

PREPARED STATEMENT BY

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“AFTER DEPLOYMENT:

WHAT? RUSSIAN VIOLATIONS OF THE INF TREATY”

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Chairman Rogers, Chairman Poe, Ranking Member Cooper, Ranking Member Keating, distinguished members, I appreciate and am honored by the opportunity to testify before your joint subcommittees on such an important topic. As a former official of the Obama Administration, I wanted to note for the record that I am testifying today in my personal capacity, and not speaking for any organization or governmental agency or institution.

I was asked to address a series of questions regarding Russia's violation of the Intermediate-Range Nuclear Forces or INF Treaty, and I know my colleagues at the witness table will also provide their views on this issue. We were asked to assess: the significance of Russia's violation of the INF Treaty; why Russia is violating the treaty and what they hope to gain; how the United States should respond to this violation including all of the tools at its disposal; what is the future of the INF Treaty and does it make sense for the United States to remain a party to this agreement; and how should Russia's violation be seen given its belligerent behavior around the world. To help make my answers as clear as possible, I have framed my remarks within a set of guiding principles that I believe the United States should use as we decide how to manage the political, diplomatic and military consequences of Russia's violation of the INF Treaty.

The United States should have three priorities for addressing Russia's violation of the INF Treaty, and all three must be factored into any response for it to benefit US and allied security. **1) The US approach should maximize NATO and East Asian alliance unity; 2) Russia should gain no military advantage from its violation of the INF Treaty; and 3) any response should not further undermine crisis stability.** To some, these may seem obvious, but spelling them out helps explain why developing a direct, simple and compelling response to Moscow's INF violations that benefits our security is a challenge.

In the end, some of these objectives may have to be subordinated to others, but there should be a clear discussion of those tradeoffs, just as we had had under the previous Administration. There is no magic bullet that will compel Russia to return to compliance or that will ensure the deterrent and military status quo ante. Russia's decision to deploy

the SSC-8 ground-launched cruise missile is a more substantial violation than its testing program and makes it very difficult to see how the INF Treaty can be preserved. That said, if a way could be found to bring Russia back into full compliance, it would be in the security interests of the United States and American allies in Europe and Asia. These are hard choices that should be made analytically, and should not be influenced by the desire for a quick or easy fix as none exists.

I want to include one last factor. We should be clear, as we were in the last Administration, that real violations of arms control agreements must be confronted, and must have consequences. However, while we pursue this goal, we need to remember that arms control has never been and should never be a stand-alone objective. As has been said for many decades by both Republican and Democratic administrations, arms control is one tool among many that can advance our security, reduce security threats, promote stability and create predictability. This was the case with the INF Treaty, just as it remains with the New START agreement now, an agreement both very much in the interests of both the United States and Russia. We should be careful not to throw the arms control baby out with the INF bath water. While I believe it politically impossible to seek new agreements with Russia while it remains in compliance with INF, I would not hesitate to pursue new steps if we can effectively verify Russia's compliance and if it enhances US and allied security.

In any decision to adopt, or to withdraw, from a treaty, we should be mindful that we should only do so when we can enhance our security or if there is a specific objective we can achieve through its implementation. Arms control is a means to an end and we should have no qualms about withdrawing from agreements, or entering into new ones, as long as the net result for our security is positive. The underlying impacts, goals, and assumptions must always be clearly defined when doing so.

Now onto your specific questions.

How significant is Russia's violation of the INF Treaty? From a military perspective, it is

not clear that Russia's deployment of a limited number of SSC-8s is strategically significant. This is a question that should best be answered by the Joint Chiefs of Staff in the context of our overall European defense plans, and coordinated within the appropriate defense mechanisms in NATO and European Command.

There is no question however that the violation is politically and diplomatically significant. It is another clear sign that Russia is no longer fully committed to the strategic stability model we support, and that Moscow remains committed to a failed strategy of destabilization and division in Europe, and to a lesser extent in East Asia. Russia pursued this approach throughout the Cold War and in the 1980s. NATO responded to the Soviet deployment of the SS-20 by deploying US Pershing II and ground-launched cruise missiles in Europe, at some political and economic cost. However, that move led to the INF Treaty itself because the overall balance hurt Russia's security more than that of the United States. The INF Treaty eliminated those missiles and increased crisis and strategic stability in one step. Russia may believe that a prosperous NATO and distracted United States is unwilling or unable to respond effectively to this challenge, but we must be clear that the United States cannot be blackmailed or deterred from meeting our solemn Treaty and political commitments to our allies. Fortunately, we do not need to, nor should we consider repeating our deployments in Europe from the 1980s. Such a move would play into Russia's hands to weaken and divide Europe. I do not believe repeating the Dual Track decision is in our interest. We have other, better options.

Regardless, Russia's decision to back up its rhetoric on the possible resort to the early use of nuclear weapons with military capabilities designed to carry out that approach confirms that our models of strategic and crisis stability have diverged. Serious analysis here and engagement with Russia is needed to reduce the risks of accidental or sudden conflict. Secretary of State Tillerson should pursue a balanced approach when he next travels to Moscow, making clear our concern over the INF violations is real, while pursuing efforts to preserve New START and initiate wide-ranging strategic stability talks to define and address conflicts with Moscow. Reports suggest President Putin

offered to take up the Obama-era offer of strategic stability talks in his phone call with President Trump. If so, we should accept as long as they include representatives from the Kremlin and General Staff.

Why is Russia violating the treaty and what they hope to gain? Russia has stated for many years that the bilateral nature of the INF agreement, the development and deployment of ground-launched intermediate-range missiles by third countries (all of which are nearer to Russia than to the United States), and the development by the United States of air- and sea-based, long-range precision strike capabilities has reduced the value it derived from the INF Treaty. Russia even sought, weakly and for a limited time to push a globalization of the INF treaty, but to no avail and with little real sense of commitment on their part. Their concern about the development of such capabilities outside of the bilateral context, however, seems a driving motive.

While I make no excuses for Russia's behavior, I do understand why they might see the INF Treaty as having less value in the post-Cold War setting than does the United States. At the very time Russia's military was in decline in the 1990s and 2000s, the United States and our allies gained an ability to hold more targets at risk with conventional strike capabilities. These are capabilities that Russia has only now been able to acquire, as evidenced by their displays of air- and sea-launched cruise missiles in Syria. However, Russia also cites the proliferation of cruise missiles in South Asia and China – capabilities ironically they have helped to proliferate – as further justification for their concern that the burden of the INF Treaty has fallen disproportionately on them. This of course ignores Russia's large arsenal of strategic nuclear and other capabilities that more than offset any third-country's intermediate-range missiles. It also ignores the original and continued value of the INF – to avoid a dangerous deployment of short flight time and highly accurate missiles in and around Europe and Asia that reduced leader decision time and created great pressures of crisis instability. This is a lesson Russia has either forgotten or chosen to ignore as it pursues its regional destabilization strategy. Regardless, we need to understand their motive to ensure we can craft an effective response.

It is not for me to say whether Russia is right to think the way they appear to think. But analytically it is clear that Russia has complained about this dynamic for many years and now apparently has taken steps to reduce what the Russians regard as an unfair burden on them. Of course, as an American who respects the rule of law and who believes that negotiated agreements have an important place in bilateral and multilateral security, I am concerned that instead of availing itself of the legal withdrawal provision in the INF Treaty, Russia has decided to act illegally and dangerously in concealing its actions in the hopes of escaping notice and the diplomatic fallout from its formal withdrawal. This, however, may also inform how we respond.

How should the US respond to this violation? The United States has many tools at its disposal and I have no doubt that the overwhelming factors of economic, political and military resources are strongly in our favor. I believe we have to pursue three lines of action.

1) Diplomatic – First, we need to be more forceful and public about Russia’s actions and the damage Moscow is doing to the global nuclear landscape. We must move to share publicly with our allies and the general public the information we have shared with Russia about its violations. I know why this information has not been released, and respect the concerns of my friends in the intelligence community. However, I believe that the scale should now tip toward the release of more information to the public. This information is both compelling and could be used to put increased pressure on Russia over its illegal actions. Moscow has been allowed to pretend it is a responsible nuclear actor. We should not longer provide them cover for this posture.

This leads to my second diplomatic point. Up until now, the United States has been reserved in its condemnation of Russia. This should end. Moscow is threatening the fabric of both preserving a stable strategic balance (strategic stability) and increasing the incentives on both sides to initiate and escalate conflict (crisis stability), as well as the broader nuclear arms control and nonproliferation system we have championed for

almost 50 years. We should no longer let Russia play the charade that they are a leader in nonproliferation fora such as the Nuclear Nonproliferation Treaty, the United Nations, the P-5, or other venues. This is a role they must earn, just as we have. It is a role I hope Russia will take seriously and that our combination of pressure and engagement could encourage. But as Moscow moves to deploy this INF Treaty violating system, this is no longer a hypothetical and Moscow should not be afforded any courtesies in this regard. I believe given the effort Moscow has gone to hide their violations that this holds out some prospect for putting real pressure on Moscow's international legitimacy, something the Kremlin's leadership values.

Third, if the Administration finds Russia to be in material breach on the INF Treaty, we have the ability to take countermeasures against Russia in both the INF and other arms control contexts. One agreement Russia clearly values is the Open Skies Treaty. While I believe we should remain party to the INF Treaty, something we can do with no reduction in our security, I do support taking countermeasures to deny Russia the right to fully exercise its rights under the Open Skies Agreement until such time as they return to compliance with the INF Treaty. These responses must comply with international law and be proportionate and such a step should only be taken after extensive consultations with our European allies, who also value the OST. This step would have the added advantage of giving our European allies a stronger stake in resolving the INF violations with Russia.

I do want to be crystal clear, however, on one important factor. I do not support taking steps that would undermine our implementation or of Russia's of the New START Treaty. This agreement remains very much in our security interest as long as Russia fully implements its central limits. Putting this pillar of nuclear stability, predictability and of transparency over Russia should not be on the table in response to Russia's current INF Treaty violation.

The diplomatic track, however, cannot be all negative. We must continue to seek a negotiated solution as this holds out some hope of success in returning Russia to full INF

Treaty compliance. Doing so also increases our ability to get our allies, who value the Treaty, to support our efforts. This positive agenda should include a willingness to provide Russia with transparency measures including on-site visits to US missile defense deployments in Europe to counter Russian claims that these are INF Treaty violations and to provide assurances that these system are not altered to deploy and fire offensive missiles. However, any such steps should be contingent on Russia providing necessary access for US inspectors to both its missile testing and deployment sites to verify the elimination and non-deployment of the SSC-8. While some will complain that this allows Russia to claim we are in some sense validating their false claims that Aegis Ashore is a violation of the INF Treaty, if that would open the door to eliminating the SSC-8 system and restoring a measure of crisis stability in Europe, it is worth the effort. If coupled with a public diplomacy campaign that includes evidence of Russia's violations and open briefings about why EPAA is compliant with the INF, this concern could be greatly reduced.

2) Economic – Moscow is under great economic strain due to the sanctions put in place over their seizure and illegal annexation of Crimea and their support for separatism in eastern Ukraine. Given the high stakes, we should not make resolving the Crimea crisis and implementing the Minsk accords any harder by linking our sanctions over Crimea to Russia's violation of the INF Treaty. At the same time, European allies have said that since they are not parties to the INF Treaty, they lack the legal basis for imposing sanctions over INF violations. Nonetheless, I believe there is value in the United States unilaterally imposing sanctions on Russian and companies in other countries who are linked directly to the INF Treaty violations.

3) Military – As mentioned above, I do not support development and deployment of land-based INF range system in Europe in response to Russia's violations. Until and unless the Joint Chiefs determine that such a weapon capability is needed for deterrence or defense, the risks of such buying and seeking to station such systems in Europe or Asia outweigh the prospective benefits in my mind. It would be potentially disruptive for the United States to ask NATO countries, Japan and South Korea to host deployment of such

weapons systems on their territory. This is especially true under current political circumstances. I am also concerned about redirecting the European Phased Adaptive Approach – including Aegis Ashore - to protect it and other European assets against Russian systems. I would support a plan developed under a European-wide defense plan that added some means to protect the EPAA against direct threats but do not see the value of redirecting the EPAA itself against Russia and there are many political and diplomatic downsides to doing so. Explicitly making EPAA about Russia may be required in the future but I would only support doing so if there was a direct military need as doing so could validate a long-standing and previously unsubstantiated claim by Russia that EPAA is in fact geared to undermine Russian capabilities. It also remains highly questionable that broader cruise missile defenses in Europe, or in the United States for that matter, will ever be cost effective. It may be more effective for us to counter Russia's capabilities with asymmetric systems of our own, such as enhanced ISR and counter-mobile missile capabilities.

I do support the creation of a joint program office within the Pentagon to assess how the proposed Long-Range Stand-Off (next generation cruise missile) can be adapted to a conventional role for deployment on sea and air platforms. I do not support pursuing a land-based variant of the LRSO – nuclear or conventional - as both are unneeded and would muddy the waters over Russia's violations. Personally, I believe there is a strong case against pursuing a nuclear-armed LRSO in any form, and would rather re-direct the entire program toward a conventional capabilities for possible deployment on bombers, surface ships and submarines, but that is a decision under the purview of the new Administration's Nuclear Posture Review and that will also be decided by Congressional funding decisions. I do support JASSM-ER deployments in Europe and Asia and we should be prepared to enhance those further where and when there is a direct military benefit and that benefit outweighs the impact on crisis instability.

It seems readily apparent that Russia is vastly more concerned about our conventional precision strike capabilities than our nuclear capabilities. That being the case, given the likely need for conventional precision strike capabilities in the future, we should make a

virtue out of necessity and make clear to Russia that it is their actions that have precipitated a move by the United States not to reduce our conventional capabilities, but to enhance them. The future size, and possibly even limits on these could be considered as part of a broader political and negotiated agreement with Russia, but again only in the wake of a satisfactory resolution on the INF Treaty violation.

What is the future of the INF Treaty and does it make sense for the United States to remain a party to this agreement? Unless and until the United States needs to undertake a military or diplomatic action that is not permitted under the INF Treaty, including those that could be taken as a legal counter-measures in the wake of a finding of material breach, I support the United States remaining a fully compliant party to the INF Treaty. Doing so will clearly enhance our ability to bring diplomatic and even economic pressure against Russia and give us a stronger political standing among our friends and allies. Withdrawing from the Treaty, or at least doing so without careful diplomatic and political preparation and military justification, would run the risk that the United States would be seen as responsible for the collapse of the agreement. We should not bear the burden of ending the treaty; that would provide aid and comfort to Russia, free them of the politically costly step with withdrawing themselves, and leave Moscow free to deploy intermediate-range missiles.

If we cannot ensure our security and that of our allies in East Asia or Europe under the INF Treaty, including steps we can take as a legal counter-measure, then I remain open to arguments for our withdrawal. After having worked this issue closely for some time, I have yet to hear of or assess such a scenario, however.

How should Russia's violation be seen given its belligerent behavior around the world?

I came of age in the final days of the Cold War. I grew up under the fear of a nuclear strike at any time, living in ground zero New York. I cut my political teeth in the nuclear activism of the late 1970s and 1980s and am proud to have played a small part in a bigger movement that helped end the cold war nuclear competition in the 1980s. I am constantly reminded of how we thought in those days about the Soviet threat and the cold

blooded and calculating Soviets who were waiting for their chance to attack if only a bomber or missile gap could be created and exploited.

History has proven both how stupid and lucky we were. Far from the beast of global domination we projected, Soviet leaders were as worried about our plans for their destruction as we were of theirs. This cycle of fear led to trillions of dollars in inefficient investments that bankrupted them and led to systemic shortfalls in US investments in education, infrastructure, healthcare and other areas.

I have no illusions about Vladimir Putin's Russia. But it is also remains abundantly clear that his actions are driven as much from weakness and fear (often baseless) as from a desire to dominate Europe or destroy the West. To be sure, such ambitions can emerge over time, so and we must be firm in our resolve and strategy and our watchfulness of Russia – the same commitment that brought the INF violation to light in a timely fashion. However, my desire that we not take steps that would further undermine crisis stability is rooted here in a concern not to overplay Russia's actions and further a growing narrative we are witnessing today, especially in light of other concerns about Russia's global behavior and actions here in the United States.

The risks of conflict with Russia are real and growing. The danger of an accidental or unintended conflict, or military engagement driven by concern over short decision times, miscommunication or mechanical malfunction are as high as they have been since the collapse of the Soviet Union. We have the most to lose from nuclear war and open conflict, and we should take the steps we need to take in order to protect ourselves and our allies while preserving crisis stability and ensuring we have the means and the time to react rationally and firmly in a crisis. Time for decision makers to engage, defuse and if necessary de-escalate is critical and a fundamental goal of many of the improvements we have made in the nuclear arena over the past decade. We should be careful not to undermine those goals through our response to the INF issue.

Russia is a declining power. Moscow can undermine our security and our alliances, and

undermine our institutions to bring us down to their level of dysfunction. They also remain the only country that can challenge our nuclear capabilities and bring about a global Armageddon. But it remains true that we are vastly more capable, richer and stronger than Russia and we hold the best cards and have the best chance to shape the global landscape for the 21<sup>st</sup> century. Only we, with the wrong choices, can deny ourselves that influence. Preserving our advantages means we must confront Russian aggression where it threatens our interests, remain committed to our allies, and to preserving a world order based on economic vitality. This depends on our credibility, and our championship of the legal, liberal democratic order. By staying true to these values, and understand that our leadership is based as much on our tone as our policies, the United States can effectively protect the foundations of our security. Any decision made in response to Russia's violation of the INF Treaty should be viewed in this context.

Thank you and I look forward to your questions.