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US-Russian Arms Negotiators "Under the Gun," Might Temporarily Bypass Senate Ratification for Treaty

July 05, 2009 1:51 PM

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MOSCOW -- With the clock running out on a new US-Russian arms treaty before the previous Strategic Arms Reduction Treaty, or START, expires on December 5, a senior White House official said Sunday said that the difficulty of the task might mean temporarily bypassing the Senate's constitutional role in ratifying treaties by enforcing certain aspects of a new deal on an executive levels and a "provisional basis" until the Senate ratifies the treaty.

"The most ideal situation would be to finish it in time that it could be submitted to the Senate so that it can be ratified," said White House Coordinator for Weapons of Mass Destruction, Security and Arms Control Gary Samore. "If we're not able to do that, we'll have to look at arrangements to continue some of the inspection provisions, keep them enforced in a provisional basis, while the Senate considers the treaty."

Samore said administration lawyers are exploring the "different options that are available. One option is that both sides could agree to continue the inspections by executive agreement; that would work on our side. On the Russian side, as I understand it, that would require Duma approval."

The fact that the administration is preparing for such an extraordinary measure shows just how much pressure the two administrations are under to arrive at an agreement before the 18-year-old treaty expires. While resident Obama and Russian President Dmitry Medvedev are expected to announce progress tomorrow on a nuclear arms reduction treaty – nicknamed "New START" -- to take effect in just five short months, many sticking points that remain unresolved.

The 1991 START treaty's pending expiration means "we are under the gun to try to get something to replace it by the end of the year," Michael McFaul, special assistant to the President and senior director for Russian and Eurasian Affairs, told reporters last week.

Both the US and Russia have agreed in principle to reduce the number of nuclear weapon delivery vehicles from the current level of 1,600 each, as was negotiated under START, and to reduce the number of nuclear warheads each nation has in its arsenal from 2,200 each, as agreed upon during the 2002 Moscow Treaty.

One of the major sticking points so far has been Russia's continued frustration at US plans for a missile defense system in Poland and the Czech Republic, an issue Samore said would "have to be addressed in the new treaty,"

though he would not specify just how.

“We think we have a good argument,” Samore said, stressing that the “very modest” US plans are “not designed to defeat the Russian nuclear deterrent.” The program would only serve as a shield against attacks from countries such as North Korea and Iran, with few missiles, and not Russia, with its extensive arsenal.

But Medvedev in an interview with European reporters did not seem inclined to hear such an argument, at least about Iran.

“In terms of missile defense Poland and the Czech Republic are one thing, Iran is a different one altogether, they are too far apart geographically,” he said. “I do not understand how people can say that missile defense is linked to the problems of the Middle East.” He allowed that “the missiles that North Korea is using have tremendous range. This has to be of concern for us. We are located in close proximity to this country.”

Medvedev said that “offensive nuclear capabilities do not exist by themselves, rather they exist together with the means for defending against them, that is anti-missile defense.” The Russian president argued that “the Russian Federation is not against the development of such a means of defense. But we believe that it should not be unilateral nor, in essence, directed against one of the participants in this dialogue, a major nuclear country such as Russia. We believe that the decisions that were taken on this topic have put us in a difficult position.”

After more than four hours worth of meetings with Medvedev on Monday, President Obama and his Russian counterpart will outline what is essentially yet another outline for a treaty. In London in April the two outlined what was an outline for this outline. Since that time, Assistant Secretary of State for Verification and Compliance Rose Gottemoeller and her counterpart, Anatoly Antonov, the head of the department for security and disarmament in the Russian Foreign Ministry, have been negotiating intensely.

President Obama told Russia’s ITAR-TASS/ROSSIYA TV that his “goal is that both countries reduce their nuclear stockpiles in a way that doesn’t leave either country with an advantage, but reduces tensions and the expense of maintaining such high nuclear stockpiles when they’re not necessary for our defense and our deterrence.”

But how to make sure neither side has an advantage is not a simple matter of numbers – because the counting is complicated. Another sticking point includes how to count nuclear weapons reductions given the asymmetrical nature of the US and Russian forces. Russian nuclear warheads are more land based; US warheads are more sea-based. Russians favor more warheads on fewer launchers; the US favors fewer warheads on more launchers.

US negotiators are also arguing that weapons once used as part of the nuclear arsenal but since changed for conventional use – three Trident submarines with 48 launching tubes; the entire B-1 bomber force; and a number of B-52 aircraft that haven’t been eliminated but aren’t currently in operating condition – shouldn’t be counted as nuclear weapon delivery vehicles.

How the Russians would be able to verify the continued conventional use of these submarines and airplanes, as well as how general inspection rules for how the US and Russia will be able to verify their commitments, is also proving complex.

In addition to disarmament issues, Medvedev said that the US and Russia “have an extensive agenda that reflects other concerns. These involve interregional conflicts, efforts to overcome the international financial crisis, local conflicts and finally bilateral relations.”

-jpt

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This shouldn't surprise anyone.

Oh and looky here ... the New York Times decided to do some investigative reporting on President Obama six months after he became POTUS.

Great article by National Review here

which talks about the then student Barack Obama's article from 1983 here.

Who could have known?

LOL

Posted by: VibrioCocci | Jul 7, 2009 6:59:25 AM

You are spending more than any president in history. Now you want a free pass? What happened to democracy? I work for you and you need to clean up your own backyard before you tell other people what to do. I work for the VA and again we are refinishing floors, painting walls and installing koi ponds because we still have a capital spending budget for CONSTRUCTION. What we don't have is PRIMARY CARE PHYSICIANS! HEALTH CARE REFORM "like we get at the VA"

I need doctors for my Veterans, not fish for them to gaze at while the WAIT.

Posted by: Sherri Wyatt | Jul 7, 2009 1:24:31 AM

I cannot understand the destruction of our country, and how the press allows Obama, the biggest crook that every came into politics, to continue to get away with his deceit. He is a traitor, a crook, a liar, a grandiose narcissist. From "cap and trade" to "our health care system is broken" to "the stimulus is working," just one lie after another, one swindle after another, more pay-to-play than Blago could ever think about. How can the press

continue to help him?

Posted by: cowsagrazin' | Jul 6, 2009 5:50:02 PM

buzzardist . . .

You should try reading the article above and some of the more perceptive comments below . . .

"The most ideal situation would be to finish it in time that it could be submitted to the Senate so that it can be ratified," said White House Coordinator for Weapons of Mass Destruction, Security and Arms Control Gary Samore. "If we're not able to do that, we'll have to look at arrangements to continue some of the inspection provisions, keep them enforced in a provisional basis, while the Senate considers the treaty."

Posted by: danita | Jul 6, 2009 3:57:22 PM

It's easy to see why Obama has been expressing support for Zelaya in Honduras. These pesky constitutions get in the way all the time, and it's so much easier just to rule without them.

Enforcing an arms reduction treaty on the basis of executive order? Didn't this country get rid of rule by monarchy more than 200 years ago?

Posted by: buzzardist | Jul 6, 2009 2:49:03 PM

If this treaty only effects the military and agencies under the control of the executive branch, then I don't see how an Executive Order or 'provisional' order to follow a new treaty would be unconstitutional. It simply wouldn't be the 'law of the land'.

I believe the President already has the ability to refuse to spend money earmarked to an executive branch agency at his discretion, so I'm not sure what new conflict this would cause.

It would seem unconstitutional if any new treaty would effect ordinary companies or citizens - the government would be unable to prosecute them for violating the treaty if it had not been ratified. But I don't think we have any private companies or citizens arming themselves with nuclear weapons?

Just please tell me Obama didn't bring a "New START" button with him to the negotiations :-/

Posted by: Mike S | Jul 6, 2009 2:34:47 PM

I agree! Let's stop the impeachment nonsense. It ain't gonna happen. Stick to realistic expectations. Obama has most of both houses on his side - for now.

Posted by: LongT | Jul 6, 2009 2:16:33 PM

All of you screaming out for impeachment need to do some thinking. 1) What would be the charge? 2) How on earth would they get the votes in the House for impeachment? 3) And if such were to come about, how many Senators would really vote for removal? These are just the practical realities.

Posted by: BachisBest | Jul 6, 2009 2:11:57 PM

"The fact that the administration is preparing for such an extraordinary measure shows just how much pressure the two administrations are under to arrive at an agreement before the 18-year-old treaty expires." Even the story says that bypassing the Senate is an "extraordinary" measure. Not remotely unconstitutional? Sounds like it's uncomfortably close to it!

Posted by: LongT | Jul 6, 2009 1:59:59 PM

That giant flushing noise is our constitution, and our country, going right down the toilet. Obama, and everyone in Congress, should be tried as traitors.

Posted by: Darryl | Jul 6, 2009 1:50:35 PM

Wake up guys, Obama has been bypassing the senate for a long time.. When he creates bills over 1000 pages and presents them to the senate 8 hours prior voting this is bypassing the senate.. Not to mention the bill where he added 3 or 4 hundred pages 20 minutes prior voting. .THIS IS BYPASSING THE SENATE..This is just Obama's cunning way of doing it.. It worked, so now he has come right out and admitted his plans to do it openly..

The entire world is at risk...Impeach is too nice a word...

Posted by: ruth | Jul 6, 2009 1:46:56 PM

"I don't see the issue. The President, via executive order, can enforce aspects of a treaty before the treaty is ratified. In this case, the treaty is about strategic arms reduction, all of which are under the Executive branch. There's nothing even remotely unconstitutional about this."

Posted by: danita | Jul 6, 2009 1:43:37 PM

Does this President care anything about our constitution? For the sake of the country is there a leader out there that will stand up to the subtle tyranny of this outrageous behavior?

Posted by: Tom | Jul 6, 2009 12:59:07 PM

This is yet another Obama "law" for the We Won category. And yet another reason why one party controlling Congress and the WH isn't wise. No Dems will stand up to the Great Messiah - lest they be called "racists."

Posted by: joseyj | Jul 6, 2009 12:14:20 PM

James Danley, you are right in that all revenue bills must originate in the House and be approved by Congress. There is no specific wording about money for wars, but it would come under the statement about revenues. That's in Section 7. In Section 8, the specific powers of Congress are listed and one is the power to declare war. The US has indeed fought undeclared wars for which Congress voted money.

The real point is that strong Presidents have always relied on executive powers to carry out policies and to meet specific circumstances. Consider Lincoln's wartime autocratic decisions, as well as FDR's actions before the US was actively involved in WWII.

Posted by: BachisBest | Jul 6, 2009 11:57:03 AM

I don't see the issue. The President, via executive order, can enforce aspects of a treaty before the treaty is ratified. In this case, the treaty is about strategic arms reduction, all of which are under the Executive branch. There's nothing even remotely unconstitutional about this.

Posted by: David | Jul 6, 2009 10:17:02 AM

As the Constitution now reads, this isn't even open to interpretation.

Posted by: LongT | Jul 6, 2009 10:07:30 AM

I don't understand how he can even get away with it?

Posted by: LongT | Jul 6, 2009 10:04:31 AM

ARTICLE II SECTION 2 OF THE US CONSTITUTION (You remember that document, right?)

...He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur...

IMPEACH. NOW. While we still can.

Posted by: PatF | Jul 6, 2009 9:43:05 AM

RESIDENT OBAMA...is the most ignorant...selfish...self centered..manipulative..RESIDENT...this country has ever had (hes not a president he is proving himself to be somewhat of a dictator). HE does not CONTROL this country or THIS WORLD. He has done nothing but go completely against everything this nation was founded on which is the Bill of Rights, The Constitution, and God (christianity). Ha and all u democrats wanna call him ur president..HA. Jokes on you. What good has he done for this country..he is STUPID for even tryin to do anything involving RUSSIA...HELLO. If i were anyone in this world...i would be SCREAMING IMPEACH OBAMA!! HE has Lied his way through everything since he has ran for president...remember the FAKE BIRTH CERTIFICATE. I have a chinese pug named Sampson..he would make a better President than the RESIDENT we have now. Well i exercised one of my Rights...FREEDOM OF SPEECH. GOOD LUCK AMERICA! If we dont impeach him..which we can at anytime, we are in for a world of heartache. Good Luck America, and GOD BLESS!

Posted by: NOBAMainhendo | Jul 6, 2009 9:38:54 AM

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