

## Senate partisan chaos stalls INF ratification

by Webster G. Tarpley

Scarcely two months after it was signed at the Reagan-Gorbachov appeasement summit, and three weeks into the process of Senate examination, the INF treaty is in serious trouble. Ratification is not ruled out, but it is certainly much more remote than it appeared. As was inevitable and predictable, the passage of the treaty through the Senate has become embroiled in the partisan passions of the presidential election campaign—the same passions which have otherwise virtually paralyzed the legislative branch. The INF is being transformed into a political football, and is beginning to take a real beating.

Opposition to the INF and its promise of a decoupled Europe and thus of Soviet world domination still has very little principled character, even though the dissection of the treaty has revealed that its provisions are a tissue of treason. Rather, the weakening of the INF has everything to do with the collapse of the presidential campaign of George Bush. It is now clear that, sometime during the week preceding the Iowa caucuses, a cabal of Democratic Party intriguers including Senate Majority Leader Robert Byrd and presidential crypto-candidate Sam Nunn began to pick up the harbingers of Bush's downfall, and concluded that the Democrats have an excellent chance of picking up the White House in November. They therefore made their obvious move, namely, to begin building a case for blocking INF ratification, with various subterfuges, until after the presidential contest is over. It was always doubtful that Byrd and Nunn would allow speedy passage of the INF, thus giving Reagan and Bush a splendid diplomatic triumph. With Bush's White House bid disintegrating, the Republican beneficiary of ratification would be none other than Byrd's and Nunn's Republican in-house adversary, INF backer Bob Dole. Delaying actions by Byrd, Nunn, and company are therefore guaranteed. More broadly, Byrd and Nunn, now scenting Democratic victory, will tend

to use Democratic control of the Congress to wreck every Reagan administration initiative, making the White House look impotent and contemptible while the Democrats seize the initiative to showcase their key programs.

It is significant that Byrd and Nunn also are seeking to extract concessions from the administration precisely at the point demanded by Moscow—the final destruction of the Strategic Defense Initiative. The Byrd-Nunn gambit that emerged during the first week of February attempts to let the Soviets have their cake and eat it too—by forcing a *coup de grace* against the agonizing SDI in exchange for the INF ratification the White House so pathetically desires. Over recent weeks, it turns out, Byrd and Nunn have been holding secret negotiating sessions with Secretary of State George Shultz around the senators' demand that the administration accept their thesis that Senate testimony given by administration officials during treaty ratification hearings is authoritative and legally binding, even if it is not explicitly cited in the Senate ratification resolution.

The principle asserted by Nunn and Byrd is absurd, since it would deprive a future President of the right to reinterpret a treaty in the light of profoundly altered future circumstances—such as, for example, the progress in relativistic beam research that would now make an anti-ballistic missile defense eminently feasible as compared with two decades ago. Byrd and Nunn demand that the U.S. interpretation of treaties be cast in concrete, imposing far more restrictions on U.S. behavior than the Soviets will be required to accept—an intolerable infringement on future Presidents' rights.

But Nunn and Byrd are not merely concerned with congressional micro-management of the Executive. Their specific target in the here and now is SDI. The Byrd-Nunn gambit demands that the administration abandon the 1985 opinion of State Department legal adviser Abraham D. So-

faer to the effect that the 1972 ABM treaty can be read as permitting realistic testing outside of the laboratory, including in space—the so-called “broad interpretation.” Nunn has asserted that the 1972 testimony of such Nixon-era officials as Kissinger and Melvin Laird during the ABM ratification hearings rules out all but the narrow construction—that is to say, confirms the Soviet view that the United States may not test outside the laboratory.

By about Feb. 1, Shultz was more than ready to preclude all SDI testing and thus sell out the program in exchange for a pledge of speedy INF ratification by Byrd and Nunn. Shultz was in fact about to forward a letter to the Senate Democrats granting them all their demands.

Enter at this point a group of Republican senators, including Lugar, Pete Wilson, Wallop, Quayle, Specter, and Simpson. Some of them support the INF, but all also support the broad interpretation of the ABM treaty. Even in this regard, their motivation is more partisan than patriotic, as Simpson himself conceded.

These senators obliged Shultz to postpone his capitulation. Shultz forwarded to Byrd a letter stalling on the desired concessions, and appended the 30-volume transcript of INF negotiations with the Soviets.

Nunn and Byrd thereupon flew into a rage, and sent to Shultz a letter bristling with threats against INF ratification. Byrd and Nunn informed Shultz that his reluctance to surrender on SDI would lead to “inevitable delay” in the Senate, since the INF record would have to be “exhaustively” reviewed. The Senate would have to take the time necessary to write its own exposition of the treaty’s meaning. There would also be “understandings, reservations, and amendments addressing every point of the interpretation.” For the moment, said the two confederates, Nunn’s Senate Armed Services Committee would refuse to hear any more administration witnesses until “this impasse” had been solved. With that, Byrd and Nunn adroitly decamped to the Wehrkunde conference in Munich.

Over the next few days, the State Department became frantic at the prospect of an INF treaty dead in the water, and all further New Yalta talks with Moscow blocked. By the following Tuesday, Feb. 9, Shultz had obtained the approval of Simpson for a letter to Byrd and Nunn promising that, at least as far as the Reagan administration is concerned, the interpretation of the INF treaty offered to the Senate will be binding. Nunn and Byrd, by that time in gay Paris, sent back word that they would no longer delay the hearings, although Nunn also spoke of the possible need for “some sort of reservation” to write Shultz’s momentary concession into permanent law.

Senators Wilson and Quayle pointed out that Shultz had made no concessions on the SDI. But precisely this point was too much for Sen. Joe Biden, the number-two Democrat on the Senate Foreign Relations Committee. Biden, joined by Foreign Affairs Chairman Claiborne Pell and perhaps other Democrats, announced that although Shultz’s concessions

might be good enough for Byrd and Nunn, they were certainly not good enough for him. Biden accordingly confirmed his mooted intention to block INF ratification unless and until the administration drops its claim that ratification testimony is not eternally binding on the Executive. We may thus witness the refreshing spectacle of Biden teaming up with Jesse Helms to strangle the INF.

This Biden amendment has been editorially endorsed as a “remedy” to the “treaty trap” by the *New York Times*. The *Washington Post* takes a different tack, ironically suggesting that the treaty may already be doomed, and calling for a suspension of the INF debate for as long as it takes to clarify the ABM treaty interpretation issue. According to this same paper, Senate Republicans are “seething” over the turn of events so far, and one GOP aide comments that “the administration had a chance to slam-dunk Sam Nunn and lost it.” Another aide notes that the State Department has “seized the opportunity to anger everyone . . . and has taken us back to Square One without really resolving anything.” Senators predict that the Byrd-Nunn-Shultz haggling will “open the floodgates” for new amendments and reservations. Sen. Arlen Specter (R-Pa.) says, “My fear is there could be a chain reaction. . . . It gives treaty opponents an opportunity to raise problems and then blame the other side.”

### **‘Killer’ amendments in the works**

Numerous amendments beyond Biden’s are in the works. Sen. Larry Pressler (R-S.D.) wants an amendment that will force the Soviets to reduce their overwhelming conventional advantage before the INF treaty becomes operative. Senator Helms may offer an amendment calling for the destruction of the nuclear warheads and guidance systems taken off the INF missiles so that the Soviets will be unable to mount the old warheads on new missiles. A full-page ad in the *Washington Times* by Howie Phillips of the Conservative Caucus has nailed George Bush for blatant lying on this score, since the vice president had argued that “the Soviets will destroy four times as many warheads as the U.S.,” while the treaty in reality exempts all warheads from destruction.

Even the slimiest voices are now arguing for amendments which, in practical effect, could kill the treaty. Jeane Kirkpatrick judged that the INF accord will leave “Europe somewhat more vulnerable, the Soviet Union somewhat less vulnerable, and the alliance somewhat weaker,” but nevertheless told the senators to go ahead and ratify it. But she did recommend an amendment for “automatically terminating the pact in the case of non-compliance.” Texas Republican Phil Gramm has announced his intention of offering such an amendment.

Then there is the case of Richard Perle. Perle says that the treaty is “sound” and should be ratified, with no killer amendments. But, says Perle, “I believe that the Senate role in the consideration of treaties should entail more than a selection between a rubber stamp that says ‘yes’ and one that says ‘no’. . . . I take particular exception to the notion that

any amendment or reservation that requires further negotiation or consultation with the Soviets is bound to kill the treaty." Perle therefore recommends one amendment stating that Article XIV (the so-called non-circumvention clause) is devoid of meaning, and another amendment exempting the conventionally armed ground launched cruise missile from elimination. Although Perle vehemently denies that these are killer amendments, he is in effect fashioning an escape hatch—for himself—from the INF conveyance which he did so much to set in motion. Article XIV is sure to be the target of an amendment, probably from Sen. Dan Quayle. This article states: "The Parties shall comply with this treaty and shall not assume any international obligations or undertakings which would conflict with its provisions." "What is the purpose of this language," Quayle demanded to know at the outset of the hearings, and suggested that it may seek to block U.S. technology sales to European NATO nations.

The official State Department reading is that Article XIV is meaningless "surplusage" which adds nothing to the other provisions of the treaty. But it is an axiom of international law that all treaty articles must be assumed to have been added for a reason. Help in exegesis has been supplied by Muscovite plug-uglies like Shevardnadze and Yazov, who have stated that Moscow will tolerate neither measures to increase NATO battlefield nuclear weapons not covered by the treaty, nor the strengthening of NATO conventional defense, nor more British and French missiles, nor anything else that might compensate for the weakening of the West by INF.

### **Soviet loopholes**

Article XIV is a true leap in the dark for the United States, and points to the existence of secret protocols to the INF treaty that the State Department is hiding from the Senate. In addition to Jesse Helms's memorandum on the INF accord, a group led by former acting Assistant Secretary of Defense Frank Gaffney has also published a detailed line-by-line analysis of the accord text. What emerges is indeed a tissue of deliberate treason, replete with loopholes and escape clauses, stacked and loaded in favor of our enemies.

To summarize some of the leading points:

- Although the Soviets admit to possessing 650 SS-20s, they have unquestionably concealed the existence of many more. For each transporter-launcher-erector (TEL), the Soviets like to have 5 to 6 missiles, including reloads. Since about 441 TELs have been detected, total SS-20 production may be in excess of 2,250, of which some 1,500 could remain hidden until the Soviets perhaps choose to disclose their existence in a "surprise party" of blood-curdling threats to Europe.

- Under treaty provisions, the Soviets can keep their ground-launched cruise missiles by simply asserting that they are unarmed drones.

- In addition to the fact that Soviet warheads will not be dismantled, the Soviet SS-20 missile launcher vehicles (TELs)

the treaty purports to "eliminate" are merely subjected to having a part of the transporter vehicle chassis, "at least 0.78 meters in length" cut off "aft of the rear axle." For the SS-23, 0.85 meters is to be cut off aft of the rear axle. For the U.S. Pershing 2 and Pershing 1A, by contrast, the launcher chassis must be cut into two equal parts.

- The INF accord classified missiles only according to the maximum ranges at which they have allegedly been tested. This ignores the fact that Soviet ICBMs are routinely tested in an IRBM mode, and that the SS-25, SS-24 or other Soviet ICBMs can easily be retargeted on Western Europe.

- The entire verification regime is vitiated by the fact that the Soviet SS-20 IRBM is part of the same modular missile family that includes the SS-25 truck-mobile ICBM and the SS-16 ICBM. The first stage of the SS-20 and the SS-25, in particular, are virtually identical. SS-20s can easily be hidden in the slightly larger launch canister of the SS-25. At any time that U.S. inspection procedures have identified an illegal SS-20, the Soviets can claim that it is really a legal SS-25.

- Any inspection is made almost impossible by the fact that the photos the Soviets have provided of SS-20 and SS-23 are obvious forgeries. The SS-20 is kept in a canister, which is equipped with heaters and an inert environment which the Soviet technology requires to protect the missile. The SS-20 is like a cigar in a metal tube, and no likeness of it is available in the West. The Soviets have never furnished engineering specifications of the SS-20 and the other missiles, so that among other things it will be impossible to distinguish battle-ready missiles from the supposedly inert training missiles the Soviets are allowed to keep, or the missiles they will be allowed to keep on "static display."

- The counting rules contained in Article VII, Section 10 have been stacked in favor of the Soviets. For the Pershing 2, the longest stage of the missile already counts as a complete missile. For the Soviet missiles, the launch canister or the complete assembled missile is counted. This opens the possibility, sure to be exploited by the Soviets, that SS-20s could be separated into at least two stages and stored to be later reassembled.

- The same counting rules mean that U.S. perimeter-portal examinations take place at the empty assembly plant at Votkinsk, whereas the Soviets are allowed to inspect outside the Hercules plant at Magna, Utah, where modern U.S. missiles are still being assembled. The U.S. is forbidden to inspect any container smaller than 16.5 meters, whereas the Soviets can demand to inspect anything down to 3.7 meters, since that is the length of a Pershing 2 first stage. U.S. inspectors traveling in the U.S.S.R. will be at the mercy of their hosts for hotel rooms, meals, and even telephones. If they cannot provide their report in English and Russian two hours after their work is completed, they will have violated the treaty. One section even manages to undermine U.S. rights in East Berlin. All of this is clear without having reviewed the "equally authoritative" Russian text.