History of Nuclear Arms Negotiations between the United States and the Soviet Union, The; The Reagan Legacy and the Strategic Defense Initiative: Note

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NOTES

THE HISTORY OF NUCLEAR ARMS NEGOTIATIONS BETWEEN THE UNITED STATES AND THE SOVIET UNION

INTRODUCTION

I consider the problem of our satisfactory relations with Russia as not merely connected with but as virtually dominated by the problem of the atomic bomb.1

The explosion of the first atomic bomb in August, 1945, cast a pall of nuclear war over relations between the United States and the Soviet Union. Since then, stemming the tide of nuclear proliferation through extensive negotiations has dominated the foreign policy of both countries. These negotiations consist of a political "thrust and parry" with each country fearful of the other's potential military or political advantage.2

Two key factors affect nuclear arms negotiations between the United States and Soviet Union. First, the negotiators must account for existing and prospective weapons technology. "Each new weapons development has made it more difficult to find a politically propitious moment to forge an agreement."3 Second, the negotiations are marked by what former U.S. Secretary of Defense Robert S. McNamara calls an "action-reaction phenomena."4 Each technological development or advance by one side brings an new reponse or reaction from the other side. Finally, leaders in both countries are subject to a multitude of social, economic, and political factors that influence the negotiations process.

This note traces the history of nuclear arms negotiations between the United States and Soviet Union since the advent of atomic weapons. It reviews the agreements between the two nations and the bargaining process, as well as the socio-political factors which influenced the negotiations.

The Birth of Nuclear Weapons

In August 1939, Albert Einstein wrote a letter to President Franklin Delano Roosevelt stating that "[t]he element uranium may be turned into a new and important source of energy in the immediate future. . .and it is conceivable. . ."

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2. Id. at 6. "[T]he following account is replete with offer and rejection, proposal and counter proposal . . . both in serious effort and in propaganda intent. Positions long and stubbornly held have been suddenly reversed and well-meant offers have been altered or withdrawn. . . ." Id.
3. Id. at 5.
4. Id. at 6. "Soviet Premier Alexei Kosygin: 'The United States must realize that in both physics and politics each action causes a corresponding counteraction.' " Id.
that extremely powerful bombs of a new type may be constructed." Einstein's letter marked the beginning of the nuclear arms race. That race, however, was not between the United States and the Soviet Union. Initially, American leaders feared the development and use of the atomic bomb by Nazi Germany. In July 1945, the Allies successfully tested a nuclear device developed primarily by scientists exiled from Hitler's Europe. Although the U.S. no longer feared Nazi Germany's use of the bomb, the war in the Pacific continued. President Harry S Truman decided to use the new weapon as soon as possible. The American arsenal, however, contained only three atomic weapons. Truman knew that the American military would be forced to invade Japan if the bomb failed to achieve its desired effect. Accordingly, two Japanese industrial cities were targeted. On August 6, 1945, the first atomic bomb fell on Hiroshima. Three days later, a second device destroyed Nagasaki; Japan surrendered and World War II ended.

U.S. Monopoly of Nuclear Weapons

On January 24, 1946, the United Nations General Assembly passed its first resolution which established the United Nations Atomic Energy Commission.


"If these efforts should prove successful, radioactive poisoning of the atmosphere, and, hence, annihilation of all life on earth, will have been brought within the range of what is technically possible. . . . And at the end, looming ever clearer, lies general annihilation." Roberts, supra note 1, at 8.

6. Harvard Group, supra note 5, at 72.

7. Id. The U.S. program for development of the atomic bomb was called the Manhattan Project and was led by Dr. J. Robert Oppenheimer. Id. The test took place at Alamogordo, New Mexico. Roberts, supra note 1, at 10.

Oppenheimer was recruited to the Manhattan Project after serving as professor of physics at the University of California at Berkley and the California Institute of Technology. Ironically, Oppenheimer's security clearance was suspended by the Atomic Energy Commission in 1953, following charges of disloyalty. See J. Kunetka, Oppenheimer, The Years of Risk (1982).

8. Harvard Group, supra note 5, at 72. Hitler took his own life on April 30, 1945 and the war in Europe ended seven days later with the unconditional surrender of the German High Command. Id.

9. Id.

10. Id. at 73. Truman based his decision on several factors. "American policymakers wanted the unconditional surrender of the Japanese regime responsible for the Pearl Harbor attack. . . . [A] planned invasion of the main Japanese islands was expected to result in as many as a million American and many more Japanese casualties." Id. British Prime Minister Winston Churchill commented:

[T]o quell the Japanese resistance . . . might well require the loss of a million American lives and half that number of British. . . . To avert a vast indefinite butchery, to bring the war to an end, to give peace to the world, to lay healing hands upon its tortured peoples by a manifestation of overwhelming power at the cost of a few explosions, seemed, after all our toils and perils, a miracle of deliverance.


11. Harvard Group, supra note 5, at 73. American decision makers rejected using the bomb on an uninhabited area as a demonstration for a number of reasons. They were concerned that a demonstration explosion would not impress upon the Tokyo government the device's destructive capability. They also feared that if warned of a demonstration explosion, the Japanese government would bring American prisoners of war to the site. Finally, the U.S. thought that an unsuccessful demonstration explosion would encourage the Japanese to continue fighting. Id. at 72-73.

12. Luard, The Background of Negotiations to Date, First Steps to Disarmament 13 (E. Luard ed. 1965).
The Commission was to make specific proposals "for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes" and "for elimination from national armaments of atomic weapons. ..." Its membership consisted of representatives from the U.N. Security Council and Canada. From the start, however, representatives of the East and West expressed divergent views on the subject of disarmament.

At the first meeting of the U.N. Atomic Energy Commission on June 14, 1946, the United States submitted the Baruch plan. The proposal called for the establishment of an international authority to license and control all aspects of nuclear technology "from mine to finished product." The Soviet Union rejected the proposal as an interference with national sovereignty. The Soviets issued a counterproposal called the Gromyko plan, after Foreign Minister Andrei Gromyko. The Soviet plan allowed the research and development of atomic energy to continue under the supervision of each individual nation. Similarly, each nation

15. Id.
16. SENATE COMMITTEE ON FOREIGN RELATIONS, SUBCOMMITTEE ON DISARMAMENT, 84TH CONG., 2D SESS., CONTROL AND REDUCTION OF ARMAMENTS A DECADE OF NEGOTIATIONS 1946-1956 at 4 Comm. Print 1956 [hereinafter 1956 SENATE report]. The plan was named after the U.S. representative to the United Nations Atomic Energy Commission Bernard Baruch. In presenting the American proposal to the Atomic Energy Commission, Baruch warned:

We are come [sic] to make a choice between the quick and the dead. That is our business. Behind the black portent of the new atomic age lies a hope which, seized upon faith, can work our salvation. If we fail, then we have damned every man to be the slave of Fear. Let us not deceive ourselves: We must elect World Peace or World Destruction.

ROBERTS, supra note 1, at 3.
17. 1956 SENATE report, supra note 16, at 4. The international authority would conduct inspections of nuclear facilities and impose sanctions for any violations. In addition, the decisions of the international authority would not be subject to the veto of any single nation. Id. at 4-5. Finally, the plan called for the destruction of all existing (U.S.) stockpiles of nuclear weapons. Id. at 4.

[T]o Stalin the Baruch Plan was nothing more than an American attempt to impose on the world a nuclear Pax Americana, a device to relegate the Soviet Union forever to second-class status. Stalin saw no generous offer; rather he probably suspected that, in the end, the United States would not really relinquish its atomic weapons but would manage to force the Soviet Union to submit to international inspection, thus laying bare the terrible weaknesses of postwar Russia, and to fasten upon the world American control of the authority to exploit, and reap the profits, the peaceful atom.

ROBERTS, supra note 1, at 17.

The United States grew suspicious of the Soviet's refusal to allow verification. President Truman wrote to Baruch "[w]e should not under any circumstances throw away our gun until we are sure the rest of the world can't arm against us." Id. at 23.
19. Address by the Soviet Representative to the United Nations Atomic Energy Commission supra note 18. The plan was named after Moscow's Security Council representative and deputy foreign minister Andrei Gromyko. The Russian proposal, like the U.S. plan, also called for the destruction of all existing stocks of nuclear weapons and a treaty prohibiting the future use of atomic weapons. 1956 SENATE report, supra note 16, at 5.
would be responsible for policing its own facilities.\textsuperscript{20} The Soviet proposal was unacceptable to the U.S. since it would allow the Soviet Union to continue their nuclear weapons research with no reliable system of control or verification.\textsuperscript{21} The negotiations stood at an impasse and in January 1950, the Soviet Union withdrew from the Atomic Energy Commission.\textsuperscript{22}

Throughout 1948 and 1949, the Soviet Union continually proposed a one third reduction in land, naval, and air forces for all permanent members of the Security Council.\textsuperscript{23} The Russians also called for an unconditional ban on all nuclear weapons.\textsuperscript{24} The United States, however, relied upon its arsenal of nuclear weapons to counter the Soviet superiority in conventional forces.\textsuperscript{25} The U.S. would not accept any proposal which maintained the Soviet advantage in conventional forces while eliminating the United States' nuclear monopoly. The U.S. nuclear monopoly ended in 1949, however, when the Soviet Union exploded its first atomic device.\textsuperscript{26}

**Growing Flexibility and Stalemate**

The North Korean invasion of South Korea in 1950 created a negative environment for arms negotiations. The United States realized "that, if [it] was

\textsuperscript{20} Id.

\textsuperscript{21} Mackintosh, \textit{Soviet Preconditions for Disarmament and Arms Control in First Steps to Disarmament}, supra note 12, at 66. The U.S. also believed the Gromyko plan would eliminate the existing U.S. advantage in atomic weapons while maintaining the Soviet Union's superiority in conventional forces. Luard, \textit{supra} note 12, at 16.

\textsuperscript{22} Mackintosh, \textit{supra} note 21, at 66.


\textsuperscript{24} Mackintosh, \textit{supra} note 21, at 67.

\textsuperscript{25} Statement by President Truman Regarding Atomic Explosion in the Soviet Union, 21 DEP'T St. BULL. 487 (1949). Five days before the Soviet test, the North Atlantic Treaty was signed creating NATO. Roberts, \textit{supra} note 1, at 22.
not always ready to make use of atomic weapons in response to conventional attacks, effective disarmament proposals must cover conventional as well as atomic weapons.\textsuperscript{27} In an address to the United Nations shortly after the Korean invasion, President Truman indicated for the first time the United States' willingness to negotiate the control of nuclear weapons in conjunction with the reduction of conventional forces.\textsuperscript{28} Truman's proposal led to the establishment in 1952 of a single United Nations Disarmament Commission which replaced the Commission for Conventional Armaments and the Commission for Atomic Energy.\textsuperscript{29}

A thaw in the Cold War tensions began in 1952 with a truce in Korea. The election of President Dwight D. Eisenhower, followed by the death of Stalin in March 1953, created a new environment for international negotiations. For the first time relative parity existed between the two powers. During the early 1950s, the United States substantially rebuilt its conventional forces while the Soviet Union increased its nuclear arsenal, thus dramatically reducing the U.S. lead in nuclear weapons. In November 1953, the U.N. General Assembly established a new subcommittee consisting of representatives from France, Canada, the United Kingdom, the Soviet Union, and the United States to negotiate a private disarmament plan.\textsuperscript{30}

In 1954 the British and French governments began to take a more active role in arms negotiations acting as intermediaries between the two nuclear powers. A joint Anglo-French proposal, issued in June of 1954, provided for the establishment of an international control agency. This body would supervise "first a limitation on armed forces and expenditures, then reductions of armed forces and conventional armaments and finally, prohibitions respecting nuclear weapons."\textsuperscript{31}

In May 1955 the Soviet Union accepted the Anglo-French proposal as a "basis of discussion" and proposed several modifications.\textsuperscript{32} The Soviet Union called for an immediate freeze of all forces as of December 31, 1954, followed by a gradual reduction to the quotas contained in the Anglo-French proposal.\textsuperscript{33}

\begin{footnotes}
\item[27.] Luard, \textit{ supra} note 12, at 21. The West also began a “rapid acceleration of the rebuilding of their conventional armed strength to counterbalance the Soviet and Communist Chinese forces.” 1956 \textit{Senate report}, \textit{ supra} note 16, at 7. While the United States strengthened its conventional forces, the Soviet Union pushed to close the nuclear gap. In 1953, the Russians exploded their first hydrogen bomb, following the U.S. development of the same weapon the preceding year. Mackintosh, \textit{ supra} note 21, at 67.
\item[28.] \textit{Address by President Truman to the General Assembly}, 23 \textit{Dep't St. Bull.} 719, 721-22 (1950).
\item[30.] 1956 \textit{Senate report}, \textit{ supra} note 16, at 10.
\item[32.] 1956 \textit{Senate report}, \textit{ supra} note 16, at 11.
\item[33.] Mackintosh, \textit{ supra} note 21, at 70. The Anglo-French proposal contained the following ceilings: One to one and a half million men for the U.S., U.S.S.R., and China. 650,000 for the United Kingdom and France. 1956 \textit{Senate report}, \textit{ supra} note 16, at 12 n.26. The Soviet plan consisted of two steps. In step one the five great powers (Russia, France, China, Great Britain and U.S.) would reduce their armed forces by fifty percent of the difference between current levels and the ceilings established in the Anglo-French proposal. By June 1956, there would be a gradual elimination of all foreign military bases. In step two the remaining fifty percent of the reductions would be carried out commensurate with a complete prohibition on the use of nuclear weapons. Mackintosh, \textit{ supra} note 21, at 70-71.
\end{footnotes}
During the reductions, all countries possessing nuclear weapons would discontinue testing and only use existing stockpiles in defense of aggression under direction of the Security Council. The reductions in conventional forces would culminate with a complete prohibition on nuclear weapons.

The Western powers found the new Soviet plan unacceptable since it would result in a distinct Soviet military advantage in Europe. During the reductions, any U.S. use of nuclear weapons to repel a Soviet attack in western Europe would be subject to a Russian veto in the Security Council. "NATO [the North Atlantic Treaty Organization] would have disappeared as soon as the United States bases abroad were dismantled in 1957."

The U.N. subcommittee on disarmament ended its work in 1957 without achieving any progress towards the reduction of nuclear weapons. Both the United States and Soviet Union realized that "no method of inspection known to science could detect with any degree of certainty the existence of stockpiled nuclear weapons." It was clear that future proposals would have to center around reduction rather than the total elimination of nuclear weapons. Both nations looked for further progress outside the political arena of the United Nations.

Throughout the late 1950s, both the United States and Soviet Union believed air and ground surveillance were effective means to prevent a surprise attack. In October 1958, "experts" from the United States and Soviet Union convened in Geneva at the Conference on Surprise Attack. Unfortunately, the two countries had radically different views on the conference's purpose. The conference ended in December, 1958 "without the parties having ever begun to communicate effectively."

With the exception of the Antarctic Treaty of 1959, the United States and Soviet Union were unable to agree on any proposals governing the testing,
production, or use of nuclear weapons in the first fifteen years following World War II.

Remnants of the Eisenhower Era

The last few months of the Eisenhower presidency set the tone for a chilly Soviet reception of the new American leader, John Fitzgerald Kennedy. On May 1, 1960, the Soviets shot down a U-2 aircraft flown by Francis Gary Powers; the Soviets caught Powers, who worked for the Central Intelligence Agency, photographing various targets in the Soviet Union with an infrared camera. The incident prompted the Soviets to accuse the United States of an aggressive act despite the Eisenhower administration's denials that the plane's purpose was spying. The Soviets, particularly Soviet Premier Nikita Khrushchev, called for an end to the use of U-2's over Soviet territory. The Big Four Summit Conference collapsed when Khrushchev refused to meet with Eisenhower in Paris. Later, the Soviet Premier beat his shoe on his desk at a meeting of the United Nations to protest the U-2 flights.

Kennedy narrowly defeated Richard M. Nixon in the 1960 presidential election and took the oath of office on January 20, 1961. Four months later, Kennedy acted on the advice of the CIA and attempted to invade Cuba with the help of anticomunist Cuban nationals. The purpose of the invasion was to liberate note inviting the other 11 IGY participants to a conference to negotiate a treaty for the peaceful use of Antarctica. The conference produced a treaty signed by the United States, the Soviet Union, Great Britain, France, Japan, South Africa, New Zealand, Australia, Argentina, Chile, Belgium, and Norway on December 1, 1959. See The Antarctic Treaty, Dec. 1, 1959, 12 U.S.T. 794, T.I.A.S. No. 4780, 402 U.N.T.S. 71, reprinted in 2 DEPARTMENT OF STATE, DOCUMENTS ON DISARMAMENT 1945-1949 at 1550 (1960). The treaty prohibits "any nuclear explosions in Antarctica and the disposal there of nuclear waste material. . . ."


See id. at 75, 79-80.

See id. at 141-60. The Big Four Summit was scheduled for May 16, 1960 in Paris. The leaders involved were President Charles de Gaulle of France, Prime Minister Harold Macmillan of Great Britain, Soviet Premier Nikita Khrushchev of the Soviet Union and President Dwight D. Eisenhower of the United States. The topics that were to be discussed included nuclear testing, disarmament and Berlin.

The four leaders met at the Elysee Palace on the morning of May 16. Khrushchev announced that Eisenhower's June invitation to Moscow was cancelled and that no "productive negotiations" would come from the summit due to the U-2 incident. Khrushchev wanted Eisenhower to condemn the flights and to punish the guilty parties; in essence, Khrushchev wanted an apology.

De Gaulle and Macmillan suggested a postponement of the summit, but Khrushchev left in silence. Later, the Soviets held a press conference at their French embassy and read a memorandum which requested U.S. cooperation in halting the U-2 flights.

G. SEABORG, KENNEDY, KRUSHCHEV AND THE TEST BAN 23-25 (1981). The incident evidenced the prevalent distrust that existed between the superpowers. Id.

ROBERTS, supra note 1, at 53. "[Kennedy] had come to office determined to do what he believed Eisenhower had not done—press hard for limited agreements." Id.

M. BESCHLOSS, MAYDAY 389 (1986). See also A. SCHLESINGER, A THOUSAND DAYS: JOHN F. KENNEDY IN THE WHITE HOUSE 247 (1965). Schlesinger surmises, "[o]bviously no one expected the invasion to galvanize the unarmed and unorganized into rising against Castro at the moment of disembarkation [sic]. But the invasion plan, as understood by the President and Joint
Cuba from communist influence, but it resulted in Castro's gaining 1100 hostages. The Soviets reacted to the invasion with a show of strength in Berlin and reinforcing military strength in Cuba. During the early 1960s, Soviet military philosophy relied on the premise that the world would ultimately divide into two factions, East and West. The Soviets also believed that in an all-out nuclear confrontation, one side could prevail. This was evident at the June 3-4, 1961 Vienna Summit in which Khrushchev and Kennedy first met face to face. The Soviets, soon after the meeting, attempted to cut communications between West Berlin and the West, effectively removing Berlin from the West's control until NATO military convoys thwarted the Soviet efforts.

Partly in response to the Berlin Crisis, Secretary of Defense McNamara, who served under both Presidents Kennedy and Lyndon B. Johnson from 1961-67, addressed the May 1962 NATO meeting in Athens concerning the Kennedy administration's desire to substitute NATO's "massive retaliation" strategy with a "flexible response" strategy. The NATO allies opposed the change, as it seemed to suggest a willingness to employ nuclear weapons. McNamara explained that the doctrine "[would confine] nuclear weapons to only two roles in the NATO context: deterring the Soviets' initiation of nuclear war; and as a weapon of last resort, if conventional defense failed, to persuade the aggressor to terminate the conflict on acceptable terms." NATO debated the flexible response strategy for five years and adopted it in 1967.1

Id. Schlesinger notes the "minimum objective" of the Bay of Pigs invasion was to supply and reinforce the members of the resistance already on the island. See id. at 256. The United States trained refugees from the Batista regime as officers for the invasion which was to begin with air strikes from Nicaragua. The invasionary forces planned a landing en masse on the Cuban shore. Id. at 234-36. However, Castro's army anticipated the landing and forced the would-be invaders to abort the mission. Id. at 270-72.

R. McNAMARA, BLUNDERING INTO DISASTER 7-8 (1986). The CIA had been monitoring the gradual strengthening of Soviet military forces in Cuba and had drafted a plan for the invasion before suggesting the maneuver to the President. Id.

Id. at 13.

See M. BESCHLOSS, supra note 51, at 389-90. See also R. McNAMARA, supra note 52, at 26. Former Secretary of Defense Robert McNamara observed that Kennedy was apparently shaken by Khrushchev's seeming indifference to nuclear confrontation. See also SEABORG, supra note 49, at 67. Seaborg comments, "Whereas Kennedy was appealed for a sort of global standstill that would avoid changes that upset the balance of power, Khrushchev insisted on the Soviet right to support wars of national liberation." Seaborg also quotes statesman Averell Harriman as commenting that, "[i]t was the first time [Kennedy had] seen Khrushchev and he was very much shocked, very much upset, shattered really, by this conversation in Vienna." Id. (Seaborg was chairman of the Atomic Energy Commission under Kennedy).

Ulam, Forty Years of Troubled Coexistence 64 FOREIGN AFFAIRS 12, 18 (1985). Ulam concludes that, "[t]he Berlin Crisis of 1958-62 was not prompted by the Kremlin's lusting for West Berlin, as was widely believed in the West. It was the main feature of the design to cajole the United States and its allies into agreeing on a German peace treaty that would categorically preclude the Federal Republic from manufacturing or possessing nuclear weapons (recognition of the sovereignty of East Germany was another but rather secondary objective of the scheme)." Id. See also ROBERTS, supra note 1, at 57.

McNAMARA, supra note 52, at 23-25.

Id.

Id. at 24.

Id. According to McNamara, the essential element of the strategy, building sufficient conventional capabilities to offset those of the Warsaw Pact, has never been achieved. Id.
On the Brink: The Cuban Missile Crisis

On October 14, 1962 a U-2 aircraft on a reconnaissance mission discovered that the USSR had moved nuclear-tipped ballistic missiles onto the island. These missiles had a range which included many East Coast cities. The missiles' purpose allegedly was to force the United States into recognizing East Germany.

On October 22, 1962, Kennedy announced that the United States would blockade Cuba to halt the continuing passage of Soviet vessels transporting military equipment to the island. Kennedy also revealed to the American public that the United States would respond with nuclear devices to any attack launched from Cuba. At the time, the United States was well prepared to launch a first strike against Cuba.

The Kennedy Administration developed two possible approaches to the missile crisis: one, destroy the missiles in an air attack and follow it up with a ground invasion, or quarantine Cuba in order to prevent Soviet resupply of the island until the missiles were withdrawn. The U.S. implemented the latter option beginning on October 24, 1962. For the next two days, newspapers around the world hinted at a possible U.S. invasion or strike against the missile bases. Khrushchev, in later years, dismissed the world press' inferences that the Soviets were challenging the United States to a nuclear confrontation. Kennedy responded to critics of his administration's response by stating that he did not believe the Soviets intended to instigate a "big war."

From October 24 to October 26 Kennedy and Khrushchev exchanged secret letters in which each leader put forth his perceptions of the crisis and suggested

60. Id. at 8-11. See also Address by President Kennedy October 22, 1962, 47 DEPT. STATE BULL. 715-20 (1962), reprinted in D. LARSON, THE CUBAN CRISIS OF 1962 at 59 (1986). The missiles were capable of reaching Washington, D.C., the Panama Canal, Cape Canaveral and Mexico City. Id.

61. McNAMARA, supra note 52, at 8-11. McNamara suggests that [t]here is a great deal of circumstantial evidence..." (quoting these remarks). Khrushchev commented, "In addition to protecting Cuba, our missiles would have equalized what the West likes to call the 'balance of power.'"" (quoting these remarks). Khrushchev commented, "In addition to protecting Cuba, our missiles would have equalized what the West likes to call the 'balance of power.'" (quoting these remarks). Khrushchev commented, "In addition to protecting Cuba, our missiles would have equalized what the West likes to call the 'balance of power.'" Id.

62. Cuban Crisis: A Step by Step Review N.Y. Times, Nov. 3, 1962, at 1, 6-7 reprinted in LARSON, supra note 60, at 324-4 (1962). The idea of a surprise attack against Soviet forces in Cuba was rejected on moral grounds. Attorney General Kennedy said that the United States attacking a small country like Cuba without warning would "irreparably hurt our reputation in the world—and our own conscience." Id. at 257.

63. See ROBERTS, supra note 1, at 60.

64. Eight Challenges for Arms Control, DEPT OF STATE BULL. 30 (1984). The United States, in the mid-1960's, had 1,000 ICBM's and 656 submarine-launched ballistic missiles in four nuclear submarines. Id.

65. McNAMARA, supra note 52, at 10-11. See LARSON, supra note 60, at 253. The first option would have left NATO members open to Soviet retaliation, especially in Berlin. Id.

66. LARSON, supra note 60, at 268.

67. N. KRUSHCHEV, KRUSHCHEV REMEMBERS (1970) reprinted in SOVIET VIEWS ON THE CUBAN MISSILE CRISIS 125 (R. Pope, ed. 1982) [hereinafter SOVIET VIEWS]. Krushchev commented, "[i]n addition to protecting Cuba, our missiles would have equalized what the West likes to call the 'balance of power.'" the Americans had surrounded our country with military bases and threatened us with nuclear weapons, and now they would learn just what it feels like to have enemy missiles pointing at you; we'd be doing nothing more than giving them a little of their own medicine." Id.

68. See generally SOVIET VIEWS, supra note 67.
possible concessions the opposition could make to resolve it. Kennedy's primary objective was the removal of the Soviet missiles, while Khrushchev alternatively requested a promise that American missiles would be removed from Turkey and that the United States would not invade Cuba. On Sunday, October 28, Khrushchev notified Kennedy that he would dismantle the missile bases and withdraw bomber aircraft from Cuba. The superpowers had flirted with nuclear confrontation, but this time the United States succeeded in shaking the Soviets' confidence in the ability to wage and win a nuclear battle.

The Test Ban Treaty

After the Cuban Missile Crisis, Khrushchev took the initiative in discussing nuclear test ban agreements and did not escalate Soviet efforts in reaching nuclear parity with the United States. Khrushchev had left open the possibility of nuclear arms negotiations in his October 27 letter to Kennedy during the missile crisis. The American public, wary of atmospheric testing and fallout dangers, reacted strongly when Kennedy permitted resumption of the testing in late 1962.

Former Secretary of State Dean Rusk travelled to Moscow in August, 1963 and signed the Partial Test Ban Treaty. Along with the Americans and Soviets, the British also signed the August 5 treaty in Moscow. The Senate ratified the 1963 Limited Test Ban Treaty by a vote of 80-19. The treaty prohibited nuclear

69. Khrushchev's Mesage of October 26, 1962 reprinted in Larson, supra note 60, at 47-48. Khrushchev demands a promise: "If the President and Government of the United States would give their assurances that the United States would itself not take part in an attack upon Cuba and would restrain others from such action; if you would recall your Navy—this would immediately change everything. I do not speak for Fidel Castro, but I think that he and the Government of Cuba would, probably, announce a demobilization and would call upon the people to commence peaceful work." Id.

Khrushchev's October 27 message is more accusatory: "You are disturbed over Cuba. You say this disturbs you because it is 90 miles from the coast of the United States of America. But Turkey adjoins us; our sentries patrol back and forth and see each other. Do you consider, then, that you have the right to demand security for your own country and the removal of the weapons you call offensive, but do not accord the same right to us? . . . This is irreconcilable.

I therefore make this proposal: We are willing to remove from Cuba the means which you regard as offensive [if] . . . the United States . . . will remove its analogous means from Turkey." Id. at 51-52.

Kennedy did not respond to this message but instead responded to Khrushchev's October 26 letter, agreeing to remove the quarantine and to assure that no invasion of Cuba would occur. Kennedy did note that, "the first ingredient, let me emphasize, is the cessation of work on missile cites in Cuba and measures to render such weapons inoperable, under effective international guarantees." Id. at 56-57.

70. McNamara, supra note 52, at 10-11. The move apparently surprised Kennedy because the Oct. 27 letter appeared ominous. Also, the message arrived at a time when the Navy was forcing Soviet submarines to surface near the Cuban quarantine line and the Soviets had shot down a U-2 when it strayed into Soviet territory near Alaska. Id.

71. See supra note 54.

72. Roberts, supra note 1, at 61.

73. See Larson, supra note 60, at 55. Khrushchev stated, "I attach great importance to the agreement in so far as it could serve as a good beginning and in particular make it easier to reach agreement on banning nuclear weapon testing." Id.

74. Roberts, supra note 1, at 64. Sen. Henry Jackson. (D-Wash.) proposed that the U.S. remain ready to resume testing at any time in case the Soviets violated the terms of a test ban treaty.

75. Larson, supra note 60, at 55.

76. Id.

77. Roberts, supra note 1, at 63-65.
Arms Control History

weapons tests in the atmosphere, in outer space and under water and permitted underground nuclear weapons tests to continue. Eventually, 101 nations signed the treaty.  

The China Factor

China's failure to sign the Limited Test Ban Treaty evidenced the growing rift between the two largest communist nations. China alleged that the Treaty "was a form of Soviet-American collusion designed to prevent China from becoming an equal superpower." Chinese leaders had openly criticized Khrushchev in his handling of the Cuban Missile Crisis and alienated the Soviet leader.  

During October 1964 a new era of the nuclear age commenced with the Kremlin's ouster of Premier Khrushchev and China's explosion of its first nuclear device. At the same time, the United States began to monitor closely the communist faction in Viet Nam. Suddenly, the keen nuclear race acquired a new competitor—China.

After Kennedy was assassinated on November 22, 1963, President Lyndon B. Johnson assumed responsibility for maintaining his predecessor's determination to reach meaningful agreements with the Soviets. Secretary of State Rusk met with Soviet Foreign Minister Gromyko in New York for a series of frank discussions about nuclear arms throughout 1966. On December 5, 1966 the Soviets proposed what Johnson termed, "treaty language we could accept." The process of negotiating toward the Treaty on the Non-Proliferation of Nuclear Weapons began with this truce on language.

In June 1967, the Arab-Israeli Six-Day War brought the Soviets and Americans back on to opposite sides of the battlefield. Israeli forces, backed by American military support, attacked Egyptian forces on the Sinai border; Egypt received its military equipment from the Soviets. Due to the Hotline Communication System established between Moscow and the Pentagon during the Cuban crisis, Soviet Communist Party Chairman Kosygin and Johnson were able to


79. ROBERTS, supra note 1, at 67. The Sino-Soviet rift began in 1960 when Khrushchev removed all Soviet experts from China, which occurred shortly before the Soviet leader's trip to the United States.

80. See id. at 65.

81. See SOVIET VIEWS, supra note 67, at 139 quoting Statement of the Chinese Government, Sept. 1, 1963, reprinted in W. GRIFFITH, THE SINO-SOVIET RIFT 383 (1964). "Before the Soviet Union sent rockets into Cuba there did not exist a crisis of the United States using nuclear weapons in the Caribbean Sea and of a nuclear war breaking out. If it should be said that such a crisis did arise it was a result of the rash action of the Soviet leaders." Id.

82. See SOVIET VIEWS, supra note 67, at 111. Khrushchev was relieved by the Central Committee on Oct. 14, 1964, of his duties as first Secretary and member of the Politburo. Id.

83. See Ulam, supra note 55, at 25.

84. See ROBERTS, supra note 1, at 67.


86. Id. at 479.

87. See McNAMARA, supra note 52 at 15. See also JOHNSON, supra note 85, at 297-303.
speak to one another directly. Each leader called for a ceasefire; Israel vowed in its June 10 communication to the White House that such a ceasefire would be implemented. The ceasefire took effect June 11, 1967.

It was not until June, 1968 that Johnson and Kosygin met to discuss the possibility of a treaty once again. On July 1, 1968, the Treaty on the Non-Proliferation of Nuclear Weapons was signed in Washington, D.C. The treaty prohibited the transfer of nuclear arms by nuclear powers and committed the non-nuclear weapon states to a self-denying pledge not to receive or develop nuclear weapons. Yet the treaty contains an escape clause in article X. The article states that a party may withdraw on notice if the "supreme national interest" of the party requires the withdrawal. The treaty signalled the end of the 1960s era of limited agreements.

THE NIXON ADMINISTRATION: SUCCESS OF THE TWO-MAN NEGOTIATING TEAM

Introduction

One of the first moves in the direction of arms control came at the beginning of the Nixon Presidency when the National Security Council undertook a study to determine the strategic position of the United States vis-a-vis the Soviet Union. It became clear that the Soviets had accomplished a massive buildup of nuclear weapons during the sixties and that three specific strategies were available to the administration to deal with a superpower partner.

88. Johnson, supra note 85, at 298.
89. Id. at 303.
90. Id. at 482-84. Chairman Kosygin and President Johnson met at Glassboro State College in Glassboro, New Jersey from June 21, 1968, to June 25, 1968. Id.
91. See Status of Multilateral Arms Regulation, supra note 78, at 71. See also Ulam, supra note 55, at 27. Ulam referred to the agreement as a "common sense recognition" of the realities of the nuclear age. Id.
92. See Status of Multilateral Arms Regulation, supra note 78, at 72-76.
93. Id. at 76.
95. Winsor, supra note 94. Winsor saw the Nixon arms control effort as the end of the bi-polar political-military era that followed World War II: "The first term of the Nixon Presidency has thus set the stage by clearing away the Cold War and the tenacious confusions which arose during and after World War II."
96. See Willrich & Rhinelander, SALT: The Moscow Agreements and Beyond 78 (1974):
97. See generally Willrich & Rhinelander, supra note 96, at 78-80.
98. The Soviet defense system was also upgraded to deal with ballistic missiles. "Allegations regarding possible improvements in Soviet air defenses to make them effective against ballistic
The first stratagem involved the United States engaging in a directly competitive buildup program.\(^{101}\) Traditionally, the technology of the U.S. focused on miniaturization and strike force effectiveness, whereas the Soviets manufactured bigger throw weight nuclear missiles which were less refined and utilized liquid to a great extent rather than solid propellant.\(^{102}\) Besides the differing technical focuses of the two countries, the national pressure of an unpopular war in Vietnam limited the United States' available resources to engage in an arms race with the U.S.S.R.\(^{103}\) Thus, the first option was not feasible for the Nixon Administration, given the social pressures\(^{104}\) and technical logistics of the U.S. nuclear development.\(^{105}\)

The second option available, ignoring the Soviet buildup,\(^{106}\) was entirely foreign to American sensibilities\(^{107}\) as the leader of the free world.\(^{108}\) Soviet and U.S. deployment of antiballistic missile (ABM) systems tended to grant first strike capabilities to the nuclear superpower with the numerical advantage in numbers of warheads.\(^{109}\)

The third option was to negotiate\(^{110}\) a cap to the arms race. The negotiating posture of the Nixon Administration reflected the viewpoints of Administration officials\(^{111}\) the public and the Congress.\(^{112}\)
Beginning at Helsinki in 1969, and alternating between that site and Vienna for close to three years, a team of approximately twenty negotiators for each side constructed an agreement which is still in force today—the ABM Treaty. In May of 1972, the Senate voted 88-2 to ratify the ABM Treaty.

Three other agreements, in addition to the ABM Treaty, comprised the first Strategic Arms Limitation Talks (SALT I) accord: a five-year agreement limiting strategic offensive nuclear missiles, and two executive agreements dealing with early warning communications and a hotline between the President and the Soviet General Secretary.

In recent months, some Congressional leaders have debated the legality of research and development of SDI. Two different interpretations have been advocated due to the non-specific language of the ABM Treaty in regard to research and development of defensive systems. President Ronald Reagan maintained that the interpretation of the treaty allows the testing and development as well as deployment of the “Star Wars” shield.

Senator Sam Nunn (D-Ga.), Chairman of the Senate Armed Services Committee, disagrees with the Reagan-Bush Administrations’ reading of the ABM Treaty and has threatened to withhold funds for the defensive shield if the Administration continues to adopt a broad interpretation of the SALT I accord.

Fitting present day technology into the framework of previous arms agreements which vaguely considered the possibility of modern arms systems is an especially difficult task. Indeed, the Strategic Defense Initiative should comply


113. Conspicuously, the United States chose not to use the United Nations as a forum for arms control discussions. This decision comported with the overall philosophy of the Nixon administration to eliminate the bureaucratic input into the negotiating process. See Destler, supra note 94, at 9-11. For a discussion of the impact of the United Nations on American foreign policy see Rossi, The UN and American Foreign Policy, 46 FOREIGN SERVICE J. No. 5, 31 (Apr. 1969).

114. McLean interview, supra note 101. Dean McLean described three basic arguments which would favor SDI from a negotiator’s standpoint:
   (1) SDI is a non-nuclear system.
   (2) SDI theoretically gives the U.S. an effective defense by developing a superiority in technology.
   (3) SDI development includes the proviso for a transaction of technology between the superpowers—sharing of information through negotiations which are not in isolation, but within the overall scheme of arms control and disarmament.

   Id.

115. In a Presidential Determination, Reagan stated:
   Such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons. Such testing is fully consistent with the rights and obligations of the U.S. under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.


116. On September 17, 1987 this threat was manifested in a restrictive budget authorization amendment which would bar the Pentagon from awarding SDI contracts to overseas bidders. This amendment, sponsored by Senator John Glenn (D-Ohio) was adopted by a voice vote in the Senate, and effectively undercuts the Administration’s SDI development agreements with major allies.

with the provisions of the ABM Treaty—adopted more than fifteen years ago, when the feasibility of such a defensive concept was quite remote. The importance of the ABM agreement cannot be overemphasized. 118

Shaping the Negotiating Process 119

The SALT negotiations began on November 17, 1969 in Helsinki. The American negotiating team operated under the close direction of the Secretary of State and worked directly under the Executive Branch. 120 The week before the talks began, Senator Albert Gore, Sr. (D-Tenn.), of the Arms Services Committee was stood up by the chief administration negotiator on SALT, Gerard Smith, who was prohibited from discussing the specifics of U.S. SALT policy with Congress. 121 The snub marked the first example of Kissinger-imposed secrecy 122

118. Id. at xiii-xxvii.

119. The intricacies of the negotiating process were described by Dr. Jerome Wiesner of M.I.T.: I used to say when I was working in the White House that we were fighting a four-front war when we tried to do something about arms limitations.

We had to deal with the Russians occasionally, but we had to deal with the Pentagon, we had to deal with the Congress and we had to deal with the public; and I was never certain which of these groups gave us more problems because we rarely go to deal with the Russians.

We were mostly dealing with ourselves. The kind of treaties one has to enter into to get into the position to negotiate with the Soviet Union were such, and I think they had the same problem incidentally that we frequently had, that when things looked very bad we would change the most controversial aspects. We sometimes suspected they did the same thing, so we used to have a love-making game, I guess, in which one tried to find out the point of flexibility in each other's postures. . . .


120. McLean interview, supra note 101. "Each negotiating session was supervised by the National Security Adviser Henry Kissinger who helped to prepare specific guidelines for the negotiators during the recess periods. The principle of operations for both sides was that nothing was agreed until everything was agreed." Id.


In another area, the Secretary's [Kissinger's] administration of this negotiation process deserves critical comment. A problem first suggested to the Subcommittee by Paul Nitze, a recently resigned member of the SALT negotiating team, and buttressed by other evidence as the Subcommittee's hearings proceeded, is that the U.S. negotiating process has become—almost inextricably—intertwined in the personality of the current Secretary of State. . . .

. . . .

The situation which causes concern can be illustrated by a curious relationship that currently exists in the SALT negotiations and has been characterized in terms of the "front channel" and the "back channel" of negotiations. The "front channel" is that represented by the forum in which the U.S. and Soviet negotiating teams meet to formally present proposals and work toward an agreement. The "back channel" is the personal negotiating that takes place between Secretary Kissinger himself, and the Soviet Foreign Minister, Mr. Gromyko or even Secretary Brezhnev.

Of late, and including a large part of the negotiations that resulted in the Interim Agreement, the "back channel" has produced all movements of substance in the negotiations with the "front channel" fleshing out the details after the fact. The obvious danger from such a system is that when Mr. Kissinger leaves his post, the U.S. government will be left a series of personal relationships which govern the progress and success of such negotiations, but which Mr. Kissinger's successor may well not be able to energize. This could be unfortunate for the U.S.'s long term interests as it is apparent that the duration of these negotiations and the critical questions they consider will remain for an indeterminate time in the future.
upon the Senate\textsuperscript{123} that was to continue until after the final SALT accords were signed in Moscow in May 1972.\textsuperscript{124} President Nixon publicly declared that it was "vital that we recognize that the position of our negotiators not be weakened or compromised by discussions that might take place [in Congress]."\textsuperscript{125}

A lack of significant congressional knowledge about or involvement in the negotiating process was apparent in the first 10 months of the Nixon administration. Without informing Congress, various options for the U.S. SALT negotiating team were formulated, and the governmental policy machinery on arms control was set in place.\textsuperscript{126} On January 21, 1969, the day after Nixon's inauguration, a National Security Study Memorandum called for the review of American military posture.\textsuperscript{127} The study gauged the strength of U.S. forces vis-a-vis the Soviet Union. A later study\textsuperscript{128} directed the formulation of various options for future strategic arms limitation talks. National Security Advisor Kissinger firmly established his role in directing the SALT effort by forming the SALT Verification panel in July 1969.\textsuperscript{129}

The Verification Panel and its associated decision-making machinery allowed Secretary of State Henry Kissinger to shape the issues of arms control before any significant legislative involvement could assess the situation.\textsuperscript{130}

**U.S.-Soviet Negotiations**

SALT opened with great ceremony in Helsinki on November 17, 1969, but it would take two and a half years and hundreds of meetings, including direct

\textsuperscript{123} Kissinger operated almost exclusively through the SALT negotiating team which had at all times "complete access to any relevant information with regarding to the United States and Soviet forces." McLean interview, \textit{supra} note 101.

\textsuperscript{124} Kissinger's role in cancelling the Senate briefing was reported in \textit{The N.Y. Times}, Nov. 13, 1969, at 10, col. 1.

\textsuperscript{125} \textit{N.Y. Times}, Nov. 14, 1969, at 1 col. 4.

\textsuperscript{126} The Department of State was only secondarily involved with the formulations of arms control policy. Riemer, \textit{A Mission Unaccomplished}, 48 \textit{FOREIGN SERVICE J.} No. 9, 18 (Sept. 1971): State's secondary role in formulating American foreign policy seems so evident that it is difficult to understand why members of the press, legislators, Foreign Service officers, or anyone else, raise the issue. . . . President Nixon, unintentionally, but unmistakably, confirmed my premise at his March 4, 1971 press conference. He said that the Secretary of State is the "adviser" and "chief spokesman" on foreign policy, while the President's White House Adviser Dr. Kissinger, "coordinates" foreign policy with national security policy.

\textsuperscript{127} NSSM No. 3 (1969). This memorandum aided the Administration's fact gathering process about nuclear arms and led to the concept of strategic "sufficiency." The Nixon ideology adopted nuclear sufficiency as the negotiating posture for the SALT I arms accords.

\textsuperscript{128} NSSM No. 28 (1969).

\textsuperscript{129} The Verification Panel analyzed each of the weapon systems which could conceivably be involved in an agreement. It compared the effect of different limitations on our program and on the Soviet programs, and weighed the resulting balance. It analyzed the possibilities of verification and the precise risk of evasion, seeking to determine at which point evasion could be detected and what measures would be available for a response. White House Press Release June 15, 1972.

\textsuperscript{130} The SALT decision-making process was summarized by William Van Cleave, former member of the negotiating team:

In the preparation for and management of SALT, the White House retained the principal role. Dr. Kissinger and his staff decided the work to be done, the issues to be addressed, the agendas of inter-agency meetings and usually the wording of directives whether ad hoc or in the forms . . . memoranda.

intervention or "back channel communications" between Washington and Moscow when talks stalled, to produce the Moscow accord of May 26, 1972. The seven formal sessions alternated between Helsinki and Vienna. The U.S. delegation, appointed by the president, was headed by Gerard C. Smith, director of the Arms Control and Disarmament Agency (ACDA). The other delegates were Ambassador Llewellyn E. Thompson (succeeded by Ambassador J. Graham Parsons) from the State Department; Paul H. Nitze for the Defense Department; Air Force Lieutenant General Royal B. Allison, representing the chairman of the Joint Chiefs of Staff; and Dr. Harold Brown, president of the California Institute of Technology. In addition, there were approximately twenty governmental experts and advisers. The Soviet delegation was similarly represented by the power centers of the Soviet bureaucracy.

During the second negotiating session of SALT in Vienna, the Senate tried to influence the United States' position on the deployment of multiple independently targetable re-entry Vehicles (MIRVs). This effort, which culminated in the passing of Senate Resolution 211, proved to have little effect upon the Executive Branch's control over the negotiating process. The resolution called on the President to propose to the Soviets an immediate mutual suspension of the further deployment of all offensive and defensive strategic nuclear systems. Despite the overwhelming margin of the vote (72-6), the executive branch was disdainful of this resolution, which had no binding effect. The Senate, though, felt that it had discharged its duty of oversight.

Ratification

After SALT concluded with the signing of the Moscow accords on May 26, 1972, the situation of Congressional involvement changed dramatically, as the President, seeking reelection, prompted a series of steps to insure Congressional ratification of the treaty. On June 15, 1972, the President and Kissinger spent more than two hours briefing some 120 Senators and Representatives on the details of the agreements. After the session, Senator Jackson of Washington

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133. Nixon stated: "I think the resolution really is irrelevant to what we are going to do." N.Y. Times, March 22, 1970, at A1, col.
134. Alton Frey summarized the views of many Members of Congress after the passage of Senate Resolution 211 when he wrote: "The President now enjoyed the broadest reasonable mandate to pursue a negotiated agreement of maximum scope. In realistic political terms the Senate had done about all it could to spur diplomacy." FRYE, A RESPONSIBLE CONGRESS, 73 (1972).
135. Nixon emphasized Congress's role in the ratification process:

seized the opportunity to voice his input and introduced an amendment to the authorization of SALT which specifically called for equality in the arsenals of the U.S. and Soviet nuclear forces.\textsuperscript{136} Jackson's input\textsuperscript{137} began a new era of Congressional scrutiny\textsuperscript{138} of foreign arms policy.\textsuperscript{139} The public sentiment against defense spending during the Vietnam era (thirteen cents of U.S. tax dollar for the Vietnam War\textsuperscript{140} and forty-one cents of U.S. tax dollar on national defense\textsuperscript{141}) carried over to the post-Vietnam era and necessitated that Congress play a role in missile reduction programs.\textsuperscript{142}

However, the Nixon system\textsuperscript{143} of strategic diplomacy in arms control continued to function after the SALT accords on the basis of freeing negotiating strategy from the bureaucracy of Congress.\textsuperscript{144} Likewise, Nixon kept the domestic pressures of student activism out of the formulation of the foreign policy equation.\textsuperscript{145}

Destler commented that the Nixon-Kissinger system required three important conditions to function effectively:

\begin{itemize}
\item \textsuperscript{136} S.J. Res. 241, 92d Cong., 2d Sess. (1972).
\item \textsuperscript{137} \textit{PLATT, THE U.S. SENATE AND STRATEGIC ARMS POLICY} 29-30 (1978).
\item \textsuperscript{138} See Campbell, \textit{An Interview with George F. Kennan}, 47 FOREIGN SERVICE J. No. 8, 18 (Aug. 1970) (explaining the reasons for lack of good communication between Congress and the Dept. of State during the SALT negotiations).
\item \textsuperscript{140} U.S. Dept. of State Newsletter No. 94 p. 13 (February 1969).
\item \textsuperscript{141} Id.
\item \textsuperscript{142} \textit{STAFF OF HOUSE COMM. ON FOREIGN AFFAIRS, 93rd Cong., 1st Sess., Report on U.S. Foreign Policy for the 1970's}, 100 (Comm. Print 1973):
\item ... Congress was, however, extremely concerned that even after the withdrawal of troops from Vietnam the defense budget was continuing to rise.
\item \textit{Id.}
\item \textsuperscript{143} Destler, \textit{supra} note 94, at 9-11:
\item In the years before 1969, Henry Kissinger frequently expressed the view that only by freeing themselves from bureaucratic encumbrances would foreign policy leaders in modern states be able to accomplish substantial things. The major Administration foreign policy achievements are a result of putting this concept into practice. The Nixon NSC system had been partially designed and totally explained as a means of enhancing the quality and responsiveness of the bureaucracy's contribution to foreign policy-making. But it became increasingly, in practice, a vehicle for excluding or diverting the bureaucracy while Nixon and Kissinger did the "real" business on their own... Kissinger handled the most critical negotiations personally, very often secretly, keeping the rest of the U.S. bureaucracy in the dark. His one client was the President, who was intimately involved in planning and directing these efforts, and who capped their achievements with visits to Peking and Moscow.
\item \textit{Id.}
\item \textsuperscript{144} \textit{Id.} at 10. On August 22, 1973, President Nixon announced the resignation of William P. Rogers as Secretary of State and the choice of Henry A. Kissinger to replace him.
\item ... [Nixon] intends little change in the way he and Kissinger handle foreign policy, and that he has made the move for a range of other reasons—a desire to reward Kissinger and to eliminate the periodic embarrassment caused by having his Secretary of State on the periphery of actual policy-making; the difficulty of getting another good man to take the Secretary job as long as Kissinger remained in the White House; and above all the desire to demonstrate renewed Administration vitality in the year of Watergate.
\item \textit{Id.}
\item \textsuperscript{145} \textit{See generally Lipset, The Effects of Student Activism on International Relations}, 46 FOREIGN SERVICE J. No. 10, 26 (Sept. 1969).
\end{itemize}
Logic and experience suggest that the system works well when three conditions are met. It is effective: (1) with countries which have strong counterpart leaders with whom to cut deals; (2) in bilateral relationships which are limited in depth and breadth; and (3) on issues where United States leaders can personally control the policy outcomes about which they need to deal.\textsuperscript{46}

The highly successful closed two-man system ended abruptly though, with the Watergate scandal—raising important questions about the ability of United States to continue to "[deal] effectively through negotiating relationships with [Soviet] power centers."\textsuperscript{47}

**SALT II—Fatally Flawed**

SALT I, the first strategic arms limitation agreement marked a new era in the US-Soviet arms negotiations process. This post-war arms control success was, unfortunately, followed by increased tensions between the two superpowers. Soviet involvement in the Egyptian-Syrian conflict with Israel, the civil war in Angola and the Ethiopian-Somalian encounter assured that future Soviet-American interaction would face obstacles.\textsuperscript{48}

The signing of the SALT I agreement in 1972 signaled the birth of SALT II negotiations. It was the difficult task of SALT II negotiators to clarify the uncertainties, resolve the questions and confront the problems left unaddressed in the SALT I agreement.\textsuperscript{49} The SALT II negotiations encompassed both a qualitative and quantitative focus towards limiting strategic nuclear forces.\textsuperscript{50} Throughout 1972 and 1973, SALT II negotiations seemed to be riding on the momentum of SALT I, the only concrete result coming in June 1973, with an agreement to continue negotiations.\textsuperscript{51}

On November 24, 1974, the blueprint for SALT II was established. Communist Party Secretary Leonid I. Brezhnev and President Gerald R. Ford signed the Vladivostok Accord, a framework for the continuing strategic arms limitations negotiations.\textsuperscript{52}

\begin{itemize}
  \item \textsuperscript{46} Destler, \textit{supra} note 143, at 11.
  \item \textsuperscript{47} \textit{Id.} at 10.
  \item \textsuperscript{48} S. Payne, Jr., \textit{The Soviet Union and SALT 85} (1980). Cold war pressures alienated the two superpowers in the late 70’s. Although the U.S. and Soviet Union both supported a withdrawl by Israel from the occupied territories, a deep-felt reluctance by the Americans to work towards peace with the Soviets placed the superpowers at odds over the Middle East. The Soviet-Cuban interventions in Ethiopia and in the Angolan civil war increased American criticism of the Soviets and their practices. Soviet military buildup and human rights violations weakened Soviet-U.S. interaction and caused irreparable damage to the SALT II Treaty. Fulbright, \textit{SALT II An Obligation or an Option?} 2 AEI DEF. REV. 7, 13 (1978).
  \item \textsuperscript{49} The SALT II Treaty outlined in more detail the numerical limits to be placed on strategic nuclear weapons launchers, as well as qualitative limits on missiles. SALT II went further in establishing restrictions on verification procedures and technological development. D. Schroeder, \textit{Science, Technology and the Nuclear Arms Race} 384-87 (1984).
  \item \textsuperscript{50} Payne Jr., \textit{supra} note 148, at 84. "The SALT II agreement consists of three basic parts: a treaty to last until the end of 1985; a shorter term protocol that will expire on December 31, 1981; and a joint statement of principles and basic guidelines for subsequent negotiations." W.K.H. Panofsky, \textit{Arms Control and SALT II \textcopyright} (1979).
  \item \textsuperscript{51} Payne Jr., \textit{supra} note 148, at 87-88. "In 1969 the negotiators had naturally started where mutual agreement was most easily attainable: those areas covered by the SALT I agreements. This left for SALT II the areas where mutual agreement was difficult or impossible to attain." \textit{Id.} at 84.
  \item \textsuperscript{52} TESTS OF SUPERPOWER, \textit{EDITORIAL RESEARCH REPORTS} 35 (H. Gimlin ed. 1987) [hereinafter
\end{itemize}
As the Ford presidency came to a close, the East and West superpowers neared mutual acceptance of the SALT II Treaty.153 This progress, however, came to a sudden halt with the inauguration of Jimmy Carter as President in January, 1977. The Carter Administration upset the negotiating balance achieved at Vladivostok by proposing deeper cuts in the number of strategic nuclear weapons.154 Carter's attempt at gaining domestic favor through a showing of strength in foreign affairs, failed to produce the desired results. The Soviets emphatically rejected the new proposal.155 SALT II, a compromise agreement, created internal strife in the United States, between critics and supporters of the Carter Administration's arms control policies.156 On June 18, 1979, Carter and Brezhnev met in Vienna to sign the SALT II accord. This step towards a renewed detente between the superpowers could not, however, prevent the deterioration of U.S.-Soviet relations which followed.157

Prospects for Senate ratification of the SALT II treaty steadily diminished over the fall of 1979. SALT II could not survive three major political events that fall: the discovery of Soviet troops in Cuba in September, the Iran hostage crisis in November and the Soviet invasion of Afghanistan in December. Each caused irreparable damage to the already controversial agreement. President Carter was forced to halt the ratification process. He faced deteriorating hope for future progress in arms negotiations.158 The pressure created as a result of conflicting interests between the superpowers reversed the trend toward detente.159

Gimlin]. Ford wrote of the Vladivostok meeting: "Let me say from our point of view, and I believe likewise from the Soviet point of view, the goal of the negotiation ... was primarily to curb the costly arms race through a responsible limit, and eventually to reduce strategic weapons." Remarks by Gerald R. Ford at the Faculty Seminar on International Security on February 4, 1986, reprinted in UNIVERSITY OF CALIFORNIA INSTITUTE ON GLOBAL CONFLICT AND COOPERATION POLICY PAPERS, No. 2, 2 (1986). Ford and Brezhnev were successful in establishing limits on launchers and on MIRVs. The two leaders also resolved differences concerning the Soviet Backfire bomber, throw weight problems and cruise missiles. Id. at 3-5.

153. SCHROEER, supra note 149, at 381.
156. TECHNOLOGY, STRATEGY AND ARMS CONTROL 105-06 (W. Hanrieder ed. 1986) [hereinafter Hanrieder]. When the story of the modified Vladovostok agreement with the Soviets became public through a leak to the press, the Carter Administration faced an uproar by the conservatives. A number of conservative organizations, as well as Senate and House Republicans criticized the compromise and on a larger scale, denounced Carter's foreign policy itself. The dissenion threatened the hope for ratification of SALT II. Id. at 105-07.
157. Id. at 106-07.
158. Id. at 107. With all of the factors working against SALT II, Carter had no choice but to withdraw the treaty from Senate consideration. Growing numbers of critics of SALT II denounced the treaty, arguing that it left the United States vulnerable and at a disadvantage compared to the Soviet Union. Edward Rowny, who had served in the SALT II delegation as a representative of the Joint Chiefs of Staff, even resigned to campaign against the treaty. TALBOTT, supra note 155, at 220.
159. The arms control-detente connection slowly deteriorated with the close of the 1970's. In the 1970's arms control was the centerpiece of the U.S.-Soviet detente relationship, and arms control agreements seemed necessary periodically to punctuate the process and to maintain the momentum of superpower cooperation . . . since 1979, however, when Zbigniew Brezinski coined the phrase, the prospect has been one of "arms control without detente."

The 1980's opened with a new U.S. administration and a goal of rearming America. Because of the deteriorating relations between the U.S. and Soviets, the U.S. attitude toward continued negotiations was one of hesitancy and caution. Officials in the Reagan Administration feared that superior Soviet capabilities seriously hampered further interaction. Aggravating the strained relations between the superpowers was NATO's deployment plan; an attempt at securing adequate defense in Europe and maintaining a deterrence effect coupled with an aim towards renewed negotiations.

Strategic arms negotiations again became a reality in September of 1981 when Secretary of State Alexander M. Haig and Soviet Foreign Minister Gromyko pledged to abide by NATO's 1983 deadline and "spare no effort" in reaching a mutually acceptable arms agreement.

On November 30, 1981, the United States and the Soviet Union opened negotiations with the purpose of limiting intermediate-range nuclear forces (INF). The U.S. delegation was headed by Paul H. Nitze. His Soviet counterpart was Yuli A. Kvitsinsky. Because of the fragile ground on which arms negotiations depended during the early months of the Reagan administration, neither superpower was willing to concede or compromise with enthusiasm. While the United States was demanding that the Soviets accept the "zero-option," the Soviets were holding out for a "freeze.'
In February 1982, Nitze presented a treaty to the Soviets in Geneva which proposed terms for the zero-option. The arms control objective for the United States was curbing the perceived Soviet superiority. The Soviets, however, refused to accept a position as the subordinate military strength.

Nitze and Kvitsinsky hoped to resolve the conflicting U.S. and Soviet positions on INF through a one-on-one negotiation in a mountain range on the French border. Nitze knew that to overcome the INF impasse, the U.S. would have to make concessions in the zero-zero proposal. Nitze offered Kvitsinsky an outlined agreement and the two sat on a log in the rain with paper and pencil, hammering out modifications and amendments. They returned to their respective countries with a renewed sense of progress. The U.S. and Soviet governments, however, were not willing to endorse the "package deal." The plan was rejected.

In May 1982, President Reagan proposed the opening of START (Strategic Arms Reduction Talks) negotiations in Geneva. This extension of the SALT process was accelerated by pressure from the American public who demanded that arms negotiations accompany the rearming process. The U.S. representative to the START negotiations, Lieutenant General Edward Rowny, advocated the philosophy of negotiation through strength. His hard line approach was chastised by those in Washington who advocated flexibility in the negotiating process.

Difficulties in the framework for START prompted President Reagan to initiate the President's Commission on Strategic Forces in January 1983. It was headed by former National Security Advisor Brent Scowcroft. The Commission

172. The "walk in the woods," an unorthodox negotiating encounter, was a means for the two delegation heads to speak candidly, off the record and away from the pressures of formal meetings. Central to the joint agreement was the freezing of Soviet SS-20's in Asia at their current level in exchange for cancelation of the proposed Pershing II deployment. TALBOTT, supra note 155, at 126-30.
173. Id. at 127.
174. Id. at 127-28.
175. Id. at 144-51. At a National Security Counsel meeting on September 13, 1982, Richard Perle, the Assistant Secretary of Defense for International Security Affairs, led the critics of Nitze's plan to victory. Secretary of Defense Caspar Weinberger explained that the zero-zero proposal and missile deployment plan would not be compromised. Id. Kvitsinsky met with an equally negative response from Soviet leaders who condemned him for taking negotiations into his own hands. The Soviets viewed the one-on-one meeting as a ploy, an insincere negotiating tactic, lacking a genuine attempt at compromise. Id.
176. Horelick & Warner, supra note 159, at 3. At the start of the talks in June 1982, the U.S. proposed a reduction in the number of land and sea-based missile warheads as well as a reduction in the number of deployed ballistic missiles. Gimlin, supra note 152, at 39.
177. TALBOTT, supra note 155, at 314. Reagan viewed SALT II as a fatally flawed treaty and promoted START as its replacement. Jacobson, supra note 171, at 1599-1600. Edward Rowny, a SALT II critic was a negotiator who would ensure the Administration's demands. S. TALBOTT, supra note 155, at 314.
178. KREPON, supra note 154, at 92.
179. TALBOTT, supra note 155, at 314.
180. Hanrieder, supra note 156, at 109. The Scowcroft Commission was established to review the U.S. strategic policies, make recommendations regarding the MX-basing problem and refine the START objectives. Id.
181. TALBOTT, supra note 155, at 303. "Scowcroft had been Kissinger's deputy on the National
recommended greater concessions on the limit of the number of deployed ballistic missiles. These changes were incorporated and the START negotiations continued.182

President Reagan's START objectives included: significant reductions, equality, verifiability and stability.183 President Reagan, realizing the need for concessions in order to obtain these four objectives, proposed a "build-down" process in October 1983 to eliminate older weapons and support the whole reduction process.184 A subsequent double build-down proposal refined the initial plan and outlined a reduction in ballistic-missile warheads as well as standard weapon stations.185 The Soviets immediately rejected the double build-down proposal which Rowny outlined in Geneva. The Soviets were suspicious and confused as to which proposal the Americans were actually advocating and saw the double build-down plan as prejudiced against their strategic forces.186

As the date for the NATO-U.S. deployment neared, the INF and START negotiations waned. The objectives of the two superpowers remained incompatible.187 The INF and START negotiations came to complete halt with the installation of ground-launched cruise missiles in the United Kingdom and the Pershing II missiles in the Federal Republic of Germany.188 The Soviets made it very clear that the missile deployment in Europe sabotaged any plans for further INF negotiations.189 INF was the focal point of arms negotiations in the 1980's.190 When it deteriorated as a result of the December deployment, the START negotiations, with a significantly less stable framework, collapsed as well.191

Stalemate

U.S.-Soviet relations during this period became increasingly uneasy.192 Washington had suggested that serious negotiations with the Soviet Union could only be accomplished after the deployment of NATO-US missiles.193 Moscow would

183. BULLETIN, supra note 168.
184. KREPO, supra note 154, at 134-5. Republicans William Cohen and Charles Percy and Democrat Sam Nunn strongly supported the build-down proposal as an alternative to the freeze and a positive plan of arms reduction. The proposal involved the removal of older weapons in exchange for the deployment of cruise missiles on more than a one-for-one basis. TALBOTT, supra note 155, at 305-306.
185. Id. at 334-35.
186. Id. at 340-42.
187. Horelick & Warner, supra note 159, at 4. The U.S. demanded at least some missile deployment in Europe. The Soviets rejected any deployment. This impasse lead to the Soviet walkout from the Geneva negotiations in 1983. Id.
188. Id.
189. Id. at 5.
190. PARsos, supra note 167, at 71.
191. Horelick & Warner, supra note 159, at 4-5. The Soviets saw no benefit in trying to salvage the START negotiations which, after eighteen months, had failed to produce an acceptable replacement for SALT II. Id. at 5.
192. Id. at 6.
193. Id.
not comply with this prediction. Each country vowed to hold a hard line: the U.S. maintaining support for the deployed missiles and the Soviets demanding their withdrawal as a key to reopening negotiations. With little incentive to resume negotiations, the stalemate continued.

In a move which further complicated the arms control environment, on March 23, 1983, President Reagan proposed the Strategic Defense Initiative (SDI). From its inception, SDI became a controversial issue in the arms control negotiation process. Of special concern was whether the program violated the ABM Treaty. After the breakdown of U.S.-Soviet negotiations, SDI increasingly became a program which weakened rather than stabilized the superpower relationship.


During the early months of 1984, the Soviets continued their demand for the removal of the U.S. missile deployments in Western Europe. The U.S. responded with a willingness to negotiate but would not accept preconditions. In addition, political rhetoric increased on both sides of the Atlantic with accusations of violations of the provisions in preexisting treaties.

In a speech on January 16, 1984, President Reagan urged a return to the negotiating process. The Soviets, who were facing the death of Andropov, were not in a position to revamp their negotiating policies. Moscow remained firm in its demand for the withdrawal of the U.S. deployments as a requirement for reconciliation.

**Negotiations Continue**

The emergence of Konstantin Chernenko as the new Soviet leader offered a guise for concessions in Moscow’s previous ultimatums. In June, 1984, the

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194. *Id.*
195. *Id.*
196. *Id.*
197. SDI was conceived as a method of intercepting strategic ballistic missiles, with an additional aim towards deterrence. Gimlin, *supra* note 152, at 41. President Reagan’s “Star Wars” speech was as much a surprise to his administration as to the American people. The space-based defense program immediately became the subject of critical review. The Strategic Defense Initiative acquired the more commonly recognized name “Star Wars” after the science-fiction film. Some critics argue that the Star Wars program, like the film, is merely a fantasy and not likely to succeed. The *Star Wars* Debate 5-6 (S. Anzovin ed. 1986).
204. *Id.* at 7-8.
206. *Id.*
Soviets proposed a new round of talks centered on the prevention of space militarization, a tactical maneuver to lift the emphasis off the previous demand for withdrawal of the deployed missiles.\textsuperscript{207} The U.S. replied affirmatively to Moscow's offer but supplemented its response with an outline of additional negotiation topics, namely strategic and intermediate—range nuclear weapons.\textsuperscript{208}

In late 1984, as the Reagan Administration began to embark on another four year term, the prospects for U.S.-Soviet negotiations were gaining strength. In November 1984, the U.S. and Soviet Union issued a joint announcement that negotiations would resume in 1985 involving nuclear and space weapons issues.\textsuperscript{209} U.S. Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko met in Geneva on January 7-8, 1985. Cognizant of the interests of both countries, they established a mutually acceptable format for negotiations.\textsuperscript{210}

The nuclear and space talks negotiations were scheduled to begin on March 12, 1985 in Geneva.\textsuperscript{211} With the opening of this new round of negotiations came another change in the Soviet leadership. Mikhail S. Gorbachev became General Secretary when Chernenko died on March 10, 1985.\textsuperscript{212}

The Soviet delegation made very clear at the outset of the negotiations their demand for a ban on space weapons and defense systems.\textsuperscript{213} The American delegation, headed by Max Kampelman,\textsuperscript{214} fought to keep SDI alive.\textsuperscript{215} Although the Geneva Talks opened with accusations of treaty violations by both superpowers, the delegations were determined to continue the negotiations.\textsuperscript{216}

In July 1985, a Reagan-Gorbachev Summit was announced. The Geneva summit was set for November 1985.\textsuperscript{217} The meeting produced few tangible results. Gorbachev reiterated the Soviet demand for a ban on space-based defenses while Reagan sought continued efforts towards the reduction of nuclear weapons, in addition to the development of SDI.\textsuperscript{218} Both Reagan and Gorbachev instructed their delegations to accelerate the negotiating process but neither provided solutions to the issues hampering a mutual agreement.\textsuperscript{219}

Round IV of the Geneva talks opened in January 1986. Significant proposals to be resolved by the negotiators in this round were initiated by the U.S. at the

\textsuperscript{207} Id.
\textsuperscript{209} 85 DEP'T ST. BULL. 74 (Jan. 1985).
\textsuperscript{210} Horelick & Warner, supra note 159, at 8.
\textsuperscript{211} Id. The U.S. and Soviet negotiating delegations were divided into three groups: Defense and Space Arms, Strategic Nuclear Arms and Intermediate-Range Nuclear Arms. Id.
\textsuperscript{212} Mikhail S. Gorbachev gained almost instant popularity upon succeeding to the position of General Secretary of the Soviet Union.
Gorbachev's popularity was closely linked to his energetic, charismatic, competent and obviously intelligent personality and with the new role of television rather than with the substance of his statements or speeches.
Z. MEDVEDEV, GORBACHEV 181 (1986).
\textsuperscript{213} Horelick & Warner, supra note 159, at 9.
\textsuperscript{214} 85 DEP'T ST. BULL. 34 (Mar. 1985). Max M. Kampelman was appointed head of the U.S. delegation on arms control negotiations and U.S. negotiator on defense and space arms on defense and space arms on January 18, 1985. Id.
\textsuperscript{215} Horelick & Warner, supra note 159, at 9.
\textsuperscript{217} Horelick & Warner, supra note 159, at 9.
\textsuperscript{218} Id. at 14.
\textsuperscript{219} Id. at 15.
Reagan-Gorbachev Geneva Summit: a 50% reduction in strategic arms and an interim agreement on intermediate-range nuclear weapons. In addition, the negotiators had to consider the Soviet plan, which proposed a goal "for the elimination of all nuclear weapons by the end of the century." The SDI negotiations made little progress in 1986. The U.S. remained determined that the SDI research would continue. The Soviets continued to resist any concessions on this issue.

In February 1986, the U.S. proposed the total elimination of longer range intermediate-range nuclear forces (LRINF). The Soviets balked at this proposal and accused the U.S. of "wanting something for nothing." Progress at the Geneva negotiating tables during the first half of 1986 remained modest and tedious.

Throughout the early months of 1986, the U.S. and Soviet Union contemplated a second meeting of their leaders. The November 1985 meeting in Geneva had done nothing to propel arms negotiations. The Reagan Administration was looking towards a second summit meeting as an opportunity to achieve substantial progress. The Soviets were determined to walk away from the meeting with some kind of concession from the United States on SDI, something they were unable to do in Geneva.

Typical of the many previous setbacks in U.S.-Soviet relations, the Daniloff affair threatened to sabotage the second summit meeting. Despite the outrage and propaganda that escalated after this incident, the U.S. and Soviet leaders tried to proceed as planned, fearing a total breakdown in the negotiations process. On September 19, 1986, Soviet Foreign Minister Eduard Shevardnadze presented President Reagan with Gorbachev's invitation to a meeting in Reykjavik, Iceland as an interim step towards a summit meeting in Washington.
Reagan welcomed the proposal, viewing the meeting, in some respects, as providing a favorable publicity for the Republican party in the upcoming congressional elections. On October 10, 1986, ten days after the resolution of the Daniloff affair, Reagan and Gorbachev met in Reykjavik. The two superpower leaders came to Reykjavik with very different objectives. The issue of SDI’s compliance with the ABM Treaty poisoned the atmosphere at the meeting and lessened the hope for a concrete agreement between the leaders. As a result, the summit was seen by many as a failure. Neither side emerged with a clear understanding on what, if anything, had been resolved.

Despite the Reykjavik hitch in the negotiating process, the superpower leaders continued working towards a mutual arms control agreement. Secretary Shultz and Foreign Minister Shevardnaze met in Vienna in November to solidify the positive steps made at Reykjavik and hammer out the unresolved issues. No progress was made at this meeting.

INF

With the start of a new year, the Soviets seemed more eager to negotiate and compromise. The Soviets agreed to draft an INF treaty without linking or conditioning that treaty on other agreements. The INF negotiations resumed in Geneva on April 23, 1987.

In July 1987, prospects for a mutual agreement on medium-range and short-range missiles took an upward swing. Gorbachev announced in an interview that the Soviet Union would be willing to accept the “global double-zero option.”

As the negotiating process in Geneva continued into the summer, American officials questioned whether a summit between the superpower leaders was feasible. The Soviets continued to reiterate that the elimination of the Pershing I-A missiles in West Germany was a prerequisite to a U.S.-Soviet treaty. While concessions and compromises were steadily offered by both sides in Geneva, the

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230. Id. at 223-24.
231. Id.
232. Id. at 228-29. Gorbachev demanded that research of space-based defensive systems be confined to the laboratory. Reagan refused to accept any SDI restraints, reiterating his position that SDI complied with the provisions of the ABM Treaty. Gorbachev also conditioned any INF or START agreements on SDI restrictions. This concession was unacceptable to the Americans.
233. Id. at 224. Reagan expected the meeting to focus primarily on an INF agreement. Gorbachev arrived with an uncompromising intent to work through a comprehensive agreement which encompassed INF, START and SDI. Agreements were made to reduce strategic offensive arms by 50% over the next five years and limit LR INF missiles to 100 warheads. Statements on November 12, 1986, by President Reagan and Ambassador Max M. Kampelman, Head of the U.S. Delegation to the Nuclear and Space Arms Negotiations, 87 Dep’t St. Bull. 41-42 (Jan. 1987).
234. 87 Dep’t St. Bull. 32 (Mar. 1987).
235. Id.
236. 87 Dep’t St. Bull. 18 (May 1987).
237. Id.
238. N.Y. Times, July 23, 1987, at 1, col. 6. The “global double-zero option” provided for total elimination of medium-range and short-range missiles. Id. at 10, col. 1.
239. Id., July 17, 1987, at 1, col. 4.
240. Id., July 24, 1987, at 1, col. 2. Chancellor Helmut Kohl of West Germany refused to commit to a decision whether or not to modernize the Pershing I-As. Id. July 25, 1987, at 1, col. 1.
seventy-two Pershing I-As remained a major obstacle. The Soviets also continued to condition a strategic arms reduction agreement on the elimination of "Star Wars."

Chancellor Helmut Kohl's announcement that West Germany would dismantle rather than modernize the Pershing I-As upon a U.S.-Soviet INF agreement added strength to the negotiations in Geneva. The prospects of a treaty became more of a reality. The U.S. concessions regarding on-site inspections also accelerated the negotiation process.

The September meetings of Secretary of State Shultz and Foreign Minister Shevardnadze in Washington, D.C., paved the way towards a meeting of the superpower leaders. Shevardnadze, in an address to the United Nations General Assembly on September 23, 1987, reiterated the Soviet Union's commitment to a successful U.S.-Soviet treaty and also to a withdrawal of Soviet troops from Afghanistan, a human rights issue which frequently arose during the negotiations process.

Although the superpowers worked steadily towards a successful INF treaty during the fall of 1987, a number of obstacles remained. On September 20, 1987, the Senate Foreign Relations Committee issued a report asserting that Senate ratification of the proposed INF Treaty might be jeopardized by the Administration's insistence on a broad and permissive interpretation of the ABM Treaty. The U.S.-Soviet compromise regarding the Pershing missiles, which the American negotiators understood to have been resolved by the Shultz-Shevardnadze meetings in September, was again at issue in Geneva in early October. A purported Soviet violation of the ABM Treaty caused concern among a number of Repub-

241. Id., July 29, 1987, at 1, col. 4. The U.S. agreed that the missiles and launchers involved in the U.S.-Soviet Treaty would be eliminated rather than transferred to other countries.

242. Id., Aug. 1, 1987, at 3, col. 4. On July 13, 1987, the Soviets proposed a strategic arms plan calling for a ceiling of 400 submarine-launched cruise missiles with a 400 mile range for both the U.S. and Soviet Union.

243. Id., Aug. 27, 1987, at 1, col. 6. Modernization of the missiles whose nuclear warheads were under U.S. control was scheduled for 1991. Still at issue was whether the Bonn-U.S. commitment to the Pershing I-As would be included in the proposed U.S.-Soviet treaty. The Soviets wanted the commitment included while the U.S. argued that third parties should not be a factor in the treaty. Id., Sept. 14, 1987, at 1, col. 6.

244. Id., Aug. 26, 1987, at 1, col. 3. The new proposal no longer required that inspectors be based outside missile production and assembly sites. The provisions for surprise or challenge inspections were also modified.

245. Id., Sept. 17, 1987, at 1, col. 4. A significant compromise during these meetings involved the Pershing I-A missiles. The American proposal provided that although the commitment to eliminate the missiles would not be included in the text of the treaty, assurance of this commitment would be included in a protocol accompanying the treaty. Id., Sept. 18, 1987, at 1, col. 6.


247. Id., Sept. 21, 1987, at 1, col. 6. Sen. Sam Nunn (D.-Georgia) stated that the Administration's failure to adhere to a traditional interpretation of the ABM Treaty might also prove to be a major obstacle in the START negotiations. Id. at 12, col. 1.

248. Id., Oct. 9, 1987, at 1, col. 3. The Soviets, apparently in contradiction to the Pershing missile compromise, insisted on maintaining a number of shorter-range missiles while the Pershing missiles in West Germany were being eliminated.
lican Senators and again cast doubt on ratification of the INF Treaty.249

When Gorbachev stalled on setting a summit date and again reiterated demands for the elimination of Star Wars, Secretary of State Shultz, in a meeting with NATO foreign ministers on October 24, 1987, suggested that a successful INF Treaty was possible without a summit meeting between the superpower leaders.250 The Soviets, however, shifted their position and agreed to participate in an unconditional superpower summit as soon as possible.251 On October 31, President Reagan announced that Gorbachev had formally accepted his invitation to attend a U.S.-Soviet summit meeting in Washington scheduled for December 7-10, 1987.252

During much of the month of November, the Geneva negotiators wrestled with the remaining “verification issues.”253 On November 24, Secretary of State Shultz and Soviet Foreign Minister Shevardnadze announced the completion of the INF Treaty.254 Subsequently, the U.S. announced it would halt missile deployment in Europe as soon as the INF Treaty was signed.255

As the day approached for Gorbachev’s arrival in Washington, President Reagan received increasing criticism from conservatives who were skeptical of or openly opposed the INF Treaty.256 Two days before the summit meeting, demonstrators gathered in Washington to protest restrictions placed on the emigration of Soviet Jews.257

Gorbachev arrived in Washington on December 7, optimistic about the U.S.-Soviet step towards the reduction of nuclear forces, yet acutely aware of the issues yet to be resolved.258 On December 8, 1987, President Reagan and General Secretary Gorbachev signed the INF Treaty.259

CONCLUSION

Much can be learned from a historical survey of the successes and failures of the U.S.-Soviet arms negotiations. Social, economic, and political forces both

251. Id., Oct. 28, 1987, at 1, col. 6. The Soviets agreed to follow through with a summit meeting without a prior resolution of the “Star Wars” issue provided long range missiles and space-based systems remained open to discussion. Id.
252. Id., Oct. 31, 1987, at 1, col. 6. Soviet Foreign Minister Eduard Shevardnadze brought President Reagan a letter from General Secretary Gorbachev containing formal acceptance of the invitation.
254. Id., Nov. 25, 1987, at 1, col. 6. The treaty provides for the elimination of roughly 1,500 warheads on Soviet medium and shorter-range missiles in exchange for the destruction of about 350 warheads on U.S. missiles. The treaty also outlines a detailed verification plan. Id. at 12, col. 3.
256. Id., Dec. 5, 1987, at 6, col. 4. A major concern of the Administration was whether controversy over the INF Treaty would result in a significant delay in the ratification process thereby hampering negotiations for a strategic arms reductions treaty. Id.
259. Id., Dec. 9, 1987, at 1, col. 3.
reflect and shape the dynamics of strategic arms negotiations. Strong leaders, with policy-making authority, are of paramount importance in developing effective communications and productive U.S.-Soviet negotiations.

The arms reduction attained by the INF Treaty is a triumph for Reagan-Schultz-Gorbachev-Shevardnadze dialogue which directed the U.S. and Soviet negotiators in Geneva. Strong parallels are evident between the INF and ABM Treaties. The ABM Treaty negotiating team of Nixon and Kissinger likewise cajoled the arms negotiating process, supplementing the Helsinki communications and one-on-one bargaining to overcome impasses.

Arms reduction talks function as a safety valve, relieving tensions between the superpowers in times of crisis. The Cuban missile incident demonstrated that ongoing negotiations are necessary to avert the kind of unilateral decisionmaking which could provoke nuclear confrontation.

Current arms reduction negotiations have expanded beyond the U.N. Atomic Energy Commission's original goal of eliminating nuclear weapons inventories. Present United States strategy in negotiating with the Soviet Union calls for linking the arms negotiations to the resolution of other global conflicts, thereby enhancing the prospects for world peace.

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