UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
Washington, D.C. 20451

April 19, 1984

Dear Senator Pell:

Thank you for your letter of March 1, 1984, requesting an unclassified report on arms control compliance questions raised with the United States by the Soviet Union. The enclosed report responds to your request.

As you will see, the Soviet allegations contained in its aide-memoire of January 27, 1984, are wide-ranging and without foundation in fact. The aide-memoire appears in large part to be a propaganda device to try to deflect attention from, and undermine the impact of, the President's Report on Soviet Noncompliance -- rather than an indication of real Soviet concern over US arms control compliance.

The Administration's concerns about Soviet activities, as documented in the President's report, remain real. As the President's letter transmitting that report to Congress stated:

> Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the USSR as a negotiating partner, and thus damages the chances for establishing a more constructive US-Soviet relationship.
>
> The United States will continue to press its compliance concerns with the Soviet Union through diplomatic channels, and insist upon explanations, clarifications, and corrective

The Honorable
Claiborne Pell
Committee on Foreign Relations
United States Senate

actions. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements.

Again, thank you for your interest in this important arms control area.

Sincerely,

Kenneth L. Adelman

Enclosure:
Unclassified Report

April 19, 1984

Facts Concerning Soviet Charges of US Arms Control Noncompliance

On January 23, 1984, the US Government, in response to a Congressional mandate, delivered a report to the Congress on seven serious Soviet arms control violations and probable violations with respect to a number of Soviet legal obligations and political commitments in the arms control field. The findings of that report were reached after a careful review of many months and numerous diplomatic exchanges with the Soviet Union.

On January 30, 1984, the Soviet Union made public an aide-memoire which had been delivered a few days earlier by its Embassy in Washington to the US Department of State and which contained a long list of varied allegations concerning US adherence to existing arms control agreements. The Soviet charges of US arms control violations are baseless. As President Reagan stated on January 23, 1984, in providing the Report to the Congress on Soviet Noncompliance with Arms Control Agreements, "the US is continuing to carry out its own obligations and commitments under relevant agreements."

The US Government hopes this initial reaction by the Soviet Union to the President's Report is not its last word, and that the Soviet Union will discuss seriously and in detail the issues we have raised on compliance, by providing explanations and clarifications, and undertaking corrective actions, where necessary.

This report addresses Soviet allegations and provides a summary of the facts for each allegation.

1. SALT II: the Protocol

Soviet Allegations: The Soviet Union asserts that, by its refusal to ratify the SALT II Treaty, the United States has not implemented the agreement in the associated Joint Statement of Principles to pursue negotiations to resolve the SALT II Protocol issues concerning the development of solutions for long-range sea- and land-based cruise missiles. The Soviet Union further claims that the US refusal to ratify SALT II occurred, in part, in order that the US would "have a free hand for the massive deployment of long-range cruise missiles."

The Facts: The Soviet assertions are groundless. In 1979, NATO decided both to deploy land-based, longer-range INF (LRINF) missiles in Europe in response to a specific and growing Soviet nuclear threat, highlighted by the appearance of the SS-20, and, at the same time, to seek an arms control agreement limiting

LRINF systems on both sides. US willingness to enter into those negotiations was fully consistent with provisions of the Joint Statement of Principles concerning negotiation of follow-on limitations on cruise missiles. The US remains willing to return to negotiations on LRINF systems, including ground-launched cruise missiles (GLCMs) at any time. It is the Soviet Union which has broken off the INF talks and thereby impeded efforts to negotiate an agreement involving GLCMs. Thus the nonratification of SALT II is completely irrelevant, since the US is willing to discuss the issues in the Protocol in any case. Furthermore, the US is prepared, without any preconditions or reservations, to return immediately to the INF negotiations and to the START negotiations in which, as we have stated many times, everything is on the table. The US made clear during the SALT II negotiations and later publicly, however, that the limitations in the Protocol, which was to expire in 1981, would not serve as a precedent for any future limitations.

The decision by the Carter Administration in January 1980 to request a delay in Senate consideration of the SALT II Treaty was a direct result of the Soviet Union's own actions, specifically its invasion of Afghanistan in December 1979. Subsequently, in May 1982, the Reagan Administration noted, in a statement made by Secretary of State Haig before the Senate Foreign Relations Committee, that the Treaty was essentially rejected by the United States Senate in hearings held in July and August of 1979 and that it considered the Treaty to be dead, a Treaty the Administration, in any case, considered fatally flawed and inadequate to protect US national security. About the same time, the President stated that the US would refrain from actions that undercut existing strategic arms agreements, as long as the Soviet Union shows equal restraint.

2. SALT II: Noncircumvention and International Commitments

Soviet Allegation: The Soviet Union asserts that, by initiating the deployment of Pershing II ballistic missiles and longer-range, land-based cruise missiles in Europe, the United States ". . . has proceeded to violate the SALT II Treaty provisions against circumventing the Treaty through any other state or states, or in any other manner, as well as against assuming any international obligations which would conflict with that Treaty." The Soviet Union concludes that the deployment of these systems "in no way corresponds to the US commitment to refrain from actions undercutting the SALT II Treaty."

The Facts: NATO's Pershing II and GLCM programs do not circumvent the provisions of the SALT II Treaty. Two points pertain. First, the Pershing II missile falls outside the SALT II Treaty since its range is less than the 5,500 km minimum set for intercontinental ballistic missiles, as defined by SALT II.

Second, the only provision of SALT II which would have applied to LRINF systems was contained in its Protocol which prohibited deployment of ground-launched and sea-launched cruise missiles (GLCMs and SLCMs) capable of a range in excess of 600 km. The Protocol, however, would have expired on December 31, 1981, by its own terms, and the US made clear at the time SALT II was signed that the Protocol would not be extended beyond that date. The US also made clear to the Soviets during the SALT II negotiations, and subsequently stated publicly following signature of the Treaty, that the SALT II noncircumvention provision would not alter existing patterns of cooperation with our Allies or preclude transfer of systems and weapons technology. Consequently, deployment of these systems, which falls entirely outside the limits of the Treaty, which is a Treaty on strategic offensive arms, does not constitute circumvention. The Soviet assertion is merely an attempt to provide the Treaty with an interpretation which it clearly has never had, in an effort apparently designed to discredit NATO LRINF deployments and US compliance with SALT II.

The US stated publicly that any future limitations on US intermediate-range systems would have to be accompanied by appropriate limitations on comparable Soviet systems. The Pershing II and GLCM are intermediate-range nuclear forces being deployed to counter the threat to US Allies posed by the SS-20 and other Soviet INF systems. It was the growing Soviet INF threat, our desire to reduce (or counter) that threat, and the absence of coverage of INF systems in the SALT II Treaty that led NATO to propose the INF negotiations.

The deployment of these systems is fully consistent with the undertakings of the SALT II Treaty, and thus with the US commitment to refrain from actions which would undercut the Treaty.

3. SALT II and the Interim Agreement: Use of Shelters

Soviet Allegation: The Soviet Union asserts that the US use of shelters over Minuteman II and Titan II ICBM launchers raises doubts about US compliance with the SALT I Interim Agreement's verification provisions. The Soviet Union also asserts that, since the converted Minuteman II launchers over which shelters were used are practically indistinguishable from Minuteman III launchers, it may be assumed that these converted silos contain MIRVed Minuteman III ICBMs. The Soviet Union concludes that, if this is the case, it constitutes "direct and glaring noncompliance" with both the Interim Agreement's provisions on verification as well as the SALT II MIRV sublimits.

The Facts: The Soviet assertions are false. Although the US has used shelters over ICBM silos for environmental

protection, such use has not impeded Soviet verification by national technical means of US compliance with the provisions of either the SALT I Interim Agreement or the SALT II Treaty, nor were shelters used to conceal conversion of Minuteman II launchers to Minuteman III launchers.

During initial Minuteman construction, as well as during the Minuteman modernization and silo hardening program in the mid-1970s, environmental shelters were used to protect the construction and the workers at the silos from the weather. In the case of the one Titan II silo at which a shelter was used, a cover was used in 1981 to protect it from the weather during repair work on damage due to an accident; it was specifically designed to avoid any impediment to national technical means of verification, was significantly smaller than the dimensions of many covers used by the Soviet Union, and was removed promptly after the need for it ended. The facts concerning the activities being carried out at these launchers were provided and explained in full detail to the Soviet Union several years ago, and were also available in the public domain. Both sides have recognized that certain activities associated with work at launch sites, including permitted modernization, can be performed more easily with protection from the elements. The US made clear to the Soviet Union that the use of these shelters was for environmental protection only and that it was not a deliberate concealment measure.

In response to Soviet expressions of concern regarding the use of shelters at Minuteman silos, the US, in early 1977, decided to modify the use of environmental shelters over Minuteman silos, and reduced their size by almost 50 percent. Subsequently, in 1979, the US discontinued use of environmental shelters over ICBM silos. In a Common Understanding associated with the SALT II Treaty, the US and Soviet Union agreed that no shelters which impede verification by national technical means of compliance with the provisions of the SALT II Treaty should be used over ICBM silo launchers. This demonstrates US willingness to be responsive to Soviet concerns.

It is clear that the only reason the Soviet Union has raised the subject of the US use of shelters is to enable it to charge a US violation of the SALT II MIRV sublimits. The Minuteman II silos were not converted to Minuteman III launchers, and this fact is well known to the Soviet side. Indeed, the Soviets essentially acknowledged this when they agreed to the SALT II data base of 550 Minuteman III launchers, after the use of shelters was discontinued. If any launchers of Minuteman II ICBMs are converted to launchers of Minuteman III ICBMs, as some in Congress have proposed, they would be made distinguishable on the basis of externally observable design features, as required by the provisions of the SALT II Treaty.

4. SALT II: New Types

Soviet Allegation: The Soviet Union asserts that the intention of the US to develop two new types of ICBMs, the MX and the Midgetman, does not meet the "tasks of limiting strategic arms" reflected in existing agreements.

The Facts: The Soviet assertion is false. Under the provisions of the SALT II Treaty, the Parties undertake not to flight-test or deploy more than one new type ICBM per side. The US has informed the Soviet Union that the MX missile will be its one permitted new type ICBM. The SALT II Treaty does not prohibit research and development prior to flight-testing. The Soviet Union has many missiles, including ICBMs, in the research and development stage, but the US has not accused them of violations on this account. The planned new, small US ICBM is in the early research stages only; it is not constrained by SALT II provisions, since it will not be ready for flight-testing until after December 31, 1985, when the SALT II Treaty would have expired. The Soviet SS-X-25 ICBM, in contrast, began flight-testing on February 8, 1983, and, while the evidence is somewhat ambiguous, as the President stated in his report to the Congress, is a probable violation of the Soviet Union's political commitment to observe the SALT II provision limiting each Party to one new type of ICBM, since the Soviet Union has informed us that the SS-X-24 will be its one new type of ICBM. Even if the SS-X-25 were not a new type under SALT II, it would violate the modernization rules for existing types.

US need for a small, single-warhead ICBM was prompted by concerns that the Soviet ICBM force poses a threat to the survivability and, thus, to the deterrent value of the US ICBM force. As a consequence of these concerns, and of substantial Congressional support for this option, the President's Commission on Strategic Forces (the Scowcroft Commission), in April 1983, recommended that the US initiate research immediately on a new small ICBM as a way to enhance stability and solve the problem of the long-term survivability of the US ICBM force. The US decision to initiate such research occurred after the first Soviet flight-test of the SS-X-25 ICBM. We have attempted in START to engage the Soviets in a discussion of ways in which modernization could be channeled so as to improve stability, for instance by developing a single-warhead ICBM, as the Scowcroft Commission has recommended. The Soviets have resisted such discussions.

5. The ABM Treaty

Soviet Allegations: The Soviet Union asserts that, "in clear conflict" with the ABM Treaty, the US:

-- has deployed a radar on Shemya Island built with the use of ABM radar components;

-- has used shelters over ABM interceptor missile silos;

-- has undertaken to develop mobile ABM radars and space-based ABM systems;

-- is testing Minuteman I ICBMs to provide them with ABM capabilities; and

-- is developing multiple warheads for ABM interceptor missiles.

The Facts: These multiple charges are false. They include US actions which are not in conflict with the provisions of the Treaty, as well as false accusations about the kinds of activities the US has undertaken.

-- The function of the radar on Shemya Island in the Aleutians is as a national technical means (NTM) of verification, as its location and orientation make clear. It also has an inherent secondary capability for space tracking and for early warning of strategic ballistic missile attack (BMEW). Like any large phased-array radar, it utilizes technology and some sub-components which are applicable to phased-array radars generally (including ABM radars), but it is not an ABM radar. Even though its primary purpose is NTM and its location, therefore, is not restricted under the ABM Treaty, we would note with regard to its secondary BMEW role that, in conformity with Treaty limitations on BMEWs, it is located on the periphery of the US and oriented outward. It is on an isolated island approximately 1,500 km from the Alaska mainland and approximately 4,200 km from the northwest portion of the contiguous 48 states, a location that would be inexplicable if the radar were intended for an ABM mission.

-- There were construction shelters over ABM silo launchers under construction in 1973-1974. Since these shelters were over silos acknowledged to be for ABM interceptor missiles, they did not impede Soviet verification by national technical means of compliance with the numerical limitations of the ABM Treaty. In any case, their use was strictly for protection from the environment, hence did not constitute deliberate concealment, and it was discontinued in 1974 when construction was completed. The Soviet Union has been aware of these facts for a number of years. (In 1976, the US deactivated its only ABM system, located at Grand Forks, North Dakota.)

-- The reference to mobile ABM radars may refer to concepts discussed earlier during consideration of various MX ICBM basing

modes. Since the US decided to place the MX in Minuteman III silos, such concepts never even reached the research stage, and no development of mobile ABM radars has occurred. Concepts for space-based systems have been discussed, but no development of these concepts has occurred; the Soviet Union itself has for a number of years conducted far more intensive research and development on such systems than has the US. The ABM Treaty contains a provision for further discussion and agreement regarding restrictions on "ABM systems based on other physical principles," should they be "created."

-- Two stages of the Minuteman I ICBM, but not the whole missile, were tested as part of a research program conducted in full conformity with the ABM Treaty. The test missile in question was observably different from Minuteman I, as were its performance characteristics. In any case, the Minuteman I is no longer deployed by the US.

-- The US is not developing ABM interceptors with multiple warheads and has never pursued such a program.

6. The ABM Treaty: Pave Paws Radars

Soviet Allegation: The Soviet Union asserts that the US is deploying new, large Pave Paws radars on the Atlantic and Pacific coasts and in the South. It asserts that these radars have characteristics of the sort required for ABM radars and capabilities to provide a base for ABM radar coverage of US territory, and thus are contrary to the obligation in the ABM Treaty not to deploy ABM systems for defense of the territory of the country and not to create the base for such a defense.

The Facts: There is no merit whatsoever in the charge that US deployment of new, large, Pave Paws radars is contrary to the ABM Treaty. The US has two Pave Paws radars, one in California (Beale AFB) and one in Massachusetts (Otis AFB). Two more are being constructed, one each in Georgia (Robbins AFB) and Texas (SW of Goodfellow AFB). All of these radars are for early warning of strategic ballistic missile attack (BMEW). As required by the Treaty, they are located on the periphery of our national territory and are oriented outward. Soviet radars deployed for the same function are far more powerful and capable.

7. ABM Treaty: Strategic Defense Initiative

Soviet Allegation: The Soviet Union asserts that the "large-scale ABM system," which the US announced it plans to develop, "if deployed, would go beyond the bounds" of the ABM Treaty and "would, in essence, work to undercut that Treaty."

The Facts: The Soviet assertion is false. The ABM Treaty does not prohibit research, and both sides have had research programs since the signing of the Treaty; and, indeed, for a number of years, the Soviet effort has been far more intensive than that of the US. The President stated in his March 23, 1983, speech that US activities in this area would be consistent with US treaty obligations. We have assured the Soviet Union both publicly and privately that the Strategic Defense Initiative involves only a research effort which will be carried out within the constraints of the ABM Treaty. This research effort will permit an informed decision in the early 1990s on whether to proceed with full-scale engineering development. If any of the concepts being researched proves feasible, if a viable option results, and if the US then decides to go ahead with engineering design and development, then the pertinent provisions of the ABM Treaty will be fully taken into account. In the longer view, if both the US and the Soviet Union find that technology provides sufficient assurance that defensive capabilities can provide for our own mutual security, it would be advantageous for both sides to enter into a new arms control regime. The ABM Treaty contains a provision for further discussion and agreement regarding restrictions on "ABM systems based on other physical principles," should these be "created."

8. The Standing Consultative Commission (SCC): Confidentiality

Soviet Allegation: The Soviet Union asserts that the US "systematically violates" the agreed principle of confidentiality in discussing questions concerning fulfillment of obligations on the limitation of strategic arms.

The Facts: The Soviet assertion is false. The US continues properly to discharge its obligations and responsibilities under the regulations of the Standing Consultative Commission. The US Government has remained committed to the agreed principle of confidentiality concerning the proceedings of the Commission and has not made public the proceedings of the Commission. The appearance of stories in the press about the SCC and possible subjects under discussion there does not reflect a US Government decision to violate the principle of confidentiality; rather it is merely a reflection of the operation of a free press.

9. Nuclear Testing: TTBT

Soviet Allegation: The Soviet Union asserts that the US, on numerous occasions, has conducted nuclear tests which have exceeded the limit established by the unratified Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and that the US is continuing to conduct such tests.

The Facts: There is no truth in the Soviet assertion. Since 1976, the year when the threshold provisions of the TTBT and PNET would have become effective, the US has conducted no nuclear tests having yields which exceeded the 150 kiloton threshold of these Treaties.

10. Nuclear Testing: LTBT

Soviet Allegation: The Soviet Union asserts that radioactive fallout from US nuclear tests has spread beyond national boundaries, in violation of the 1963 Limited Test Ban Treaty.

The Facts: Both the US and the Soviet Union have encountered some difficulty in totally containing all their underground nuclear tests. The US has had only a few problems in the past with the accidental venting of radioactive debris from underground tests at the Nevada Test Site (NTS). As more experience was gained with the containment of underground tests, venting from US tests became even more rare. Over the past decade, there has been only one incident of local, minor venting at NTS. Until now, the Soviet Union had not raised its concerns about US venting with us since 1976. In contrast, there continue to be numerous Soviet ventings involving dispersal of radioactive materials beyond Soviet borders and numerous US demarches to the Soviet Union protesting this practice.

11. Chemical Weapons

Soviet Allegation: The Soviet Union asserts that the US has avoided CW bilaterals, obstructed Conference on Disarmament (CD) negotiations, and refused to respond to the proposal for a European CW free-zone, all to enable the US to produce binary chemical agents and increase its CW stockpile "twofold."

The Facts: This Soviet assertion does not charge the US with noncompliance, perhaps because the US, in fact, is abiding by all obligations in this regard. The US has produced no chemical weapons for 15 years and the proposed US binary chemical weapons program represents merely a belated attempt to be prepared to counter the Soviet CW capability so that we can deter Soviet use of these weapons.

The CW bilaterals lapsed in 1980, due to Soviet intransigence on verification issues; US concern regarding the verification issue and insistence that it be addressed has been amply justified by evidence of illegal Soviet use of CW weapons since the late 1970s. Since then the US has consistently left open the possibility of their resumption, pending Soviet demonstration that genuine progress on verification and other outstanding issues is possible.

The US is widely recognized in the CD and elsewhere as making vigorous and constructive efforts to promote progress in the CD negotiations, and recently tabled a US draft treaty there. The US is committed to the elimination of all CW and to the conclusion of a complete, effective, and verifiable global CW ban. This commitment and US efforts to promote genuine progress toward such a ban in the CD negotiations are widely recognized and supported by our Allies, the other members of the CD, and the international community.

The US views the Soviet proposal for a European CW-free zone as a possible indication of renewed Soviet interest in concluding the global CW ban, which we are convinced is the only truly effective way to eliminate the worldwide CW threat. US CW modernization efforts are aimed at assuring US and Allied security in the interim until a global CW ban is concluded, and as an important incentive to the Soviet Union to undertake negotiations for such a comprehensive global ban. These efforts will not increase US stocks "twofold," as the Soviet Union has charged, but instead will give us a smaller and safer stockpile in the event we should ever have to retaliate against a Soviet chemical attack. It is the Soviet Union which must take concrete steps to convince the world that it is truly serious about CW arms control by working with the US and the CD to develop effective and mutually acceptable approaches to banning CW worldwide. In this regard, Soviet involvement in the use of toxins and chemical warfare agents in Laos, Kampuchea, and Afghanistan, does not inspire confidence that expressed Soviet interest in CW arms control is genuine or sincere.

12. Helsinki Final Act

Soviet Allegation: The Soviet Union asserts that, while the US, under the Helsinki Final Act, "assumed an obligation to participate in efforts aimed at reducing military confrontation and at facilitating disarmament," it has "in practice, in recent years . . . undertaken a whole series of actions which led to a sharp increase in the war danger in Europe. This, above all, concerns the deployment of new American first-strike nuclear missiles there, the creation of conditions for a substantial build-up of US forces in Europe, and the continued equipping of those forces with weapons of mass destruction -- nuclear, chemical and others."

The Facts: The Soviet Union is falsely asserting that we have engaged in behavior of which it itself is guilty. The Soviet Union first initiated the modernization of intermediate-range nuclear forces in Europe in 1977 by beginning its sustained SS-20 missile deployments, and it, unlike the US, has greatly increased the number of nuclear warheads maintained there.

RELEVANT TREATY PROVISIONS:

Article II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles...
(b) ABM launchers ...; and
(c) ABM radars ....

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;
(b) under construction;
(c) undergoing testing;
(d) undergoing overhaul, repair or conversion; or
(e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area ....

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land based.

Agreed Statement D

In order to insure fulfillment of the objective not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.