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2009-0275-S

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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Scowcroft, Brent, Collection
Series: USSR Chronological Files
Subseries: START [Strategic Arms Reduction Treaty] Files

OA/ID Number: 91122
Folder ID Number: 91122-006

Folder Title:
Soviet Power Collapse in Eastern Europe - Strategic Arms Control (June 1990)

Stack:	Row:	Section:	Shelf:	Position:
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Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01a. Note	To Mr. Secretary (1 pp.)	6/11/90	(b)(1)	S
01b. Outline	Re: Letter from Senators on START (2 pp.)	6/11/90	(b)(1)	S
01c. Letter	United States Senate to President Bush (2 pp.)	5/23/90	(b)(1)	S
02a. Memo	Rich Davis to Brent Scowcroft Re: Points To Make on Modernization Constraints in START (1 pp.)	6/18/90	(b)(1)	C
02b. Paper	Re: Point Paper on Modernization/Flight Testing Constraints (2 pp.)	n.d.	(b)(1)	S
03a. Memo	Brent Scowcroft to POTUS Re: The Tacit Rainbow Missile and the START Treaty (2 pp.)	6/25/90	(b)(1)	S
03b. Letter	James A. Baker, III to Eduard Shevardnadze (2 pp.)	5/19/90	(b)(1)	S
03c. Draft	Re: Group on Strategic Offensive Arms (1 pp.)	5/12/90	(b)(1)	S
03d. Memo	Arnold Kanter to Brent Scowcroft Re: Treatment of Tacit Rainbow in START (1 pp.)	6/8/90	(b)(1)	S

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: USSR Chronological Files
Subseries: START [Strategic Arms Reduction Treaty] Files
WHORM Cat.:
File Location: Soviet Power Collapse in Eastern Europe - Strategic Arms Control (June 1990)

Pinksheet Number: cap1041
OA/ID Number: 91122-006
Date Closed: 3/17/2009
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P-2/P-5 Review Case #:

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RECORD ID: 9004766
RECEIVED: 13 JUN 90 18

TO: BAKER, J

FROM: ROY, J

DOC DATE: 11 JUN 90
SOURCE REF:

KEYWORDS: USSR
START

ARMS CONTROL
NUCLEAR WEAPONS



PERSONS:

SUBJECT: STATE REPLY TO SENATORS QUESTIONS RE START TREATY AT MOSCOW
MINISTERIAL

ACTION: NOTED BY PRES W/ COMMENT DUE DATE: 16 JUN 90 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: PA NSCP: CODES:

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E.O. 12958, SEC 3.4 (B) September 11, 2006

By Cop NARA, Date 3/17/09

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**National Security Council
The White House**

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Bill Sittmann	<u>1</u>	<u>W</u>	<u>F</u>
Bob Gates		<u>[Signature]</u>	
Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	<u>2</u>		<u>R</u>
NSC Secretariat	<u>3</u>		<u>R/N</u>

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90 JUN 15 AM 11:49

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cc: VP Sununu Other _____

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 (Date/Time)

COMMENTS



United States Department of State

Under Secretary of State
for Security Assistance, Science
and Technology

THE PRESIDENT HAS SEEN

SECRET

June 11, 1990

Mr. Secretary:

In response to your request, attached is a two-page paper we have worked with L on the questions about the outcome of the Moscow ministerial in the letter from Senator Helms et al to the President.

*Brent
I read it!
Don't give me
a quiz!*

*GB
6-14*

~~SECRET~~

DECL: OADR

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2010-2809-MR
Jc 3/19/12

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Letter from Senators on START

+++ | The letter suggests that the ALCM provisions of START, the SLCM declaration, and the letter on Tacit Rainbow may violate various provisions of law. In fact, none of these raises substantive or legal problems or infringes on Congressional prerogatives.

- ① The ALCM solution favors the US (as discussed further below) and will be submitted as part of the START Treaty to the Senate for its advice and consent before it enters into force.
- ② The SLCM declaration will be a political commitment, not a legally binding obligation.
- ③ The Tacit Rainbow letter makes no commitments of any kind, but merely describes how the technical characteristics of this missile relate to START provisions under consideration.

None of these conflict with the provisions cited in the letter:

- o The Jackson Amendment "urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental forces inferior to the limits provided for the Soviet Union...." The ALCM and SLCM solutions both meet this test.
- o Section 33 of the Arms Control and Disarmament Act requires that actions which obligate the US to reduce or limit forces or armaments be approved by Congress, either as treaties or agreements requiring affirmative action by Congress. The ALCM provisions will be part of the treaty; there are no obligations regarding SLCMs or Tacit Rainbow.
- o The "Helms Amendment" states that any US-Soviet joint statements on strategic arms negotiations should guide the conduct of negotiations and not independently constrain US military programs. Nothing we have done independently constrains US military programs.

I "40% advantage (210 vs. 150)"

The letter asserts that the US conceded to the Soviets a 40% advantage in the number of ALCM bombers, and a more than two-to-one advantage in ALCMs. It asks whether this meets the letter and spirit of the Jackson Amendment.

- o In fact, 150 and 210 are not limits on the number of US and Soviet ALCM heavy bombers, but points where the counting rule switches from the discount rule we proposed to an as-actually-equipped rule.

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2010-2809-MR
8/26/2013 MM

- o The combination of the bomber numbers and ALCM counting rules is very favorable to the US. If the US and the Soviets each build up to these numbers, the US would have more total ALCMs (3000 US vs. 2520 Soviet) and more "uncounted" ALCMs (1500 US vs. 840 Soviet).
- o Since the resolution on ALCMs favors the US, it does not raise questions concerning the letter or the spirit of the Jackson Amendment.

II SLCMs

The letter asks if the Soviets were allowed to keep several thousand short-range SLCMs, and whether this would meet the letter or spirit of the Jackson Amendment.

- o There will be a politically binding 880 limit on nuclear SLCMs over 600 km, and an exchange of information on 300-600 km nuclear SLCMs but no limit. The Soviets have a few hundred nuclear SLCMs in the 300-600 km range band.
- The rights and limits of the US and USSR are equal, so the SLCM solution does not raise questions concerning the Jackson Amendment.
- The limit is sufficiently high to accommodate the US planned nuclear SLCM program, with ample room for expansion.

III

Letter on Tacit Rainbow

The letter cites reports that your letter to Shevardnadze agreed not to modernize Tacit Rainbow and not to equip it with a nuclear warhead, and asks whether that letter meets the requirements of Section 33 of the Arms Control and Disarmament Act and the "Helms Amendment."

- o The US did not agree not to modernize the Tacit Rainbow. There is no mention of modernization in the letter.
- o The US did not agree not to equip Tacit Rainbow with a nuclear warhead. On the contrary, the letter said that if a non-nuclear ALCM were ever converted to a nuclear ALCM, that missile would then become subject to all of the START treaty restrictions on nuclear long-range ALCMs. This clearly retains the option to convert Tacit Rainbow to a nuclear ALCM.
- o The letter did not impose any constraints on the US. It simply pointed out that the Tacit Rainbow is a non-nuclear ALCM and as such should be treated as a non-nuclear ALCM by START. The letter therefore raises no questions concerning Section 33 of the ACDA Act or the Helms Amendment.

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 23, 1990

The President
The White House
Washington, D.C.

Dear Mr. President:

Reports of Secretary Baker's trip to the Soviet Union last week for the purpose of drafting a proposed framework statement for a START treaty have raised two profound concerns.

The first is that the Jackson Amendment to the 1972 SALT I Agreement requires, in the language of the Amendment, "equal levels" of strategic forces in any future treaty between the United States and the Soviet Union limiting intercontinental strategic forces.

Of course, this is still the law of the land on the fundamental U.S. objective in strategic arms control treaties. Yet reports of the meeting between Secretary Baker and Foreign Minister Shevardnadze suggest that the United States conceded to the Soviets a 40% advantage [210 vs. 150] in the number of heavy bombers carrying air-launched cruise missiles (ALCMs), and also a more than two-to-one advantage over the United States [3,700 vs. 1,800] in the potential number of ALCMs carried by these bombers.

Are these reports correct, and, if so, do they meet the spirit and legal requirements of the Jackson Amendment?

Similarly, did the United States agree to a Soviet-proposed range-limitation on sea-launched cruise missiles (SLCMs) which allowed the Soviets to keep several thousand short-range SLCMs against which the U.S. has no equivalent force?

If so, does this agreement meet the spirit and legal requirements of the Jackson Amendment?

Secondly, the Helms Amendment to the INF Treaty states:

"Any joint statement by the United States with the USSR of a framework for the negotiation of strategic arms treaties contemplated hereby, and such framework itself, shall serve for the purpose only of guiding the conduct of negotiations which the United States herein has declared its desire to pursue expeditiously, and

shall not constrain any military programs of the United States [emphasis supplied] unless otherwise provided for in accordance with Section 33 of the Arms Control and Disarmament Act."

Section 33 of the Arms Control and Disarmament Act, of course, states that U.S. armed forces may be limited only through the treaty-making power or through further affirmative legislation. Nevertheless, press reports state that Secretary Baker did agree to constrain U.S. military programs in a so-called "side letter" to the proposed START framework statement in which the United States agrees not to modernize the U.S. "Tacit Rainbow" ALCM, and also not to equip this ALCM with a nuclear warhead.

Is it correct that Secretary Baker did agree to such a side letter constraining U.S. military programs? If so, does such a letter meet the spirit and legal requirements of the Helms Amendment to the INF Treaty and to Section 33 of the Arms Control and Disarmament Act?

Mr. President, we would appreciate a response on these matters before the framework statement with the Soviet Union is signed at the forthcoming summit.

Sincerely,

James Helms

Chuck Grassley

Jim McClure

Strom Thurmond

Mont Zott

Steve Symms

Chris L. Hatch

Larry Pressler

Taborn Waller

~~CONFIDENTIAL~~
NSC/S PROFILE

RECORD ID: 9004894
RECEIVED: 18 JUN 90 15

TO: SCOWCROFT

FROM: DAVIS
KANter

CHRON FILE

DOC DATE: 18 JUN 90
SOURCE REF:

KEYWORDS: START
SALT
ICBM

ARMS CONTROL
USSR

PERSONS:

SUBJECT: MODERNIZATION CONSTRAINTS IN START

ACTION: NOTED BY SCOWCROFT W/ COMMENT DUE DATE: 21 JUN 90 STATUS: C

STAFF OFFICER: DAVIS

LOGREF:

FILES: WH

NSCP:

CODES:

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E.O. 12958, SEC 3.4 (B) September 11, 2006

By Cap NARA, Date 3/19/09

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Modernization
National Security Council
The White House

Constraints in

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LOG # 4894 *START*

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	SEQUENCE TO	HAS SEEN	DISPOSITION
<i>Bill Sittmann</i> Bill Sittmann	<u>1</u>	<u>W</u>	<u>I</u>
Bob Gates	<u>2</u>	<u>8</u>	
Brent Scowcroft	<u>3</u>	APNSA Has Seen	
Bill Sittmann	<u>4</u>		
Situation Room			
West Wing Desk	<u>5</u>		<u>N</u>
NSC Secretariat	<u>6</u>	<u>1</u>	<u>N</u>
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cc: VP Sununu Other _____

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(Date/Time)

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10:04

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4894

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 18, 1990

INFORMATION

MEMORANDUM FOR BRENT SCOWCROFT

Natl Sec Advisor
has seen

THROUGH: ARNOLD KANTER *AK*

FROM: RICH DAVIS *RD*

SUBJECT: Points To Make on Modernization Constraints in
START

You recently mentioned that the Vice President had been questioned on the Hill about why ballistic missile modernization is so important to the U.S. that we cannot accept such constraints in START as the price for getting Soviet agreement to ban SS-18 modernization. The attached points outline our best, if not wholly satisfying, response to this question. Our basic line has been as follows:

- We oppose modernization constraints in general because modernization is necessary to restructure forces and improve stability.

- Modernization constraints on the SS-18 are part of a specific U.S. effort since SALT to get the Soviets to eliminate all of their heavy missiles over time.

- The U.S. has proposed to impede SS-18 modernization and encourage its retirement by limiting the number of SS-18' flight-tests.

- However, such a flight-test limit applied across-the-board to all ICBMs or all ballistic missiles would undercut the reliability and credibility of our strategic deterrent.

- Flight-testing has discovered flaws in several types of deployed U.S. ICBMs and SLBMs that might not have been uncovered or corrected in a satisfactory manner without ample flight-testing.

- Although other types of modernization constraints have been considered (for example, SALT II limited changes in the size of stages or launch weight) none has been found that would be both verifiable and effective in limiting modernization.

Attachment

Tab A

Points on START Modernization Constraints

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Do we need more test flights of operational missiles than we ask of the SS-18?

Point Paper on Modernization/Flight Testing Constraints

Why Modernization Constraints on Heavy ICBMs/SS-18

- Since SALT I, constraints on and the eventual elimination of Soviet heavy ICBMs has been a central U.S. arms control objective. Our efforts in START to get limits on SS-18 modernization have served this objective.
- One of our objectives in any follow-on negotiations is to achieve the complete elimination of these systems.
- The SS-18 is a unique category of ICBM whose characteristics and vulnerability make it a particularly destabilizing system.
 - The number of warheads deployed on this system, combined with their yield and accuracy, quick response, and short flight times, provides a first-strike capability against the U.S. ICBM force.
 - The system also has a large throw-weight potential which could be used to increase the number of warheads carried by the missile, and thus break out of START limits.
- The U.S. has no comparable system.
 - Peacekeeper is not deployed in sufficient numbers to pose a credible first-strike threat against the Soviet ICBM force.
 - Peacekeeper -- with only one-half the throw-weight capability of the SS-18 -- does not possess significant break-out potential in terms of additional warheads.

Broader Constraints on Modernization

- The U.S. has insisted upon the right to modernize our forces in START, in order to facilitate the development and deployment of new systems that improve stability.
 - This right is explicitly codified in the draft treaty:

"Except as prohibited by the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out."

- We would therefore oppose any general, across-the-board modernization constraints.
- We would particularly oppose a ban or numerical limits on flight tests of ICBMs and SLBMs other than on the SS-18 because such flight-testing is necessary to maintain a credible strategic deterrent.
- Flight testing is necessary to retain confidence in the reliability of deployed ballistic missiles, and is the only way to determine the accuracy of the system.
- Flight testing represents the most severe environment for a ballistic missile. Only through flight testing can the effects of heating, vibration, gravity forces, dynamic and atmospheric pressure on the missile be evaluated.
- Flight testing is thus needed to uncover reliability or design flaws.
 - Flight testing revealed the anomalies in the manufacturing of Peacekeeper guidance sets.
 - Flight testing revealed the Trident D-5's problem with dynamic pressures.
 - Age-related problems in the Minuteman II and the Minuteman III were discovered through flight testing.
- Without flight testing, such problems might not have been uncovered or corrected in a satisfactory manner.
- Severe constraints or a ban on ballistic missile flight testing would lead to a loss of confidence in our ICBM and SLBM forces, and could thus lead to a loss of confidence in the credibility and effectiveness of our nuclear deterrent.

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RECORD ID: 9004618
RECEIVED: 08 JUN 90 12

TO: PRESIDENT

FROM: SCOWCROFT

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DOC DATE: 25 JUN 90
SOURCE REF:

KEYWORDS: START
TREATIES

ARMS CONTROL

PERSONS:

SUBJECT: TACIT RAINBOW MISSILE & START TREATY

ACTION: NOTED BY PRES

DUE DATE: 12 JUN 90

STATUS: C

STAFF OFFICER: KANTER

LOGREF:

FILES: PA

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D O C U M E N T D I S T R I B U T I O N

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KANTER

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E.O. 12958, SEC 3.4 (B) September 11, 2006

By Cap NARA, Date 3/17/99

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**National Security Council
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Bob Gates	<u>2</u>	<u>APNSA</u>	
Brent Scowcroft	<u>3</u>	<u>Has Seen</u>	
Bill Sittmann	<u>4</u>		
Situation Room			
West Wing Desk	<u>5</u>	<u>6/25 AC</u>	<u>✓</u>
NSC Secretariat	<u>6</u>	<u>JRP</u>	<u>N/L</u>
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cc: VP ✓ Sununu ✓ Other _____

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(Date/Time)

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WASHINGTON

90 JUN 25 PM: 12

June 25, 1990

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INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT *BS*

SUBJECT: The Tacit Rainbow Missile and the START Treaty

Tacit Rainbow is a conventionally-armed cruise missile. Nevertheless, it became the subject of last minute negotiations between Jim Baker and Shevardnadze to resolve the nuclear ALCM issue in START at the May ministerial. Since then, critics of START have tried to distort the record on Tacit Rainbow to make it seem as though we made a concession to the Soviets. The facts clearly demonstrate otherwise and we are effectively countering the critics' arguments.

Tacit Rainbow is armed with a forty-pound high explosives warhead. Launched from B-52 bombers, F-16 fighter aircraft, and from ground launchers, its mission is to suppress enemy air defenses. Under certain optimal conditions, its range can be up to about 800 km. The missile is still in development, with a scheduled deployment in the mid-1990s. The Air Force and the Army eventually hope to buy a combined total of more than 30,000 units.

Although Tacit Rainbow clearly has nothing to do with the strategic nuclear weapons that would be limited in START, it became an issue because we and the Soviets had agreed at the June 1988 Summit to count all "existing" cruise missiles, whether nuclear or conventionally-armed, as though they were nuclear. ("Future" conventional cruise missiles are excluded from START limits provided they are "distinguishable" from nuclear ALCMs.) Consequently, if Tacit Rainbow were deemed to be an "existing" cruise missile, it would have to count against our START limit of 6000 nuclear warheads. As a practical matter, this would mean that we would be unable to deploy this very valuable conventional capability.

cc: Vice President
Chief of Staff

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- 2 -

The final obstacle to reaching agreement with the Soviets on nuclear ALCM limits was the determination of the range threshold, i.e., the range above which the ALCM would count against the START limits. At the May ministerial, Jim told the Soviets we could accept their proposal for a 600 km range threshold provided that Tacit Rainbow was treated not as an "existing" but rather as a "future" conventional cruise missile.

Gorbachev shook hands with Jim on that deal, but that very evening the Soviet military began to walk the agreement back by insisting that a variety of additional limits be imposed on Tacit Rainbow. We rejected any such conditions because START does not limit conventional cruise missiles.

In an effort to give the Soviets a face-saving way to back down from their new demands, the next day Jim gave Shevardnadze a letter on the Tacit Rainbow missile. I suspect that Shevardnadze was able to use the letter to good effect in overcoming internal objections to the ALCM deal he and Gorbachev had made. Whatever the explanation, Baker and Shevardnadze met later in the day to confirm that complete agreement on the ALCM issue had been reached.

A copy of Jim's letter is attached at Tab A. As you will see, the letter simply reiterates previous U.S. proposals and records several well known facts about the missile. Contrary to what some critics are claiming, it does not accept any limits on Tacit Rainbow nor assume any new obligations.

Attachment

Tab A May 19 Baker Letter on Tacit Rainbow

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THE SECRETARY OF STATE
WASHINGTON

May 19, 1990

Dear Eduard,

I have just finished meeting with my arms control experts, who tell me that we are still some distance from completing an overall agreement on the question of air-launched cruise missiles because of continuing differences over the issue of Tacit Rainbow. In particular, my experts have reported your concerns and the three elements of your proposal.

I have had an opportunity to study your ideas, and am persuaded that Tacit Rainbow need not be an obstacle to resolving the ALCM issue. In this message, I would like to give you a response that I believe offers a constructive means of resolving this matter. Let me make the following points:

First, the December 31, 1988 cutoff date to distinguish between current and future ALCMs is of course acceptable to me. This makes clear (as President Gorbachev agreed) that Tacit Rainbow will be treated as a future non-nuclear ALCM -- which it is -- and will thus be subject to the provisions in the treaty that will enable both sides to distinguish between nuclear and non-nuclear ALCMs.

Second, I am able to confirm that Tacit Rainbow is a non-nuclear ALCM, and as such would be covered by our proposals of May 12, 1990 on how the START Treaty would identify non-nuclear ALCMs and distinguish them from nuclear ALCMs. In particular, I want to draw your attention to the language we proposed in the Notification Annex we recently presented in Geneva. (A copy is attached.) Under this provision we would formally notify you at least six months in advance that Tacit Rainbow is a non-nuclear ALCM, would tell you about its distinguishing features and would propose a date on which you could come for an exhibition of this missile.

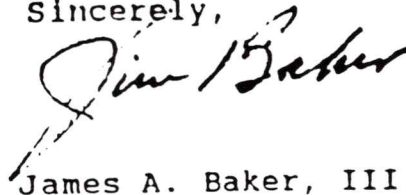
We have no plans to convert Tacit Rainbow to a nuclear ALCM. But if a non-nuclear ALCM were ever converted to a nuclear ALCM, that missile would then become subject to all of the START treaty restrictions on nuclear long-range ALCMs.

Third, on your concern about range, I am advised that its range is less than 800 km. As you know Tacit Rainbow only became an issue when we considered accepting your proposal for a 600 km ALCM range threshold. Under our preferred position of 800 km, Tacit Rainbow was not an issue.

I believe that these points are responsive to your questions. You should feel free to share these points with your colleagues if you think this would be helpful. Of course, I am ready to come over to meet with you now to finalize this and any other issues.

Eduard, I would like to conclude by reminding you that you gave me every reason to believe that if I could move to your position on ALCM range, we would finally put the ALCM issue behind us. Let's do so now.

Sincerely,

A handwritten signature in cursive script that reads "Jim Baker". The signature is written in dark ink and is positioned above the printed name.

James A. Baker, III

The Honorable Eduard Shevardnadze,
Minister of Foreign Affairs of the,
Union of Soviet Socialist Republics,
Moscow.

~~SECRET~~

Group on Strategic
Offensive Arms
U.S. Non-Paper
May 12, 1990

Notification Annex, Section I, paragraph (4*) and (4**)
(page 2)

Proposed Language

(4*) notification, no later than six months in advance, of the arrival of the first missile of a new type of long-range non-nuclear ALCM at the first declared airbase for heavy bombers equipped for non-nuclear armaments or for heavy bombers equipped for nuclear armaments other than long-range nuclear ALCMs at which it is to be located. Such notification shall include the distinguishing features of the new type of long-range non-nuclear ALCM and a proposed date and location for the exhibition provided for in paragraph 11 of Article XI of the Treaty;

(4**) notification, no later than 24 hours after arrival, of the arrival of the first missile of the first new type of long-range non-nuclear ALCM at the airbase for heavy bombers equipped for non-nuclear armaments or for heavy bombers equipped for nuclear armaments other than long-range nuclear ALCMs at which it is first located;

Existing Language

None.

-
- []¹ Proposed by the U.S. side
[]² Proposed by the Soviet side

~~SECRET~~

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PER E.O. 12958,
1999-0301-F
E1 5/28/02

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~~SECRET~~

4618

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 8, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: ARNOLD KANTER *AK*
SUBJECT: Treatment of Tacit Rainbow in START

As you requested, a memo to the President on this subject is attached at Tab 1.

John Gordon concurs.

RECOMMENDATION

That you sign the memo to the President at Tab 1.

Attachments

Tab 1 Memorandum to the President
Tab A May 19 Baker Letter on Tacit Rainbow

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White House Guidelines
E.O. 13526, SEC 3.4 (b), September 11, 2006
By DI NARA, Date 2/2/11