

# U.S. SENATE RATIFICATION OF THE CWC: LESSONS FOR THE CTBT

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The ratification of the Chemical Weapons Convention (CWC) in April 1997 was the first major foreign policy debate of President Bill Clinton's second term. While the U.S. Senate's 74 to 26 approval of the CWC proved that there is a basis for bipartisan cooperation in the 105<sup>th</sup> Congress on arms control policy, gaining Senate approval proved extremely difficult. Had the Senate rejected the Convention, however, international arms control efforts might have suffered a devastating blow, given the number of other important agreements slated for submission to the Senate that do not have the political legacy that the CWC enjoyed.<sup>1</sup> If the Republican-controlled Senate had rejected the CWC, which was negotiated over the course of two Republican presidential administrations, what chances would arms control agreements concluded during the Clinton administration have stood?

Senate rejection of the CWC would have significantly dimmed the prospects for the Comprehensive Test Ban Treaty (CTBT), a future START III agreement, and amendments to the ABM treaty and nuclear-weapon-free zone treaties for the South Pacific (Rarotonga) and Africa (Pelindaba). Several of these completed agreements are not perceived to have as solid credentials as the CWC, and others are still under negotiation. The reluctance of the Russian Duma to ratify the Open Skies Treaty, START II, and the CWC only complicates the process in the United States. As the first major, multilateral arms control treaty of the post-Cold War era to be submitted for U.S. Senate advice and consent, the CWC may have defined the terms of debate for other arms control measures to be considered in this decade.

When the sixty-fifth country ratified the CWC in October 1996, an 180-day countdown to entry-into-

force began that compelled the United States to ratify the accord or suffer the consequences of not being an original state party. The political and economic costs would have been considerable for the United States if it had failed to be an original state party to an international agreement that it led other nations to adopt.<sup>2</sup> While this clear deadline was critical to moving the U.S. process of ratification, it also created a situation that accentuated political differences on the role of arms control in America's foreign and defense policy.

The hard-fought political battle for Senate approval of the CWC is a stark reminder of the tenuous support for formal negotiated arms control agreements in the United States. The CWC ratification fight revealed that the Cold War debate about the role and value of arms control is still a part of the American partisan political landscape. Despite the historic opportunity of the post-Cold War

world, the near collapse of the Russian armed forces, and the perception of most Americans that the greatest national security threat is terrorism, opposing arms control measures remains a litmus test for many conservatives.<sup>3</sup>

The CWC's credentials led many to believe that it would easily obtain Senate approval. The CWC, negotiated during the Reagan administration and concluded during the Bush administration, had a Republican legacy that historically has been a great asset for arms control agreements considered by the Senate.<sup>4</sup> The CWC also enjoyed the support of the U.S. chemical industry, the overwhelming majority of the active and retired military, and all of the America's NATO allies and major economic trading partners. Furthermore, the United States had already committed itself to destroy its chemical weapons stockpile in 1985. The CWC required that other countries adopt the same military posture that the U.S. had adopted unilaterally a decade earlier. And, finally, chemical weapons are widely viewed as a heinous weapon with very little military value. Opinion surveys published in 1997 showed that there was overwhelming public support, across all demographic groups, for arms control treaty measures banning the production, stockpiling, and use of chemical weapons.<sup>5</sup>

The next arms control agreement the Clinton administration intends to submit for Senate consideration is the CTBT.<sup>6</sup> Among the host of arms control treaties that require Senate advice and consent, it is the most analogous to the CWC.<sup>7</sup> Like the CWC, the CTBT is a multilateral treaty that is universal in scope and

entails intrusive inspection provisions to be implemented by international organizations. The conclusion and the implementation of these accords will likely establish patterns for other arms control measures.

In order to assess the prospects for CTBT ratification by the current Senate, therefore, it is useful to outline why the CWC ratification was such a fractious fight. Similarly, it is important to outline the key ingredients in the CWC victory. After all, despite the heated conflict surrounding CWC ratification, it was approved by a 74 to 26 vote, which included a majority of the Republican members of the Senate (29 to 26). When comparing the attributes of the two accords, however, the pluses and minuses do not bode well for Senate approval of the CTBT. Fortunately, as shown below, not all factors have the same value. The key to approval of the CTBT lies in the Clinton administration's ability to muster the required political energy to capitalize on the CTBT's uniquely positive attributes and to counter the similar negative factors that dogged the ratification of the CWC.

#### **DIFFICULTIES FACING SENATE APPROVAL OF THE CWC**

Despite the many political assets of the CWC, it faced surprisingly strong opposition in the U.S. Senate. Even ardent opponents were surprised by the amount of interest in the Senate, and conservative policy circles.<sup>8</sup> At least six factors help explain the difficulty the CWC faced in the Senate as well as the intensity of opposition to an accord that many expected to be speedily approved.

Negotiations on the CWC had

concluded on September 3, 1992, and it had been opened for signature in Paris on January 13, 1993. Former Secretary of State Lawrence Eagleburger had signed the agreement on behalf of the United States, and there was every expectation that this treaty would receive early attention by the incoming Clinton administration. More than a year after the agreement was signed, Arms Control and Disarmament Agency (ACDA) Director John D. Holum said that he was "convinced that the convention [would] be ratified promptly by the Senate and that it [would] enter into force in 1995."<sup>9</sup> While the administration submitted the CWC for Senate consideration on November 23, 1993, the Senate failed to act on it until after the historic Republican victory in both houses of Congress in the fall 1994 mid-term elections.<sup>10</sup> Preoccupied with domestic policy, the Clinton administration had failed to pursue Senate ratification of the CWC during its first two years and thus had lost the advantage of a Democratic Senate. The cost of this inaction turned out to be high.

A central criticism of President Clinton's foreign policy during his first two years in office was that it lacked focus, consistency, and sustained presidential attention.<sup>11</sup> How the Clinton administration managed Senate consideration of the CWC in its first term was in many ways paradigmatic of what was wrong with the administration's foreign policy.<sup>12</sup> Administration officials responsible for managing the ratification of the CWC hoped that the treaty would move quietly through the hoops of Senate review without much notice. In the end, they hoped the CWC would be approved by the Senate just like the Open Skies Treaty: late

at night before a Congressional recess and without a word raised in opposition. The key difference between the two accords is that the Open Skies Treaty went before a Democratic Senate in the fall of 1993. Once the Republicans regained control of both houses of Congress in 1994, for the first time in 40 years, a low-profile approach to ratification of any treaty became highly unlikely. Thus, the first factor that made the CWC ratification difficult was the Clinton administration's failure to give it the political priority required to secure Senate approval.

The Republican intra-party fight on foreign policy in the post-Cold War world was the second factor troubling CWC ratification. One leading political commentator suggested that the intra-party fight over the CWC might "decide whether superhawks or moderates dominate the Republican party's foreign policy."<sup>13</sup> Moreover, the commentator added that the CWC debate indicated that the Republicans were "in danger of reacting to the end of the Cold War in an extremist way that mirrors the Democrats after Vietnam." One wing of the Republican party is represented by tough-minded internationalists like General Colin Powell and Senators Richard Lugar and John McCain, who believe that American leadership in world affairs is vital to the country and entails costs that are worth paying. Furthermore, they believe that a failure to assume the appropriate leadership role will leave the management of world affairs to other states less able or inclined to uphold the political values and economic rights the United States deems important. The other wing of the party, symbolized by people like Senator Jesse Helms and former presidential

candidate Steve Forbes, maintains a unilateralist and isolationist philosophy of the world. According to this view, the United States should shun international obligations comparable to those assumed by other states when they may restrict U.S. freedom of action. Protection of American interests is best achieved without the encumbrances of working with other states in international bodies. Both wings of the Republican party saw the CWC according to their particular world view. In the end, the internationalist wing of the party prevailed.

Part of the reason the Republican party lacks consensus on foreign policy is because the internationalist and moderate foreign policy base of the Republican party is shrinking. Three prominent Senators from this wing of the party—Mark Hatfield from Oregon, Nancy Kassenbaum from Kansas, and William Cohen from Maine—retired in 1996. Additionally, Senators Bob Dole and Alan Simpson, who had records of supporting active U.S. engagement in world affairs and arms control, also left the Senate in 1996. The political center of the party has moved decidedly to the right, and the intra-party struggle over the CWC is a clear indication of this shift.

Determined opposition from the right wing of the Republican party was the third major factor working against CWC ratification. Comprised primarily of former mid-level Reagan administration appointees who served in the Department of Defense, CWC opponents waged an aggressive campaign.<sup>14</sup> Convention opponents swamped the anemic campaign of the Clinton administration and the supporters of arms control and succeeded initially in

defining the CWC on their terms. CWC negotiator Ambassador Stephen Ledogar, who labored for years on the treaty during the Bush administration, commented that the charges against the CWC by opponents were "so far from being based-in-fact that I just don't know what document they (the critics) are disparaging."<sup>15</sup> Regardless of whose interpretation was correct, the terms of debate were set by CWC opponents, and its supporters did not regain the initiative until spring 1997. CWC opponents tried, and to a certain extent succeeded, in defining opposition to the CWC as a litmus test for conservatives.<sup>16</sup>

The fourth factor troubling the CWC was the highly charged partisan climate in Washington. Some Republicans harbor a visceral dislike for President Clinton, and they are eager to thwart his policy efforts at every possible opportunity. Many of the Republicans who helped lead the Republican party back into power for the first time in 40 years were frustrated by the president's ability to lay claim to their political agenda. In addition, they were incensed by the president's ability to avoid one political pitfall after another. They were anxious to draw political blood wherever they could, and CWC ratification seemed to present a ripe opportunity. Anything that this president put on his political agenda, regardless of its clear Republican credentials, they were anxious to oppose.

A fifth factor complicating CWC ratification stemmed from the role a few key senators played in the treaty ratification process. All three of the chairs of the Senate committees with jurisdiction over national security issues were opposed to the CWC.

Senator Helms, Senator Richard Shelby, and Senator Strom Thurmond, the chairs of the Foreign Relations, Intelligence, and Armed Service committees respectively, control the hearing schedule, the list of witnesses, and committee business. Their opposition, particularly Senator Helms's, was a major obstacle to Senate consideration of the CWC. As chairman of the committee with primary jurisdiction for treaty matters, Helms was able to bottle up the treaty in his committee for several months. In the end, Helms released the treaty from the floor after he extracted a commitment from the Clinton administration to consolidate three foreign policy agencies within the State Department, a bureaucratic reorganization measure that Helms had been seeking since the previous session of Congress. The CWC experience showed how even a single key senator can stall Senate consideration of a treaty. The CTBT will probably face similar hurdles.

How Senator Lott managed Senate consideration of the CWC was the sixth factor hampering Senate consideration of the CWC. While Lott's support for the accord was crucial to its eventual passage, he managed the Senate process such that he would be protected from the wrath of the right wing in the Senate Republican caucus. In the end, Lott was the lone member of the majority leadership to vote for the CWC. Giving the right wing greater say in the process inevitably added to the conflict in the Senate over CWC.

The majority leader and the president are always negotiating over a broad array of issues, and the CWC became one of those issues. While

some believe that national security issues are not solved by crass political deals, it is naive to believe otherwise. Finding the right political package to meet both the president's and the majority leader's interests inevitably took time. Additionally, part of Majority Leader Lott's dilemma was when to indicate his views on the CWC. By waiting until the last day of debate on the CWC, the majority leader kept many of his loyal followers in the undecided column up until the last moment. The longer Lott kept his views private, the more the partisan debate over the treaty continued, and the higher the political price the Clinton administration needed to pay for its eventual passage.

#### **KEY FACTORS LEADING TO SENATE APPROVAL OF THE CWC**

Several factors help explain the difference between the near defeat of the CWC in September 1996 and the 74 to 26 vote in favor of the CWC in April 1997. Some of these factors are unique to the CWC ratification debate. Others are more generic. All of them are noteworthy for the CTBT and other arms control measures requiring Senate review and approval.

In the spring of 1997, free of the encumbrances of the 1996 re-election campaign, the Clinton administration once again sought Senate advice and consent regarding the CWC. Without the vicissitudes of election-year politics, the administration was able to establish a process of negotiation with Lott and other key senators on CWC ratification. Several Republican senators, who eventually voted to approve the CWC in 1997, would have been

hard-pressed to vote for it in 1996. They could not hand the president a political victory while their party's presidential candidate lagged behind in the presidential contest. But free of election-year politics, Republican senators were better able to consider the CWC on its merits.

Another major factor was the Clinton administration's new foreign policy team's commitment to pushing the CWC. The previous team simply did not make the required effort to ensure Senate approval. During the 104<sup>th</sup> Congress, ACDA Director John Holum was the most senior administration official who consistently championed the CWC. Shortly after the failed attempt at Senate ratification in September 1996, some executive branch officials began discussing in interagency meetings the possibility of the president recalling the Senate into special session to consider the CWC.<sup>17</sup> Not since the 1860s had a president called a lame duck Congress back into session. While everyone seemed to think this plan would not succeed, it did underscore the urgency of finding a way to obtain Senate approval of the CWC before it entered into force in spring 1997. A game plan for ratification was drawn up by mid-level administration officials for review at a deputy secretary-level meeting. The meeting was rescheduled four times before it was finally convened.<sup>18</sup> Approval of this plan in mid-December 1996 launched an impressive executive branch-wide campaign for CWC ratification. With its back against the wall, the Clinton administration proved, once again, that it could mount an intensive effort to achieve an important policy goal.

Secretary of State Madeleine

Albright indicated shortly after her confirmation—during appearances on television talk shows, in a statement before the Senate Foreign Relations Committee, and in newspaper editorials—that Senate approval of the CWC was one of her two top legislative priorities.<sup>19</sup> She traveled to Texas to appear at former Secretary of State James R. Baker's Institute for Public Policy, where he endorsed the CWC. She also paid a call on former President Bush;<sup>20</sup> greeting the press after their meeting, Bush stated his support for the CWC. Albright then traveled to Wingate, North Carolina, to appear at Wingate University with Senator Helms and to deliver the annual Jesse Helms Lecture. In her remarks, she held her ground on policy priorities, such as ratification of the CWC, but she also went to great lengths to establish a cordial and respectful relationship with Helms.<sup>21</sup> By all accounts, the interpersonal dynamic between Albright and Helms was unique and much more constructive than that with any other Clinton administration official. Hence, Albright not only uttered the words that the CWC was a priority, she spent precious time and energy traveling the country soliciting the public support of other major figures. These efforts made a significant difference in the public campaign for the treaty.

Another key ingredient to CWC approval was portraying treaty ratification as a test of bipartisanship. When the voters returned both President Clinton and the Republicans in Congress to power, many interpreted this as a call for bipartisan government. The CWC was the perfect foreign policy issue for the Clinton administration to promote as an example of its commitment to bipartisanship. Here was a treaty negotiated

by Republicans and promoted by a Republican secretary of defense in a Democratic administration. Statements by administration officials and many former executive branch officials who had served in Republican administrations helped establish the CWC as a bipartisan treaty. Secretary of Defense William Cohen, whose appointment itself demonstrated the Clinton team's commitment to bipartisanship, regularly promoted the CWC during his appearances on talk shows and in editorials.<sup>22</sup> The support of these key Republicans was essential to portraying the CWC as a measure truly in the national interest and beyond partisanship.

The existence of a clear deadline was another factor that helped secure U.S. ratification of the CWC. When the sixty-fifth country ratified the CWC in October 1996, a six-month countdown began for entry-into-force. Countries that did not ratify the CWC before the entry-into-force date would be subjected to economic penalties. Moreover, failure for the United States—which had led the international community through the CWC negotiations—to become an original state party of the CWC risked damaging American leadership in other international fora. For President Clinton, CWC ratification was the first major foreign policy test of his second term. Failure to get the Senate to approve the CWC would have adverse implications for the political health of the president's second term in office. The costs to the United States and President Clinton of not entering the CWC as an original party were considerable. Avoiding the disastrous political consequences and economic penalties motivated all parties concerned to take action. Thus, having the en-

try into force date as a clear deadline helped force the Clinton administration, the Senate, and nongovernmental supporters of the CWC to move the issue to the front of the national political agenda.

Another factor favoring the CWC was support from the military. Such support was essential to countering the charge that the CWC would endanger troops in the field and weaken American chemical and biological defenses. The Clinton administration was determined not to let CWC opponents cast its support for the treaty as yet another sign of how Democrats are weak on defense. The two White House events held to promote the CWC featured military support for the CWC prominently.<sup>23</sup> With a letter signed by 17 former senior military commanders, including several chairmen of the Joint Chiefs of Staff, the White House successfully fended off charges that the CWC would harm the country's national security.<sup>24</sup>

The campaign for CWC ratification involved a much more aggressive push for the accord's approval by constituency groups than had been undertaken in the past.<sup>25</sup> While CWC opponents waged an effective campaign against the CWC in 1996, their vigorous opposition in 1997 was outgunned by an active lobbying effort by convention supporters.<sup>26</sup> The chemical industry, guided by its Washington-based trade association—the Chemical Manufacturers Association—waged a major campaign in support of the convention.<sup>27</sup> Given the potential impact of the CWC inspection regime and the historical case of chemical industry opposition to the 1925 Geneva "Protocol for the Prohibition of Use in War of Asphyxiating, Poisonous or

Other Gases, and of Bacteriological Methods of Warfare,” industry support for the CWC was important.<sup>28</sup> These industry efforts were complemented by vigorous media and grassroots campaigns waged by a range of nongovernmental groups, including arms control advocates, scientists, religious denominations, environmentalists, business leaders, and many former government officials and members of Congress.<sup>29</sup> The collective impact of this nongovernmental effort underscored the popular support the CWC enjoyed and raised the political downside for senators who might vote against it.

Leadership change on the Senate Foreign Relations Committee was another major factor leading to Senate approval of the CWC. Senator Richard Lugar (Republican-Indiana) was practically a one-man band for the CWC in the months leading up to Senate consideration in 1996. Senator Lugar was widely regarded as the senator most knowledgeable on the CWC, but he needed to be supported by others in his party as well as Democratic proponents. After the 1996 election, Senator Joseph Biden (Democrat-Delaware) became the ranking minority member on the committee. Biden brought two assets to the treaty’s management that had been lacking before. First, he assembled a new and highly skilled staff to support his committee work. Second, Biden proved an effective interlocutor with Senator Helms. Biden negotiated with Helms in a fashion that respected Helms’s role as chairman of the committee. The personal chemistry between the two men worked well. Biden’s questioning and interrogation skills were demonstrated during the floor debate. Finally, there was a Democratic champion with appropriate commit-

tee standing to move the CWC forward.

Another major factor facilitating Senate consideration of the CWC was a series of political bargains the Clinton administration concluded with Senators Lott and Helms.<sup>30</sup> These bargains included acceptance of conditions to the Senate resolution of ratification, a commitment to integrate independent foreign policy agencies into the State Department, and a willingness to submit other arms control measures the Senate felt it had the right to review. In mid-February 1997, Senator Biden sent President Clinton a confidential memo advising that he needed to provide Senators Lott and Helms with some *quid pro quo*.<sup>31</sup> Undoubtedly, both sides factored these political agreements on arms control matters into a broader political puzzle that included unrelated issues high on their respective political agendas. Securing Senate advice and consent inevitably involves this type of bargaining process.

The 28 agreed conditions added to the CWC and the process of their negotiation were essential to the successful conclusion of the CWC for several reasons.<sup>32</sup> First, the founding fathers gave the Senate the role of providing advice as well as consent on treaties. The Senate’s advice is generally cast in the form of conditions that outline its understanding of certain provisions of the treaty. Second, Senate Republican votes were easier to get if senators could point to how they had improved the U.S. understanding of its treaty commitments through these conditions. This allowed senators to say that while they hesitated to support the CWC in 1996, they could support the accord in 1997 because of the Sen-

ate conditions. Finally, the agreed conditions enabled Senator Lott to allow the right wing of the Republican caucus to express its opposition to the treaty and yet still ensure that the Senate disposed of its duties in an orderly fashion.

While all sides would deny that the CWC moved forward through the Senate briar patch because of political accommodations the Clinton administration made with Senators Helms and Lott, there is little doubt that they were essential.<sup>33</sup> Senator Helms had been advocating the consolidation of the U.S. Agency for International Development, the U.S. Information Agency, and the ACDA ever since he became the chairman of the Foreign Relations Committee in 1995. Rebuffed by the Clinton administration during the 104<sup>th</sup> Congress on State Department reorganization, Helms pressed his case with Secretary Albright and others throughout the CWC negotiations during the 105<sup>th</sup> Congress. Given the difficulty agencies would have in getting adequate funding and new appointees confirmed, the Clinton administration finally brokered a consolidation arrangement that satisfied Senator Helms.<sup>34</sup> Senator Helms then allowed the CWC to move from the Senate Foreign Relations Committee to the floor of the Senate for debate and a vote.

The last factors essential to the CWC’s eventual approval by the Senate were endorsements from Senator Lott and former Senator Dole. These endorsements created a political climate in which many undecided Republican senators felt they could support the CWC. Treaty opponents felt they had the votes to defeat the CWC the week before the vote.<sup>35</sup> Even CWC supporters felt

that there were 15 to 20 undecided Republican senators prior to Senator Dole's endorsement.<sup>36</sup> Dole, who had crippled the administration's attempt to gain Senate ratification in 1996 with an eleventh hour letter to Senate Majority Leader Lott saying he had reservations about the CWC, appeared with President Clinton and a host of military leaders to endorse the treaty. Dole felt that the 28 conditions adequately addressed his concerns. While he recognized that the CWC was not perfect, he thought that "there [were] adequate safeguards to protect American interests."<sup>37</sup> In his floor statement, Senator Lott cited a letter from President Clinton and argued that the president had made an "ironclad commitment" to withdraw from the CWC if its provisions inadvertently resulted in the proliferation of chemical weapons.<sup>38</sup> Numerous Republican senators indicated that they would remain undecided until Majority Leader Lott indicated how he would vote on the CWC. The combination of the former and the current majority leaders endorsing the CWC in the days before the Senate vote sent a strong signal to undecided Republican senators that it was important for the country that the Senate approve the CWC and that it was politically safe for Republicans to do so.

#### LESSONS OF SENATE CONSIDERATION OF THE CWC FOR THE CTBT

In the immediate aftermath of the CWC ratification debate, few executive branch officials, Congressional staff, or nongovernmental supporters of arms control could imagine waging another fight for Senate approval of an arms control treaty any time in the near future. In light of

the CWC experience, arms control supporters are now looking to measures that would keep the arms control process alive, but avoid a rather torturous review by the U.S. Senate.<sup>39</sup> Some senior Congressional advisors stated that their senators were not likely to be leaders again on an accord like the CTBT.<sup>40</sup>

However, some executive branch officials have drawn a different conclusion from the CWC experience. Before an international conference of nonproliferation and arms control experts, Deputy National Security Advisor James Steinberg stated that the Clinton administration plans to submit the CTBT to the Senate and call for hearings and a vote by 1998.<sup>41</sup> Senior foreign policy advisors in the Clinton administration seem to interpret the CWC as a "training experience" for how to manage the 105<sup>th</sup> Senate's consideration of a controversial arms control agreement—and win. Furthermore, they recognize that American leadership on the test ban is critical to getting other countries to ratify the agreement before the entry-into-force date in September 1998. By moving ahead with Senate review of the CTBT, the United States is also continuing to make progress towards its Article VI obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.<sup>42</sup> The Clinton administration also recognizes that Republican control of the Senate is liable to increase after the 1998 elections. Thus, the best chance for President Clinton to secure Senate approval of the one major arms control agreement negotiated during his administration may be during the 105<sup>th</sup> Congress.

These are good reasons for the Clinton administration not to shy

away from the ratification challenge. The administration also seems interested in using the CTBT as an issue in the 1998 mid-term election.<sup>43</sup> During the second term of a presidency, the party that controls the White House generally loses some seats in the Congress. However, decades of polling data suggest that a nuclear test ban remains extremely popular with the American people.<sup>44</sup> The administration is gambling on the prospect the 18 Senate Democrats and 16 Senate Republicans up for re-election will find it hard to oppose a treaty that was first proposed by Republican President Eisenhower.

While the diplomatic rationale for pushing ahead is clear, the political strategy is daring. The administration and its arms control allies in Congress and the nongovernmental communities are much better prepared for a treaty fight. However, the Clinton administration will need to wage the campaign without the assistance of an independent ACDA. The first opportunity to judge the effects of folding ACDA into the State Department may be during the CTBT ratification campaign.

#### SIMILARITIES AND DIFFERENCES OF SENATE CONSIDERATION OF THE CWC AND CTBT

The CTBT's negative similarities and differences seem to suggest that securing Senate approval of the CTBT will be more difficult than the approval process for the CWC. However, not all aspects of the two accords are equal in value. At the moment, the following four negative factors and three positive factors are probably most important for evaluating the prospects of the CTBT in

the 105<sup>th</sup> Senate.

First, the CTBT does not have any recent Republican legacy of support. The Bush administration opposed Congressional calls for a cessation of testing, and the 1996 Republican Party Platform actually stated its opposition to a test ban. Thus, the Clinton administration will have considerable difficulty establishing the bipartisan credentials of the CTBT and finding Republicans willing to take the lead in the Senate.

Determined Senate Republican opposition can be expected.<sup>45</sup> The Senate majority leader, leaders of the Senate Republican Caucus, and the three key committee chairmen who have important jurisdiction over the CTBT, all have voting records opposed to a cessation of nuclear testing. Senator Jon Kyl (Republican-Arizona), who led the opposition to the CWC, has already commenced his anti-CTBT campaign by attaching a "sense of the Senate" resolution to the fiscal year 1998 defense bill.<sup>46</sup> Even the voting records of Republican champions of the CWC, such as Senators McCain and Lugar, indicate that they have not supported a cessation of nuclear testing on four different Senate votes in the 1990s.

A clear entry-into-force deadline was a critical factor forcing the Clinton administration and the Senate to address the CWC. The CTBT does not have a clear entry-into-force date with penalties for countries that do not enter the regime as original state parties. The CTBT requires 44 designated nuclear capable countries, including such non-signatories as India, Pakistan, and North Korea, to ratify the accord by September 1998. A failure to achieve this goal triggers a conference of the ratifying countries to determine how the treaty

might be brought into force. One implication of this international legal treaty limbo is that the Senate may not perceive a firm deadline for ratification. On the contrary, Senate opponents of the accord will likely charge that they cannot render their advice and consent on the treaty until they know whether or not it will ever be brought into force.

Finally, chemical industry support was an important advantage for the CWC. There is no analogue to that support for the CTBT. The CWC was the first major arms control agreement to affect a large portion of American civilian industry. The reach of this treaty did generate concern about international intrusion into America domestic affairs and possible harmful effects on U.S. business.<sup>47</sup> However, when chemical industry lobbyists visited Senators to urge their support for the CWC, few Senators could dismiss them without considering the political costs. There are no obvious domestic constituencies that have either the political power or the economic stake in the outcome of CTBT ratification.

While the factors weighing against CTBT ratification are significant, the factors in favor of Senate approval are also considerable. First, the Clinton administration seems ready to wage a vigorous campaign for its ratification right from the start. Whenever the president pushes hard for a foreign policy issue, the Senate usually gives its consent. Since the CTBT was part of the president's 1992 campaign platform and the agreement was negotiated during his administration, there is every reason to believe that the high-level involvement that proved critical to winning CWC approval will also be brought to bear on the

CTBT. With each passing day, President Clinton and his political advisors assess their policy agenda with an eye to the president's place in history. NATO expansion and the CTBT make for an impressive foreign policy record for the first president whose entire term occurred in the post-Cold War era.

Second, nuclear issues, in general, and a ban on underground nuclear explosions, in particular, are widely understood by the media and the public. Decades of concern about the prospect of nuclear war should make the key issues pertaining to the test ban easier to conceptualize and communicate. The CWC covers a category of weaponry that has not received as much attention over the years as nuclear weapons. The media, members of Congress, and the public are more familiar with the political dimensions of nuclear weapons and their control. The test ban itself has been the subject of extensive public education and lobbying campaigns for many years. The Clinton administration and its supporters will be able to build upon this base during the ratification debate.

The CTBT will have very little impact on American domestic life. The CWC was vulnerable to criticism from opponents, who argued that its inspection regime would allow foreign inspectors into the United States who might steal confidential business information or collect valuable intelligence for hostile countries. Furthermore, despite chemical industry support for the CWC, treaty opponents argued that it would fetter a wide range of businesses with unnecessary regulations.<sup>48</sup> The CTBT does not raise similar concerns.

Finally, the CTBT, like the CWC,



enjoys overwhelming public support. High public support for the CTBT will help keep the White House focused on the political benefits of pursuing its ratification. Similarly, during a mid-term election, it will be difficult for Republican senators running for re-election to explain their opposition to a test ban and their eagerness to resume testing. Of the 16 Republican senators running for reelection, 10 of them voted against the CWC. Adding opposition to yet another popular arms control measure may give their Democratic opponents a way of defining a clear difference between candidates.

## CONCLUSION

The Clinton administration can expect a tough political struggle with nearly all arms control agreements that it submits for Senate advice and consent. Thus, Senate ratification of the CTBT demands that the administration develop a ratification campaign plan and that it allocate the political resources essential for success.

To overcome the anticipated resistance to the CTBT from the right wing of the Republican party, the administration will need Senate champions from the internationalist wing of the party. Republicans who led the CWC fight will probably not take a leadership role on the CTBT. New Republican leaders will need to be enlisted in the cause. Once again, Majority Leader Lott's disposition toward the CTBT is important. The overall political context will influence negotiations between the president and the majority leader during Senate consideration of the test ban significantly. The administration should be prepared to be so-

licitous of Senate advice and to provide political accommodations on the CTBT and other issues in order to bring key Republicans on board.

Finding powerful constituencies to play the role that military leaders and the chemical industry did during CWC ratification will not be easy in the case of CTBT. Military and national security agency support for the CTBT is softer than it was for the CWC. The nuclear weapons labs are the closest analogous constituency to the chemical industry and military leaders. When former Secretary of Energy Hazel O'Leary took the unprecedented step of supporting the cessation of underground nuclear tests, she balanced this dramatic decision with endorsement of a Science-Based Stockpile Stewardship Program. Both measures were recommended to the secretary by the JASON group, a government technical advisory panel.<sup>49</sup> In order to maintain "a robust and reliable U.S. nuclear deterrent" without underground nuclear tests, the Department of Energy has begun a multi-billion dollar Stockpile Stewardship and Management Program (SSMP).<sup>50</sup> The program has generated opposition from both arms control supporters and those critical of the Clinton administration's arms control policy, in general, and the CTBT, in particular.<sup>51</sup> Some arms control advocates argue that the SSMP violates the spirit of the CTBT and will allow the labs to continue developing nuclear weapons by other means.<sup>52</sup> Historically, the labs have been the strongest opponents of a cessation of nuclear testing. But given their increasing role in the implementation of arms control and the billions of dollars flowing to them for the SSMP, they have good reasons to support the CTBT. Enlisting active

lab support for ratification will be critical.

As President Clinton said when he signed the CTBT, the test ban is "the longest-sought, hardest-fought prize in arms control history."<sup>53</sup> If he is successful in securing Senate ratification, it could be one of the hallmarks of his presidency and mark an important step forward for international arms control.

<sup>1</sup> For a good, short summary of the pending arms control measures requiring U.S. Senate advice and consent see, Carla Anne Robbins, "Senate Battle on Arms Control Is Still Far From Over," *The Wall Street Journal*, May 6, 1997, p. A24.

<sup>2</sup> For a summary of the political and economic costs the United States would incur if it failed to join the CWC as an original state party see, U.S. Congress, Senate, Committee on Foreign Relations, *Statement by Secretary of State Madeleine K. Albright before the Senate Foreign Relations Committee in support of the Chemical Weapons Convention*, 105th Cong., April 8, 1997, pp. 3-4.

<sup>3</sup> Senator Jesse Helms, chairman of the Senate Foreign Relations committee articulated the conservative Republican view of arms control at the Conservative Political Action Conference: "As we enter the 21<sup>st</sup> century, America will be confronted by terrorist regimes armed to the teeth with chemical and biological and perhaps even nuclear weapons.... The United States must develop a clear policy to deter these rogue regimes from ever using these weapons against Americans. This will require sending a message of clear resolve to our enemies, confronting proliferation nations, and building the necessary defenses—yes, including national missile defense—to protect Americans from the threat of these weapons. But instead of taking these steps, the Administration is turning to the panacea of arms control." Remarks by Senator Jesse Helms before the Conservative Political Action Conference, Washington, D.C., March 8, 1997. For a description of the current state of the Russian military see Michael Specter, "Yeltsin's Plan to Cut Military Touches a Nerve," *The New York Times*, July 28, 1997, p. 1A. For polls that demonstrate low public fear of major threats to national security other than terrorism, see John Parachini, "Public Not Fearful of Nuclear Missile Attack," *The Polling Report* 12, June 17, 1996, p. 1. See also, Pew Research Center poll cited in the *National Journal*, "Opinion Outlook: Views on National Security," April 20, 1996, p. 902; and *National Journal*, "Opinion Outlook: Views on the American Scene," May 18, 1996, p. 1122; see also CNN-*Time* Magazine poll cited in, *National Journal*, "Opinion Outlook: Views on the American Scene," May 24, 1997, p. 1060.

<sup>4</sup> See Michael Krepon and Dan Caldwell, eds., *The Politics of Treaty Ratification* (New York: St. Martin's Press, 1991).

<sup>5</sup> See Robert Burns, "Poll Backs Chemical Weapons Ban," *Associated Press*, February 28, 1997 (<http://www.washingtonpost.com>). Associated Press, "Embattled chemical arms pact supported in poll," *The Dallas Morning News*, March 1, 1997, p. 12A. See also John V. Parachini, "Broad-based Support for Chemical Weapons Ban," *The Polling Report* 13, March 10, 1997, p. 2.

<sup>6</sup> Statement of James Steinberg at Carnegie Endowment for International Peace, Washington, D.C., June 9, 1997.

<sup>7</sup> Robbins, "Senate Battle on Arms Control Is Still Far From Over," p. A24.

<sup>8</sup> Author's discussion with leading CWC opponent, April 23, 1997.

<sup>9</sup> John D. Holum, "The Clinton Administration and the Chemical Weapons Convention: Need for Early Ratification," in Brad Roberts, ed., *Ratifying the Chemical Weapons Convention* (The Center for Strategic and International Studies, Washington, D.C. 1994), p. 1.

<sup>10</sup> The White House, Office of the Press Secretary, President Clinton letter to the Senate of the United States, November 23, 1993.

<sup>11</sup> Paul Wolfowitz, "Clinton's First Year," *Foreign Affairs* 73 (January/February 1994); and Bob Dole, "Shaping America's Global Future," *Foreign Policy* 98 (Spring 1995).

<sup>12</sup> Amy Smithson, "Dateline Washington: Clinton Fumbles the CWC," *Foreign Policy* 99 (Summer 1995).

<sup>13</sup> Morton M. Kondracke, "Chemical Warfare Vote Is Key Test for Lott and GOP," *Roll Call*, April 21, 1997, p. 8.

<sup>14</sup> An example of the onslaught of conservative attack on the CWC was a spate of editorials and opinion columns in the days immediately preceding Senate consideration of the CWC in September, 1996. For example, see, George Will, "A Feel-Good Treaty," *The Washington Post*, September 8, 1996, p. C6; Lally Wehmouth, "...Chemical Weapons Fraud," *The Washington Post*, September 12, 1996, p. 7; Jesse Helms, "Why This Chemical Weapons Treaty is Badly Flawed," *USA Today*, September 12, 1996, p. 15A. Another example of the aggressive campaign waged by CWC opponents is the number of "Decision Briefs" the Center for National Security faxed out opposing it. The Center distributed eight "Decision Briefs" on the CWC prior to September 12, 1996. By comparison, the efforts of the Clinton administration and nongovernmental organizations pushing ratification were anemic.

<sup>15</sup> Wendy Lubetkin, "Ledogar: Ratification of Chemical Weapons Treaty Essential: CWC negotiator calls anti-treaty arguments appalling," *USIA*, (April 14, 1997) ([gopher://198.80.36.82:70/0R18267047-18269595-range/archives/1997/pdq.97](http://gopher://198.80.36.82:70/0R18267047-18269595-range/archives/1997/pdq.97)).

<sup>16</sup> Rich Lowry, "Dole Redux," *National Review*, July 16, 1997 (<http://www.townhall.com/nationalreview/feature/feature.html>). See also, The Center for Security Policy, "Vote on C.W.C. Proves Defining Moment: Lott Fails Test, New

Security-Minded Leaders Emerge," Decision Brief, No. 97-D58, April 25, 1997.

<sup>17</sup> Author's conversation with executive branch official, October 7, 1997.

<sup>18</sup> Author's conversation with executive branch official, June 18, 1997.

<sup>19</sup> Madeleine K. Albright, "Blueprint for a Bipartisan Foreign Policy," *The New York Times*, January 26, 1997, p. 13.

<sup>20</sup> U.S. Department of State, Office of the Spokesman, February 8, 1997, "Remarks of Former President George Bush and Secretary of State Madeleine K. Albright."

<sup>21</sup> U.S. Department of State, Office of the Spokesman, March 25, 1997, "Remarks by Secretary of State Madeleine K. Albright: 'American Leader for the 21st Century: Doing What's Right and Smart for America's Future.'"

<sup>22</sup> William S. Cohen, "Ratify the Chemical Weapons Treaty," *The Washington Post*, April 6, 1997, p. C7.

<sup>23</sup> White House, Office of the Press Secretary, April 4, 1997, "Remarks by President Bill Clinton at Chemical Weapons Convention Event"; see also, White House, Office of the Press Secretary, April 23, 1997, "Remarks by the President on the Chemical Weapons Convention."

<sup>24</sup> Letter to the Honorable William J. Clinton signed by 17 retired military officers, April 3, 1997. (August 24, 1997) (<http://www.acda.gov/promine1.htm#3>)

<sup>25</sup> See John Parachini, "NGOs: Force Multipliers in the CWC Ratification Debate," in *The Battle to Obtain U.S. Ratification of the Chemical Weapons Convention*, by Michael Krepon, Amy E. Smithson, John Parachini, Occasional Paper No. 35, The Henry L. Stimson Center, July 1997, pp. 35-57.

<sup>26</sup> The Center for Security Policy and the Heritage Foundation were the primary organizations leading the opposition to the CWC. See an extensive set of "Decision Briefs" and press releases opposing the CWC on their respective web sites: (August 24, 1997) (<http://www.security-policy.org/>), and (August 24, 1997) (<http://www.heritage.org/>).

<sup>27</sup> Like other big industry trade associations, the Chemical Manufacturers Associations (CMA) is an influential player on Capitol Hill. CMA worked very hard on the CWC and periodically had to clarify its authority as the representative of over 90 percent of the U.S. chemical industry. See Letter to Senator Trent Lott from Frederick L. Weber *et al.*, *Congressional Record*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., April 23, 1997, p. S3511. See also Frederick L. Weber, "Chemical Arms Treaty Won't Hurt U.S. Industry," *The Wall Street Journal*, March 26, 1997, p. 19.

<sup>28</sup> For an interesting discussion of the domestic opposition to the Geneva Protocol see Rodney J. McElroy, "The Geneva Protocol of 1925," in *The Politics of Arms Control Treaty Ratification*, edited by Michael Krepon and Dan Caldwell (New York: St. Martin's Press, 1991).

<sup>29</sup> For a comprehensive list of supporters and opponents of the CWC see "The U.S. Debate Over the CWC: Supporters and Opponents," Chemi-

cal and Biological Weapons Nonproliferation Project, (August 24, 1997) (<http://www.stimson.org/>).

<sup>30</sup> Senator Trent Lott summarized in his floor statement the accommodations that were important to approval of the CWC. *Congressional Record*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., April 24, 1997, pp. S3596-S3603.

<sup>31</sup> Roy Gutman, "Praise for Passage/Chemical weapons treaty is shared political victory," *New York Newsday*, (April 28, 1997) (<http://www.newsday.com/>).

<sup>32</sup> *Congressional Record*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., April 24, 1997, pp. S3486-S3492.

<sup>33</sup> President Clinton explicitly stated that there was no linkage. White House, Office of the Press Secretary, April 18, 1997, "Remarks by the President in Press Availability," (August 24, 1997) (<http://library.whitehouse.gov/Retrieve.cgi?dbtype=text&id=8162&query>).

<sup>34</sup> Carroll J. Doherty, "President, in Nod to Helms, Plans to Merge Agencies," *Congressional Quarterly* 55, April 19, 1997. Thomas W. Lippman and Peter Baker, "Bipartisanship, but at a Price: President Trades Foreign Policy Concessions for GOP Support of Treaty," *The Washington Post*, April 25, 1997, p. A1.

<sup>35</sup> Author's conversation with noted treaty opponent, June 5, 1997.

<sup>36</sup> David Culp of Plutonium Challenge, one of the best arms control vote counters in Washington, calculated that the day before the vote there were five undeclared Republican senators leaning toward the CWC and 15 who were undecided.

<sup>37</sup> "Statement of Bob Dole on the Chemical Weapons Convention," *Congressional Record*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., April 23, 1997, p. S3501.

<sup>38</sup> *Congressional Record*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., April 24, 1997, p. S3603.

<sup>39</sup> George Bunn and John B. Rhineland, "The Duma-Senate Logjam on Arms Control: What Can Be Done If It Continues?" *The Nonproliferation Review* 5 (Fall 1997). Seeking alternatives to congressional oversight when the arms control process is unstable is not a new. For a piece that articulated a similar view more than a decade earlier see Kenneth L. Adelman, "Arms Control With and Without Agreements," *Foreign Affairs* 63 (Winter 1984/85), pp. 240-263.

<sup>40</sup> Author's conversation with senior advisor to a U.S. Senator, June 20, 1997.

<sup>41</sup> Statement of James Steinberg at Carnegie Endowment for International Peace, Washington, D.C., June 9, 1997.

<sup>42</sup> Article VI states of the Treaty states: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." *Arms Control and Disarmament Agreements: Texts and Histories of Negotiations* (Washington, D.C.: United States Arms Control and Disarmament Agency, 1998), p. 93. For a discussion of what the U.S. must do to meet its Article VI obligations see: George Bunn, "The NPT And Op-

tions For Its Extension in 1995," *The Nonproliferation Review* 1 (Winter 1994).

<sup>43</sup> Author's conversation with senior Clinton administration officials, July 1, 1997.

<sup>44</sup> For a set of polls on the test ban see: Coalition to Reduce Nuclear Dangers, "Public Opinion Polls," (August 1997) (<http://www.clw.org/pub/clw/coalition/ctbhst.htm>).

<sup>45</sup> A leading opponent of the CWC told the author that Senator Jon Kyl, who led the opposition to the CWC, has indicated that he intends to oppose the CTBT "ten times harder than he opposed the CWC."

<sup>46</sup> *Congressional Record*, 105<sup>th</sup> Cong. 1<sup>st</sup> sess., p. S6923.

<sup>47</sup> U.S. Congress, Senate, Committee on Foreign Relations, James Schlesinger, *Chemical Weapons Convention*, April 8, 1997, pp. 4-5.

<sup>48</sup> Strong support of the chemical industry for the CWC was critical because the accord potentially affects many companies. Industry representatives frequently had to rebut charges to the contrary. U.S. Congress, Senate, Committee on Foreign Relations, Frederick L. Weber, President and Chief Executive Officer, Chemical Manufacturers Association, *Chemical Weapons Convention*, April 15, 1997.

<sup>49</sup> Jason Group, "Science-Based Stockpile Stewardship," November 1994 (JSR-94-345).

<sup>50</sup> The Stockpile Stewardship and Management Program, U.S. Department of Energy, Office of Defense Programs, May 1995 (August 24, 1997) (<http://www.dp.doe.gov/scibaste.htm>).

<sup>51</sup> For a good exchange on the Clinton administration's Stockpile Stewardship Management and Program see: "The Clinton administration and Nuclear Stockpile Stewardship: Erosion by Design," by Floyd D. Spence, Chairman, House National Security Committee, October 30, 1996; and, Tom Zamora Collina, "The Test Ban and Stockpile Stewardship: A Response to Chairman Spence," (Coalition to Reduce Nuclear Dangers, June 1997).

<sup>52</sup> Christopher E. Paine and Matthew G. McKinzie, "End Run: The U.S. Government's Plan for Designing Nuclear Weapons and Simulating Nuclear Explosions under the Comprehensive Test Ban Treaty," *An Interim Report on the Department of Energy Stockpile Stewardship & Management Program* (Washington, D.C.: Natural Resources Defense Council, August 1997). See also, Hisham Zerriffi and Arjun Mkhijani, "The Stewardship Smokescreen," *Bulletin of the Atomic Scientists* 52 (September/October 1995) (<http://www.bullatomsci.org/issues/1996/so96/so96makhijani.html>).

<sup>53</sup> Office of the Press Secretary, September 24, 1996, "Remarks By The President In Address To The 51<sup>st</sup> General Assembly of the United Nations."