

United States Senate

August 21, 2015

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear President Obama:

I write regarding a recent report that suggests the White House is blocking the Department of Defense from releasing its risk assessment of Russia's violations of the Intermediate Nuclear Forces Treaty.¹

If accurate, this report suggests your administration is withholding information from Congress pertinent to executing its constitutional and statutory role in foreign affairs. In May, I noted the delay of the State Department's Country Reports on Human Rights Practices for 2014 and the Pentagon's deferral of its Annual Report on Military Power of Iran report – both of which coincided with the negotiation of the Iran nuclear deal. Such information is critical for elected representatives in Congress to fulfill our oath of office to protect the American people from all foreign enemies, and this risk assessment report is no exception.

Although the State Department formally declared Russia to be in violation of the INF Treaty in 2014, additional reports indicate that the United States has harbored doubts of Russian compliance since 2008 stemming primarily from the R-500 ground-launched cruise missile. But these concerns were not shared with the Senate Committee on Foreign Relations in September 2010 before the committee voted on the New START Treaty. Only in late 2011, long after Congress voted in favor of the New START Treaty, did your Administration conclude that the R-500 was an official compliance concern. Congress was justly disturbed by this revelation; when then-acting undersecretary of state for arms control and international security Rose Gottemoeller and assistant secretary of defense for global strategic affairs Madelyn Creedon stated definitively in a closed-door hearing that Russia had violated the INF Treaty, then-senator John Kerry replied tersely: "We're not going to pass another treaty in the U.S. Senate if our colleagues are sitting up here knowing somebody is cheating."

Shortly before the announcement of Brian McKeon's nomination for principal deputy undersecretary of defense for policy in January 2014, the New York Times released a story detailing long-held concerns regarding Russian compliance with the INF. Two of my colleagues sent a letter to Mr. McKeon asking for specific answers as to the exact timing of when the intelligence community briefed senators on such concerns and whether he believed the Senate was properly notified. Instead of a straightforward response, DoD delivered a classified letter to

¹ Bill Gertz, "White House Blocks Pentagon Report on Russian Treaty Breach," *Washington Free Beacon*, August 11, 2015, <http://freebeacon.com/national-security/white-house-blocks-pentagon-report-on-russian-treaty-breach/>.

my colleagues at 8:00 p.m. EST the night before Mr. McKeon's confirmation hearing, giving senators little to no time to review these serious questions.

The Senate's advice and consent power is a pivotal element of a constitutional and prudent foreign policy, but it cannot be exercised if your administration does not act in good faith. Grave concerns of Russian compliance exist beyond the R-500 cruise missile, as Russia has potentially mislabeled intermediate missiles as intercontinental ballistic missiles and fielded air defense systems that possess ground-to-ground ballistic capability. If true, these would not only constitute clear violations of the INF Treaty, but present a material threat to the United States and our allies. This risk assessment report is necessary to determine a strategic response to Russia's treaty violations, and I request that you lift your embargo on this report immediately. I look forward to your reply on this matter no later than September 1, 2015.

Sincerely,



Ted Cruz