor for Public Affairs of the U.S. Mission, Geneva.

To date there have been fifteen SCC sessions; the sixteenth session began on August 21, 1979, in Geneva.

VI

The aspect of SCC responsibilities most commonly noted in discussions such as the current deliberations on the SALT II Treaty is its charge to deal with questions of compliance with agreements in force. That is, indeed, one of the functions of the SCC. The record to date of discussions of compliance-related questions has been summarized in documents provided to this Committee as well as to the five other Committees mentioned earlier. I have nothing to add at this time to the information in those documents. If this Committee has any questions about this or any other aspect of the work of the SCC, I would be most pleased to reply.

The CHAIRMAN. Thank you very much for your statement, Mr. Ambassador.

Mr. Graybeal, do you have a statement?

Mr. GRAYBEAL. Yes, sir, I have submitted a statement. I will skip and summarize some of the highlights of it rather than read it in full. I think the committee's interests are more specific regarding compliance issues. But I would like to make some observations on some general points regarding the SCC's activities, if that is permissible.

The CHAIRMAN. Fine. Please proceed.

STATEMENT OF HON. SIDNEY N. GRAYBEAL, FORMER U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION, ARMS CONTROL AND DISARMAMENT AGENCY

Mr. GRAYBEAL. Mr. Chairman, it is an honor to appear before your distinguished committee. I hope that my comments and answers to your questions will help the committee in its considerations of SALT issues.

I am appearing before you today representing only myself. The material that I will be presenting in both my initial statement and in response to your questions is derived from publicly available information and from my memory of the classified facts involving compliance questions raised in connection with SALT I. I have not requested or received any help from the executive branch; the views that I will be presenting are strictly my own.

I will try to discuss Soviet compliance with SALT I in general terms and I will discuss the procedures and capabilities of the Standing Consultative Commission for addressing compliance issues in SALT II. I will make some general observations and then will try to answer any questions that committee members might have.

I would like to say a couple of words about SALT history in the monitoring and verification context.

Secrecy is a national asset to the Soviets, as we learned in the Surprise Attack Conference of 1958. They expect to extract a price from us if they are to give up any significant aspect thereof. The differences between a closed and an open society have a direct bearing on the monitoring and verification considerations; the relative importance of national technical means will be significantly different.

United States internal focus on strategic arms control shifted from limitations on the delivery vehicles to limitations on the launchers in the 1966 period. Launchers were more readily monitorable by U.S. national technical means than the delivery vehicles, or the missiles, and have been the main item limited by SALT agreements.

This committee is fully aware of the major improvements in the intelligence community's ability to monitor SALT activities. These improvements in our monitoring capabilities actually made SALT I and II possible. Of course, one of the key questions today is have we overextended these capabilities in monitoring the SALT II agreement.

There are some very direct and positive benefits from SALT I in the monitoring and compliance areas.

In my view, these benefits are as follows:

One, not to interfere with the national technical means of verification of the other party;

Two, not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of the treaty.

Three, the establishment of the Standing Consultative Commission, a permanent body with a broad charter, whose utility and effectiveness I believe have been demonstrated.

As Ambassador Buchheim pointed out, the SCC's main mission in the compliance area is to, "Consider questions concerning com-

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pliance with the obligations assumed and related situations which may be considered ambiguous."

Both elements of this basic mission are important and both have been the basis for exchanges in the SCC.

Ambassador Buchheim provided the background of the SCC and I will skip that. I would merely like to comment on one point, the emphasis that Mr. Buchheim placed on privacy.

As he pointed out, paragraph 8 of the regulations states: "The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except with the express consent of both Commissioners."

During the negotiation of these regulations, it was made very clear that the Standing Consultative Commission does not have a veto power over either government. The results and the activities of the SCC can be made public if it is considered in the U.S. interest to do so. However, I would agree with Mr. Buchheim on the importance of maintaining privacy during the discussion of very sensitive issues.

The CHAIRMAN. I thought Ambassador Buchheim had said that the understanding was that the proceedings could be made public only with the consent of both parties.

Is that the case?

Mr. GRAYBEAL. Paragraph 8 of the regulations states that the proceedings may be made public only with the express permission of both Commissioners. But during the negotiation of that very controversial paragraph in the regulations, it was made clear that neither Commissioner has a veto power over the U.S. Government in the event that the U.S. Government decides that it is in its interest to make the results, the activities, or even the proceedings of the SCC available.

This has not yet been raised in any issue. I emphasize the importance of privacy. But I merely want to note that in the negotiating record, in spite of that regulation, it is made clear that the SCC Commissioner has no veto power over actions of this Government.

The CHAIRMAN. I see. Thank you.

Mr. GRAYBEAL. On the SALT I compliance issues, Ambassador Buchheim mentioned the very detailed paper that was made available to the committee. I do not propose to try to repeat material that is in that paper. I would rather take questions from the Senators on those issues of concern. I list the eight issues that were raised by the United States in the compliance context, four of which I consider to be the most important. These four are: The possible testing of an air defense system, such as the SA-5, radar in an ABM mode; launch control facilities, or the III-X silo issue; the modern large ballistic missiles or the SS-19 issue; and the Soviet dismantling or destruction of ICBM silo launchers.

The committee is aware that the Soviets also raised some compliance issues with the United States. In my view, the only legitimate and real Soviet concern involved the shelters over Minuteman silos.

Senator STONE. Mr. Chairman, may I clarify a point?

The CHAIRMAN. Senator Stone.

Senator STONE. Mr. Graybeal, did you say that we raised eight issues, of which four were important.

Mr. GRAYBEAL. I said that we raised eight issues, of which the following four were the ones that I considered, in my personal view, to be the most important of those eight.

Senator STONE. It sounded like you said the Soviets raised eight issues.

Mr. GRAYBEAL. Excuse me, sir, but "no." The Soviets also raised compliance issues in the Standing Consultative Commission.

Senator STONE. So we raised those about their performance and then they raised this one about ours, is that it?

Mr. GRAYBEAL. They raised several issues, but the one that I consider to be real and legitimate as a compliance question was the question of the shelters over the Minuteman silos.

In my view, the SCC has proven to be an effective forum for raising, discussing, and resolving questions concerning compliance with the provisions of the SALT I agreements.

A variety of complicated issues has been raised and discussed in a very direct and frank manner. Considerable useful information has been exchanged in the process of clarifying and removing the concerns.

Maintaining the privacy of the SCC proceedings has contributed to these useful exchanges. Ambiguous situations can be raised, discussed, and clarified without outsiders immediately drawing the conclusion that there is a SALT "violation" and that the agreements are coming unglued.

The SCC has proven that sensitive issues can be raised, discussed, and clarified without revealing intelligence sources and methods. The SA-5 radar issue is an example of this.

The sides have notified each other in advance of issues to be discussed, and have used written and oral communications between regular sessions of the SCC to further express their views.

The U.S. side did request a special session to discuss compliance questions and the Soviets agreed without any serious problems or reservations. The session proved to be the start of useful exchanges on compliance issues in the SCC.

In the context of SALT II compliance questions, the SCC will have a full menu implementing the SALT II agreement and handling various compliance questions which are sure to arise in such a detailed and complicated agreement.

For example, the SCC is charged with working out agreed criteria for determining which types of future bombers are "heavy bombers," a complicated task which has met with difficulty within the U.S. Government. We have not tried to negotiate such criteria with the Soviets to date.

Some comments on the procedures and capabilities of the SCC to handle SALT II compliance questions follow.

The SCC has become the recognized body for handling compliance questions. I recommend that it continue to be utilized for this purpose and that the "back channel" be used to reinforce the SCC and not replace it. The "back channel" to which I am referring is the communications during the SALT I issues between Dr. Kissinger, Mr. Dobrynin, and various members of the Soviet Government.

The internal review process for evaluating the information related to possible compliance questions and for deciding on which items to recommend be raised with the Soviets is thorough and includes all concerned members of the executive branch. Consideration should be given to the desirability and mechanisms for appropriate committees of Congress to become involved in the process, specifically when, where, and how to become involved.

The SCC has the capabilities to handle the likely compliance questions and ambiguous situations which will arise from a SALT II agreement.

The Soviets expect sensitive issues to be raised in this forum. They will continue to press for "privacy" of the SCC proceedings, which I think is a good idea while the issues are under considerations. I think, though, that the results of these discussions warrant a second look as to whether or not they should be made public.

There must be a will to raise compliance questions or ambiguous situations as soon as we have our facts straight. The viability of any arms control agreement requires early clarification of compliance questions. Raising and clarifying such issues contributes to the confidence in the agreement. Deferring or delaying adds suspicions and uncertainties and could encourage the Soviets to test our will and our intelligence capabilities even more.

Protection of intelligence sources and methods is a critical consideration in deciding how to raise and discuss an issue in the SCC.

There has been an effective mechanism for assuring the protection of sensitive sources and methods. This is one of the key considerations when a potential compliance question is raised within the U.S. Government.

The manner in which the issue is raised is determined in large part by such considerations.

[Deleted.]

Mr. GRAYBEAL. I am unaware of any case where the protection of intelligence sources and methods has precluded the United States from raising, explaining, and defending its position on a compliance issue.

If U.S. security is at stake, there is always the option we exercised in the Cuban missile crisis—lay the pictures on the table. But this has not been necessary to date.

In my view, one of the most sensitive and dangerous areas of SALT II compliance questions will be the likely necessary discussions of telemetry required to monitor the provisions of the agreement. This discussion may be difficult to handle and will require the greatest care to protect sources and methods, and to avoid getting caught on the "slippery slope" or revealing your knowledge and need for different channels of information.

One must not let the Soviets use the SCC for intelligence collection, either to determine our sources or methods or to determine how successful or unsuccessful our intelligence has been.

Soviet uncertainties regarding our intelligence monitoring capabilities is, in my view, one of the best deterrents to possible Soviet cheating. They know too much already; we must make every effort to avoid revealing even more.

This is essential for U.S. security, as well as for monitoring SALT agreements.

Let me make a few general observations now, Mr. Chairman.

First I will discuss Soviet incentives to cheat.

I do not believe that the Soviets would enter into any agreement which required them to cheat in order to attain their military objectives, or on which they planned to cheat. This is not to say that they will not press the agreement to its limit or to test the United States.

When assessing the likelihood of Soviet cheating, one must consider several interrelated factors. The Soviets would also consider these factors.

The risk of being caught is always greater than zero.

There are costs to cheating: There are likely delays in the military program; there are likely reductions in the reliability of the system if you cannot test it in the optimum manner; and there are likely monetary costs.

Thus, the Soviets will have to assess these costs against the military gains from cheating and the political implications, if caught, versus these military gains.

When assessing the possible cheating scenarios, it is important to evaluate both the Soviet normal practices and possible "altered" practices. It is my understanding that the intelligence community is doing this in an excellent manner.

I will talk about monitoring the spirit of the agreement.

The "spirit of the agreement" is an American invention. It has little, if any, meaning to the Soviets. It is the letter of the agreement that counts. Unilateral interpretations and statements are not binding and cannot be relied upon to influence the Soviets.

What about Soviet compliance with the agreement "as presented to Congress?"

The language of the agreement, the agreed statements and the common understandings reflect what could be negotiated and what is binding on the two parties.

Presentations to Congress can help explain the language and how it was derived, but they should not change the meaning of the language or the scope of the provisions of the agreement.

Mr. Chairman, during my tenure as Commissioner, when I was asked to come up on the Hill on the SS-19 issue I was asked this question: If the SS-19 is not a technical violation, it is sure a violation of the agreement as presented to Congress. During certain of the explanations, there were indications that our unilateral statement and other means were controlling the light versus heavy missile problem. That is why I use the SS-19 as an example.

The CHAIRMAN. We are well aware of that.

Mr. GRAYBEAL. Yes, sir. I thought you were.

It is often argued that there should be more specificity in the language of the agreement. From a compliance viewpoint, there are important considerations.

Clear and mutually agreed "definitions" are essential to avoiding misunderstandings and to the continued viability of an agreement. There must be agreement on what is limited and the nature and extent of the limitations.

However, there are instances when too much specificity can pose problems. For example, by placing specific quantitative limits on what was meant by "not to test in an ABM mode" in SALT I, one could invite the other side to design around the limitations; frequently, general language permits flexibility in challenging the activities of the other side.

I believe that we were smart in not being too specific in delineating what we meant by "deliberate concealment measures which impede verification" by national technical means, particularly in the telemetry case, both for challenge reasons and for protection of sources and methods.

In my opinion, we will be in a better position to challenge future Soviet actions of concern than we would be had we tried to get a very specific definition of the scope and nature of "deliberate concealment measures" or to determine precisely what telemetry data or channels are necessary for monitoring the agreement and must not be denied the other side.

The extent to which U.S. monitoring capabilities and limitations should be made public also involves several considerations.

It is very important that the U.S. public have confidence in our ability to monitor SALT agreements, and in our willingness and ability to raise promptly and resolve satisfactorily compliance questions.

It is extremely important that we protect our intelligence sources and methods—they are essential to our national security and also to monitoring SALT agreements.

It is important that the Soviets be kept uncertain about our monitoring capabilities. Such uncertainty is a deterrent to cheating.

The difficult problem is to find the happy medium which meets all three of the above criteria. In my view, the protection of intelligence sources and methods is by far the most important and should be the dominant consideration in deciding what should be made public.

I would like to make a few more general observations, Mr. Chairman, and then I will complete my statement.

The intelligence community and CIA must avoid being labeled as either pro- or anti-SALT. Otherwise, their monitoring judgments will not be considered creditable.

[Deleted.]

Mr. GRAYBEAL. Monitoring the detailed provisions of the SALT agreement and the SCC implementing procedures will require a significant allocation of resources by the intelligence community. It is important that these resources be allocated to the priority jobs and concerns, and not be wasted on inconsequential items.

Monitoring all the specific details of the almost completely dismantled ICBM launch sites is, in my opinion, an example of the expenditure of resources which could be profitably utilized on more pressing intelligence problems as well as more pressing SALT monitoring problems.

In my view, the linkage of resolution of one compliance issue to the satisfactory resolution of another separate issue is a mistake and should be avoided. Compliance issues should be considered on their merits and resolved accordingly.

The SALT and SCC are separate bodies, and should remain so. However, the U.S. Commissioner should be kept fully apprised of the SALT negotiations and proposed language. He needs to know the origin and purpose of the various articles, agreed statements and common understandings in order to implement the agreement.

He can also provide useful advice on likely issues to arise from the proposed language. And, he can help assure that problems are resolved in the SALT negotiating forum and not "solved" by a statement "to be worked out in the SCC."

In the case of the SALT II agreement, as I have read it, I believe that the process has worked well and that the SCC is charged with its proper implementing role.

Mr. Chairman, this completes a summary of some of my remarks. I would be happy to try to answer your questions.

[Mr. Graybeal's prepared statement follows:]

STATEMENT OF SIDNEY N. GRAYBEAL, FORMER U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION, ARMS CONTROL AND DISARMAMENT AGENCY

Mr. Chairman, it is an honor to appear before your distinguished Committee. I hope that my comments and answers to your questions will help the Committee in its considerations of SALT issues.

I. BACKGROUND AND APPROACH

I am appearing before you today representing only myself. The material that I will be presenting in both my initial statement and in response to your questions is derived from publicly available information and from my memory of the classified facts involving compliance questions raised in connection with SALT I. I have not requested or received any help from the Executive Branch; the views that I will be presenting are strictly my own.

In order to assist you in calibrating my remarks, a brief review of my background and experience may be useful. After fourteen years in the Central Intelligence Agency working on foreign missile and space activities, I joined the Arms Control and Disarmament Agency in 1964 and became directly involved in the preparations for SALT. I served as the Alternate Executive Officer throughout SALT I. The President appointed me a Delegate on SALT II, and in June of 1973 he appointed me the U.S. Commissioner on the Standing Consultative Commission—a position that I occupied until November 1976. I returned to CIA as Director of the Office of Strategic Research and remained in that position until my retirement from the Government in mid-January 1979. I am currently working for System Planning Corporation in Arlington, Virginia.

My prepared statement is in the form of an outline which I will be happy to expand upon during the question period.

II. PURPOSE

To discuss Soviet compliance with SALT I, and the procedures and capabilities of the Standing Consultative Commission for addressing possible Soviet violations of SALT II. I will also try to answer any questions that you may have.

III. SCOPE

My remarks will be divided into five general sections:

A. Background Considerations;
B. SALT History—primarily in the monitoring and verification context;
C. Standing Consultative Commission and SALT I Compliance Issues;
D. Standing Consultative Commission and SALT II Compliance Questions; and
E. Some General Observations.

IV. BACKGROUND CONSIDERATIONS

A. Arms Control and National Security.

1. There is nothing inconsistent in pursuing both strategic arms control and more and better strategic weapons simultaneously. Both can and should contribute to our net national security.

2. Arms control should contribute to our national security—not become an end in and of itself.

B. Any arms control agreement boils down to one question which must be asked and answered by the President and the Senate:

"Are we better off with this agreement or with no agreement?"

C. There are two main considerations which must be evaluated in answering this question:

1. What will be the net effect on U.S. security—militarily and political?

2. Can the agreement be "adequately" verified?

What constitutes "adequate" verification involves a judgment.

It depends in part on what one considers constitutes "an adequate deterrent." If one subscribes to the "minimum deterrence" theory, then one may not be too concerned over comprehensive monitoring capabilities for all provisions of the agreement. On the other hand if one is concerned about the viability of our deterrence, then one will probably be concerned about our ability to monitor the specific of all the provisions.

When someone uses the term "adequate verification," it is important to ascertain his criteria for "adequate."

One should also ask if we would face many of the same monitoring problems—keeping track of Soviet strategic activities—without an agreement? Does the agreement help our monitoring capabilities?

D. Distinction between "monitoring" and "verification."

1. The Intelligence Community is responsible for monitoring the provisions of the agreement. The Intelligence Community is also responsible for providing information on our monitoring capabilities and limitations both now and in the future.

2. These monitoring capabilities and limitations are a key input for determining whether or not we will have "adequate" verification.

E. The Intelligence Community provides information concerning Soviet activities; the policy level decides whether or not these activities constitute a "violation" of the agreement and what actions should be taken—when and in what forum.

V. SALT HISTORY—IN THE MONITORING AND VERIFICATION CONTEXT

A. Secrecy is a national asset to the Soviets as we learned in the Surprise Attack Conference in 1958. They expect to extract a price from us if they are to give up any significant aspect thereof. The differences between a closed and an open society have a direct bearing on monitoring and verification considerations; the relative importance of national technical means will be significantly different.

B. The U.S. Strategic Nuclear Delivery Vehicle (SNDV) Freeze proposal of 1964 was rejected by the Soviets purportedly for verification reasons—required extensive on-site inspections for monitoring the provisions. Soviet strategic inferiority in 1964 was probably another main reason for rejection. Each side prefers to negotiate from a position of strength which the Soviets were lacking in 1964.

C. U.S. internal focus on strategic arms control shifted from limitations on the delivery vehicles to limitations on the launchers in the 1966 period. Launchers were more readily monitorable by U.S. national technical means than the delivery vehicles (missiles) and have been the main item limited by SALT agreements.

D. There have been major improvement in the U.S. Intelligence Community's ability to monitor Soviet activities. These improved monitoring capabilities made SALT I and SALT II possible. One of the key questions today is: "Have we overextended those capabilities in monitoring SALT II?"

E. Positive Benefits from SALT I—In my view there are three significant benefits from SALT I which are directly related to monitoring and compliance questions.

1. "* * * not to interfere with the national technical means of verification of the other Party. * * *"

2. "* * * not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty."

3. The establishment of the Standing Consultative Commission—a permanent body with a broad charter—whose utility and effectiveness I believe has been demonstrated.

VI. THE STANDING CONSULTATIVE COMMISSION (SCC) AND SALT I COMPLIANCE ISSUES

A. Standing Consultative Commission (SCC)

1. The basic charter for the SCC is set forth in Article XIII of the ABM Treaty, which is referred to in Article VI of the Interim Agreement and which is carried over in a slightly modified and expanded version in Article XVII of the SALT II Agreement.

2. The SCC's main mission in the compliance area is to: "consider questions concerning compliance with the obligations assumed *and related situations which may be considered ambiguous.*" (Emphasis added)

Both elements of this basic mission are important, and both have been the basis for exchanges in the SCC.

3. The Memorandum of Understanding establishing the Standing Consultative Commission was signed on December 21, 1972.

4. The "Regulations" for the SCC entered into force on May 30, 1973. Important provisions of the Regulations are:

"The Commissioners shall, when possible, inform each other in advance of the matters to be submitted for discussion, but may at a meeting submit for discussion any matter within the competence of the Commission." (Para. 3)

"During intervals between sessions of the Commission, each Commissioner may transmit written or oral communications to the other Commissioner concerning matters within the competence of the Commission." (Para. 4)

"The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except with the express consent of both Commissioners." (Para. 8) The SCC does not have a "veto power" over either Government. Results and activities of the SCC may be made public if it is considered in the U.S. interest to do so.

5. The SCC opened in Geneva in the spring of 1973 and has been meeting at least twice annually with a Special Session called by the U.S. in early 1975 to discuss some compliance questions.

B. SALT I compliance issues

The President decides on which issues will be raised in the SCC based on information provided by the Intelligence Community and recommendations from the Special Coordination Committee—previously the Verification Panel. Compliance issues were first raised in the SCC during a Special Session convened at the request of the U.S. in early 1975. I will merely list the issues raised by the U.S. arranged, in my view, in their order of importance to U.S. security. The Executive Branch has made available a highly classified paper covering these issues in detail. Rather than repeat information contained therein, I will try to respond to any questions you may have on items of particular interest.

1. Possible Testing of an Air Defense System (SA-5) Radar in an ABM Mode.
2. Launch Control Facilities ("III-X Silos").
3. Modern Large Ballistic Missiles (SS-19 Issue).
4. Soviet Dismantling or Destruction of ICBM Silo Launchers.
5. Concealment Measures.
6. Soviet ABM Radar on Kamchatka Peninsula.
7. Concealment at an ICBM Test Range.
8. Soviet Reporting of Dismantling of Excess ABM Test Launchers.

C. SALT I compliance issues raised by the Soviets

Although this Committee has asked me to address Soviet compliance with SALT I agreements, the Soviets also raised some questions concerning compliance in the SCC which I am prepared to discuss if the Committee so desires. Soviet issues include:

1. Shelters over Minuteman Silos—in my view the only real and legitimate Soviet concern.
2. Privacy of the SCC Proceedings.
3. Atlas and Titan I Launchers.
4. U.S. Radar on Shemya Island.
5. Dismantling or Destruction of the ABM Radar under Construction at Malmstrom AFB.

D. Summary—Effectiveness of SCC in handling compliance questions re SALT I

1. The SCC has proven to be an effective forum for raising, discussing and resolving questions concerning compliance with the provisions of the SALT I agreements.

A variety of complicated issues have been raised and discussed in a very direct and frank manner. Considerable useful information has been exchanged in the process of clarifying and removing the concerns.

Maintaining the privacy of the SCC proceeding has contributed to the useful exchanges; ambiguous situations can be raised, discussed and clarified without outsiders immediately drawing the conclusion that there is a SALT "violation" and the agreements are coming unglued.

2. The SCC has proven that sensitive issues can be raised, discussed and clarified without revealing intelligence sources and methods. The SA-5 issue is an example.

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3. The sides have notified each other in advance of issues to be discussed, and have used written and oral communications between regular sessions of the SCC to further express their views.

4. The U.S. side did request a special session to discuss compliance questions and the Soviets agreed without any serious problems or reservations—the session proved to be the start of useful exchanges on compliance issues in the SCC.

VII. STANDING CONSULTATIVE COMMISSION (SCC) AND SALT II COMPLIANCE QUESTIONS

A. The SCC will have a full menu implementing the SALT II Agreement and handling the various compliance questions which are sure to arise in such a detailed and complicated agreement.

1. For example, the SCC is charged with working out agreed criteria for determining which types of future bombers are "heavy bombers"—a complicated task which has met with difficulty within the U.S. Government. We haven't tried to negotiate such criteria with the Soviets.

B. Some comments on the procedures and capabilities of the SCC to handle SALT II compliance questions follow:

1. The SCC has become the recognized body for handling compliance questions. I recommend that it continue to be utilized for this purpose, and that the "back channel" be used to reinforce the SEC, not replace it.

2. The internal review process for evaluating the information related to possible compliance questions and for deciding on which items to recommend be raised with the Soviets is thorough and includes all concerned members of the Executive Branch. Consideration should be given to the desirability and mechanisms for appropriate committees of Congress to become involved in the process—when, where and how to become involved.

3. The SCC has the capabilities to handle the likely compliance questions and ambiguous situations which will arise from a SALT II agreement.

The Soviets expect sensitive issues to be raised in this forum; they will continue to press for "privacy" of the SCC proceeding—which I think is a good idea while the issues are under consideration.

The staff of the SCC can be expanded by whatever expertise is required to handle the issues to be raised and discussed.

C. There must be a will to raise compliance questions or ambiguous situations as soon as we have our facts straight. The viability of any arms control agreement requires early clarification of compliance questions. Raising and clarifying such issues contributes to the confidence in the agreement. Deferring or delaying creates added suspicions and uncertainties, and could encourage the Soviets to test our will and intelligence capabilities even more.

D. Protection of intelligence sources and methods is a critical consideration in deciding how to raise and discuss an issue in the SCC.

1. There has been an effective mechanism for assuring the protection of sentitive intelligence sources and methods.

This is one of the key considerations when a potential compliance question is raised within the U.S. Government.

The manner in which the issue is to be raised is determined in large part by such considerations.

There is a senior intelligence officer (representing the DCI) on the SCC delegation who provides continued guidance to the Commissioner and the U.S. delegation regarding protection of sources and methods.

2. I am unaware of any case where the protection of intelligence sources and methods has precluded the U.S. from raising, explaining and defending its position on a compliance question.

If U.S. security is at stake, there is always the option we exercised in the Cuban Missile Crisis—lay the pictures on the table.

In my view, one of the most sensitive and dangerous areas of SALT II compliance questions will be the likely necessary discussions of telemetry required to monitor the provisions of the agreement. These discussions may be difficult to handle and will require the greatest care to protect sources and methods, and to avoid getting caught on the "slippery slope."

3. One must not let the Soviets use the SCC for intelligence collection—either to determine our sources or methods or to determine how successful or unsuccessful our intelligence has been.

4. Soviet uncertainties regarding our intelligence monitoring capabilities is, in my view, one of the best deterrents to possible Soviet cheating. They know too much already; we must make every effort to avoid revealing even more. This is essential for U.S. security, as well as for monitoring SALT agreements.

VIII. SOME GENERAL OBSERVATIONS

A. Soviet incentives to cheat

1. I do not believe that the Soviets would enter into an agreement which required them to cheat in order to attain their military objectives, or on which they planned to cheat. This is not to say that they will not press the agreement to its limits or to test the U.S.

2. When assessing the likelihood of the Soviets cheating, one must consider several interrelated factors. The Soviets would also consider these factors.

The risks of being caught are always greater than zero.

There are costs to cheating:

Likely delays in the program; Likely reduction in the reliability of the system; and Likely monetary costs.

Thus, the Soviets would have to assess these costs against the military gains from the cheating, and the political implications if caught versus the military gains.

3. When assessing possible cheating scenarios, it is important to evaluate both Soviet "normal" practices and possible "altered" practices.

B. Monitoring the "Spirit of the Agreement"

1. The "spirit of the agreement" is an American invention; it has little if any, meaning to the Soviets. It is the letter of the agreement that counts. Unilateral interpretations and statements are not binding, and cannot be relied upon to influence the Soviets.

C. Soviet compliance with the agreement "as presented to Congress"

1. The language of the agreement, the agreed statements and the common understandings reflect what could be negotiated and what is binding on the two parties. Presentations to Congress can help explain the language and how it was derived, but they should not change the meaning of the language or the scope of the provisions of the agreement. (SS-19 issue is an example.)

D. It is often argued that there should be more specificity in the language of the agreement. From a compliance viewpoint, there are some important considerations:

1. Clear and mutually agreed "definitions" are essential to avoiding misunderstandings and to the continued viability of an agreement. There must be agreement on what is limited and the nature and extent of the limitations.

2. However, there are instances when too much specificity can pose problems. For example, by placing specific quantitative limits on what was meant by "not to test in an ABM mode" in SALT I, one could invite the other side to design around the limitations; frequently, general language permits flexibility in challenging the activities of the other side. I believe that we were smart in not being too specific in delineating what we meant by "deliberate concealment measures which impede verification" by national technical means—particularly in the telemetry encryption case—both for challenge reasons and for protection of sources and methods. In my opinion, we will be in a better position to challenge future Soviet actions of concern than we would be had we tried to get a very specific definition of the scope and nature of "deliberate concealment measures" or determine precisely what telemetry data (or channels) are necessary for monitoring the agreement, and must not be denied the other side.

E. The extent to which U.S. monitoring capabilities and limitations should be made public involves several considerations.

1. It is very important that the U.S. public have confidence in our ability to monitor SALT agreements, and in our willingness and ability to raise promptly and resolve satisfactorily compliance questions.

2. It is extremely important that we protect our intelligence sources and methods—they are essential to our national security and also to monitoring SALT agreements.

3. It is important that the Soviets be kept uncertain about our monitoring capabilities—such uncertainty is a deterrent to cheating.

4. The difficult problem is to find the happy medium which meets all three of the above criteria. In my view, the protection of our intelligence sources and methods is by far the most important and should be the dominant consideration in deciding what should be made public.

F. The Intelligence Community and CIA must avoid being labelled either pro- or anti-SALT; otherwise, their monitoring judgments will not be considered creditable. I believe that Stan Turner and Ray McCrory have done an excellent job in this regard.

G. Monitoring the detailed provisions of the SALT agreements and the SCC implementing procedures will require a significant allocation of resources by the Intelligence Community. It is important that these resources be allocated to the

priority jobs and concerns, and not be wasted on inconsequential items. Monitoring all the specific details of the almost completely dismantled ICBM launch sites is an example of the expenditure of resources which could be profitably utilized on more pressing intelligence problems.

H. In my view, the linkage of resolution of one compliance issue to the satisfactory resolution of another separate issue is a mistake and should be avoided. Compliance issues should be considered on their merits and resolved accordingly.

I. The SALT and SCC are separate bodies, and should remain so. However, the U.S. Commissioner should be kept fully apprised of the SALT negotiations and proposed language. He needs to know the origin and purpose of the various articles, agreed statements and common understanding in order to implement the agreement. He can also provide useful advice on likely issues to arise from the language. And he can help assure that problems are resolved in the SALT negotiations and not "solved" by a statement "to be worked out in the SCC." In the case of the SALT II agreement, I believe that the process has worked well and that the SCC is charged with its proper implementing role.

J. SALT III and the SCC

1. Don't look to SALT III to solve SALT II monitoring/verification problems; SALT II must stand on its own feet. The SCC can press for cooperative measures in implementing SALT II, but there is no obligation on the Soviets to cooperate where they are not bound by the agreement to do so. However, the experience in the SCC to date indicates that it is the best forum to obtain Soviet cooperation on clarifying ambiguous situations. As long as the Soviets consider SALT to be in their national interests, they will make a concerted effort to preclude compliances questions from undermining the agreements. This is not to say that they will not test the system or challenge the United States on certain activities.

2. The SCC has a very flexible charter, and could be used as the forum for amending existing SALT agreements—including the SALT II Agreement if ratified—if the SALT III negotiations get tied up in a multitude of grey area systems involving time-consuming negotiations with our Allies and with the Soviets. The SCC could be used to handle time urgent, primarily bilateral, items separate from the SALT III negotiations, should this be considered a desirable course to follow.

3. Need to do our homework carefully before we jump into SALT III.

IX. Gentlemen, this concludes my prepared remarks. I will try to answer any questions you may have.

The CHAIRMAN. Thank you, Mr. Graybeal.

First of all, let me call your attention to a Jack Anderson piece which appeared in the Washington Post on September 21. I will read the parts that are relevant. I believe you have the item before you.

Mr. GRAYBEAL. Yes, sir. I anticipated your question.

The CHAIRMAN. Good.

Let us go down to the last paragraph in the first column. I will begin reading at that point.

The issue involved the limit set on the number of ballistic missile launchers in the Soviet navy's vast submarine fleet, an important weapon in their strategic arsenal. Under the 1972 treaty, the Soviets agreed to a limit of 740 of these missile launchers.

If the Soviets went over the limit of 740, they were required to destroy or dismantle an equal number of older missile launchers. Yet, according to Central Intelligence Agency documents, the United States became aware that the Soviets had begun to exceed the 740 limit by August 1975.

United States intelligence estimated the number of unauthorized launchers at six and the State Department's treaty enforcement officials mulled over the violations for several weeks. But before they could decide how to push this particular cookie, the Soviets blithely announced that they were indeed over the agreed upon limit by 23 missile launchers.

Embarrassed intelligence officials did a hasty reassessment and "concluded that the Soviet report accurately reflects the status of the force under the agreement."

Like the deadbeat who assures a creditor that "the check is in the mail," the Soviets promised that the 23 missile launchers they "owed" us under the treaty would be dismantled by March 1976, as well as 27 more that would have been replaced by new launchers by that date.

When March rolled around, though, the Soviets had junked only 9 of the 50 launchers. Blaming winter weather for the delay, the Soviets then promised that the 50 launchers would positively, absolutely be on the scrap heap by June 1, 1976.

The State Department bought the Soviet alibi about the weather, even though intelligence sources noted that the Russian winter hadn't prevented the Soviets from putting missile silos together. It also bought the Soviet promise that everything would be hunky-dory by June.

Sure enough, when June came, the Soviets assured our SALT watchdogs that the launchers had been dismantled. This was an out and out lie.

Our intelligence agencies found that the 50 missile launchers weren't junked until the next October, by which time the Soviets owed us several dozen more to compensate for their continuing production of new launchers.

Yet Vance, in his report to the Senate Foreign Relations Committee on February 21, 1978, tried to make the Soviet cheating on the sub launchers seem like a triumph of no-nonsense treaty enforcement by the United States.

The CHAIRMAN. Now, what have you to say about that rendition by Mr. Anderson?

Mr. GRAYBEAL. If I may, sir, I will lead off on that because it came up during my tenure as an SCC Commissioner.

Let me give a couple of words of background and a couple of specific comments.

The SCC developed agreed procedures for dismantling and destruction of ICBM launchers which became effective on July 3, 1974. These procedures included a time—4 months—by which the prescribed dismantling and destruction procedures must be completed.

When it became apparent that the Soviets would not meet this time requirement in the case of about 41 launchers, it was decided to raise this issue in the SCC. Before the United States was able to raise the issue, the Soviets acknowledged that they had not met the required schedule, purportedly for technical reasons, but would be back on schedule by a specific date, and agreed that no more submarines with replacement SLBM's would begin sea trials before completion of required dismantling or destruction.

They did eventually get back on schedule.

[Deleted.]

The CHAIRMAN. In this case, the Anderson article deals with submarine missiles.

As they were adding missiles to their submarine fleet, what missiles were they destroying?

Mr. GRAYBEAL. As a submarine leaves for sea trials—that means, when it leaves its port and not when it moves within the port—that is the starting date from which you begin to dismantle or destroy the ICBM launcher, which is the replaced launcher for the SLBM that is going to sea. So, the idea is that 4 months from the date the ICBM launchers, which were SS-7's and SS-8's, would be dismantled or destroyed in accordance with agreed procedures and within 4 months those would go out of the inventory and the submarine launcher would begin to count when the submarine went to sea. In the Jack Anderson article he is stating that those that went to sea counted, but the ones that were being dismantled or destroyed had not been dismantled or destroyed, and therefore they were still in the inventory and therefore you had an excess of ICBM and SLBM launchers.

The CHAIRMAN. Is he right about that?

Mr. GRAYBEAL. In my view he is incorrect.

The CHAIRMAN. Why?

Mr. GRAYBEAL. [Deleted.]

So, I think this is one case where the Soviets were in clear violation of the SCC procedures—it is the only case of a violation to my knowledge—in the sense that they did not dismantle or destroy these launchers within the 4 months prescribed period. I do not believe that they had an excess of operational launchers during that particular period. [Deleted.]

The CHAIRMAN. The charge is that the Russians began to exceed the 740 limit by August 1975 and I would like you to address that. It needs to be understood as to whether or not the Russians in fact were out of compliance for an extended period of time.

Mr. GRAYBEAL. I would like to make one other point before Mr. McCrory addresses that.

The CHAIRMAN. Certainly.

Mr. GRAYBEAL. This is a point that I mentioned earlier, about what actually constitutes dismantling or destruction.

The procedures that we worked out were very rigorous procedures. The purpose behind them was to assure that that launcher was put into a condition which precluded its ability to launch missiles in less time than it took to build a new one. To do that, we had a series of actions. [Deleted.] A whole series of items were removed.

[Deleted.]

The CHAIRMAN. I suppose that I am trying to get at two things. One is the statement made here that the Russians began to exceed their 740 limit by August 1975 and that they did not come back into compliance until the following October. I read that to be October 1977.

Mr. MCCRORY. May I address that, Senator?

The CHAIRMAN. Yes.

Mr. MCCRORY. There are two separate issues here. One happened in 1975 and one happened in 1976 and under quite different circumstances.

The statement that the Soviets began to exceed the 740 limit by August 1975, according to our document, which is referenced here, meant simply that at that time they had put out new SLBM launchers above the 740 limit and that they were therefore required to reduce. At the time that they did that and they had to do that, they had to begin dismantling or destruction—at the time the submarine went on sea trials—and to complete it 4 months later. At the time that they indeed began to exceed, they had initiated dismantling or destruction of 34 launchers.

So, the fact that they had gone beyond the 740 in August had been compensated for by the initiation of dismantling or destruction of 34 launchers.

The CHAIRMAN. Did that begin in August 1975?

Mr. MCCRORY. It was even earlier, actually.

The CHAIRMAN. I see.

Mr. MCCRORY. Then, with regard to the statement that the Soviets blithely announced that they were, indeed, over the agreed upon limit [deleted] as you know, the Soviets and we are required to report on dismantling and destruction on the first day of each SCC session.

We, in the intelligence community, provide an estimate of what that Soviet report will be ahead of time. Our estimate at that time was that they would report 6 and, although we did point out that there was 1 submarine that could have gone on sea trials [deleted] the Soviets reported 23, which did not mean that they were in violation because they had already begun the dismantling or destruction of 34.

So, the question then was this: Was the Soviet report correct or not. We were able to determine, indeed, that it was correct [deleted].

The CHAIRMAN. All right.

You say that the dismantling of the missiles under the agreement needed to be accomplished within 4 months of the time that the submarine went out to sea for sea trials to compensate for the added missiles on the submarine.

Mr. MCCRORY. That is right.

The CHAIRMAN. [Deleted].

Mr. MCCRORY. [Deleted].

But, in terms of it being destroyed—that is, the launch capability being destroyed—yes.

The CHAIRMAN. Let me ask you this question.

Were the Russians ever in violation of the terms of the interim agreement as distinct from the SCC procedures?

Mr. MCCRORY. The interim agreement placed a freeze on the number of ICBM launchers. Therefore, if they would have had more operational launchers than they were allowed, they would have been in violation of the agreement itself. We have no evidence that that ever occurred.

The problem was meeting the technical requirements of the procedures to have the sites completely dismantled by those procedures within a prescribed time frame. They did not meet that.

Senator MUSKIE. Mr. Chairman.

The CHAIRMAN. Senator Muskie.

Senator MUSKIE. It seems to me that the procedures are designed to protect the imperatives of the treaty. Are you saying that failure to meet requirement procedures would not necessarily constitute a violation of the treaty when the purpose of the procedures is to protect the safeguards of the treaty?

Mr. MCCRORY. I am merely saying, Senator, that the treaty did not provide for the time period in which these launchers would be done. It was the procedures that were developed in the SCC that laid that out, and they did not meet that commitment.

Senator MUSKIE. But weren't those procedures, in effect, a clarification and definition of the requirements of the treaty and to the extent that the procedures were not met, wasn't that at least a technical breach of the treaty?

Mr. MCCRORY. Sir, I am not a lawyer and would leave that to others to say.

Mr. GRAYBEAL. The interim agreement calls for the development of procedures for dismantling. The Standing Consultative Commission is an implementing body. The Standing Consultative Commission did develop those procedures. They were signed by Kissinger and Gromyko on July 3, 1974. They are a legally binding document on the United States and the Soviet Union, just the same as any

other international agreement. They entered into force at that time. Therefore, the Soviets were not in compliance with those procedures in terms of meeting the 4 months, the procedures are implementing documents for the SALT I agreements.

They were submitted to the appropriate committees up on the Hill for their information. They posed no new obligation in terms of limits, so they were not put up for advice and consent. But those procedures were all submitted. They are still all secret and are maintained so at the request of the Soviets because of the details in the definitions of launchers and activities in them.

Senator MUSKIE. But is the only question that remains, then, whether or not under the precise compliance procedures these constitute a substantive breach—these tanks and other equipment—or, in fact, do not represent a violation of a commitment to destroy the launchers? Is it just all technical? Is that what you are saying?

Mr. GRAYBEAL. What I am saying, sir, is that the purpose of those procedures was to put the launchers into a condition which precluded their ability to launch a missile in less time than it took to build a new launcher. In order to accomplish that, we—the United States—came forward with very rigorous, detailed procedures. We were not dismantling; the Soviets were.

We were able to get about 80 percent of what we went in with initially, on those procedures.

Cumulatively, there is a series of detailed actions required to meet this condition.

[Deleted.]

Senator MUSKIE. So, there is substantial compliance within the time frame established by the procedures?

Mr. GRAYBEAL. Subsequent to that one case where they were out, subsequent to that they have met the 4 months.

They agreed to this 4-month period, of which we reminded them. They agreed to the 4 months, therefore they should have been able to meet it.

Senator GLENN [presiding]. Chuck, do you have any questions?

Senator PERCY. Yes; I do. Thank you.

I want to thank all of you for helping us today. With this matter hanging as tightly in the balance as it is, I cannot emphasize too much the necessity of our being convinced that we have the capability to monitor and verify and the will to carry forward and press our case with the Soviets. We fortunately have a history to go back to on that.

Because of the confidentiality of it, we just have to form a judgment and then try to convince our constituents that we are convinced.

One factor that has played heavily on the public impression has been Mel Laird's position. When several of us went to the Soviet Union with Hubert Humphrey a few years ago, the day we left Laird's article came out in the Reader's Digest, which sold 25 million copies. So I presented it to Mr. Brezhnev. He turned it over to Georgei Arbatov and I asked before we left if the Soviets could give us an answer which we could put side by side with the article into our final report. We did get one.

Do you remember the answer that the Soviets gave to us? Was it a credible answer?

Then, could you comment on the subsequent article that Mel Laird ran saying that the Soviets are cheating and in which he stated that the evidence was incontrovertible that the Soviet Union has repeatedly, flagrantly, and indeed contemptuously violated the treaties to which we have adhered?

I happen to think that this was a trade. We can stand up pretty well outside of the "Great Grain Robbery," the one deal where we were outsmarted. But I think consistently we have been able to hold up against the Soviets. I think in the monitoring and intelligence field we take second place to no one in the world. We have to convince our constituents of that, and Mel Laird is a very powerful voice.

Can you give us a judgment as to whether Mel Laird is right, whether the Soviet answers back to us were convincing, and whether or not there is any credibility to what he is saying, that they are flagrantly and contemptuously violating our past treaties? That would have an effect on our future dealings.

Mr. GRAYBEAL. I will comment on Mr. Laird's articles, the ones that I have seen. I have not seen and am not privy to the response that Arbatov gave you and therefore I am not able to comment on that.

On his December article, I thought he stretched the facts considerably. I am unaware of any case where the Soviets have been in violation of the provisions of the SALT I agreements—either the ABM Treaty or the Interim Agreement.

They have tested our will. The SA-5 radar in my view was one of the most delicate and potentially most damaging of the issues. The SS-19 was in violation of a U.S. unilateral statement. As I prepared to emphasize in my prepared statement, unilateral statements do not carry any weight with the Soviets; it is what is in the agreement.

The second article I think also stretched the truth. I read his article last night in the current issue of Reader's Digest, which I found to be much more straightforward and not stretching the facts to meet a conclusion.

I know several friends of Mr. Laird, though I am not a personal friend of his. I suggested that from my tenure in the SCC I thought he was stretching it a little bit.

I cannot respond to your second question.

Senator PERCY. Could I give you a copy of Georgei Arbatov's reply and ask you to give us enough information on it as to whether they dealt squarely with us?

Mr. GRAYBEAL. Yes.

[The following material was subsequently supplied for the record:]

AMBASSADOR BUCHHEIM'S RESPONSE TO QUESTION SUBMITTED BY SENATOR PERCY

Question. What is your response to the reply to Melvin Laird's article on "Is This Detente?" by G. A. Arbatov and G. A. Zhukov?

Answer. The article of Mr. Arbatov and Mr. Zhukov is of interest for the insights it may yield as to Soviet views on these matters. I shall not attempt a review of recent Soviet-American relations along the lines of the referenced article, but rather confine myself to the matter of compliance issues. As Arbatov and Zhukov say, a United States-Soviet Standing Consultative Commission has been established to

consider and resolve such questions. Over the past 4 years, the United States has raised and discussed with the U.S.S.R. several matters concerning Soviet activities related to compliance with the SALT I agreements. In all cases, either the Soviet practices that we questioned have stopped or subsequent acquisition of information has allayed our concerns. None of these practices had any effect on the strategic balance. Of course, we continue to monitor Soviet activities carefully.

Senator PERCY. Mel Laird had charged the Soviets with testing a mobile ABM radar system in violation of SALT I. The information provided the committee suggests this radar is rapidly deployable, but not mobile.

Why do you believe the Soviets are constructing a rapidly deployable ABM radar? Has this been raised at the SCC?

Mr. GRAYBEAL. Not during my tenure.

Ambassador BUCHHEIM. No; it has not.

Senator PERCY. It has not been.

Do you have any judgment as to why they are constructing a rapidly deployable ABM radar or what may be behind it?

Mr. STOERTZ. I can speak to their ABM R. & D. program.

Going back to the ABM system which they developed and then deployed in limited numbers in Moscow, I recall in the course of the SALT I ratification testimony the radar and launching installations associated with that system were illustrated as being approximately the size of the U.S. Capitol, each one of them. The system took, as I recall, somewhere between 7 and 9 years to complete, even the smaller number of launching facilities, the 64 launchers that were deployed at Moscow.

Their ABM R. & D. program since that time has been working toward developing more technically effective ABM systems, one which would do better against ballistic missiles accompanied by penetration aids, and that has also included a system, the individual launch facilities of which could be deployed somewhere on the order of 6 months, instead of about 4 or 5 years.

This is what we mean by rapidly deployable.

Our judgment is that the Soviets, to some extent like the United States, but with a fair amount of vigor and persistence, as is the case in all of their programs, are trying to put themselves into a position first to deter any possibility that the United States would abrogate these agreements and, second, to be prepared, if abrogation occurred by either side, to deploy ABM defenses much more widely than at Moscow.

In order to be in a position to do that, they need to have systems which could be deployed more rapidly than those at Moscow.

That is what we believe is behind this. It is a contingency development against possibilities which could occur in the future.

With respect to the nature of the radar itself, the thing is built on a fairly substantial base which requires an excavation.

[Deleted.]

Senator PERCY. During the SALT I negotiations, the Soviets told us that they would build a missile halfway in size between the SS-11 and the SS-9. We then issued a unilateral statement that would define such a new missile as a heavy missile and, hence, inconsistent with SALT I.

The Soviets then subsequently built the SS-19 and the United States accepted the Soviet definition of heavy missile in SALT II.

Inasmuch as the Soviets first tested the SS-19 in April 1973 and we did not raise the issue in the SCC until early 1975, would you explain what caused the delay? Why did the United States make a unilateral statement on heavy missiles in SALT I if it knew the Soviets would actually violate it and if the United States was unwilling to stick by its position?

Mr. McCrory. While the testing of the SS-19 began in April 1973, it was not until later that we were able to determine in our analysis with any degree of precision what the volume of that particular missile was.

[Deleted.]

Mr. Graybeal. May I comment on this, Senator?

Senator Percy. Please do.

Mr. Graybeal. Mr. McCrory is right on the facts of when we got the information. But I would like to go back a bit.

The United States in SALT I did try to get some constraints on light versus heavy missiles. We were unsuccessful in negotiating volume constraints.

We therefore made a unilateral statement. In my view, the reasons it is unilateral is because the Soviets knew full well what the size of the SS-19 was and they were not about to agree to a U.S. statement which said that any missile exceeding 70 cubic meters, which is the SS-11, roughly, would be a heavy missile and therefore would be counted in that category or would be illegal.

The Soviets did not agree to that. So we made a unilateral statement, and that is the reason for the statement.

Why was the issue not raised earlier? There were debates within the U.S. Government on how to approach this particular problem. It was decided to take the issue up in the SCC, and we did bring it up. We raised it as being inconsistent with our unilateral statement at the time. The discussions in the SCC were terminated because SALT II was also under negotiation at that time and SALT II was trying to define the dividing line between the light and heavy. In my view, it really is not in the U.S. interest to have two fora negotiating the same issue because you are likely to buy the same horse twice. So, the SCC stopped and we moved it over to the SALT forum for negotiation.

Senator Glenn. Chuck, would you yield?

Senator Percy. I would be happy to yield.

Senator Glenn. We have gone down the same track, though, in SALT II, on that exact item. We have agreement on the SS-19 as being the limiting size for the future; yet we made a unilateral statement, on which they have been silent, as to the size of the SS-19. So, we have gone down the same track a second time around, it seems to me.

We have said 90,000 kilograms, gross 3,600 kilograms throwweight, and they have remained silent. This is what the State Department reported to us.

Mr. McCrory. Senator, that is not quite accurate.

What we have said is that for the purpose of our own new light ICBM we are going to use those figures. We did not say that those were the figures of the Soviet system.

Senator Glenn. But both sides have agreed that that sizing of the SS-19 would be the limiting factor on new.

Mr. McCrory. That's right.

Senator Glenn. So, certainly, our interpretation, as applied to our booster, which is the SS-19 size, will be 90,000 and 3,600.

Mr. McCrory. [Deleted.]

Senator Glenn. I did not bring the State Department letter to us on that matter, which is still a bit of a problem for me.

I will pursue this further on my own time.

Chuck, thank you for yielding.

Mr. Graybeal. May I just add to that viewpoint? Something slipped my mind earlier, and I remember it.

At the time, you must remember that the current issue, when we were negotiating the SALT I agreement, was the concern over the SS-9. That was the big missile; that was the big throw-weight; that was the one it was argued was MIRVed or not MIRVed at that time.

The purpose was to try to preclude their ability to put the SS-9 into an SS-11 hole. We could not get the volume constraints, so we went to the silo dimension constraint. The silo dimension does preclude putting an SS-9 into an SS-11 hole. But it did not solve the SS-19 problem, and no one should have dreamed that it solved it. I don't think any of us working at the time felt that it would. [Deleted.]

So, it was that conversation, which was between two advisers, and not an official Soviet statement that they had a missile that was bigger than this.

We were clearly aware that there were going to be new missiles, and from that statement, that they were probably going to be larger.

Senator Percy. Thank you.

I have one last question and it has two parts.

I would appreciate very much an assessment comparing political leadership in the Soviet Union and in the United States as to the sensitivity of the top political leadership to compliance questions.

When they charge that we have failed to comply or failed to adhere to the treaty, how fast does it get up to the top political leadership here in contrast with how fast and how sensitive are they to the compliance matters? Do they jump right on them? Do we jump right on them?

How high an order of priority does it have in the scheme of things for them and how high in the scheme of things for us?

Second, because Jerry Ford's statement this week may be a crucial statement, as may Mr. Nixon's, when he returns to the United States, could you tell us to what influences Mr. Nixon might be subjected in China? Would they like to see this treaty fail? Would they like to see us turn it down?

Mr. Graybeal. I will start with two caveats. First, I am not a Sovietologist. I do not profess to understand the Soviet mind. I have dealt with the Soviets for some period of time.

Senator Percy. Well, you have dealt with them more than I have.

Mr. Graybeal. My personal view is that there are about 15 or 20 people in the United States who deserve the term "Sovietologist," but there are about 10,000 of us who have met a Russian and who think we are. We are the dangerous ones. You want to get to those 15 or 20. I am not in that category. Therefore, I would not try to comment on the Soviet attitudes.

I would like to make an observation, though, on your question concerning the rapidity with which compliance questions get to the top level.

When the Soviets raise an issue with the United States, it goes right to the top level the same day by a priority cable from the delegation back to the top. It is then fed into the proper mechanism and is discussed. The intelligence community brings its monitoring capabilities to the matter and then the political decision is made as to what we will do about it.

In the Soviet case, they take the SALT agreements very seriously. The Commissioner, during my tenure, took any question concerning compliance extremely seriously. In fact, regarding many of the more sensitive ones, at his instigation more than ours, we would deal with them on kind of a one on one and with the Deputy Commissioner and Executive Secretary there, but still formally passing statements.

I was clear from the responses that we got back that those were reaching high levels. In fact, he alluded that these go to the highest level, and by U.S. terminology that would mean the President, so I assume it means the Politburo and Brezhnev.

Senator PERCY. I happen to think that they are very sensitive to the criticism that they were not adhering to this. They moved very rapidly. When I said that we would like an answer before we leave the Soviet Union to take back with us, they didn't bat an eye, and it was there.

So, I feel that they were sensitive to it, just as I would hope that we would be sensitive to it, too.

Ambassador BUCHHEIM. I can only add a comment similar to Mr. Graybeal's. I, too, am not a Sovietologist and I will even go further than that and say that I am not an Americanologist. I cannot read the American mind, either. [General laughter.]

You gentlemen in your line of work probably are better at it than anyone that I can think of. But I am not in that line of work and I would not presume to understand the American mind.

I think you, Senator Percy, hit a key note in your remark about their sensitivity to criticism.

I think most governments view the compliance question substantially the same way, but from opposite sides of the mirror. As the discussion this morning has shown again, we are enormously preoccupied with our ability to catch them cheating. I think they are, with at least as much emotion, preoccupied with our not forever going around the world calling them liars and cheats.

Most people do not enjoy that and do not respond well to it. Certainly most governments do not respond well to it.

I think it is probably much overdone.

If I have any personal criticism of Mr. Laird's articles, it is the contribution that such articles make to overdoing that approach to life.

I think we can look to the Soviets for pretty good behavior if we ourselves temper our public expressions. They will tolerate pretty much any form of address in a confidential circumstance. The word "cheating" in fact comes up in SCC discussions because that is what some of these understandings are all about, to find out whether someone has been cheating or not and to assure that someone does not cheat. But they do not take well to it out in the

street. I would not take well to it out in the street and I am sure you would not take well to it out in the street.

I agree with Mr. Graybeal about the rapidity with which these questions reach the top. I am quite convinced that they get there very fast and that is where they are decided.

There is also the aspect, in my opinion, of their trying to maintain both the fact and appearance of reasonable balance in the behavior of the two sides. Whereas we find it entirely reasonable to set aside Titan and Atlas launchers—how many is it?

Mr. McCrory. It is 177.

Ambassador Buchheim. We find it entirely reasonable to set aside 177 ICBM launchers, some of which are substantially intact. We find absolutely nothing wrong with that because we are the good guys. We did not undertake to destroy them with the rigor that is required in the procedures that were later established. [Deleted.]

I think the image of balance is a great driving factor. In my opinion, much of their preoccupation has been reflected in another negotiating forum with which I am familiar. It is very well summarized by the statement that an agreement must not only be good, but it must look good. It must look bilateral.

Senator Percy. Gentlemen, I want to thank you very much indeed for your help.

Mr. Stoertz. From that point of view, might I add just a few comments.

All of what has been said would be consistent with what we have discussed from time to time before in this very room, namely the decisionmaking authority in the Soviet Union being limited to a very narrow circle of people who engage in both the weapons planning and the SALT negotiation decisions. From the point of view of their perceptions of the way they should be treated as superpowers, and so on, and their determination to comply with the letter of the agreements, for example, I would judge that their decision to acknowledge being in arrears, for example, on some of the dismantling and destruction requirements was, first, difficult for them. I do not perceive that this would be blithe. This would be something which would constitute an admission on their part and could not have been made without the highest leadership authorizing it.

As far as what the Chinese might be saying to Mr. Nixon, I do not happen to know, but we can check, as to whether there are any specific indications. As you know, in general, the Chinese have been calling attention to Soviet hegemonism. They have been calling attention to the continued Soviet improvement of military force. Primarily, however, I believe they have been calling attention to the dangers of Soviet conventional, local, and naval capabilities and have not stressed especially the strategic balance.

That is just what they generally have said and what they might be saying to Mr. Nixon one does not know.

Ambassador Buchheim. [Deleted.]

The CHAIRMAN [presiding]. Would you explain one thing to me, please. It may have been that you explained it while I was out of the room. If so, I apologize for the repetition.

With respect to the Titan missile silos, we have a number that have been emptied in Idaho and they were sold off and have been used for various purposes. For example, pesticides and other poisons have been put into one and I don't know what the others are being used for.

There was some discussion of using them for the storage of wheat at one time.

In any case, there they are. What is the Russian attitude toward them if and when the time ever comes that the United States should have to destroy an international ballistic missile or any other weapon? Would the same standards apply under the treaty to us? Would we have to proceed to demolish the silos in the same manner that we require the Russians to do?

Ambassador BUCHHEIM. That is one of the unhappy features of these agreements. They are strictly bilateral.

The CHAIRMAN. I had assumed that the answer would be yes.

Mr. MCCRORY. But the SALT II Treaty specifically excludes the 177 Atlas and Titan launchers from having to be dismantled or destroyed.

Mr. GRAYBEAL. I think that the Soviets dragged this out as an unrealistic issue. They were not concerned about these launchers. They probably knew as much about the disposition of them as we did. They brought it up for two reasons. In my view one is kind of keep the scorecard even. If we are raising compliance questions, they like to raise compliance questions. When we raise questions about dismantling of excess ABM launchers in accordance with the procedures, they would raise questions about technical problems, costs, and so forth.

So, they dragged this one out. The U.S. Government at the time provided us with excellent information on the status of all 177 launchers, which ones were sold, their disposition, and so forth. We even went out and took some pictures of them. They clearly were outside the purview of this.

The Soviets would not let it drop because of other issues that were still there, and it was then resolved in the SALT II agreement. There is no question that those launchers are out. We do not have to buy them back from the farmer or do anything.

The CHAIRMAN. How could the Russians verify that they are not still being used for their original purpose? What methods would they have for verifying this?

Mr. GRAYBEAL. They would have three means in my view. One is their national technical means. The second is the amount of literature that is published in this country. They can go to the records of the county and read that the silo has been sold and is now being used as a residence, or a bar, or whatever. Plus, they can drive around and look. They can just walk out to the things, walk up to them.

Ambassador BUCHHEIM. That is true. But they will never admit that these treaties provide for verification by means of looking at Time magazine. They will insist that it be by national technical

means and if it cannot be done in that way, they are going to fight it.

The CHAIRMAN. Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

Mr. Graybeal, you suggest in your statement that we must have the will to raise compliance questions at the table in the SCC. Then you talked about the spirit of the agreement. You stressed both those things in your reading, and I think they are stressed adequately in your statement.

With regard to the first, do you feel that we have been too hesitant in raising these issues at the SCC?

Mr. GRAYBEAL. During my tenure as Commissioner, I do not believe we were hesitant. We delayed raising issues in the case of the SA-5 for what in my view were good and sufficient reasons.

The SCC is a formal body; it is taken seriously by the Soviets and by the United States. You do not raise an issue in the SCC lightly.

[Deleted.]

Mr. GRAYBEAL. So, in my experience, I think it was legitimate to be sure your facts are correct and not a delay in raising it concern.

Senator GLENN. Well, I was not talking just about the SA-5 thing. I was, in general, asking whether, as an expert in this area, you thought we had been too hesitant about raising some of the items. We have raised some and some that have concerned me very much revolve around our unilateral statements.

This was your second point.

You spoke of the modern large ballistic missile, whether they could go from the SS-11 to the SS-19. That was a unilateral statement and they rubbed our noses in that one. The SA-5 was sort of the same way, although they stopped after we took that matter up with them. The ABM radar at Kamchatka was another unilateral statement.

I have been looking into the matter of unilateral statements rather fully. I have asked for a rundown of this by the State Department, which they have given us. I then, some 5 weeks ago, asked for certification that these were all of our unilateral statements. I was guaranteed last Wednesday, I believe it was, by Mr. Cutler, that I would have the final paper in my hand about the status of this within 2 days, and we are now into Wednesday of the following week. So it is now going on to the sixth week that we have tried to get this information from the administration.

I am beginning to be very suspicious that some of the people down the street are not cooperating with us.

But let me get to my second point.

You have stressed that the spirit of the agreement is an American invention and it has little, if any, meaning to the Soviets. It is the letter of the agreement that counts. Unilateral interpretations or statements are not binding and cannot be relied upon to influence the Soviets.

That is a very powerful statement. We are going into some of the unilateral statements and this relates to our colloquy of a few moments ago regarding the SS-19.

We can say that we made a unilateral statement on that. Then you can say that that was our understanding of it and it applied to our boosters. This then leads me back to the conclusion that we do

not have a definition to which the Soviets have agreed on what they agree to when they say the SS-19 will be the limit. They misinterpreted before what we said and I presume that they can misinterpret once again what we have said.

There are some six totals in this unilateral statement letter, some of them very important, which the State Department has given us. I will not go into all of them now.

But I am very concerned about the unilateral statements that we set out early in the SALT II negotiating process. I do not want to see us go down that route again, that of unilateral statements. We were going to make statements of record or something like that. But once again, it appears to me that we are going down the primrose path of unilateral statements, our interpretations. Administration officials have indicated in their testimony that they feel these are binding and that the Soviets have acquiesced to them by their silence. Yet the record shows that not to be true in SALT I.

I don't know whether you wish to comment on that or what you think our posture should be with regard to the unilateral statements that we have made.

I am going to follow through on this. We have to have some resolution, it seems to me, before we approve the treaty. Either the Soviets agree that these are their understandings or that they agree with our understandings as expressed in our unilateral statements, or we pass this treaty with the caveat that any breach of our understanding, as we have put it forward in our unilateral statement, will be the subject of abrogating this treaty. We should have that understood going in. I don't see how we can do anything else but that because some of these unilateral statements are very, very important items.

Ambassador BUCHHEIM. Senator, I could not agree with you more.

I think two points must be made, though.

I think unilateral statements are useful because I think they convey what the meaning and will of the United States is, what we have in mind. But they are not legally binding and we should never deceive ourselves that such statements are legally binding upon the Soviets.

The SS-19 unilateral statement was unilateral because we could not get agreement. So we went ahead and made a statement. [Deleted.]

Senator GLENN. Let me follow up on that. Did they deploy? Do they have SS-16's deployed now, to the best of your knowledge?

Mr. GRAYBEAL. I would defer to the intelligence community.

Mr. MCCRORY. [Deleted.]

Senator GLENN. Aviation Week this week has an article, "SS-16 Deployment Raises Senate Questions." They claim that some parts of the intelligence community [deleted] say there are 40 SS-16's now deployed with a 5,000 nautical mile range and so on. This says that the administration elected to ignore this in July of 1978, according to congressional officials, whoever those might be.

Now we have not yet approved SALT II, so technically they are not in violation of anything. But, to come back to the spirit of the agreement statement which you made, certainly the intent of what they are doing is open to question.

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Now we have not yet approved SALT II, so technically they are not in violation of anything. But, to come back to the spirit of the agreement statement which you made, certainly the intent of what they are doing is open to question.

You have to take each of the unilateral statements and evaluate it. In the case of the unilateral statement on the SS-19, this clearly had no effect. It was unilateral because we could not reach an agreement.

In the case of the U.S. unilateral statement on deployment of mobiles, that may or may not have had an effect. The SS-16 was tested. It could have been deployed at that point in time. [Deleted.]

So, did our unilateral statement have a bearing on that? Was that something the Soviets judged was sufficiently important to the United States that we would have taken actions on the agreement, or delayed, or so forth, on our other activities?

That statement may or may not have had an effect.

The United States made a unilateral statement on the SA-5 radar. We said using an air defense radar for range safety or range instrumentation is not prohibited. Well, they used an SA-5 radar purportedly for range instrumentation and range safety and they mentioned our unilateral statement. That one may have hurt us. We had to get that one clarified, as Ambassador Buchheim mentioned.

I find it difficult to make a generic, blanket statement that unilateral statements are good or bad. I think you have to look at each one of them. When you make them, you make them for specific purposes. But they should not—I emphasis this—they should not be considered binding upon the Soviets. They are not in any sense.

Senator MUSKIE. It is so easy to make unilateral statements if you are for treaties in order to reassure the body of concerned public opinion in this country. There is a temptation to make some statements. Has the temptation to make such statements been such as to create significant ambiguities with respect to our real security interests in this field? You know, I am now talking about politicians.

There is a temptation to use unilateral statements to pick up a vote or two on the Senate floor.

Senator GLENN. Oh, we wouldn't do that. [General laughter.]

Senator MUSKIE. I just want to know whether it performs a service or a disservice to us, overall. Again, I am asking for a general statement which you are trying not to make.

Ambassador BUCHHEIM. I can make some very rudimentary comments about that, Senator Muskie.

The first one would be that unilateral statements, if they are to be used at all, have to be used with extreme care and for very well defined purposes. The example of the unilateral statement that bore eventually on the SA-5 radar case which Mr. Graybeal mentioned is the single one with which I have had the most personal experience. From that I think one could draw the conclusion that the Soviets do pay attention to these statements; but that does not mean that they abide by them, nor does it necessarily mean that they are always good for us. When I say they pay attention to them, I mean that the Soviets have shown clear signs, in at least the case I mentioned, and I think in others, that in defending themselves against a complaint from us they would try systematically and with a great deal of precision to argue the appropriateness of what we claim they have done by describing it in terms

that do not make reference to any of these unilateral statements but clearly are consistent with them.

[Deleted.]

Senator GLENN. Isn't it true that in all this negotiating usually the unilateral statement is made after we have failed to get agreement on that particular item.

Ambassador BUCHHEIM. Yes, sir.

Senator GLENN. We have kicked it around and kicked it around and cannot get agreement, so then we make a unilateral statement saying here is our understanding. On the face of it, it means we were unable to get agreement on it. So, they will disagree if we table it at the SCC.

Ambassador BUCHHEIM. That may be a little bit harsh, though, Senator Glenn. It is possible and I think it does happen, sometimes, that after hacking away on something that we aspire to get and after listening to their arguments and perceiving the complexities involved in implementing what we started out to get, we can come to the sober judgment that we are better off without it.

Senator JAVITS. Would you yield for a question at this point?

Senator GLENN. Yes.

Senator JAVITS. What about unilateral statement which says that we are going to do something and we believe it is permitted by the treaty? Why isn't that effective?

In other words, if they demur, they say so, or they can cancel the treaty. We go ahead and do it.

Isn't that a useful reason to have a unilateral statement?

Ambassador BUCHHEIM. If thoughtfully assembled and properly recorded and if we really need to do that——

Senator JAVITS. I will give you a very practical example.

We really mean to transmit nuclear information to our allies in Europe, notwithstanding SALT II, and we are going to say so.

So, they are going to ratify the treaty after we have made that high level public statement. That could be useful, right?

Ambassador BUCHHEIM. Yes, sir.

Mr. GRAYBEAL. I think it is useful there.

I think the comment made earlier, Senator, while you were out, as Mr. McCrory mentioned, that we are going to use these figures for the distinction between light and heavy—well, that is not agreed to, but it is a U.S. unilateral statement and we have made it. We are going to follow that.

If they bring that up later in the SCC we can say: Hey, wait, we told you what we were going to do and that is more than you did, so we have a good defense.

So, unilateral statements of that nature can, in many cases, be useful.

I would like to emphasize one point. Silence does not mean agreement. If you make a unilateral statement and the other fellow says nothing, do not assume that he has agreed with it.

Senator GLENN. We have had testimony before us that certainly indicated that we think, because they are silent, that it means they do not disagree with us.

Mr. GRAYBEAL. That gives him maximum flexibility for future activity.

Senator JAVITS. And they know what you are going to do.

The CHAIRMAN. Gentlemen, I am going to have to go to the floor. There is another Dole motion up on the committal of the Panama enabling legislation.

For the record, I would like to point out to representatives of the State Department who are here that we have not yet had a reply to my letter of September 17, 1979, and we need to have a reply supplied. I ask that the staff pursue this.

If any of the questions that have been prepared for this hearing are not asked, the committee would like to have written replies to those questions to complete the record.

Finally, Senator Percy has asked for the administration's response and reaction to Mr. Arbatov's response to Mel Laird's article. We would like to obtain that for Senator Percy.

I think that covers everything I need to say.

Senator Muskie, I am sorry to interrupt.

Senator MUSKIE. Not at all.

The CHAIRMAN. Oh, there is one other thing. [General laughter.]

Senator MUSKIE. I guess you weren't too sorry. [General laughter.]

The CHAIRMAN. I think it would be a good idea if the executive branch carefully reviewed the testimony this morning, the questions and answers in this hearing with a view toward declassifying as much of it as can be declassified because I think that would be helpful in connection with the debate on the treaty.

I wonder if the experts from the administration here today would review the testimony with that in mind to see if it can be sanitized in such a way as not to entail any security risk. Unless that means omitting too much, we can then use this in the debate on the treaty.

Senator Muskie, this time it is for sure.

Senator MUSKIE. I was happy to yield for purposes of your making that point, Mr. Chairman. It would be very helpful if at least the flavor of this discussion could be used hopefully to reassure, if there is a basis for reassurance, that our security interests are seriously considered and seriously weighed and that the final judgments are thoughtful and balanced.

It leads to the question I would like to ask now.

It involves how decisions to raise issues and not raise them are reached. Are there guidelines for that purpose? Can you say anything about the process?

[Deleted.]

Ambassador BUCHHEIM. [Deleted.]

Senator MUSKIE. Several years ago, Senator Green, Senator Moss and I went to the Soviet Union to study their hydroelectric program, which was then in the early stages of development. We had to negotiate our itinerary. We wanted to see places like Bratsk and Krasnoyarsk. We wanted to be sure that if they gave us permission to visit Bratsk and Krasnoyarsk that they could visit Niagara Falls and Hoover Dam. [General laughter.]

Yes. Those are two of our major secret installations. [General laughter.]

I take it from this description that decisions as to whether or not to table an issue are pretty much of an ad hoc process rather than based upon any criteria or guidelines. It would be useful, for exam-

ple, in congressional committees such as this, in trying to identify the basis for a final decision to raise it or not to know this. Is there any utility in trying to establish guidelines for this?

The problem is to explain what you are doing.

Ambassador BUCHHEIM. It seems to me, Senator, that from the ordinary considerations of commonsense, we ought not to get into something that really would prejudice sources and methods considerations, not to get into something that is truly trivial and just annoy everybody who is concerned, not to get into something that would consume intelligence collection assets beyond any possible value of the subject. From then on I think it really is an ad hoc process. Of course, it has to recognize that any query we make has to have some direct or indirect relationship to the terms of some existing agreement. We can't just go in and say, "I would like to know what you are doing over here," because that would lead to madness. But, beyond that it seems to me that it is, and probably ought to be, ad hoc.

Mr. GRAYBEAL. I would like to add two comments.

First, there is a very effective interagency mechanism when intelligence comes up in connection with the provisions, and that is reviewed very rigorously and the decisions or recommendations to the President are made in that forum. The President then makes the decision.

But in my statement I emphasize the point that you want to be sure you have all of your facts in because there is basically a momentum, which was reflected in Senator Percy's question about Mel Baird, to kick the Russians as quickly and as hard as you can. Well, you know, you just may have a soft toe and you may kick and hurt yourself. It is like a chess game where you have to play three or four moves.

I think this is a beautiful example of a case where you have to think the second and third move in that chess game before you decide to jump.

That is why I think in issues like this, like the SA-5, and like others, that it is incumbent upon the executive branch to have all the facts in and then make a decision on that basis, and look at U.S. programs.

[Deleted.]

Mr. GRAYBEAL. That is just an observation.

Senator GLENN. Ed is concerned about this, so it is very, very real. I think how we make these decisions is extremely important. You know about the SALT sellers traveling all over the country. We are spending millions of dollars putting this treaty forward. You can imagine, if we approve it, how likely anyone is to want to table major violations early on in this treaty. They will become nonexistent. They will be so muffed over that by the time they get to the President, who will probably be like any President, he will not be likely to table anything for a while, especially after all the huge sales programs going on now for the treaty.

I think this procedure that he talks about is very important. I think somewhere we have to get cut into this loop in some way. It's not that we should be the whistle blowers over here, but after all the effort being put into selling SALT, I think some protection has

to be built in, and Senator Muskie obviously is concerned about it. I am, too.

Senator MUSKIE. There is the problem of specific charges that we never see answered unless it is your privilege to attend a session like this. We get statements from the President so we know that the Consultative Commission has been used to raise issues with the Soviets. We are told that they have all been satisfactorily resolved.

But what does that mean?

The public is left hanging. The public is more inclined to believe a specific charge that is not specifically answered than it is to believe a general defense that does not focus. It is a tough problem.

Mr. GRAYBEAL. I think Senator Glenn's point about your approach and procedures is very important. But I would like to respectfully differ with one point that Senator Glenn mentioned.

That is this: If this agreement is ratified and enters into force, the administration would be reluctant to raise a compliance issue.

Having worked in the arms control arena for about 12 years, one thing that you learn is this. If you really believe that arms control can contribute to U.S. security and you have an agreement, the viability of that agreement depends upon the early raising of any compliance question and removing it. If you let that set and fester, it will become a boil and undermine the agreement.

I think if the Senate ratifies and the administration approves this agreement and next week there is an item that comes up, the administration would be well fit to go to the SCC immediately and clarify it because it will undermine the agreement.

So, sir, respectfully I would differ with you on that point.

Senator GLENN. I believe that everything that comes up at the SCC goes to the Intelligence Committee.

Hans, is that right?

Mr. BINNENDIJK [committee staff]. Yes, sir. That is what we are told.

Senator GLENN. The minutes of the SCC, all of that—is that correct, it all goes?

Mr. MCCRORY. That is not correct, sir.

Senator GLENN. I was going to suggest that perhaps we should write something into this that would require things to be submitted to this committee. But I do not want to proliferate this information unnecessarily among committee.

What is submitted to the Intelligence Committee that we, in turn, have access to so that it gets the highest priority?

Ambassador BUCHHEIM. All six of the interested committees receive a record of any understandings that are reached at the SCC.

Senator GLENN. All of the things brought up at the SCC that are being considered, or where CIA has some new information or something and it is brought before the SCC and is considered there, and then somebody says no, we don't want to bring that up, and a decision is made not to table this at the SCC—is that information also made available to the Intelligence Committee?

Ambassador BUCHHEIM. Not to my knowledge, unless it is by virtue of the content of the monitoring reports or something like that.

Mr. MCCRORY. The intelligence related to compliance is brought to the attention of the Select Committee.

Senator GLENN. What other kinds of intelligence would there be besides intelligence related to compliance? That is what the SCC is all about.

Mr. MCCRORY. I mean that they have access, for example, to our monitoring reports.

Senator GLENN. Do they have available to them the minutes of the SCC meetings? I am referring to your own SCC representative meetings here, of this interagency working group.

Ambassador BUCHHEIM. Not to my knowledge.

Mr. MCCRORY. No; they do not.

Senator GLENN. That is where decisions would be made, I presume, as to what is going to be tabled on the American side, what is going to be brought before the SCC. Is that right?

Ambassador BUCHHEIM. That is correct. I do not make those decisions. The people who work with me in the Commission do not make those decisions. It is the interagency working group that prepares the facts and the options and lays them before the President, with or without recommendations, depending upon the nature of each topic.

Senator PELL [presiding]. If I could, I would like to ask two very short questions.

First, what is the classified portion of your statement that you mentioned? The statement that you delivered is itself classified.

Ambassador BUCHHEIM. I believe that refers to a much longer classified supplement. The statement I read today is a very brief summary of two things, an unclassified paper and a classified paper.

Senator PELL. I read your statement. Is there a more classified supplement on our desks?

Ambassador BUCHHEIM. Yes, it should be there. It should look like this [indicating].

Here is a copy, Senator, and you may keep it.

Senator PELL. Thank you.

My second question is, What percentage of your time is devoted to a discussion of alleged Soviet violations as opposed to U.S. violations? Is it about 50–50?

Ambassador BUCHHEIM. That is a proper relative question, but it is not a proper absolute question because only a small fraction of the time for discussion in the SCC is devoted to compliance questions. I cannot give you a number, but the overwhelming preponderance of the time spent in the SCC deals with implementation questions. [Deleted.]

Senator PELL. Well, what about the time that is devoted to compliance question, what is the percentage?

Ambassador BUCHHEIM. It comes pretty close to half and half. The Soviets will pretty much insist on that, on approximately an equal number of topics. If it looks like their activities are becoming excessively prominent subjects of discussion, they will see to it that there is something against which we will have to defend ourselves.

Senator PELL. I think the supplements apparently may not have been distributed to the committee, the supplements to your statement. I will leave it to the staff to work out.

Ambassador BUCHHEIM. I believe that may be a mechanical matter.

Mr. SAUERWEIN. Senator, we have copies back here for everyone.

Senator PELL. Good.

Gentlemen, let me thank you for your presentations to the committee.

If there are no further questions, this meeting is adjourned. Thank you all very much.

[Whereupon, at 12:50 p.m., the committee adjourned, subject to call of the Chair.]

APPENDIX

[Letter from Thomas Graham, Jr., General Counsel, Arms Control and Disarmament Agency, transmitting a history of the Standing Consultative Commission to Senator Church.]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, September 24, 1979.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: In connection with the Committee hearings scheduled for July 25 on SALT I Compliance, I have enclosed a concise history of the Standing Consultative Commission. This study was presented by Ambassador Buchheim to the Select Committee on Intelligence when he testified on SALT I Compliance on July 18, 1979.

Sincerely,

THOMAS GRAHAM, Jr.

Attachment.

A CONCISE HISTORY OF THE STANDING CONSULTATIVE COMMISSION (SCC)

In the first session of SALT, in 1969, it was suggested that there by a continuing process for consultation following conclusion of any agreements, in order to provide a mechanism for discussing and resolving the problems which might possibly arise, and thus to make such agreements more viable. Both sides agreed on the probable utility of a permanent bilateral body which would be charged with functions related to (a) implementation of a strategic arms limitation agreement, and (b) consideration of questions concerning compliance with its provisions. The early proposals of both sides for the provisions of a SALT agreement contained a draft article that provided for the establishment of a Standing Consultative Commission and set forth its functions and responsibilities. Soon, agreement was achieved on the text of Article XIII (Attachment 1) of the ABM Treaty which was signed on May 26, 1972. The corresponding article of the Interim Agreement limiting strategic offensive arms was Article VI (Attachment 2).

The Standing Consultative Commission (SCC) was formally established by the Memorandum of Understanding between the U.S. and the U.S.S.R. of December 21, 1972, (Attachment 6). It is a joint U.S.-U.S.S.R. body charged with promoting implementation of the objectives and provisions of the ABM Treaty and the Interim Agreement limiting strategic offensive arms of May 26, 1972, as well as the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War of September 30, 1971 (Article 7 of that Agreement is Attachment 3).

In connection with the SALT agreements already in force, the Commission is responsible for a number of important functions which are specifically set forth in Article XIII of the ABM Treaty. In particular, it is a forum for considering questions of compliance with obligations assumed under such agreements, for reconciling any misunderstandings or uncertainties arising in the performance of those obligations, and for considering possible proposals for increasing the viability of agreements already concluded as well as possible proposals for further strategic arms limitation measures.

Purusant to the Memorandum of Understanding and the provisions of Article XVII of the SALT II Treaty signed in June, 1979 (Attachment 4), the SCC is charged with similar implementation functions with respect to that new strategic arms limitation agreement.

Each Government is represented on the SCC by a Commissioner and a Deputy Commissioner, who are assisted by such staff and advisors as they deem necessary. Sidney N. Graybeal of ACDA served as U.S. Commissioner until November, 1976. Ambassador Robert W. Buchheim was designated Acting U.S. Commissioner in January, 1977, and Commissioner in August, 1977. Brigadier General Harry A. Goodall, USAF, succeeded Brig. Gen. William F. Georgi, USAF (1973-75), Brig. Gen. Frank E. Serio, USA (1975-77), and RADM Edward F. Welch, Jr., USN (1977-78) as deputy U.S. Commissioner in April, 1978. General-Maior (Brigadier General) G. I.

Ustinov and Ambassador Victor P. Karpov, the original U.S.S.R. Commissioner and Deputy Commissioner, served in those positions from 1973 until they were succeeded, respectively, by General-Maior Viktor P. Starodubov and Mr. Vadim S. Chulitsky, in March, 1979. The Commission holds periodic sessions in Geneva, at least twice annually at times mutually agreed between Commissioners, and may be convened for additional sessions at the request of either Commissioner (see Attachment 5 for chronology). Between sessions, the Commissioners communicate with one another through diplomatic channels concerning any matters within the competence of the Commission.

The Regulations of the SCC (Attachment 7) provide that the proceedings of the Commission shall be private. We believe that this has facilitated direct and frank exchanges concerning strategic weapons systems and other matters related to SALT agreement implementation. Of course, it is understood that the SCC Commissioners will keep their respective Governments fully informed, in accordance with the relevant processes and procedures of those Governments. This method of operation enhances the possibilities of continuing those direct and frank exchanges which are necessary if the SCC is to carry out effectively its assigned responsibilities.

The SCC convened its first session on May 30, 1973, and on that date brought into force the Regulations which govern its internal operation. Since that time, fourteen sessions have been held and major items of business worked on as described below.

Two Protocols on Procedures Governing Replacement, Dismantling or Destruction, and Notification Thereof—one for strategic offensive arms and one for ABM systems and their components—were completed and agreed upon by the SCC in June, 1974, and signed by Secretary of State Kissinger and Foreign Minister Gromyko in Moscow on July 3, 1974. The provisions of these documents govern the replacement of certain older ICBM launchers, and launchers on older submarines, by ballistic missile launchers on modern submarines as permitted under the Interim Agreement, as well as the dismantling or destruction of weapons systems and components in excess of those permitted by the ABM Treaty and the Interim Agreement.

In October 1976, the two SCC Commissioners signed a Supplementary Protocol to that July 3, 1974, Protocol on Procedures for ABM Systems and Their Components mentioned above. The Supplementary Protocol regulates the replacement of ABM systems and their components which is permitted under the ABM Treaty, as well as the exchange of ABM system deployment areas which is permitted by the Protocol to the ABM Treaty which was signed in Moscow on July 3, 1974. (The latter Protocol limits each side to one ABM deployment area. However, the U.S. has the right to exchange its ABM deployment area in defense of ICBM's for one in defense of the national capital, and the U.S.S.R. has the right to exchange its ABM defense of the national capital for an ABM deployment area in defense of ICBM's.)

The SCC has also taken up items in connection with enhancing implementation of the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War. In early 1975, discussions began on the subject of a means of facilitating and speeding the transmission of the immediate notifications provided for under that Agreement on Measures, and over the next several SCC sessions an implementing document was worked out and agreed. This document, a Protocol on the Use of Immediate Notifications in Implementation of the Agreement on Measures, was signed by the SCC Commissioners and became effective in September 1976.

Article XIV of the ABM Treaty provides that the Treaty be reviewed at five-year intervals following its entry into force. The first such review was conducted in the SCC; a joint communique was issued on the review on November 21, 1977. Also in connection with implementation of the ABM Treaty, there were useful discussions during SCC sessions in 1977 and 1978 concerning better mutual understanding of some aspects of certain provisions of the Treaty. Those discussions should further enhance the viability and effectiveness of the ABM Treaty.

During the first 1979 session of the Commission, which coincided in time with the final stages of the SALT II negotiations, the SCC began its work on some of the implementation procedures which will be needed to regulate the activities of both Parties upon entry into force of the Treaty. Specifically, work was done on procedures under which strategic offensive arms in excess of the permitted numbers will be dismantled or destroyed.

An important agenda item has been the discussion of compliance-related questions. The SCC, as a body dealing with implementation of U.S.-U.S.S.R. agreements, operates in accordance with Presidentially-approved instructions. It provides a direct-contact forum for discussing and clarifying questions of compliance and related, possibly ambiguous, situations. The SCC has shown that it can perform a valuable service and be useful in clarifying and removing questions and ambiguities

related to implementation of, and compliance with, the provisions of complex and sensitive arms control agreements.

Attachments: 1. Article XIII of ABM Treaty, 2. Article VI of Interim Agreement, 3. Article 7 of Agreement on Measures, 4. Article XVII of SALT II Treaty, 5. Chronology of SCC Sessions, 6. Memorandum of Understanding of December 21, 1972, and 7. Regulations of the SCC.

[Attachment 1]

ABM TREATY

ARTICLE XIII

"1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

"(a) Consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

"(b) Provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

"(c) Consider questions involving unintended interference with national technical means of verification;

"(d) Consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

"(e) Agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

"(f) Consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty; and

"(g) Consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

"2. The Parties through consultation shall establish, and may amend as appropriate, the Regulations of the Standing Consultative Commission governing procedures, composition and other relevant matters."

[Attachment 2]

SALT INTERIM AGREEMENT OF MAY 26, 1972

ARTICLE VI

To promote the objectives and implementation of the provisions of this Interim Agreement, the Parties shall use the Standing Consultative Commission established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems in accordance with the provisions of that Article.

[Attachment 3]

AGREEMENT ON MEASURES TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR

ARTICLE 7

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement.

[Attachment 4]

SALT II TREATY OF JUNE 18, 1979

ARTICLE XVII

"1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall use the Standing Consultative Commission established by the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission of December 21, 1972.

"2. Within the framework of the Standing Consultative Commission, with respect to this Treaty, the Parties will:

"(a) Consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

"(b) Provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

"(c) Consider questions involving unintended interference with national technical means of verification, and questions involving unintended impeding of verification by national technical means of compliance with the provisions of this Treaty;

"(d) Consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

"(e) Agree upon procedures for replacement, conversion, and dismantling or destruction, of strategic offensive arms in cases provided for in the provisions of this Treaty and upon procedures for removal of such arms from the aggregate numbers when they otherwise cease to be subject to the limitations provided for in this Treaty, and at regular sessions of the Standing Consultative Commission, notify each other in accordance with the aforementioned procedures, at least twice annually, of actions completed and those in process;

"(f) Consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

"(g) consider, as appropriate, proposals for further measures limiting strategic offensive arms.

"3. In the Standing Consultative Commission the Parties shall maintain by category the agreed data base on the numbers of strategic offensive arms established by the Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Data Base on the Numbers of Strategic Offensive Arms of June 18, 1979."

"Agreed Statement. In order to maintain the agreed data base on the numbers of strategic offensive arms subject to the limitations provided for in the Treaty in accordance with paragraph 3 of Article XVII of the Treaty, at each regular session of the Standing Consultative Commission the Parties will notify each other of and consider changes in those numbers in the following categories: launchers of ICBMs; fixed launchers of ICBMs; launchers of ICBMs equipped with MIRVs; launchers of SLBMs; launchers of SLBMs equipped with MIRVs; heavy bombers; heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers; heavy bombers equipped only for ASBMs; ASBMs; and ASBMs equipped with MIRVs."

[Attachment 6]

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT OF A STANDING CONSULTATIVE COMMISSION

I.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics hereby establish a Standing Consultative Commission.

II.

The Standing Consultative Commission shall promote the objectives and implementation of the provisions of the Treaty between the U.S.A. and the U.S.S.R. on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, the Interim Agreement between the U.S.A. and the U.S.S.R. on Certain Measures with Respect to the Limitation of Strategic Offensive Arms of May 26, 1972, and the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the U.S.A. and the U.S.S.R. of September 30, 1971, and shall exercise its competence in accordance with the provisions of Article XIII of said Treaty, Article VI of said Interim Agreement, and Article 7 of said Agreement on Measures.

III.

Each Government shall be represented on the Standing Consultative Commission by a Commissioner and a Deputy Commissioner, assisted by such staff as it deems necessary.

IV.

The Standing Consultative Commission shall hold periodic sessions on dates mutually agreed by the Commissioners but no less than two times per year. Sessions shall also be convened as soon as possible, following reasonable notice, at the request of either Commissioner.

V.

The Standing Consultative Commission shall establish and approve Regulations governing procedures and other relevant matters and may amend them as it deems appropriate.

VI.

The Standing Consultative Commission will meet in Geneva. It may also meet at such other places as may be agreed.

Done in Geneva, on December 21, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the Government of the United States of America:

_____ _____.

For the Government of the Union of the Soviet Socialist Republic:

_____ _____.

[Attachment 7]

STANDING CONSULTATIVE COMMISSION

PROTOCOL

Pursuant to the provisions of the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission, dated December 21, 1972, the undersigned, having been duly appointed by their respective Governments as Commissioners of said Standing Consultative Commission, hereby establish and approve, in the form attached, Regulations governing procedures and other relevant matters of the Commission, which Regulations shall enter into force upon signature of this Protocol and remain in force until and unless amended by the undersigned or their successors.

Done in Geneva on May 30, 1973, in two copies, each in the English and Russian languages, both texts being equally authentic.

_____ _____,
Commissioner, United States of America.

_____ _____,
Commissioner, Union of Soviet Socialist Republics.

[Attachment]

STANDING CONSULTATIVE COMMISSION

REGULATIONS

1. The Standing Consultative Commission, established by the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission of December 21, 1972, shall consist of a U.S. component and Soviet component, each of which shall be headed by a Commissioner.

2. The Commissioners shall alternately preside over the meetings.

3. The Commissioners shall, when possible, inform each other in advance of the matters to be submitted for discussion, but may at a meeting submit for discussion any matter within the competence of the Commission.

4. During intervals between sessions of the Commission, each Commissioner may transmit written or oral communications to the other Commissioner concerning matters within the competence of the Commission.

5. Each component of the Commission may invite such advisers and experts as it deems necessary to participate in a meeting.

6. The Commission may establish working groups to consider and prepare specific matters.

7. The results of the discussion of questions at the meetings of the Commission may, if necessary, be entered into records which shall be in two copies, each in the English and the Russian languages, both texts being equally authentic.

8. The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except with the express consent of both Commissioners.

9. Each component of the Commission shall bear the expenses connected with its participation in the Commission.

REPORT ENTITLED "COMPLIANCE WITH SALT I AGREEMENTS," JULY 1979, DEPARTMENT OF STATE, BUREAU OF PUBLIC AFFAIRS

The purpose of this paper is to provide a brief account of the background, discussion, and status of those questions related to compliance with the SALT agreements of 1972—the ABM treaty and the Interim Agreement on strategic offensive arms—which have been raised by the United States and the U.S.S.R. It also provides a brief discussion of matters which have been mentioned in the press but which have not been raised with the U.S.S.R.

Even before talks with the U.S.S.R. on the subject of strategic arms limitation began, the United States established, in the framework of the National Security Council (NSC) system an interagency group known as the Verification Panel to study questions concerning SALT, with special attention to matters of verification of compliance with the provisions of possible agreements. During the preliminary talks in November and December of 1969, the United States proposed, and the U.S.S.R. agreed, to create a special standing body to deal with questions of implementation of agreements which might be concluded, including questions which might arise concerning compliance. This reflected early recognition and agreement that such matters would require special attention in connection with any agreement as complex as one limiting the strategic weapons of the United States and the U.S.S.R.

Article XIII of the ABM treaty of May 26, 1972, provides for a Standing Consultative Commission (SCC) to, among other things, "consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous."

Article VI of the Interim Agreement provides that the parties use the SCC in a similar manner in connection with that agreement. In December 1972, during the first session of SALT II, the SCC was formally established.

Since the conclusion of the 1972 SALT agreements, procedures have been established within the U.S. Government for monitoring Soviet performance and for dealing with matters related to compliance. All intelligence information is carefully analyzed in the context of the provisions of those agreements, and recommendations on questions which arise are developed by interagency intelligence and policy advisory groups within the NSC system. Currently, these are an Intelligence Community Steering Group on Monitoring Strategic Arms Limitations and the Standing Consultative Commission Working Group of the NSC Special Coordination Committee. Should analysis of intelligence information indicate that there could be a question concerning compliance, this latter group reviews and analyzes the available information and provides recommendations. The President decides whether a particular question or issue is to be raised with the U.S.S.R. based on the study and recommendations of the Working Group and, if necessary, the department and agency principals who comprise the Special Coordination Committee or the NSC itself. After discussion of any question is opened with the U.S.S.R. in the Standing Consultative Commission, the positions and actions taken by the U.S. representatives are also guided in the same manner.

Questions raised by the United States

Launch control facilities (special-purpose silos).—Article I of the Interim Agreement states: "The Parties undertake not to start construction of additional fixed land-based intercontinental ballistic missile (ICBM) launchers after July 1, 1972."

In 1973 the United States determined that additional silos of a different design were under construction at a number of launch sites. If these had been intended to contain ICBM launchers, they would have constituted a violation of Article I of the Interim Agreement.

When the United States raised its concern over this construction with the Soviet side, the U.S.S.R. responded that the silos were, in fact, hardened facilities built for launch-control purposes. As discussions proceeded and additional intelligence became available, the United States concluded that the silos were built to serve a launch-control function.

In early 1977, following further discussions during 1975 and 1976 and a review of our intelligence on this subject, the United States decided to close discussion of this matter on the basis that the silos in question were being used as launch-control facilities. We will, of course, continue to watch for any activity which might warrant reopening of this matter.

Concealment measures.—Article V of the Interim Agreement and Article XII of the ABM treaty provide that each party shall not "* * * interfere with the national technical means of verification of the other Party * * *" nor "* * * use deliberate concealment measures which impede verification by national technical means of compliance with the provisions * * *" of the agreement or the treaty. Both articles

provided that the latter obligation "* * * shall not require changes in current construction, assembly, conversion, or overhaul practices."

The United States has closely monitored Soviet concealment practices both before and after conclusion of the 1972 SALT agreements. During 1974 the extent of those concealment activities associated with strategic weapons programs increased substantially. None of them prevented U.S. verification of compliance with the provisions of the ABM treaty or the Interim Agreement, but there was concern that they could impede verification in the future if the pattern of concealment measures continued to expand.

The United States stated this concern and discussed it with the Soviet side. In early 1975 careful analysis of intelligence information on activities in the U.S.S.R. led the United States to conclude that there no longer appeared to be an expanding pattern of concealment activities associated with strategic weapons programs. We continue to monitor Soviet activity in this area closely.

Modern large ballistic missiles (SS-19 issue).—Article II of the Interim Agreement states: "The Parties undertake not to convert land-based launchers for light ICBM's, or for ICBM's of older types deployed prior to 1964, into land-based launchers for heavy ICBM's of types deployed after that time."

This provision was sought by the United States as part of an effort to place limits on Soviet heavy ICBM's (SS-9 and follow-ons). We did not, however, obtain agreement on a quantitative definition of a heavy ICBM which would constrain increases in the size of Soviet light ICBM's (SS-11 and follow-ons). Thus, the U.S. side stated on the final day of SALT I negotiations [May 26, 1972]:

"The U.S. Delegation regrets that the Soviet Delegation has not been willing to agree on a common definition of a heavy missile. Under these circumstances, the U.S. Delegation believes it necessary to state the following: The United States would consider any ICBM having a volume significantly greater than that of the largest light ICBM now operational on either side to be a heavy ICBM. The U.S. proceeds on the premise that the Soviet side will give due account to this consideration."

The U.S.S.R. delegation maintained the position throughout SALT I that an agreed definition of heavy ICBM's was not essential to the understanding reached by the sides in the Interim Agreement on the subject of heavy ICBM's and made clear that they did not agree with the U.S. statement quoted above. When deployment of the SS-19 missile began, its size, though not a violation of the Interim Ageement provisions noted above, caused the United States to raise the issue with the Soviets in early 1975. Our purpose was to emphasize the importance the United States attached to the distinction made in the Interim Agreement between "light" and "heavy" ICBM's, as well as the continuing importance of that distinction in the context of the SALT II agreement under negotiation at the time. Following some discussion in the SCC, further discussions of this question in that forum were deferred because it was under active consideration in the SALT II negotiations.

Subsequently, the U.S. and U.S.S.R. delegations agreed in the SALT II Treaty on a clear demarcation, in terms of missile launch-weight and throw-weight, between light and heavy ICBM's.

Possible testing of an air defense system (SA-5) radar in an ABM mode.—Article VI of the ABM treaty states: "To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by this Treaty, each Party undertakes: (a) not to give missiles, launchers, or radar, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode * * *."

On April 7, 1972, the United States made a statement to clarify our interpretation of "tested in an ABM mode." We noted, with respect to radars, that we would consider a radar to be so tested if, for example, it makes measurements on a cooperative target vehicle during the reentry portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. We added that radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria.

During 1973 and 1974, U.S. observation of Soviet tests of ballistic missiles led us to believe that a radar associated with the SA-5 surface-to-air missile system had been used to track strategic ballistic missiles during flight.

A question of importance in relation to this activity was whether it represented an effort to upgrade the SA-5 system for an ABM role. The Soviets could have been using the radar in a range instrumentation role to obtain precision tracking; on the other hand, the activity could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system. Although much more testing, and testing significantly different in form, would be needed before the Soviets could achieve an ABM capabil-

ity for the SA-5, the observed activity was, nevertheless, ambiguous with respect to the constraints of article VI of the ABM treaty and the related U.S.-stated interpretation of "testing in an ABM mode." If the activity was designed to upgrade the SA-5 system, it would have been only the first step in such an effort. Extensive and observable modifications to other components of the system would have been necessary, but these have not occurred.

The United States raised this issue based on the indications that an SA-5 radar may have been tracking ballistic missiles during the reentry portion of their flight trajectory into an ABM test range.

The Soviets maintained that no Soviet air defense radar had been tested in an ABM mode. They also noted that the use of non-ABM radars for range safety or instrumentation was not limited by the ABM treaty.

A short time later, we observed that the radar activity of concern during Soviet ballistic missile tests had ceased.

The United States has continued to monitor Soviet activities carefully for any indications that such possible testing activity might be resumed.

Soviet reporting of dismantling of excess ABM test launchers.—Each side is limited under the ABM treaty to no more than 15 ABM launchers at test ranges. During 1972, soon after the ABM treaty was signed, the Soviets dismantled several excess launchers at the Soviet ABM test range.

On July 3, 1974, the agreed procedures, worked out in the SCC, for dismantling excess ABM test launchers entered into force. After the detailed procedures entered into effect, the U.S.S.R. provided notification in the SCC that the excess ABM launchers at the Soviet test range had been dismantled in accordance with the provisions of the agreed procedures. Our own information was that several of the launchers had not, in fact, been dismantled in complete accordance with those detailed procedures.

Even though the launchers were deactivated prior to entry into force of the procedures, and their reactivation would be of no strategic significance, The United States raised the matter as a case of inaccurate notification or reporting to make known our expectation that, in the future, care would be taken to insure that notification, as well as dismantling or destruction, was in strict accordance with the agreed procedures.

Soviet ABM radar on Kamchatka Peninsula.—Article IV of the ABM treaty states: "The limitations provided for in Article III [on deployment] shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges."

In October 1975 a new radar was installed at the Kamchatka impact area of the Soviet ICBM test range. Since article IV exempts from the limitations of article III only those ABM components used for development or testing at current or additionally agreed ranges, location of this radar, which the United States identified as an ABM radar, on the Kamchatka Peninsula could have constituted establishment of a new Soviet ABM test range.

This situation, however, was made ambiguous by two facts.

(1) Just prior to the conclusion of the SALT negotiations in 1972, the United States provided to the Soviet delegation a list of U.S. and Soviet ABM test ranges which did not include the Kamchatka impact area. The Soviet side neither confirmed nor denied the accuracy or completeness of the U.S. listing and indicated that use of national technical means assured against misunderstanding of article IV.

(2) The presence of an older type ABM radar could be viewed as having established the Kamchatka impact area as an ABM test range at the time the ABM treaty was signed.

Though the location of a new ABM radar on Kamchatka was not strategically significant, it was decided that this matter should be raised with the Soviet side in order to set the record straight.

We brought the situation to the attention of the Soviet side. The U.S.S.R. indicated that a range with a radar instrumentation complex existed on the Kamchatka Peninsula on the date of signature of the ABM treaty and that they would be prepared to consider the Kamchatka range a current test range within the meaning of article IV of the ABM treaty. The United States continued the exchange to establish that Kamchatka is an ABM test range, that Sary Shagan and Kamchatka are the only ABM test ranges in the U.S.S.R., and that article IV of the ABM treaty requires agreement concerning the establishment of additional test ranges.

The Soviet side has acknowledged that Kamchatka is an ABM test range and that it and Sary Shagen are the only ABM test ranges in the U.S.S.R. In addition, agreement has been reached in the SCC clarifying the establishment of ABM test ranges.

Soviet dismantling or destruction of replaced ICBM launchers.—Under the Interim agreement and the protocol thereto of May 26, 1972, the U.S.S.R. was permitted to have no more than 950 SLBM launchers and 62 modern, nuclear-powered ballistic missile submarines. In addition it was provided that Soviet SLBM launchers in excess of 740 might become operational only as replacements for older ICBM and SLBM launchers, which would be dismantled or destroyed under agreed procedures.

Such procedures were developed in the SCC and became effective on July 3, 1974. The procedures include detailed requirements for the dismantling or destruction actions to be accomplished, their timing, and notification about them to the other party.

By early 1976 the Soviets had developed a requirement to dismantle 51 replaced launchers. It soon became apparent to the United States that the Soviets would probably not compete all the required dismantling actions on all of the launchers on time. Therefore, the United States decided to raise this question with the Soviets, but before we could do so, the Soviets acknowledged that the dismantling of 41 older ICBM launchers had not been completed in the required time period. The Soviets explained the situation and predicted that all the dismantling actions would be completed by June 1, 1976, and agreed to the U.S. demand that no more submarines with replacement SLBM launchers begin sea trials before such completion. Both conditions were met.

Since that time, although we have observed some minor procedural discrepancies at a number of those deactivated launch sites and at others as the replacement process continued, all the launchers have been in a condition that satisfied the essential substantive requirements, which are that they cannot be used to launch missiles and cannot be reactivated in a short time. As necessary we have pursued the question of complete and precise accomplishment of the detailed requirements of the agreed procedures.

Concealment at test range.—Provisions of the interim Agreement pertinent to this discussion are:

Article V (3): Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Interim Agreement."

Agreed statement concerning launcher dimensions: "* * * in the process of modernization and replacement the dimensions of land-based ICBM silo launchers will not be significantly increased."

Agreed statement concerning test and training launchers: "* * * there shall be no significant increase in the number of ICBM and SLBM test and training launchers, or in the number of such launchers for modern land-based heavy ICBMs * * * construction or conversion of ICBM launchers at test ranges shall be undertaken only for purposes of testing and training."

In early 1977 we observed the use of a large net covering over an ICBM test launcher undergoing conversion at a test range in the U.S.S.R.

There was agreement in the United States that this subject could be appropriate for discussion in SALT in the context of the ongoing discussions on the subject of deliberate concealment measures in connection with the SALT II agreement. The subject was initially raised in this context.

In addition we also expressed our view that the use of a covering over an ICBM silo launcher concealed activities from national technical means of verification and could impede verification of compliance with provisions of the Interim Agreement; specifically, the provision which dealt with increases in dimensions of ICBM silo launchers as recorded in the agreed statement quoted above. The United States took the position that a covering which conceals activities at an ICBM silo from national technical means of verification could reduce the confidence and trust which are important to mutual efforts to establish and maintain strategic arms limitations.

It has been the Soviet position that the provisions of the Interim Agreement were not applicable to the activity in question. Nevertheless, they subsequently removed the net covering.

QUESTIONS RAISED BY THE U.S.S.R.

Shelters over minuteman silos.—Paragraph 3 of article V of the Interim Agreement states: "Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Interim Agreement. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

The United States used shelters which were either 300 or 700 square feet in size over Minuteman ICBM silos to provide environmental protection during initial construction as well as modernization, from 1962 through 1972. Beginning in 1973, in connection with modernization and silo-hardening work, prefabricated shelters of about 2,700 square feet were used. From four to twelve of these shelters were in

place over silos at any given time, for from 10 days to 4 weeks depending upon the severity of the weather.

The Soviets raised this subject, taking the position that the activity was inconsistent with article V of the Interim Agreement since it could be classified as deliberate concealment and that, therefore, it should cease. The United States, based on the nature of the shelters and their use strictly for environmental purposes, not for concealment, believed that their use was consistent with article V.

In early 1977 the United States decided to modify the use of environmental shelters over Minuteman ICBM silos based on explicit confirmation of the common view shared by us and Soviets that neither side should use shelters over ICBM silos that impede verification by national technical means of compliance with the provisions of the Interim Agreement.

Our use of shelters was modified by reducing their size almost 50 percent in recognition of that understanding. The Soviets, however, said that the modified shelters still hindered their national technical means in carrying out their verification functions. The United States responded that it had modified the shelters in response to stated Soviet concerns, that it had always been and remained in compliance with the provisions of the Interim Agreement, and that it believed that no further action was necessary.

In November 1978, in the SALT II negotiations, the Soviet side raised a question regarding the distinguishability of launchers equipped for non-MIRVed Minuteman II and MIRVed Minuteman III ICBM's. They said that the problem of distinguishability was aggravated by the use of shelters over Minuteman launchers.

The U.S. side made clear to the Soviets that our use of shelters over Minuteman silo launchers was for environmental protection only and that it was not a deliberate concealment measure. In the interest of satisfying both sides' verification concerns, however, we indicated that we were prepared to forego the use of the shelters. Subsequently, because of our view of the importance of verification and because of the stated Soviet concern, we decided to discontinue using these shelters. In May 1979, in the context of resolving the distinguishability issue, the United States ceased using the shelters in question.

The sides subsequently agreed to record, in a common understanding to paragraph 3 of article XV of the SALT II Treaty, that no shelters which impede verification by national technical means shall be used over ICBM silo launchers.

Atlas and Titan-I launchers.—The protocol developed in the SCC governing replacement, dismantling, and destruction of strategic offensive arms, as noted above, provides detailed procedures for dismantling ICBM launchers and associated facilities, one principle of which is that reactivation of dismantled launchers should take substantially more time than construction of a new one.

There are 177 former launchers for the obsolete Atlas and Titan-I ICBM systems at various locations across the continental United States. All these launchers were deactivated by the end of 1966.

The Soviet side apparently perceived an ambiguity with respect to the status and condition of these launchers, based on the amount of dismantling which had been done and its effect on their possible reactivation time. They raised this issue in early 1975.

The U.S. view was that these launchers were obsolete and deactivated prior to the Interim Agreement and were not subject to that agreement or to the accompanying procedures for dismantling or destruction. However, we did provide some information on their conditions illustrating that they could not be reactivated easily or quickly. The discussion on this question ceased in mid-1975.

Radar on Shemya Island.—Article III of the ABM treaty states: "Each Party undertakes not to deploy ABM systems or their components except * * * within one ABM deployment area * * * centered on the Party's national capital * * * and within one * * * deployment area * * * containing ICBM silo launchers * * *."

In 1973 the United States began construction of a new phased-array radar on Shemya Island, Alaska, at the western end of the Aleutian Island chain. The radar became operational in early 1977. This radar is used for national technical means of verification, space tracking, and early warning.

The Soviets raised a question in 1975, suggesting that the radar was an ABM radar which would not be permitted at this location.

The U.S. side discussed this matter with the Soviets and as a result, we believe, eliminated any concern about possible inconsistency with the provisions of the ABM treaty.

Privacy of SCC proceedings.—Paragraph 8 of the regulations of the SCC states: "The proceedings of the Standing Consultative Commission shall be conducted in private. The Standing Consultative Commission may not make the proceedings public except with the express consent of both Commissioners."

Prior to the special SCC session held in early 1975 to discuss certain questions related to compliance, several articles appeared in various U.S. publications with wide circulation. These articles speculated about the possibility of certain Soviet "violations" of the SALT agreements which were to be discussed and tended to draw the conclusion that there were violations, based on what was purported to be accurate intelligence information.

The Soviets have expressed to us their concern about the importance of confidentiality in the work of the SCC and about the publication of such items. They were apparently particularly concerned about press items that may appear to have official U.S. Government sanction.

We have discussed with the Soviets the usefulness of maintaining the privacy of our negotiations and discussions and limiting speculation in the public media on SCC proceedings, as well as the need to keep the public adequately informed.

In March 1978, the Soviets repeated their position on the need for privacy of SCC proceedings and objected to the release to the public, in February 1978, of the U.S. paper on compliance with the SALT I agreements. The United States responded by explaining the factors underlying the U.S. view on the need to provide the public with information concerning compliance. The Soviets have not formally raised this matter again since that time.

Dismantling or Destruction of the ABM Radar Under Construction at Malmstrom AFB.—When the ABM treaty was signed on May 26, 1972, the United States had ABM defenses under construction in two deployment areas for the defense of ICBM's. Since the ABM treaty permitted each party only one such ABM system deployment area, the United States immediately halted the construction, which was in its early stages, at Malmstrom AFB, Montana. Specific procedures for the dismantling or destruction of the ABM facilities under construction at Malmstrom were negotiated as part of the protocol on procedures for ABM systems and their components, signed on July 3, 1974.

Dismantling of the ABM facilities under construction at Malmstrom was completed by May 1, 1974.

In late 1974 we notified the U.S.S.R. in the SCC that dismantling activities at the Malmstrom site had been completed. Somewhat later, the Soviet side raised a question about one detailed aspect of the dismantling which they apparently felt had not been carried out in full accord with the agreed procedures.

We reviewed with the Soviet side the actions taken by the United States to dismantle the Malmstrom site and also showed them some photographs of the before-and-after conditions there. The question was apparently resolved on the basis of that discussion.

U.S. radar deployments.—Paragraph 2 of article I of the ABM treaty states: "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not provide a base for such a defense * * *." In paragraph (b) of article VI, the sides undertook "not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward." An agreed statement initialed by the Heads of Delegation on May 26, 1972, states: "The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square miles) exceeding three million, except as provided for in Articles III, IV, and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification."

When the ABM treaty entered into force, the United States had deployed as part of its ballistic missile early warning system (BMEWS) two large radars on U.S. territory—the phased-array FPS-85 radar in Florida and a nonphased-array radar in Clear, Alaska. Since that time, the United States has constructed a large phased-array radar on Shemya Island (see discussion above) and has initiated construction of two, large phased-array radars (PAVE PAWS) for early warning of SLBM attack. The latter are located at Otis Air Force Base, Massachusetts, and Beale Air Force Base, California.

In October 1978, the Soviets expressed concern that the PAVE PAWS radars, along with the other large phased-array radars in the United States, could enable the United States to have a radar base for an ABM defense of U.S. territory. They asked the United States to clarify this matter.

The United States responded in the SCC to the Soviets' expressed concern over our radars. We advised the Soviet side that the PAVE PAWS radars are for early warning of strategic ballistic missile attack and that their deployment is in full compliance with the ABM treaty. We said that they are replacing older early warning radars which have become obsolete and that as a secondary function they will be used for tracking objects in outer space. Additionally, we provided technical information—much of which is in the public domain—to make clear that they are

for early warning and are not ABM radars. We noted that the other radars mentioned by the Soviets provide early warning coverage from other areas in the United States. The Soviets took note of this clarification.

OTHER QUESTIONS AND CHARGES

The process of monitoring Soviet activity and analyzing the information obtained in order to decide whether any particular matter needs to be raised with the Soviet side has been described above. Activities not raised with the U.S.S.R. as ambiguous or of possible concern have also been examined by the United States. In those cases, analysis of the available intelligence information showed that they did not warrant discussion or categorization as inconsistent with the agreements. Generally, it has been the practice to avoid public discussions of these matters.

From time to time, articles have appeared in U.S. periodicals and newspapers alleging Soviet violations of the provisions of the SALT I agreements. As indicated earlier, these reports or commentaries have been generally speculative and have concluded or implied that violations or "cheating" by the Soviets had taken place.

Among the subjects most recently or frequently mentioned are those listed below.

"Blinding" of U.S. satellites.—Soviet use of something like laser energy to "blind" certain U.S. satellites could be an activity inconsistent with the obligations in article XII of the ABM treaty and article V of the Interim Agreement "not to interfere with" or "use deliberate concealment measures" which impede verification, by national technical means, of compliance with the provisions of those agreements.

In 1975 information relevant to possible incidents of that nature was thoroughly analyzed, and it was determined that no questionable Soviet activity was involved and that our monitoring capabilities had not been affected by these events. The analysis indicated that the events had resulted from several large fires caused by breaks along natural gas pipelines in the U.S.S.R. Later, following several reports in the U.S. press alleging Soviet violations and in response to questions about those reports, the U.S. press was informed of those facts by several U.S. officials.

Mobile ABM.—From time to time, it has been stated that the U.S.S.R., in contravention of article V of the ABM treaty, has developed, tested, or deployed a mobile ABM system, or a mobile ABM radar, one of the three components of a mobile ABM system.

The U.S.S.R. does not have a mobile ABM system or components for such a system. Since 1971 the Soviets have installed at ABM test ranges several radars associated with an ABM system currently in development. One of the types of radars associated with this system can be erected in a matter of months, rather than requiring years to build as has been the case for ABM radars both sides have deployed in the past. Another type could be emplaced on prepared concrete foundations. This new system and its components can be installed more rapidly than previous ABM systems, but they are clearly not mobile in the sense of being able to be moved about readily or hidden. A single complete operational site would take about half a year to construct. A nationwide ABM system based on this new system under development would take a matter of years to build.

ABM testing of air defense missiles.—Article VI of the treaty specifically prohibits the testing in an ABM mode of missiles which are not ABM interceptor missiles, or giving them ABM capabilities. Our close monitoring of activities in this field have not indicated that ABM tests or any tests against strategic ballistic missiles have been conducted with an air defense missile; specifically, we have not observed any such tests of the SA-5 air defense system missile, the one occasionally mentioned in this connection in the open press.

Mobile ICBM's.—The development and testing of a mobile ICBM's is not prohibited by the Interim Agreement, but the United States stated in SALT I that we would consider deployment of such systems to be inconsistent with the objectives of the agreement. We do not believe the Soviets have deployed an ICBM in a mobile mode.

The possibility that the Soviet SS-20, which is a mobile intermediate-range ballistic missile system, has been given or could be given ICBM range capabilities has been discussed in the press. The SS-20 is being deployed to replace older medium- and intermediate-range missiles. It is judged to be capable of reaching the Aleutian Islands and western Alaska from its present and likely deployment areas in the eastern U.S.S.R.; however, it cannot reach the contiguous 48 States from any of its likely deployment areas in the Soviet Union.

While the range capability of any missile system, including the SS-20, can be extended by reducing the total weight of its payload or adding another propulsion stage, there is no evidence that the Soviets have made any such modifications to the SS-20. We have confidence that we would detect the necessary intercontinental range testing of such a modified system.

Denial of test information.—It has been reported in some articles on SALT that the Soviets have violated the Interim Agreement by encoding missile-test telemetry and that such activity is contrary to the provision of article V of the Interim Agreement. Such activity would be inconsistent with those provisions of the Interim Agreement if it impeded verification of compliance with agreement provisions; it has not been considered to have done so. The SALT II agreement includes a specific provision that neither party may deliberately deny telemetric information whenever such denial impedes verification of the provisions of the treaty.

Antisatellite systems.—It has been alleged that Soviet development of an antisatellite system is a violation of the obligation not to interfere with national technical means of verification of compliance with SALT provisions. Since development of such systems is not prohibited, this program does not call into question Soviet compliance with existing agreements. The actual use of an antisatellite system against U.S. national technical means is prohibited, but this has not occurred.

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