

United States Senate

WASHINGTON, DC 20510

March 12, 2010

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Mr. President,

We write to urge you to withdraw the United States from the Open Skies Treaty (OST). On March 4 Secretary of Defense Mark Esper testified to the Senate Armed Services Committee that the Defense Department had indefinitely halted recapitalization of the OC-135B observation airplanes that the United States Air Force flies in support of the OST, pending a decision by the administration regarding future participation in the treaty. We call on you to end that participation.

These aircraft are set to undergo millions of dollars in upgrade costs, and then soon afterwards the cost of participation will go from several million dollars to several hundred million dollars because they will have to be replaced. These costs pose an unnecessary burden on our military budgets and on American taxpayers, and would alone justify withdrawing from the treaty.

Of course, the costs of the OST go far beyond wasteful spending, and directly erode our national security by enabling Russian espionage over the United States. The Russians have installed advanced digital technology to enhance those capabilities, and they overfly major and sensitive American cities and infrastructure, including Washington DC and New York City. As Lieutenant General Vincent R. Stewart, then-Director of the Defense Intelligence Agency, testified to Congress in 2016, the OST “allows Russia... to get incredible foundational intelligence on critical infrastructure, bases, ports, [and] all of our facilities” which “gives them a significant advantage.” In the same year Adm. Cecil Haney, then-commander of U.S. STRATCOM, testified that “given the lack of overhead capability that the Russians have, Open Skies gives them a capability to be able to reconnoiter parts of our country and other nations.”

The Russians have even used their privileges under OST to directly target you. In the summer of 2017, they flew their Tupolev Tu-154M spy plane over Bedminster, NJ while you were there, flying at 4,000 feet near your residence. The area is, of course and importantly, subject to Temporary Flight Restriction (TFR). The Russians were permitted to fly through the TFR because of the OST.

The benefits to the United States, meanwhile, are marginal. Even under conditions of good faith Russian implementation, the treaty is at best unnecessary and at worst a threat, since the U.S. does not gain additional intelligence beyond our far more advanced capabilities, while the Russians use their flights to gain a view of the homeland that is otherwise inaccessible to them. The Russians however are not implementing the treaty in good faith, and deny the United States

overflight rights. As Secretary Esper testified, the Russians “have been cheating for many years.”

As Lieutenant General Stewart already told Congress in 2015, “[t]he Open Skies construct was designed for a different era.” It is well past time to withdraw from it.

Sincerely,



Ted Cruz
United States Senator



Tom Cotton
United States Senator



Richard Burr
United States Senator