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memo	HJ to JC (1 p.)	n.d.	A
memo	HJ to JC (14 pp.)	n.d.	A
memo	Richard Moe to HJ	5/16/78	A
memo	Richard Moe to HJ, Walter Mondale, Frank Moore, ZB, Landon Butler	4/10/78	A
	<i>Open 8/17/90</i>		

FILE LOCATION

Chief of Staff (Jordan)/Confidential File/Salt, 1978

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OFFICE OF THE VICE PRESIDENT
WASHINGTON

April 10, 1978

MEMORANDUM FOR THE VICE PRESIDENT
HAMILTON JORDAN
FRANK MOORE
ZBIGNIEW BRZEZINSKI
LANDON BUTLER

FROM: RICHARD MOE

SUBJECT: SALT

I've become increasingly concerned about the prospects of our getting a SALT treaty ratified by the Senate and want to share those concerns with you. It's clear even to an observer unfamiliar with all of the substantive issues involved that we're in potentially very deep trouble on this matter. I can think of nothing more damaging to the President, both domestically and internationally, than to suffer a Senate defeat on SALT. It would be an unmitigated disaster.

Let me lay out some of the reasons why I believe we're in such bad shape both on the Hill and with the public.

Senate

It's been commonly assumed that a Panama victory in the Senate would give us momentum useful to SALT. That's obviously true to some extent, but that momentum will have lost most of its value by next year when I expect SALT II will come up for a vote.

Moreover, Panama actually could hurt us in two ways. First, we have used up all our chits in asking reluctant senators to go to the well for us. This was necessary, of course, but it will be much easier for those same senators to refuse us next time around, and if my reading is correct we will indeed be going back to virtually the same ones.

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DECLASSIFIED
E.O. 12356, Sec. 3.4
PER 5/21/90 NSK HR RE MD-NLC-90-29
BY Jay NARS, DATE 8/16/90

-2-

Second, and related, reluctant senators such as Baker will be able to point to their support of the Canal treaties as an example of having supported the President on a critical international issue on a bipartisan basis, and therefore it will be easier to oppose SALT on its merits. In short, it will be harder to wave the flag and rally support to the President the second time around.

Whereas there is undoubtedly a greater public constituency in the country for nuclear arms control than there is for Panama, I don't believe that is true of the Senate. Examining a list of our supporters on Panama, I came up with at least 17 senators whom I guessed would be, if not outright negative on SALT at this time, certainly shaky at best and people we would clearly have to worry about. On the other hand, there were only two or three Panama opponents who could be considered possible SALT supporters. Next year, of course, we will have a new Senate and one that will probably be more receptive to SALT, particularly if some of the Helms and Thurmonds are defeated. We shouldn't count too much on a dramatic improvement, however, because the Senate dynamics of SALT will remain essentially unchanged regardless of the election.

The other thing that troubles me is that there is no visible evidence that we have brought any of the key senators any distance in recent months through consultation. There may be developments here of which I'm unaware, but I have the impression that most if not all the consultation in the recent past and currently is at staff level. My concern here is that we have key senators on board at the time an agreement is signed; we know we're going to have some vocal opponents going after us immediately and we should make every effort to have some credible supporters, like Sam Nunn, to offset them.

Public Perceptions

Even though there is, generally, considerable public support for arms control in this country, the current public atmosphere could not be less conducive to selling a new SALT agreement. The cumulative result of Administration defense decisions over the past year is the impression that we are "soft" on defense: B-1 bomber, troop withdrawals from Korea, neutron bomb, cutback in Navy shipbuilding program, and reduction of arms sales to important nations abroad. All of these can be justified individually on their merits, but nonetheless they collectively have convinced some people that we're not as "pro-defense" as we should be.

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-3-

Add to this impression the result of some of our other foreign policy initiatives, whether complete, current or anticipated, and the impression is strengthened: movement toward normalization of relations with Cuba and China, giving up the Panama Canal, our "tolerance" of Soviet and Cuban military involvement in Africa, etc. Again, each of these can be justified on its individual merits, but together they contribute to an impression that we are "retreating" from a position of strength around the world and that we are not being "tough" with the Communists.

Even without a SALT treaty being signed this year, all of this business is bound to become a significant campaign issue this fall. The Republicans, in fact, already fired the opening barrage last week at their big fundraising dinners all over the country when Ford, Connally, Baker, Bush, et. al., let loose on us with this theme. If a SALT agreement is signed this summer, however, not only will that fuel these flames but SALT itself will almost certainly become its focal point. Needless to say, the right-wing will gear up again and the net result will be a polarization of public attitudes by the end of the year. They will not have the emotionalism of Panama to appeal to in this event, but they may have something even more damaging: publicly appealing arguments that we were not tough negotiators, that we failed to get all that we should have on matters such as the Backfire (see attached George Will column), SS-20s, throw-weight, etc., and as a result we are in a weakened strategic position vis a vis the Soviets. If they make this argument persuasively -- and this time around we won't have the thoughtful conservatives such as Will, Buckley, and Kilpatrick with us -- it could add up to an emotional appeal that would make Panama pale by comparison. Because unlike Panama, which few Americans thought affected them directly or in any meaningful way, SALT is an issue that does affect our national security directly and significantly. We are bound to be constantly on the defensive in this kind of debate, and I don't think we should underestimate the appeal of the other side, particularly when they put it in the context of other Administration actions. In any case, once a SALT agreement is signed it can be assumed that it will set off an intense national debate on defense policy the likes of which the country hasn't seen for a long time. There is ample historical precedent for this kind of political debate, e.g., 1960 - the missile gap; 1962 - the Soviet threat in Cuba, in which the incumbent administration is generally on the defensive.

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-4-

With this gloomy congressional and public atmosphere awaiting SALT II, we obviously have to do everything we can to improve its chances of approval before an agreement is signed. At least some elements of Administration strategy should be decided before Cy Vance leaves on his mission to Moscow later this month.

I won't try to deal with the substantive issues of SALT because I am not qualified to do so, but there are several very important procedural and strategic issues which I will try to highlight.

Form of Submission to the Senate

The most critical and most immediate issue is whether SALT II will be submitted to the Senate as a treaty (requiring a 2/3 vote of approval by the Senate), or as an executive agreement (requiring majority approval by both houses).

I gather it has been most everyone's assumption, both here and on the Hill, that it has been our intention to submit it as a treaty. That certainly is the position Cy has taken with the Senate, as illustrated by the following unequivocal declaration in an exchange between him and Senator Sparkman before the Senate Foreign Relations Committee on November 3:

SENATOR SPARKMAN: "In other words, after there is full agreement between the two sides, will it be submitted as a Treaty or as an Executive Agreement? How will it be submitted?"

SECRETARY VANCE: "It will be submitted as a Treaty. The Treaty will have a Protocol attached to it which will cover the especially difficult items. The Protocol will have a three-year life, rather than the full life of the Treaty which will run until 1985. In addition, we are preparing as the third tier a Statement of Principles which will guide the negotiations for SALT THREE."

-5-

Although there apparently has not been any other direct exchange on this question, Cy has consistently drawn a distinction between a Treaty and other elements of the agreement in his appearances before the Foreign Relations Committee on November 3 and before the Jackson Subcommittee October 14, October 21, and November 7. For example:

October 14 (Secretary Vance): "We proposed a three-part framework. First, a Treaty to last until 1985. This part would embody basically the Vladivostok accords plus some reductions."

October 21 (Secretary Vance): "Let me move through these matters by first taking up those in the Treaty, then moving onto those in the Protocol and finally to the Principles."

November 7 (Secretary Vance): "Turning first to the Treaty, the first issue deals with the overall aggregate."

In short, Cy has always referred to the "Treaty" when testifying on the matter.

For the reasons cited above, I am convinced that it will be virtually impossible for SALT II to be ratified by the Senate as a treaty. Trying for a two-thirds vote is simply too much of a risk for the Carter Presidency to take. It would be a much safer and more prudent strategy to submit it as an executive agreement, even if it means suffering the embarrassment to the Administration of reversing our position on the matter. Better to suffer that kind of embarrassment now than to risk suffering a disastrous defeat later. Moreover, if we went the executive agreement route, it wouldn't appear to be a cliff-hanger (at best) like Panama, which would totally occupy our attention and energies in seeking approval. If we do the job right, majorities in both houses should be attainable even in an adverse public atmosphere.

-6-

It is my understanding that there is a strong precedent for the agreement strategy. SALT I, I am told, was submitted as an agreement because it was effective for a limited duration. ABM, on the other hand, was submitted as a treaty because it was to be effective permanently. Unless I'm missing something here, SALT II is intended, like its predecessor, to be of limited duration. If it's really as simple as this, I don't understand how we got committed to the treaty strategy in the first place unless, as I suspect, it resulted from intense senatorial pressure. I gather also there is a desire to codify at least some of the elements of SALT I in treaty form. Nonetheless, if this understanding of the distinction between a treaty and an agreement is correct, there is absolutely no doubt in my mind that we should quickly do whatever is necessary to reverse ourselves.

If we are to switch to an agreement, it must be done soon, however, because it is bound to cause a minor furor with Jackson and others. Not only should it be done as soon as possible to allow Jackson & Co. to get over it, but if we wait until after SALT II is signed it will appear as a real sign of weakness.

I strongly suggest that a high-level meeting be convened as soon as possible to address this question.

Timing

I'm assuming no thought is being given to asking for Congressional approval of SALT II this year. To do so would almost surely have disastrous consequences which I won't elaborate on here.

Nonetheless, I gather there are factors stemming from our relations with the Soviets which are pushing us toward a signing of an agreement sometime this summer. I can't evaluate the importance of these factors but only wish to emphasize that domestically we are better off the later in the year that it comes. The more time the Republicans and the right-wing have to stir the issue up before November, the larger it will loom as an emotional campaign issue, as outlined above. That is not to say, however, that all other things being equal it should necessarily be held until after the elections, because I can foresee where a September or October signing might be a significant political plus.

Assuming congressional action comes early next year, I believe it's important that certain other foreign policy and defense issues be timed in such a way as not to collide or become entangled with SALT. DoD reorganization comes to mind, because we're obviously going to need the help of the Joint Chiefs on SALT. Another potential problem is with China. While this is delicate and complex, and while there may be countervailing factors, it's not in the interest of SALT approval for normalization with China to be complete or even visibly near completion before Congress acts on the agreement. We simply don't need to take on the Taiwan lobby while we're fighting for SALT.

SALT debate in the Senate will be extended. It will demand subordination of other legislative and non-legislative issues. This will have to be considered in terms of its impact on the President's 1979-80 goals.

Congressional and Public Strategies

If we're not doing so already, we should map out and implement a high-level consultative process with the key players on the Hill, including House leaders once the decision is made to treat SALT II as an agreement. I have the impression that most of the consultation these days is between ACDA and Senate staffers. If so, the level should be escalated the closer we get to an agreement until it ultimately involves the President himself. Given the stakes, this is worth a considerable expenditure of his time even though the vote is a year away. In short, we should consult early and in depth on enough of the details of a supportable SALT agreement so that important members of the Senate can speak out early and favorably, and help shape our strategy for ratification by the Senate.

Thought should also be given to involving more actively in the negotiating process those members we know we must have with us. For example, should we encourage more senators to go to Geneva to meet with our delegation there and perhaps even with the Soviets? Should one or two people be asked to accompany Vance to Moscow? What role should we plan for some of these people once an agreement is signed? While we have to maintain the line between executive and legislative prerogatives, some of these things might be useful in bringing skeptical members along.

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-8-

Once an agreement is clearly in sight, we should plan in-depth briefings on SALT II for every member of Congress. If this is to become a major political issue, we want to be sure we get our side of the story to them first. This seems obvious on its face, but it's going to require enormous planning and logistical work.

Similarly, the President should get his side of the story to the country first by giving a national television address immediately after the signing ceremony. I have always felt we made a mistake in not doing this with Panama and as a result we were constantly playing catch-up ball with the opposition. This time we should go on the offensive and let the opposition try to catch up.

Everything else we did to take our case on Panama to the American people was spectacularly well done and it should be used as a model for SALT II. The citizens committee, bringing key state leaders in for White House briefings, sending speakers out to selected states and all the rest have proved their value in this kind of undertaking. We should use this experience and begin a similar program for SALT as soon as it is signed, even if that means doing it during the campaign.

Finally, because congressional approval of SALT is absolutely critical to the Carter Presidency, a high-level White House task force should be established immediately to consider these and other problems attendant to it and to design and implement the necessary public and congressional strategies. The appropriate agencies have to be included, to be sure, but this matter is simply too important for the White House not to be completely in control of it.

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SALT ONE CHRONOLOGY

- Nov 17, 1969 SALT ONE begins in Helsinki. Alternate sessions to be held in Vienna.
- May 20, 1971 President Nixon signals SALT "Breakthrough," announcing agreement on intent by both sides to pursue separate ABM Treaty along with certain limits on strategic offensive arms.
- Mar 28, 1972 Initiation of Seventh round of SALT ONE talks, Helsinki.
- May 26, 1972 President Nixon and General Secretary Brezhnev sign the ABM Treaty and the Interim Agreement on Strategic Offensive Arms at Moscow concluding the SALT ONE talks.
- Jun 1, 1972 Nixon briefs joint session of Congress on Agreements.
- Jun 15, 1972 Nixon and Presidential Assistant Kissinger brief 120 Senators and Congressmen at the White House on SALT Agreements.
- Jul 21, 1972 ABM Treaty and Interim Agreement reported out (unanimously) by the Senate Foreign Relations Committee.
- Aug 3, 1972 Senate approves ABM Treaty by 88-2 vote.
- Aug 10, 1972 Interim Agreement reported out unanimously by House International Relations Committee.
- Aug 18, 1972 House approves Resolution approving Interim Agreement by 329-7 vote.
- Sep 14, 1972 Senate passes Jackson Amendment to Joint Resolution approving Interim Agreement.
- Sep 25, 1972 House incorporates in House Resolution and passes Senate Resolution approving Interim Agreement.
- Sep 30, 1972 Nixon signs Joint Resolution approving Interim Agreement.
- Oct 3, 1972 Instruments of Ratification of ABM Treaty and Notices of Acceptance of the Interim Agreement exchanged between US and USSR and the two agreements entered into force.
- Nov 21, 1972 SALT TWO talks begin in Geneva.

George F. Will

Those SALT 'Assurances'

The Washington Post recently carried an article that deserves national attention. It is an example of the kind of advocacy the nation soon will hear in defense of what the Carter administration is doing in the strategic arms limitation talks (SALT). It illustrates why the treaty that will be produced by Paul Warnke, the administration's chief negotiator, will be rejected by the Senate.

The article concerns the controversy about whether the Soviet Backfire bomber should be counted as a strategic weapon. The writer, Arthur Cox, is a paid consultant to Warnke. Cox's argument (published April 2) is as follows:

At Vladivostok, in 1974, Gerald Ford and Leonid Brezhnev agreed to limit each side to 2,400 strategic weapons. Although the United States knew Backfire's capabilities, the United States did not refer to it as a strategic weapon. And Backfire's supersonic capability proves that it is not a strategic weapon, because "at supersonic speed, its fuel would burn up before it could reach the United States."

And flying subsonic, Backfire "could easily be shot down by supersonic U.S. interceptors." To pacify American opinion, the administration wants "assurances" that Backfire will not be used strategically. Such assurances might include Soviet promises not to base Backfire in the Arctic and not to build tanker aircraft for refueling Backfire.

The refuting facts are:

In 1974, there were fewer than 25 Backfires deployed and there was no settled U.S. judgment about Backfire's range. Now it is known that, unrefueled, Backfire can strike U.S. targets and land in a third country, such as Cuba. And when refueled by airborne tankers, it can fly round-trip.

That Backfire cannot fly supersonic all the way to U.S. targets proves nothing. No supersonic bomber is supposed to operate supersonically during more than a small fraction of a mission. Fuel consumption cannot be sustained for long at supersonic speeds, especially at low altitudes, where such aircraft are designed to be able to operate supersonically.

The normal attack profile of supersonic bombers such as B1 (which President Carter shot down) and Backfire is "hi-lo-hi": a high subsonic flight to the enemy nation, a low radar-evading penetration with a short supersonic dash to the target, and a high subsonic return. The fuel penalty for using afterburners

to fly supersonic in the low attack phase is so heavy that bombers must limit such use to brief bursts to elude enemy air defenses, and to sprint away from blast areas.

If, as Cox asserts, the supersonic Backfire should not be counted under SALT limits because it would be easy prey for U.S. interceptors, then surely he must insist that the United States should not be required to count its subsonic B52s, which are easier prey for the 2,600 modern Soviet supersonic interceptors. (The Soviets also have 10,000 air-defense missiles; the United States has none.)

Backfire's strategic capability is unquestionable, and its strategic role is anticipated in Soviet strategic writings. Soviet doctrine plans for a "third phase" nuclear conflict, which involves eliminating what remains of the enemy's nuclear capability (unemptied silos, command-and-control facilities). This would also be the "pin down" phase, when the enemy is driven to capitulation by continuing attacks on civilians.

It is said the United States could be "assured" that Backfire would not be used strategically in a nuclear crisis if the Soviets would not build refueling tankers, and would promise not to base Backfires in the Arctic. But the Soviets already have modernized heavy bombers to serve as tankers, and reportedly are building a version of the Il76 jet transport for tanker service. A Soviet promise not to base Backfires in the Arctic would not be reassuring. In a crisis, both nations would do what Kennedy did during the Cuban missile crisis: deploy forces at forward bases.

Neither Backfire nor the U.S. cruise missile was mentioned in the Vladivostok accord. One reason the United States did not demand inclusion of Backfire was that the Soviets would then have demanded limits on cruise missiles. Now Warnke has negotiated an agreement that limits the number of cruise missiles and limits them to a 600-kilometer range, while leaving the Soviets free to deploy an unlimited number of Backfires.

From its first sentence, which asserts that opponents of Warnke's treaty are really opponents of all strategic arms limitation, to its last sentence, which dismisses the Backfire controversy as a "charade," Cox's article is misleading. The narrowing, descending path to defeat in the Senate is gaged with such stuff