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## INF: Does anyone care what the Soviets think?

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AS the Senate moves into the decisive phase of its consideration of the Intermediate-Range Nuclear Forces Treaty, one controversy threatens to dominate the debate: the issue of retrospective interpretation of ambiguous or unclear treaty commitments. Several senior Democratic senators have successfully insisted that the Reagan administration accept certain principles as the price for streamlined action on the INF Treaty. It appears that that price is about to increase sharply.

Citing the conflict between themselves and the administration over how to interpret the 1972 Antiballistic Missile Treaty, Sens. Robert Byrd, Claiborne Pell, and Sam Nunn extracted written promises from the secretary of state by threatening a long and comprehensive ratification process. Chief among these promises was a declaration that the testimony of administration officials will define "authoritatively" the terms and obligations of the treaty.

At the same time, however, the senators (and here they are in step with the administration) oppose the Senate's adding any reservations or clarifications that would oblige the Soviet Union to reveal whether it agrees with the administration's self-certified "authoritative" reading of unclear provisions.

The senators' approach implies that they regard the INF Treaty as an agreement not between the United States and the USSR but between a president and the Senate. The senators evince little concern as to whether the USSR accepts obligations that administration officials tell the Senate arise from the treaty. The senators seem to want perfect assurance only that such obligations will constrain US programs. Indeed, it now appears that the assurances provided by Secretary of State George Shultz are considered inadequate; an amendment has been attached by the Foreign Relations Committee to the resolution of ratification that would make the current administration's unilateral interpretation of these obligations part of permanent US law.

Ironically, this approach turns on its head the true lesson of the ABM Treaty controversy. If the Senate in 1972 had plumbed the murky points of the ABM Treaty and demanded express US-Soviet agreement on clarifications, we all could have been spared the current constitutional clash over that treaty.

Given the national-security stakes involved and the politicized nature of all arms control debates, it is not sensible for the Senate to support shortcuts in the ratification process. Its duty is to insist not only that the administration explain the US view of unclear provisions but also establish, through one means or another, the USSR's acceptance of that view.

Fortunately, the Senate can yet ensure that the INF Treaty is free of corrosive imprecision. Where the treaty's language harbors an unwise loophole, is muddy, or subject to differing interpretations, the Senate has an obligation to

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ascertain not only the US government's reading but also whether the USSR concurs. To assist that process, we recently helped produce - under the auspices of the American Enterprise Institute - a review of the INF Treaty text to assess whether the pact accomplishes its stated purpose: the complete, verifiable elimination of US and Soviet intermediate- and shorter-range ground-based nuclear missiles. We conclude that, in important respects, it does not. For example:

\*Key aspects of the treaty's verification regime - especially (1) information about force levels and other "agreed" data exchanged by the parties and (2) the rights to witness the elimination of treaty-limited items - are vitiated by various exclusions, definitional peculiarities, and other loopholes.

\*Despite the general ban on INF systems, various treaty provisions could actually facilitate the creation or maintenance of a covert Soviet force of SS-20s, the most threatening of the Soviet missiles covered. While each such provision may seem a minor problem in its own right, taken together they mean that the Soviets, even without violating the specific terms of the treaty, could retain a militarily significant INF capability.

\*Article XIV, which loosely states that the parties will not enter into undertakings "in conflict with" the treaty, will undoubtedly be cited (contrary to US intentions) to obstruct nonprohibited NATO modernization efforts, which this accord makes all the more crucial.

The treaty's principal defects can be corrected only with the Soviets' agreement. Some may be corrected through a simple exchange of notes. Others will require a bit more discussion between the parties. But their correction - by and large - would entail nothing more than conforming the details of the treaty to the already accepted general obligations. This should make it a worthy and eminently doable task.

No one in the Senate or in the administration should harbor the illusion that any unilateral US statement about the treaty will legally constrain the USSR. To the contrary, such statements will, as a practical matter, limit only US programs and will inevitably invite controversy in the future over the standard or "interpretation" by which Soviet compliance should be judged.

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