

## **The Domestic Politics of Arms Control Treaty Ratification: The Case of the Comprehensive Test Ban Treaty**

Sean Giovanello  
Elon University  
Elon, NC 27224  
giovanello@gmail.com

### **Abstract**

This article presents a case study of the initial attempt to ratify the Comprehensive Test Ban Treaty (CTBT) by President Clinton. This effort, which culminated in a rare formal rejection of a major international treaty by the United States Senate, is worthy of examination due to what it reveals about the domestic politics of arms control treaty ratification in the United States in the post-Cold War era. Further, given that President Obama has signaled he will make ratifying the treaty a priority in his second term, the current analysis of the last effort to ratify the CTBT has policy relevance today.

**Key Terms:** Arms Control, Domestic Politics of Foreign Policy, Nuclear Weapons, Treaty Ratification

### **Introduction**

Early in his presidency, Barack Obama promised that his administration would “immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty.”<sup>1</sup> Although Obama has completed his first term, been reelected, and begun his second term, the CTBT has not been resubmitted to the Senate for advice and consent to ratification. Clearly, a decision will soon have to be made by President Obama as to whether to resubmit the CTBT to the Senate for consideration. This study examines the initial submission of the CTBT to the Senate by a Democratic President, William Jefferson Clinton, who argued that it was both in the national interest and a priority for his administration. President Clinton managed to conclude negotiations for a CTBT and signed the treaty, but proved unsuccessful in securing Senate advice and consent to ratification. The rejection of the CTBT on October 13, 1999 marked the first time a major security treaty had been formally rejected by the Senate since the Treaty of Versailles.

This article presents a case study of the first battle for ratification of the CTBT in the hopes of informing the debate over whether the CTBT should be resubmitted to the Senate and, to what extent, the past can provide insights into the challenges the CTBT might today face in the Senate. The case study focuses upon the period from signature by President Clinton in 1996 through rejection by the Senate on October 13, 1999. Further, I limit my focus to the ratification effort in the United States, and pay particular attention to the interactions between the Executive Branch, the Senate, interest groups, and industry. The analysis utilizes a set of questions developed by Michael Krepon, Dan Caldwell, and others in their broad study of the domestic politics of arms control treaty

## Domestic Politics of Arms Control Treaty Ratification

Ratification.<sup>2</sup> That work breaks cases into five distinct categories: International Political Context; Domestic Political Context; Role of the President; Executive-Congressional Relations; and Public Opinion and the Role of Interest Groups. This study combines the role of the president and executive-congressional relations into one category. This project provides an overview of the negotiations of the CTBT, details the consideration of the CTBT by the Senate, and then analyzes the case based on the categories mentioned above. It concludes with several generalizations from the first battle for the CTBT and how these might affect the second battle for ratification in the months and years to come.

Throughout this study, there are references to the ratification fight over the Chemical Weapons Convention (CWC). President Clinton submitted the CWC to the Senate in 1993 and finally secured ratification of this ambitious arms control agreement in 1997. The ratification debate over the CWC was contentious, at times bitter, and marked by a level of drama generally not seen in arms control treaty ratification debates in the United States. Indeed, facing defeat in the Senate, President Clinton was forced to ask Senate Majority Leader Lott to withdraw the CWC from consideration in 1996. This proved to be an embarrassing moment for President Clinton and his administration, but Clinton then resubmitted the treaty to the Senate and launched an impressive campaign to secure Senate advice and consent to ratification. There were a number of parallels between the fight for the CWC and the battle to ratify the CTBT. Indeed, “lessons learned” from the CWC case were thought to be useful in game planning strategies for the Clinton administration to successfully ratify the CTBT.<sup>3</sup>

Prior to presenting the case study of the CTBT, I outline historically significant events in the area of nuclear weapons arms control and detail the initial steps in negotiating the CTBT. The next section of the paper addresses the timeframe from signature through final vote on the CTBT. The third section of the paper consists of the analysis, which utilizes the method of structured-focused comparison. Finally, a conclusion summarizes the findings and makes suggestions for the next Submission of the CTBT for Senate advice and consent.

### **Nuclear Weapons, Arms Control, and the Negotiation of the CTBT**

In the realm of international politics, the nuclear era officially began with the United States military dropping nuclear bombs on the Japanese cities of Hiroshima and Nagasaki in August of 1945. The subsequent horizontal proliferation to the Soviet Union (1949), England (1952), France (1960), and China (1964) further raised concerns regarding the spread and potential use of nuclear weapons. As a result, the international community and the nuclear weapons states came to attach great value on the negotiation and conclusion of measures to limit the Proliferation of these weapons. Further, much of the nuclear era took place during the Cold War and, as such, the dynamics that drove arms control efforts and arms racing reflected the state of super power relations during this period.

During the 1950s, the United States and the Soviet Union conducted hundreds of nuclear tests. In response to testing by the United States, Soviet Union, and Britain, discussion began overlimiting such testing. In 1954, the Prime Minister of India, Jawaharlal Nehru, argued that a “standstill agreement” on nuclear testing was necessary after the United States conducted a series of tests in the atmosphere.<sup>4</sup> The Soviet Union repeatedly proposed an end to nuclear testing in 1955 and 1956, but did not include any provisions for international inspections to verify compliance to such a

ban.<sup>5</sup> Throughout the latter half of the decade, the United States and Soviet Union traded proposals - rejecting each other's - on banning nuclear testing in what were referred to as the Tripartite Negotiations. These negotiations were between the United States, the Soviet Union, and the United Kingdom. However, as was the case with most major security issues during the Cold War, the pursuit of a ban on nuclear testing was tied to bipolar security competition between the United States and the Soviet Union. While no agreement was reached, both the United States and Soviet Union enacted unilateral testing moratoriums that would remain in effect as long as other states refrained from nuclear testing. Both sides proved willing to endorse such moratoriums after they had successfully tested much more powerful nuclear weapons, hydrogen bombs, earlier in the decade.

The next push for a test ban began with the election of President Kennedy in 1960. Upon assuming office in 1961, Kennedy placed nonproliferation as one of the top items in his foreign policy agenda.<sup>6</sup> Differences between the United States and the Soviet Union proved difficult to bridge. The disagreements centered on monitoring and verification of Soviet compliance. The Soviet Union proved unwilling to accept the number of inspections and monitoring stations on Soviet soil that the United States considered necessary for the ban to be verifiable. As one observer noted, while the principles were agreed upon, the numbers were not.<sup>7</sup>

Talks between the United States, the Soviet Union, and the British regarding a possible test ban treaty continued despite concerns over verification. The United States wanted the right to conduct inspections to verify Soviet compliance and monitoring stations set up on Soviet soil. While endorsing these ideas in principle, the superpowers proved unable to come to a working agreement. As a result of failed negotiations and continued testing, efforts were made to limit the type, power, and areas in which testing could occur. These efforts resulted in several treaties including the Antarctic Treaty, the Limited Test Ban Treaty (LTBT), and the Nuclear Non-Proliferation Treaty (NPT). Each of these treaties, along with others during this era, represented important steps in the road towards an international ban on the testing of nuclear weapons.

Although an agreement on the complete ban of nuclear testing proved elusive, it continued to play an important role in other nuclear non-proliferation efforts. The Nuclear Non-Proliferation Treaty (NPT), generally accepted as the corner stone of the nuclear non-proliferation regime, was signed in 1968 and entered into force in 1970. The NPT also contained a call for a full test ban treaty. The nuclear weapon states pledged, using intentionally vague wording, to "undertake effective measures in the direction of nuclear disarmament."<sup>8</sup> The NPT also included language that it was in the interest of all parties that negotiations would continue towards "achieve a discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end."<sup>9</sup>

Throughout the 1970s and 1980s, negotiations for a CTBT continued between the United States, the Soviet Union, and Britain. The first major change in the status quo came with the election of Ronald Reagan, whose administration was skeptical of the merits of such a treaty even if it could be adequately verified. The Reagan administration embarked on a program of modernizing and increasing the size of the nuclear arsenal of the United States. During Reagan's first term, the administration made it quite clear that it would not support a test ban treaty. The administration believed testing to be necessary in order to develop so-called "third-generation" nuclear weapons, improve the warhead design of existing weapons, and assure the stockpile security. Further, the administration argued that a comprehensive test ban treaty would be unverifiable.<sup>10</sup> This belief continued into the George H.W. Bush administration, which

## Domestic Politics of Arms Control Treaty Ratification

implemented its own testing moratorium in October of 1992. This moratorium was continued and extended throughout the Clinton administration.

During the Reagan presidency, the administration did undertake some action on nuclear testing. In announcing it would not pursue a CTBT, the administration undertook a reappraisal of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosion Treaty (PNET). The TTBT placed a limit of 150 kilotons on nuclear test explosions, which served to limit the explosive power of both nuclear tests and future weapons development. The PNET placed similar restrictions on so-called peaceful nuclear explosions, limiting the maximum yield of individual or grouped explosions to 150 kilotons. The Reagan foreign policy team believed that both of these treaties remained worthwhile, but that the inspection regimes needed to be significantly strengthened. The Reagan administration's insistence on tough and effective verification procedures reflected a desire to focus on the narrower benefits of the agreements themselves, rather than on the broader, if less tangible, benefits derived from continued discussion and strengthening of the non-proliferation regime.

President George H.W. Bush continued the Reagan administration's policies regarding the CTBT. Despite congressional pressure, President Bush refused to take substantive steps towards resuming negotiations for a test ban treaty. Additionally, the administration's policy position remained that "no CTBT could be effectuated so long as the United States retains a nuclear arsenal and the possibility of refining, improving, or adding new types of warheads to it."<sup>11</sup> The Bush administration eventually agreed to a nuclear testing moratorium in October 1992. The administration was pressured into this agreement by Russian and French testing moratoriums. Further, the administration faced increasing pressure from the Democratic Congress to suspend testing and resume negotiations on a CTBT. This pressure took the form of public statements, resolutions, attempts at issue linkage, and legislation. Bush eventually signed the Hattfield-Mitchell-Exon legislation in response to this pressure and electoral considerations.<sup>12</sup> This committed the United States to suspend testing for a nine-month period, then allowed up to five tests for specified purposes, followed by a continuation of the moratorium unless another nation were to conduct a nuclear test.<sup>13</sup> The United States did not conduct the specified five tests and has not conducted any nuclear tests in the years since this decision.

President Clinton did not share the skepticism of the previous two administrations on the subject of the CTBT. From the outset, President Clinton placed a high degree of importance on breaking the CTBT deadlock. President Clinton believed that a CTBT would greatly strengthen the nuclear non-proliferation regime, do much to prevent the proliferation of nuclear weapons, and not hinder U.S. nuclear weapons research and stockpile security. During the first summit meeting between Clinton and Russian leader Boris Yeltsin, the two called for negotiations on an international ban on nuclear testing. Throughout Clinton's first year in office, the subject of nuclear testing remained on the presidential agenda. Administration officials floated the idea of ending the current moratorium to conduct up to nine additional tests prior to 1996, at which time a new moratorium would be put in place.<sup>14</sup> As part of this plan, the administration highlighted its plans to conclude a comprehensive test ban treaty at the earliest possible date. Facing opposition within Congress and the non-proliferation community, Clinton announced in early July of 1996 that the United States would extend its testing moratorium and begin steps towards concluding a test ban treaty. Clinton reached this decision despite opposition from the nuclear weapons labs, the Defense Department, and the Joint Chiefs of Staff.<sup>15</sup>

During 1994 and 1995, substantial progress occurred on the road to a test ban treaty.

Formal negotiations began within the Conference on Disarmament in January of 1994. During this same month, both President Clinton and Boris Yeltsin reiterated their support for the conclusion of a CTBT at their summit meeting in Moscow. Further, Clinton appeared to make several sacrifices throughout the first half of 1994 in the hope of completing the treaty negotiations. First, the United States dropped its previous insistence that it have the right to withdraw in the interest of national security from the treaty after ten years.<sup>16</sup> This move by the administration was necessitated by demands from non-nuclear weapons states at the preparatory meetings for the nuclear non-proliferation treaty review conference scheduled for 1995. The non-nuclear weapons states indicated opposition to an indefinite extension of the NPT, unless the nuclear weapons states demonstrated increased commitment towards meeting their disarmament obligations under the NPT. While the Clinton administration had proven committed to the idea of a CTBT, the NPT remained the cornerstone of the nuclear non-proliferation regime. Second, in a world of potentially emerging nuclear threats, the NPT appeared even more important as part of a broader strategy by the United States to stem the spread of nuclear weapons. Third, during October 1994, the Clinton administration concluded the Agreed Framework with North Korea. At the time, this was believed to resolve a serious challenge to the NPT, the broader non-proliferation regime, and served to reinforce the need for a ban on nuclear testing.

The NPT continued to play a role in discussions of a ban on nuclear testing. In 1995, as part of the five year review conference for the NPT, the state parties agreed to indefinitely extend the NPT and to continue work on a CTBT with hopes of concluding negotiations in 1996.<sup>17</sup> Despite this apparent commitment, China reasserted its right to test until a ban had been concluded by beginning a series of nuclear tests just days after the NPT review conference concluded.<sup>18</sup> In spite of sustained international criticism, China did not back down. Further, the French ended their moratorium on testing in June of 1995. The French announced their plan to conduct up to eight nuclear tests in the South Pacific before a CTBT could enter into force.<sup>19</sup>

Despite the actions of the Chinese and French governments, the Clinton administration remained focused on the conclusion of a test ban treaty. In early August 1995, Clinton indicated his support for a “zero-yield” test ban that would forbid any type of nuclear explosion.<sup>20</sup> Despite Clinton’s support of such a ban, the idea of an absolute ban on nuclear testing faced resistance in the Senate from Republican members and leaders such as Strom Thurmond and Jesse Helms. This opposition would not disappear with the conclusion of the treaty and would frame debates over Senate advice and consent. Clinton also faced opposition from both the Joint Chiefs of Staff and the Defense Department, both of which argued that future testing might be needed to assure stockpile security.<sup>21</sup> In an attempt to forestall domestic criticism, the administration agreed to a series of five safeguards conditioning support of the zero-yield test ban. The safeguards included provisions promising to: 1) Carry out a stockpile security program; 2) Maintain strong nuclear weapons laboratories and programs designed to advance progress in nuclear technology; 3) Maintain the capability to resume nuclear testing; 4) Continue to develop national means of verifying compliance to the treaty; and 5) Reassess the decision to stop testing if it were in the interests of national security.<sup>22</sup> President Clinton’s decision to back a zero-yield test ban was endorsed by both the Russians and the French during the fall of 1995. Finally, the UN General Assembly voted on a resolution calling for the completion of CTBT negotiations so that signatures could begin in 1996.<sup>23</sup>

## Domestic Politics of Arms Control Treaty Ratification

The CTBT formally opened for signature on September 24, 1996. President Clinton became the first leader to formally sign the treaty. As a gesture to history, Clinton signed the treaty with the same pen that President Kennedy had used in 1963 to affix his signature to the Limited Test Ban Treaty.<sup>24</sup> Over seventy other states joined Clinton in signing the CTBT during the initial signature period, including all the formally recognized nuclear weapon states. India was the only state with nuclear capabilities at the time that refused to sign the treaty.

### **From Signature through the Final Vote**

In this case study, I have divided the CTBT into two segments for examination: 1) the period from signature (September 1996) through a long period of Senate inaction on the treaty (September 1999) and 2) the Senate debate and ultimate rejection of the treaty in October of 1999. By dividing the events into two segments, the political maneuverings, outside events, and congressional-executive relations can be examined and more easily understood.

### **Delay in the Senate**

President Clinton submitted the CTBT for Senate advice and consent on September 22, 1997. On September 23, the CTBT arrived in the Senate for consideration. The treaty was referred to the Senate Committee on Foreign Relations where it would remain until October 6, 1999. In his letter of transmittal, President Clinton wrote:

The conclusion of the Comprehensive Nuclear Test-Ban Treaty is a signal event in the history of arms control. The subject of the treaty is one that has been under consideration by the international community for nearly 40 years, and the significance...cannot be overestimated.<sup>25</sup>

The submission of the CTBT to the Senate for advice and consent marked the first steps in what would lead to its eventual rejection. At the time, however, the consensus was that the CTBT faced a tough fight in the Senate and skepticism from Republican Senators. Upon submission, it appeared that the CTBT would be considered sometime in 1998, after the president and Congress had dealt with NATO expansion and U.N. reform.<sup>26</sup> Legislatively, the CTBT was destined to remain in a holding pattern.

The CTBT remained under the consideration of the Senate Foreign Relations Committee throughout the rest of 1997 and all of 1998. President Clinton called for the Senate to take action in 1998 on the CTBT in his State of the Union Address. Clinton highlighted the CTBT as a key part of the national security strategy of the United States.<sup>27</sup> Highlighting the danger posed by weapons of mass destruction, Clinton argued that the CTBT was necessary for American security in a dangerous world. Additionally, Clinton noted the support the treaty enjoyed from “four former chairmen of the Joint Chiefs of Staff-Generals John Shalikashvili, Colin Powell and David Jones, and Admiral William Crowe.”<sup>28</sup> Despite Clinton’s efforts to promote the treaty, Senator Helms described the CTBT as being “very low on the Committee’s list of priorities.”<sup>29</sup> Senator Helms insisted that the treaty would not be considered until Clinton submitted the Kyoto Protocol and the protocol for the ABM treaty for Senate consideration.<sup>30</sup>

Events outside the United States also influenced the consideration of the CTBT in 1998. France and Britain became the first and second states to deposit their instruments of

ratification for the CTBT in April of 1998. More importantly, India and Pakistan each conducted a series of nuclear tests that surprised the world. Both states were condemned by the United States and the broader international community. The strained relations between India and Pakistan raised the specter of nuclear arms racing and, given the past history of the region, even nuclear war. The confirmed nuclear weapons states had remained at five for decades and all were participants in the non-proliferation regime. The shock of not one, but two new states joining the nuclear club raised grave questions about the possibility of future proliferation. The shock created by the tests “also helped to all but doom prospects...for Senate approval of the Comprehensive Test Ban Treaty,” in 1998 amidst concerns that the CTBT would not prove a barrier to a state becoming a nuclear power.<sup>31</sup>

In the midst of this chaotic period, North Korea also became involved again in the nuclear proliferation equation. Amidst questions over the funding of the Agreed Framework, the North Koreans began to make noises about restarting their suspended nuclear program.<sup>32</sup> The North Koreans threatened to, and then later announced, that they would resume operations at a nuclear plant closed down under the Agreed Framework agreement.<sup>33</sup> The fear over North Korea’s nuclear program was further heightened in July of 1998 as the North Korean government refused to allow international inspectors access to one of their nuclear facilities, which they were legally obligated to allow.<sup>34</sup> The concern over the future of the Agreed Framework and the status of the North Korean nuclear program was further heightened in August of 1998 as reports surfaced that North Korea was constructing a huge underground facility near their nuclear plant at Yongbyon.<sup>35</sup>

The actions of India, Pakistan, and North Korea raised questions about the efficacy and political value of a comprehensive test ban treaty. India and Pakistan had moved to the point of testing outside the non-proliferation regime and then tested, announcing their new status as nuclear powers. If states were able to do this outside the regime, what value, outside normative, would a test ban treaty lend to stemming proliferation? This question would be one that would need to be addressed by treaty supporters and administration officials if the CTBT were to ever receive Senate advice and consent to ratification.

The stalemate between Senator Helms and the President Clinton had not been resolved at the outset of 1999. While Helms remained adamant about linking the CTBT to deals on other foreign policy initiatives, the President showed no inclination to sit down and deal with the Senator from North Carolina. President Clinton used the 1999 State of the Union Address to call for Senate action on the CTBT, arguing:

It's been two years since I signed the Comprehensive Test Ban Treaty. If we don't do the right thing, other nations won't either. I ask the Senate to take this vital step: Approve the Treaty now, to make it harder for other nations to develop nuclear arms and to make sure we can end nuclear testing forever.<sup>36</sup>

National Security Advisor Sandy Berger made the case that ratifying the CTBT remained in the national interest of the United States and a priority for the President Clinton. Berger argued that “If the Senate rejected or failed to act on the test ban treaty, we would throw open the door to regional nuclear arms races and a much more dangerous world. It will be a terrible tragedy if our Senate failed to ratify the CTBT this year.”<sup>37</sup> Despite the administration’s strong words about both the necessity of the treaty and their commitment to it, there was no concerted public effort to break the impasse with Helms or otherwise secure the release of the treaty from the Foreign

## Domestic Politics of Arms Control Treaty Ratification

Relations Committee.

In the absence of a push by the administration, Senator Helms continued to hold the CTBT hostage in an attempt to force the administration's submittal of the Kyoto Protocol and modifications to the ABM Treaty for Senate consideration. The administration, recognizing the opposition to Kyoto in the Senate, refused to submit the Kyoto Protocol for consideration until developing countries like Brazil and China had signed on to the agreement. The administration also feared that submitting the ABM Treaty to the Senate prior to Russian ratification of the START II agreement would doom both treaties. The problem remained that the Russian Duma appeared unlikely to ratify START II anytime in the near future and American tinkering with the ABM treaty would further complicate the issue. This left both treaties in limbo and dependent upon outside events before the administration would consider submitting either to the Senate. Senator Helms was prepared to give in on the CTBT without the Clinton administration agreeing to his demands. Helms prepared language to attach to a variety of pieces of upcoming legislation that would condition the ratification of any treaty upon the administration's submittal of modifications to the ABM treaty for Senate consideration. In effect, this meant that no treaty could be ratified until the ABM treaty modifications were submitted to the Senate for consideration, effectively holding all treaties hostage in the Senate.<sup>38</sup> Despite claims that the CTBT remained its top priority, President Clinton failed to demonstrate a strong commitment to advancing the treaty through the early months of 1999.

The lack of a strong and coordinated push for the CTBT by the Clinton administration continued well into 1999, when frustrated Senate Democrats sought to pressure Senator Helms to take action on the treaty. These senators, led by Senator Byron Dorgan (D-ND), aimed to force a vote on the treaty before the end of 1999. This effort by Democratic Senators occurred without a corresponding effort to reach out to and change the opinions of skeptical Republican Senators. This proved to be a grave mistake in strategy by treaty supporters because, when successful, it opened the way for a vote that would result in the rejection of the treaty.

Throughout the summer of 1999, Senator Dorgan and other Democrats took to the Senate floor repeatedly to call for action on the CTBT. On May 24, Dorgan discussed the importance of the CTBT and noted that it sat "in a committee without movement. There were no hearings on the treaty in the last session of the 105<sup>th</sup> Congress. We are now 5 months into the 106<sup>th</sup> Congress."<sup>39</sup> In June of 1999, Dorgan argued that if "one Senator opposes this country joining the Comprehensive Nuclear Test Ban Treaty, then bring it out here and let's have that debate."<sup>40</sup> Senator Dorgan continued his attempts to pressure Senator Helms, Majority Leader Lott, and the Republican majority in the hope of springing the treaty from the Foreign Relations Committee. While Dorgan's persistent remarks kept the issue on the table, it is not clear that they generated any reconsideration of the merits of the CTBT by any of the aforementioned parties.

As the fall of 1999 began, the Democrats in the Senate appeared willing to force a confrontation over the CTBT. Led by Senators Dorgan and Daschle, Democrats intended to use a looming international conference to discuss the CTBT to pressure Senate action. Attendance at the conference, to be held in Vienna, remained restricted to delegates from states that had ratified the CTBT.<sup>41</sup> Senator Dorgan took to the Senate floor on September 8, 1999 and threatened to delay the business of the Senate until the CTBT was addressed. Dorgan referenced the conference in Vienna and the importance of the United States participating in the conference, which would require ratification before the 23<sup>rd</sup> of September. Dorgan argued:

I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote... this is going to be a tough place to run if you do not decide to bring this issue to the floor of the Senate and give us the opportunity to debate a Comprehensive Nuclear Test Ban Treaty. This will not be an easy road ahead for the Senate if you decide that this country shall not exercise the moral leadership that is our responsibility on these matters.<sup>42</sup>

Depending on the perspective of the reader, Dorgan's stance was either a brilliant move to transfer pressure from the unwilting Helms to a previously distanced Trent Lott or a maneuver that would allow the Republican leadership to quickly scuttle the treaty while blaming Democrats for bringing it to a vote. Ultimately, however, Dorgan's actions succeeded in forcing the Republican leadership to open debate on the CTBT.

The result of Dorgan and other Democrats efforts to advance the treaty was a unanimous consent agreement crafted by Senator Lott and agreed to by the Senate.<sup>43</sup> Under the terms of the agreement, debate on the CTBT would begin on October 8<sup>th</sup> and include at least fourteen hours of debate on the merits of the treaty. Senator John Warner, chairman of the Armed Services Committee, and Jesse Helms, chairman of the Foreign Relations Committee, held three days of hearings on the treaty in October. Unfortunately, it was apparent to nearly all parties that if the treaty were brought to a vote that it would lack the necessary support to receive the two-thirds majority needed for senatorial advice and consent. Barring a major swing within the Republican Party or an agreement to withdraw the treaty, the CTBT faced rejection by the Senate along party lines.

### **The Rush to the Final Vote**

The Foreign Relations Committee held hearings on the CTBT on October 7, 1999.<sup>44</sup> In his opening remarks, Helms highlighted the opposition to the treaty from key members of the foreign policy community, including agency directors and cabinet secretaries.<sup>45</sup> Secretary of State Madeline Albright appeared before the committee and provided testimony. Albright argued that the CTBT was not a panacea, but clearly remained in the interests of the United States. Albright also stressed that the United States would be adequately able to monitor and safeguard its own nuclear stockpile. She argued:

Since America has no need and does not plan to conduct nuclear explosive tests, the essence of the debate over the CTBT should be clear. It is not about preventing America from conducting nuclear tests. It is about preventing and dissuading others from doing so. It is smart, not safe, not right and not legal to conduct explosive tests in order to develop or modernize nuclear weapons.<sup>46</sup>

Given the single day of hearings, it is difficult to make the case that the committee gave the treaty due diligence, though Helms argued that "by the end of the day it will be difficult for anyone to credibly content that the CTBT has not been thoroughly discussed and debated."<sup>47</sup>

## Domestic Politics of Arms Control Treaty Ratification

Given that the treaty would be exiting the committee on an expedited schedule, it can be argued that the hearing before the committee at such a late date was of little importance.

The Senate Armed Services Committee also held a hearing on the CTBT on October 7, 1999. The Committee held open and closed sessions as part of the hearing. In the open hearing, Secretary of Energy Bill Richardson represented the only cabinet secretary to appear before the committee to testify. Secretary Richardson argued that the U.S. nuclear arsenal would remain safe and effective without testing. Richardson highlighted the efficacy of the stockpile security program implemented by the Clinton administration and the sub-critical nuclear tests still being conducted.<sup>48</sup> It is interesting to note that the Secretary of Defense did not testify before the Armed Services or Foreign Relations committees during the hearings. As was the case with the Foreign Relations Committee, the hearings were largely a formality as the treaty was assured consideration by the full Senate the following day.

The treaty, under the terms of the unanimous consent agreement, opened for consideration on October 8, 1999. While many Democrats had clamored for a fall vote, the Republican decision appeared to surprise Senate Democrats. Senator Lott, noting a sudden lack of enthusiasm by some Senate Democrats, commented that, "I am a little bit puzzled why the Democrats now are saying: We don't want to have a vote. I presume they are saying it because it may fail. The Senate will have a debate, and the Senate will vote. If there is not a two-thirds vote, it is over; it is defeated."<sup>49</sup> The debate was set to last fourteen hours over Friday, October 8<sup>th</sup> and then resuming on Tuesday, October 12<sup>th</sup>. The only amendment offered to the treaty was by Senator Daschle, who sought to add the president's safeguards to the resolution of ratification under consideration. This amendment was accepted via voice vote. The lack of amendments aimed at weakening or limiting the scope of the treaty from the Republican side stemmed from the knowledge that treaty supporters lacked the necessary votes to secure advice and consent to ratification. The Clinton administration and the Senate Democratic leadership had miscalculated regarding both the willingness of Senate Republicans to hold a vote and, if necessary, defeat the treaty.

The only question to be determined during the Senate's consideration of the CTBT was whether some type of deal could be reached in order to withdraw it from consideration. During the CWC ratification effort, the Clinton administration had been placed in the awkward position of having to request that Senator Lott allow the treaty to be withdrawn. On that occasion, the Senator Majority Leader had done so. This allowed both President Clinton and Senator Lott to avoid an embarrassing vote that would have resulted in the rejection of the CWC. In the case of the CTBT, the Republican leadership was willing to allow the treaty to be withdrawn. However, there was a condition attached to any attempt to withdraw the treaty from consideration. Lott insisted that in order for the treaty to be withdrawn from consideration, Senate Democrats and the White House would have to agree not to resubmit the treaty through the end of the Clinton administration. This would have proven an embarrassing pill to swallow for the administration, which had attached such great public importance to concluding a comprehensive test ban treaty.

The lack of support for the CTBT could be traced largely to the Republican caucus in the Senate. Senator Helms was obviously opposed to the treaty. The same was true of Senator Kyl, who did much in the months prior to this point to solidify Republican opposition to the treaty. Senator Warner, who chaired the key Armed Services Committee, also opposed the treaty. Senator Lott was on record as saying that he thought the treaty was a bad one for the United States.<sup>50</sup> The CTBT lacked a clear champion among the Republican caucus. Senator Lugar, who had been the key Senator to securing ratification of the CWC, remained unwilling and, apparently, unasked to do the same for the CTBT. Lugar argued that presidential "leadership has been almost

entirely absent on the issue. Despite having several years to make a case for ratification, the Administration has declined to initiate the type of advocacy campaign that should accompany any treaty of this magnitude.”<sup>51</sup> This period of inactivity mirrored, in some ways, the approach the administration adopted during the early stages of the CWC debate. Lugar also expressed disillusionment with the CTBT itself, noting:

I do not believe that the CTBT is of the same caliber as the arms controls treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.<sup>52</sup>

Evidence gleaned from interviews with participants in the CTBT ratification effort revealed that the absence of Lugar’s support and willingness to work the Republican side of the aisle proved one of the major obstacles to the successful ratification of the CTBT. Interestingly, multiple supporters of the treaty believed that Lugar’s unwillingness to support the treaty had less to do with policy matters and more to do with a political cost and benefit analysis in which he decided not to spend political capital on a treaty that had little chance of being ratified. However, evidence supporting this perception is not found in Lugar’s public statements.

While a surface examination highlights the role and importance of the leadership, it is hard to overstate the importance of Senator Lugar, discussed above, and Senator Kyl. Senator Kyl, who worked diligently to defeat the CWC, played a key role in organizing and maintaining Republican opposition to the treaty. In fact, an examination of the Republican strategy to block the treaty from receiving senatorial advice and consent reveals that Senator Kyl’s efforts to motivate both senators and their staff proved highly successful in the months leading up to the final vote.<sup>53</sup> With Senator Helms bottling the treaty up in Committee and Senator Kyl working the members, the Republicans opposed to the treaty could control when and if the treaty would be brought up for consideration and also be assured they had the votes to defeat the treaty if necessary.

The Clinton administration began a campaign to lobby for the treaty in early October of 1999, recognizing both that a vote was looming and that the treaty was facing defeat unless something were to change. Clinton remarked “We don’t have enough now. I hope we can get them. I will do all I can to get the treaty ratified.”<sup>54</sup> Given the strong opposition of Republicans, it quickly became apparent that the administration was seeking to delay the vote until the following year. As part of the administration’s efforts, Secretary of Defense William Cohen cut short a trip to Asia and returned to the U.S. in an attempt to sway undecided Senators.<sup>55</sup> Secretaries Albright and Cohen called and lobbied moderate Republican Senators in the days leading up to the vote.<sup>56</sup> Lott countered calls for a postponement of the vote with a request that the administration let the next president and a future congress deal with the CTBT. Lott stated “If they would indicate some willingness to let the next administration and the next Congress consider this and vote on it, we’d entertain that.”<sup>57</sup> An agreement with the administration to remove the CTBT from consideration through President Clinton’s term in office would remove the issue from the looming presidential campaign. When the discussions failed to reach an acceptable compromise for either side, Clinton blamed the Republicans for playing politics with national security. Clinton went public with his complaints about the Senate Republicans, claiming, “They’ve treated this like a political document. This whole thing is about politics... This treaty was never treated seriously.”<sup>58</sup> In his remarks, Clinton ignored the fact that

## Domestic Politics of Arms Control Treaty Ratification

Senate Democrats had been pushing for months to have a vote on the treaty. This served to further highlight the partisan tone of the debate in the days and weeks leading up to the final vote. The Clinton administration and Senate Democrats had lambasted the Republicans for months regarding their inaction and obstruction on the CTBT.

As the vote loomed, Clinton recognized both that the votes were not there and that the Republican opponents of the treaty remained firm in their commitments to vote against the treaty. Clinton, in writing, formally requested that the treaty be withdrawn from consideration on October 11<sup>th</sup>. However, Clinton did not include any assurances that the treaty would be shelved until the next president took office. This meant that the condition to allow a postponement was not met and, that unless the Republicans or the President Clinton caved, that a vote would occur on October 13<sup>th</sup>. In reports that surfaced that day, the administration held out the possibility of agreeing to Lott's condition. Sandy Berger, the National Security Advisor, remarked, "That's a matter for the Senate, in terms of their schedule and preferences. It's not something the President felt would be responsible for him to say."<sup>59</sup> This represented a potential face saving way out of the crisis for the President, in that Senate Democrats could cut a deal with Lott regarding the consideration of the CTBT.

In the hours before the vote, Senate Majority Leader Lott and Senate Minority Leader Daschle negotiated over language that would satisfy Lott and conservative Republicans. Daschle offered up language that the treaty would not be brought up unless "unforeseen changes" materialized necessitating consideration.<sup>60</sup> However, the conservative wing of the Republican caucus remained opposed to cutting a deal on the CTBT unless the president and Senate Democrats clearly and publicly met the terms that had been offered by the Republicans. In the end, Lott did not cut a last minute deal that would allow the Clinton administration to save face and withdraw the treaty. The result of these failed talks, however, was that the treaty would come before the Senate for a formal vote.

The Senate convened for a formal vote on advice and consent to ratification for the Comprehensive Test Ban Treaty on October 13, 1999. It was a little over three years from the date that President Clinton had originally signed the treaty amidst much hope over finally reaching that point in history. Both sides realized that the treaty was about to be rejected, yet still remained unable to agree on a way to postpone the vote. The vote, when it came, fell largely along party lines. The final tally was forty-eight Senators in favor of the treaty and fifty-one opposed. The only Republicans to vote for the treaty were Senators Chafee (R-RI), Jeffords (R-VT), Smith (R-OR), and Specter (R-PA). The fifty-one votes against the treaty all came from Republican members of the Senate. One Democrat, Senator Byrd (D-WV) voted "present" due to objections over the procedural means, a unanimous consent agreement, used to bring the treaty to a vote. In the aftermath of the vote, members of both parties traded blame over who was responsible for the vote and the ultimate defeat of the treaty.

### **Analysis of the CTBT**

A careful analysis of the CTBT case reveals that the effort to ratify the treaty was complicated by strong personalities, partisanship, ideology, policy differences, and the effect of outside events on the process. Organizationally, the study explores the international political context, the domestic political context, the role of the president, and the role of public opinion and interest groups throughout the process.

### **International Political Context**

The opening for signature of the Comprehensive Test Ban Treaty represented the culmination of decades of effort and incremental progress towards a treaty that would ban all nuclear testing. Throughout the Cold War, the conclusion of a comprehensive ban on testing remained on the agenda within the Conference on Disarmament, negotiations between the superpowers, and in the public imagination. The goal remained a universal treaty to ban testing as a means of stopping both the horizontal (to new states) and vertical (increase in quantity and quality of existing arsenals) proliferations of nuclear weapons. The version of the treaty that opened for signature had been concluded in the aftermath of the Cold War. The Clinton administration had made the conclusion and ratification of the treaty a major goal of its foreign policy agenda. This reversed twelve years of Republican opposition to a test ban treaty stretching from the Reagan and Bush administrations.

The end of the Cold War and the collapse of the Soviet Union ushered in a vastly different security environment at the time under which the CTBT opened for signature and was considered for advice and consent in the Senate. Instead of remaining locked in on superpower competition and arms racing, the debate over the CTBT would be conducted in an environment where the importance of rogue states, horizontal proliferation to regional powers, and terrorism were increasingly seen as the major challenges facing U.S. security policy. This change both increased the uncertainty surrounding the treaty due to the less defined threats posed by these new actors and the resulting questions about the efficacy of a Cold War era treaty for a rapidly changing post Cold War world.

The efficacy of the CTBT came under attack during the Senate consideration of the treaty for a number of reasons. The first major critique of the treaty centered upon the costs the treaty would impose upon the United States, as well as the national security risks that would result from a permanent ban on nuclear testing. Given the past decisions to eliminate the biological and chemical deterrent capability, the importance of nuclear weapons increased during the 1990s. While the Clinton administration stressed the importance of the expensive stockpile stewardship program as a means of addressing concerns about America's nuclear arsenal in a post test ban treaty world, many conservatives and Republicans remained unwilling to take the risk inherent in eliminating testing. The second broad criticism of the treaty focused on the lack of universality of the treaty and the potential benefits of the treaty. A number of states of concern regarding nuclear proliferation had not signed and/or ratified the CTBT at the time of Senate consideration. These states included China (still has not ratified), Egypt (still has not ratified), Libya (signed and ratified after the Senate rejected the CTBT), Iran, Iraq, North Korea, the Russian Federation (had not ratified when Senate rejected), Pakistan, India, and Israel (signed but not ratified). India and Pakistan both tested nuclear weapons after the treaty had opened for signature. The nonparticipating states raised the risk of paying the costs of a treaty regime when other nuclear or potential nuclear powers remained outside the regime. Finally, critics of the treaty argued that the treaty lacked effective verification and enforcement provisions. The criticisms in this category appeared fairly weak on the merits as both the treaty detection systems and national technical means would allow for detection of nuclear blasts around the globe. However, many conservatives feared that states inside the regime could cheat and that they would not be held accountable by the international community. In summation, treaty opponents believed that the treaty posed major risks to the nuclear deterrent of the United States without commensurate or greater benefits through a ban on testing. In the minds of many Republican senators, it was better to have no treaty than a flawed feel-good agreement.

After the treaty was transmitted to the Senate in September of 1997, the Senate's consideration of the treaty was influenced by the nuclear tests conducted by India and Pakistan.

## Domestic Politics of Arms Control Treaty Ratification

These tests were conducted by states that remained outside of the global nuclear non-proliferation regime and that had refused to be bound by the provisions of the CTBT. For proponents of the treaty, it highlighted the need for the entry into force of the treaty. For conservative opponents of the treaty, this highlighted the perceived wishful thinking of the CTBT regarding the realities of international politics. As one opponent argued:

Far from demonstrating the urgency of ratification, India's and Pakistan's tests demonstrate the CTBT's irrelevance. India had not tested since 1974. Pakistan evidently had never tested. Yet both had sufficient stockpiles to perform multiple tests. So the tests did not create new sabers; they were the rattling of sabers known to have existed for years.<sup>61</sup>

The expansion of the nuclear powers and the emerging nuclear arms race in South Asia certainly influenced the debate over the CTBT.

The period from signature through the rejection of the CTBT by the Senate was shaped by the changing international political context of the 1990s in which the disappearance of the Soviet Union dramatically altered the viewpoints of many Republican Senators on the utility of arms control as a tool of U.S. security policy. The rise of rogue states and the new proliferation challenges they posed highlighted the changing security environment and raised serious questions about the utility of arms control agreements in this new security environment. While the CTBT had long been a goal of many people concerned about nuclear proliferation, it arrived in the Senate at a time when a significant number of Republican senators worried about the costs such a treaty might impose and the perceived lack of clear cut benefits for the United States.

### **Domestic Political Context**

The signing of the CTBT in September of 1996 represented a major event in international politics and, given that it was presidential election season, a major foreign policy win for the Clinton administration. The Clinton administration made the signature of the CTBT a foreign policy priority and, after succeeding in that endeavor, faced the somewhat daunting prospect of securing senatorial advice and consent to ratification. Despite the importance of the CTBT to the administration, the CTBT ratification effort would be constrained by a rocky relationship with the Republican Congress, the pressing nature of other administration priorities, and a series of scandals that culminated in the impeachment of the president.

The administration faced several major hurdles to the ratification of the CTBT from within the Republican Congress. Senator Helms, chairman of the Senate Foreign Relations Committee, remained at the top of this list. As had been the case with the CWC ratification effort, Helms remained an obstacle that made a quick resolution of the issue near impossible. Additionally, Senators Lott, Thurmond, and Kyl clearly stated their opposition to the treaty. Many other Republicans, including internationalists like Senator Lugar, also opposed the treaty. Republican opposition to the treaty centered upon the risks to the U.S. nuclear deterrent if testing were not allowed and the ability of states to develop nuclear weapons without testing. Treaty opponents argued that the U.S. would be demonstrably less safe if CTBT were ratified. Thus, from the very start, the bulk of the Republican leadership and the caucus in the Senate opposed the CTBT. The Clinton administration failed to secure a senior Republican's support for the CTBT and assistance in moving it through the Senate. The unwillingness of Senator Lugar (or another Senator of similar stature within the Republican Party) to champion the CTBT as he had done for the CWC magnified

the difficulties in advancing the treaty through the process.

During the period the CTBT remained in the Senate, the administration faced a number of foreign policy and domestic issues that occupied a significant amount of political attention. The administration was forced to address crisis after crisis in dealing with Saddam Hussein, the North Korean issue, the problems in Kosovo, NATO Expansion, the embassy attacks in Kenya and Tanzania, the Northern Ireland peace process, and the Israeli-Palestinian peace process. Additionally, the administration also was forced to deal with the intensifying scandals surrounding the President and, in some cases, members of his administration. In January of 1998, less than three months after the CTBT was transmitted to the Senate, the Monica Lewinsky scandal erupted in the national media. This lent new urgency and attention to Special Prosecutor Kenneth Starr's Whitewater investigation. As Madeline Albright noted, the administration faced an environment in which policy questions were secondary and the media focused upon "All Monica, All the Time."<sup>62</sup> Interestingly, the subject of the CTBT is not raised in Albright's memoirs except in a chronology at the end of the book. In her discussions of this period, it remains clear that the combination of foreign policy crises and the domestic attention on scandal/impeachment consumed nearly all of the administration's attention.<sup>63</sup>

The Senate's consideration of the CTBT involved a host of political heavyweights from inside and outside of government. President Clinton had made the CTBT a major centerpiece of his foreign policy agenda. Inside the Senate, Senators Lott, Helms, Kyl, Biden, Kerry, Dorgan, and Daschle all played significant roles in the debate over the CTBT. Secretary of State Madeline Albright testified before the Senate Foreign Relations Committee in the hearings on the CTBT. Albright also advocated publicly for the treaty throughout the process, but most stridently after the treaty was scheduled for a vote. Secretary of Energy Bill Richardson testified before the Armed Services Committee about the merits of the CTBT and the viability of the stockpile stewardship program. Secretary of State Cohen did not testify before either committee, but did advocate for the treaty publicly in the days leading up to the vote. The administration also enjoyed the public support of four former chairmen of the Joint Chiefs of Staff (JCS). Given the importance of the JCS in arms control treaty ratification, this endorsement was significant.<sup>64</sup> The lack of a sustained push for the CTBT is apparent, with much of the administration's efforts coming only in the weeks prior to the vote.

The opponents of the treaty benefited from key senators on the inside and a number of influential opponents on the outside of the Senate debate. The Senate Majority Leader, the Chairman of the Foreign Relations Committee, and the Chairman of the Armed Services Committee all opposed the CTBT. This set a substantial institutional hurdle for the administration to overcome. Senator Kyl, while not in a formal leadership position relevant to the CTBT, worked tirelessly to defeat the treaty. Outside of the Senate, the opponents of the CTBT included many influential conservative thinkers including scholars at the Heritage Foundation and the American Enterprise Institute. Additionally, Frank Gaffney Jr., brought the considerable resources of the Center for Security Policy to argue against the CTBT. More importantly, the CTBT was opposed by a host of former officials from the Reagan and Bush administrations including former Secretaries of Defense Rumsfeld, Cheney, Carlucci, Laird, Schlesinger, and Weinberger. Each of these former Secretaries had served in Republican administrations and were widely respected within Republican circles. This opposition from the secretaries, as well as numerous other former Republican officials, highlighted the strong Republican opposition and the lack of bipartisan support for the CTBT.

While partisan rancor strongly influenced the CTBT ratification effort, electoral politics played a less prominent role. Senate Republicans insisted that any postponement of a CTBT vote in

## Domestic Politics of Arms Control Treaty Ratification

the fall of 1999 be accompanied by a promise from the Clinton administration not to resubmit the CTBT for consideration until 2001, after the 2000 presidential elections. The administration's refusal to accede to such a request prevented any last minute deal being struck to postpone consideration on the CTBT. Immediately after the Senate vote, Vice President and presidential candidate Al Gore made his first television advertisement of his presidential campaign.<sup>65</sup> Gore also stated that he planned to make the treaty a campaign issue and that, if elected; he would resubmit the treaty for Senate advice and consent.<sup>66</sup> George W. Bush, then a candidate, came out in opposition to the treaty and Gore called Bush's stance "a serious mistake."<sup>67</sup> Additionally, First Lady Hillary Clinton assailed Senate Republicans for rejecting the CTBT. Clinton accused the Republican party of playing "partisan politics at the expense of our national security."<sup>68</sup> The CTBT became a short-term issue in the electoral fencing between Hillary Clinton and her prospective opponent in the Senate race, Rudy Giuliani. However, the CTBT remained somewhat insulated from electoral politics due to the point in the election cycle in which it was quickly considered and rejected by the Senate. Obviously, if the vote had come a calendar year later, the CTBT likely would have been a major political issue in the days and weeks leading up to the elections.

### Role of the President

A cursory examination of President Clinton's approval rating for the period in which the CTBT was signed, considered, and rejected would suggest that President Clinton was quite popular. The chart below demonstrates that Clinton's popularity remained high throughout his second term.

#### Clinton Approval Ratings 1993-2000

Year	Approval
1993	49%
1994	46%
1995	48%
1996	55%
1997	58%
1998	64%
1999	62%
2000	60%

Table compiled with data from (Newman 2002)

Even in the midst of scandal and the resulting impeachment process, Clinton retained the support of the American public. In fact, Clinton's public approval numbers improved during the Lewinsky scandal and the impeachment process.<sup>69</sup> However, this support does not appear to have positively impacted the consideration of the CTBT.

The administration's strategy for advancing the CTBT proved quite ineffective in the face of serious Republican opposition. For the vast majority of the time that the CTBT remained under Senate consideration, little was done to move the treaty through the Senate. Senator Helms proved a major obstacle, but the administration did not apply a full court press to advance the treaty out of committee and into a full Senate vote for advice and consent to ratification. The New York Times described the administration's strategy during this period as one of "benign neglect."<sup>70</sup> Indeed, the

strategy of the administration and the Democrats in the Senate largely consisted of calling for a vote to be held on the treaty. Senate Majority Leader Lott's decision to schedule a vote on the treaty was a response to these charges of Republican obstruction made by both Senate Democrats and administration officials.<sup>71</sup> Lott released the treaty knowing that he had the votes necessary to defeat it. At the time, Democratic senators acknowledged that they lacked the necessary two-thirds majority for consent. Instead, they argued that they wanted hearings on the CTBT in order to "build public pressure for ratification."<sup>72</sup>

In the aftermath of Lott's decision, the administration proved skillful in waging a public relations campaign for the treaty's ratification. Clinton proved able at marshaling members of his administration ranging from the National Security Advisor to various cabinet secretaries. All other things being equal, this strategy might have proven successful in securing the ratification of the treaty. However, given the strong Republican opposition to the treaty, the Clinton administration's strategy proved insufficient at garnering the necessary votes. Furthermore, the administration found itself in the difficult position of working hard to simply postpone the final vote on the CTBT. Indeed, the parties needed to be convinced to postpone the debate were the very same Republicans that they had criticized for not releasing the treaty for a vote.

While the Clinton administration proved unsuccessful in implementing a broad based strategy in the Senate resulting in the ratification of the treaty, the administration did do several things right in the process that merit mention. The administration reassured the directors of the nuclear weapons laboratories and the Joint Chiefs of Staff that the treaty could work. The administration's efforts took the form of the stockpile stewardship program, which in January of 1998 translated into publicly stated support for the CTBT based upon an agreed set of conditions. Given both the importance of support from the JCS in arms control treaty ratification and the initial skepticism with which they greeted the CTBT, securing their support represented a smart course of action by the administration. Even though it ultimately proved impossible to secure advice and consent at that time, the effort to secure the support of the Joint Chiefs of Staff demonstrated political skill by the administration.

In examining the period between the transmittal of the CTBT to the Senate and the decision by Majority Leader Lott to hold a vote, it becomes apparent that the administration did not engage in a sustained effort to move the treaty through the process. There appears to have been little effort to secure the treaty's release from the Senate Foreign Relations Committee and even less to secure the necessary votes in the Senate when it was released. The administration rejected linkage attempts by Helms, but then did not engage in serious negotiations to broker a compromise or to find an alternative means of securing the release of the treaty. For much of this period, the ratification strategy appeared to consist of public statements calling for the ratification of the treaty and castigation of the Republicans for preventing a vote that would result in the treaty's ratification. While this might have scored political points, it did little to advance the treaty or lay the groundwork for any positive resolution of the issue with the Republican controlled Senate.

### **Executive - Congressional Relations**

While the Clinton administration had never enjoyed a particularly warm relationship with the post-1994 Republican Congress, this had not stopped the two branches from working together on a number of sensitive and important issues over the years. Whether it was the North American Free Trade Agreement (NAFTA), welfare reform, the Mexican financial bailout, or the CWC, the administration and Congress had cooperated in the pursuit of the national interest.

## Domestic Politics of Arms Control Treaty Ratification

However, the CTBT was transmitted to the Senate in the fall of 1997, shortly before the world became aware of Monica Lewinsky. The resulting scandal led to impeachment by the House and was not resolved until the Senate acquitted the President on February 12<sup>th</sup> of 1999. Throughout his latter years in office, Clinton met infrequently with the Republican leadership in the Senate. In 1999, Clinton averaged “one face to face conversation every two months” with the Senate leadership.<sup>73</sup> Clinton did not meet at all with the Republican leadership in 1998, while the Lewinsky scandal and impeachment debate were in full swing.<sup>74</sup> The administration was surprised when Lott released the CTBT for a vote, never realizing that the Republicans had quietly collected the necessary votes to easily defeat the treaty. It is reasonable to expect that if President Clinton had been more engaged with Congress that this might not have occurred.

The lingering animosity from impeachment and the ill will that had built up between Clinton and the Republicans since 1994 made it easier for both sides to play hardball. The CTBT itself increased the odds of a major fight between the Senate Republicans and the President. The clear divide between the parties on the merits of the CTBT made compromise more difficult than it would have been on other issues and arms control treaties. In many ways, the CTBT proved to be the wrong treaty at the wrong time in the United States. While Senator Lott and President Clinton had previously cut a deal on the CWC to postpone a vote, such an agreement proved elusive in the consideration of the CTBT. As one observer noted, “The White House and Congress just don't trust each other at all. This is a Cold War that will not end until there is another president.”<sup>75</sup>

The constitutional requirement for a two-thirds majority did not appear to play a major role in the debate over the CTBT. The Clinton administration and Democratic proponents in the Senate realized that they did not have the necessary votes to secure Senate advice and consent to ratification. In fact, Democrats admitted that they hoped to use hearings as a means of bolstering support for the treaty and garnering public support for the CTBT. The two-thirds majority is a significant hurdle to ratification for a controversial treaty and, considering the CTBT, it is not surprising that the administration lacked the necessary votes to secure ratification. The stiffness of the Republican opposition and the ability of the leadership to quietly secure an excess of votes to defeat the treaty is somewhat surprising. It is one thing to block a treaty, but an outright defeat is rare. The administration's lack of an effective strategy for moving the treaty forward was compounded by its inability to recognize the ability of the Republicans to formally reject the treaty. The efforts of the administration and its allies in the Senate resulted in the Republicans springing what amounted to a trap - quick consideration of the treaty followed by rejection - while claiming that this is what the administration and the Democrats had requested.<sup>76</sup>

Once the vote had been agreed to, the treaty supporters recognized the degree of Republican opposition. Just as had been the case with the CWC, the treaty supporters were forced to push for a postponement of a vote that they had forcefully championed. In requesting a postponement, the administration was forced to deal with Senate Majority Leader Trent Lott and the broader Republican leadership on the CTBT. This placed the administration in the position of relying upon Senator Lott to allow a face-saving way out and, if necessary, pay the price he demanded for such an action. The price this time was the promise not to call for or push the ratification of the CTBT until 2001, after the end of the Clinton presidency. This would have largely taken the issue off the table as an election year issue, while not allowing treaty supporters to use the withdrawal of the CTBT as a short-term reverse and immediately pressuring for hearings on the issue. The rejection of the treaty shows that the administration failed miserably in its efforts to ratify the CTBT. In fact, no action on

the CTBT might have been preferable to a formal rejection by the Senate. Certainly, the lack of a coordinated ratification strategy throughout much of this process is an indictment of the administration. Richard Lugar, who criticized the Clinton administration for its handling of the CTBT, claimed “This naive thought of the president, that you don't start doing anything till hearings are held, and then you have a few celebrities, Nobel laureates, and what have you, it's zilch. It means nothing.”<sup>77</sup> While the administration engaged in a full-court press after Lott had agreed to a vote, this amounted to too little too late in the process. The administration made the mistake of publicly, criticizing Lott and the Republican Party for not acting on the treaty and compounded it by not recognizing that the votes were not there to ratify the CTBT. Further, the administration erred in not paying the price Lott demanded to withdraw the CTBT from consideration. By refusing to personally negotiate with Lott in the hours before the vote, it raised questions as to how hard Clinton was willing to fight for the CTBT.<sup>78</sup>

### **Public Opinion and the Role of Interest Groups**

The role of public opinion and interest groups in the consideration of the CTBT was minimized by the truncated nature of the process. The relatively short time between the release of the treaty and the final vote left little opportunity for full consideration of the treaty and for all voices to be heard in the process. As such, it is not possible to fully evaluate the role of either in the process. The short period of debate before the final vote did not allow for a long series of hearings in Congress or sufficient time for op-ed pieces, magazine articles, and television news coverage. Interest groups certainly weighed in on the merits and/or short comings of the CTBT, but once again the brief amount of time between the decision to hold a vote and the actual vote limited the activities and influence of these groups. For the most part, the various groups involved were limited to preaching to the choir; arms control advocates argued the merits and importance of the treaty and conservative groups highlighted the costs and the risks inherent in the treaty. Members of both pro- and anti-treaty interest groups stressed their belief that the Clinton administration had dropped the ball in its handling of the CTBT.

Public opinion polling has consistently shown strong support from the American public towards ending nuclear testing. This support dates back to the early years of the Cold War and has remained at high levels throughout the Cold War and into the 1990s. Public opinion polling demonstrated support ranging from a low of sixty-one percent in 1963 to a high of eighty-five percent in 1988.<sup>79</sup> This support remained high in the years between 1997 and 1999, in which public support for a ban on testing nuclear weapons registered at seventy percent in 1997, seventy-three percent in 1998, and eighty-two percent in 1999.<sup>80</sup>

Despite the polling data showing support for a ban on nuclear testing, the level of public understanding and concern over the issue of the CTBT can be questioned. A study conducted by the Pew Research Center the week after the treaty was rejected found that only forty-nine percent of those surveyed were even aware of the vote and only twenty-one percent “heard a lot about” the treaty.<sup>81</sup> As James Lindsay has noted, “politicians worry less about what the public thinks about an issue than about how intensely it cares.”<sup>82</sup> In this case, the debate and even rejection of the CTBT did not arouse an outcry among the American public.

The Center for Security Policy, a conservative Washington based think tank, played a leading role in opposition to the treaty. Frank Gaffney, Jr., the head of the Center made the rounds in the media. The Center for Security Policy released numerous press releases and opinion pieces decrying

## Domestic Politics of Arms Control Treaty Ratification

the CTBT and attacking the perceived strengths of the treaty. In the public relations campaign, the Center criticized the verification regime for the CTBT, its lack of universality, and the costs to U.S. national security. Other conservative critics from the Heritage Foundation, the Cato Institute, and the American Enterprise Institute attacked the merits of the treaty as well. All of these groups highlighted the weaknesses of the treaty and the opposition to it by a host of former senior military figures and Republican officials. The administration and Senate Democrats benefited from the support and efforts from a number of pro-arms control and/or liberal groups that both argued the merits of the CTBT and attempted to undercut the criticism of the treaty. These groups included the Council for a Liberal World, the Federation of American Scientists, the Arms Control Association, the Coalition to Reduce Nuclear Dangers, Physicians for Social Responsibility, and other groups from around the country and the world. The arguments advanced by these groups stressed the importance of the treaty in preventing nuclear proliferation and war, the support the treaty enjoyed with the American public and international community, and the damage rejecting the treaty would do to the global nuclear non-proliferation regime.

### Conclusions

When the CTBT was signed by President Clinton, few would have thought that the treaty would face formal rejection by the United States Senate. While any illusions that the Senate might rubber stamp an arms control treaty died when the Republicans came into power in 1994, there were numerous examples of the Clinton administration and Congressional Republicans managing to cooperate and reach agreements on any number of difficult foreign policy issues. Despite substantial disagreements, both sides had reached an acceptable outcome in the ratification effort for the CWC. Many of the key players in Congress and the administration remained the same. However, in the case of the CTBT, both sides appeared far less willing to compromise than they had in the past. Clearly, a combination of partisanship, ideology, and policy differences doomed the chances of ratifying the CTBT during the Clinton administration. While some of the players and the circumstances (impeachment) are unique to that time period, it is clear that there will still be considerable Republican opposition to the CTBT in the Senate.

If President Obama were to push for the ratification of the CTBT during his second term, he would (at least for now) enjoy the advantage of a Democratic-controlled Senate. This would allow for significant advantages when it comes to moving the treaty through the Foreign Relations Committee and a formal vote in the Senate. However, given the two thirds majority requirement for treaty ratification, Republican support for ratification would be required. This means that President Obama would be wise, if he chooses to proceed, to craft a comprehensive strategy for securing Senate advice and consent. Such a strategy would require outreach to key Republican senators like John McCain who could potentially sway other undecided Republican senators to support the ratification of the CTBT. Regardless of what happens, it is clear that any effort to ratify the CTBT by President Obama will be costly, time consuming, and will not be guaranteed of success.

- <sup>1</sup> “Barack Obama: Remarks in Prague,” April 5, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=85963&st=comprehensive+test+ban+treaty&st1=>.
- <sup>2</sup> Michael Krepon and Dan Caldwell, *The Politics of Arms Control Treaty Ratification* (Palgrave Macmillan, 1991).
- <sup>3</sup> John V. Parachini, “U.S. Senate Ratification of the CWC: Lessons for the CTBT,” *The Nonproliferation Review* 5, no. 1 (1997): 62-72, doi:10.1080/10736709708436694.
- <sup>4</sup> Thanos P. Dokos, *Negotiations for a CTBT: 1958-1994* (Lanham: University Press of America, 1995).
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> Thomas Graham and Damien J. LaVera, *Cornerstones of Security* (University of Washington Press, 2003).
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Ibid.*
- <sup>10</sup> Dokos, *Negotiations for a CTBT: 1958-1994*.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> Dan Roche, “Political Poker Pays Peace Dividend,” *The Toronto Star*, October 30, 1992.
- <sup>13</sup> Graham and LaVera, *Cornerstones of Security*.
- <sup>14</sup> “Resumption of Nuclear Tests Pondered,” *United Press International*. (Washington, D.C., 1993).
- <sup>15</sup> J.R. Smith, “Clinton Extends Nuclear Test Ban,” *Chicago Sun-Times*, 1993.
- <sup>16</sup> Peter Grier, “Why Clinton Softens Stance On Nuclear Testing Ban,” *Christian Science Monitor*, December 31, 1995, sec. *Washington Watch*.
- <sup>17</sup> Ved Nanda, “World Is Still Awash in Nuclear Weapons,” *The Denver Post*, December 28, 1995.
- <sup>18</sup> Steven Mufson, “Chinda Holds Nuclear Test; U.S., Japan Join Protests; Underground Blasts Follows Backing of Treaty,” *Washington Post*, May 16, 1995.
- <sup>19</sup> David Buchan et al., “Pacific States Protest over French N-tests,” *The Financial Times*, June 15, 1995.
- <sup>20</sup> Steven Greenhouse, “PRESIDENT URGES A PERMANENT BAN ON ALL ATOM TESTS,” *The New York Times*, August 12, 1995, sec. *World*, <http://www.nytimes.com/1995/08/12/world/president-urges-a-permanent-ban-on-all-atom-tests.html>.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> Graham and LaVera, *Cornerstones of Security*.
- <sup>23</sup> “A/RES/50/245. Comprehensive Nuclear-Test-Ban Treaty,” September 10, 1996, <http://www.un.org/documents/ga/res/50/a50r245.htm>.
- <sup>24</sup> Alison Mitchell, “Clinton, at U.N., Signs Treaty Banning All Nuclear Testing,” *The New York Times*, September 25, 1996, sec. *World*, <http://www.nytimes.com/1996/09/25/world/clinton-at-un-signs-treaty-banning-all-nuclear-testing.html>.
- <sup>25</sup> REMOVAL OF INJECTION OF SECRECY -- TREATY DOCUMENTS NOS. 105-28, 105-29, AND 105-30 (Senate - September 23, 1997), accessed March 18, 2013, <http://thomas.loc.gov/cgi-bin/query/F?r105:16:./temp/~r105vCeKjs:e0:>.
- <sup>26</sup> John F. Harris, “Clinton Tells U.N. He’s Ready To Forward Test Ban To Senate,” *Washington Post*, September 23, 1997; James Bennet, “Clinton, at U.N., Says He’ll Press Senate on Test Ban Pact - NYTimes.com,” September 23, 1997, <http://www.nytimes.com/1997/09/23/world/clinton-at-un-says-he-ll-press-senate-on-test-ban-pact.html>.
- <sup>27</sup> William J. Clinton, “Address Before a Joint Session of the Congress on the State of the Union,” January 27, 1998, <http://www.presidency.ucsb.edu/ws/index.php?pid=56280>.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> “Legislative Background: Senate Consideration of the CTBT,” *Congressional Digest* 78, no. 12 (December 1999): 299.
- <sup>30</sup> “Battle Ahead with America-first Congress,” *The Financial Times*, January 28, 1998, London Edition edition.
- <sup>31</sup> Judith Miller, “New Blasts Shake Foundation of Effort to Limit Nuclear Arms,” *The New York Times*, June 3, 1998, sec. *World*, <http://www.nytimes.com/1998/06/03/world/new-blasts-shake-foundation-of-effort-to-limit-nuclear-arms.html>.
- <sup>32</sup> Barton Gellman, “U.S., Allies Struggling to Fulfill N. Korea Pact,” May 2, 1998.

## Domestic Politics of Arms Control Treaty Ratification

- <sup>33</sup> Jonathan Landay, "N. Korea's Threats Add to Asia's Atomic Jitters," *The Christian Science Monitor*, June 8, 1998, sec. International; Elisabeth Rosenthal, "North Korea Says It Will Unseal Reactor," *The New York Times*, May 13, 1998, sec. World, <http://www.nytimes.com/1998/05/13/world/north-korea-says-it-will-unseal-reactor.html>.
- <sup>34</sup> Philip Shenon, "North Korea Said to Block Inspection of Nuclear Sites," *The New York Times*, July 15, 1998, sec. World, <http://www.nytimes.com/1998/07/15/world/north-korea-said-to-block-inspection-of-nuclear-sites.html>.
- <sup>35</sup> Dana Priest, "Activity Suggests N. Koreans Building Secret Nuclear Site," August 18, 1998.
- <sup>36</sup> William J. Clinton, "Address Before a Joint Session of the Congress on the State of the Union," January 19, 1999, <http://www.presidency.ucsb.edu/ws/index.php?pid=57577>.
- <sup>37</sup> Stephen Fidler, "White House Worries over Test Ban Vote," *The Financial Times*, October 5, 1999.
- <sup>38</sup> Thomas W. Lippman, "Helms Faces Off With White House on Missed ABM Treaty Deadline," *The Washington Post*, June 21, 1999.
- <sup>39</sup> "Comprehensive Nuclear Test Ban Treaty - S5792," *Congressional Record*, 106th Congress (1999-2000), May 24, 1999, <http://www.gpo.gov/fdsys/pkg/CREC-1999-05-24/pdf/CREC-1999-05-24-pt1-PgS5792-3.pdf#page=1>.
- <sup>40</sup> "The Comprehensive Nuclear Test Ban Treaty - S6457," *Congressional Record*, 106th Congress (1999-2000), June 7, 1999, <http://www.gpo.gov/fdsys/pkg/CREC-1999-06-07/pdf/CREC-1999-06-07-pt1-PgS6457-2.pdf#page=1>.
- <sup>41</sup> Eric Schmitt, "Democrats Ready For Fight To Save Test Ban Treaty," *New York Times*, accessed March 19, 2013, <http://www.nytimes.com/1999/08/30/world/democrats-ready-for-fight-to-save-test-ban-treaty.html?pagewanted=all&src=pm>.
- <sup>42</sup> "The Comprehensive Nuclear Test Ban Treaty - S10541," *Congressional Record*, 106th Congress (1999-2000), September 8, 1999, <http://www.gpo.gov/fdsys/pkg/CREC-1999-09-08/pdf/CREC-1999-09-08-pt1-PgS10540-2.pdf#page=2>.
- <sup>43</sup> "Unanimous-Consent-Request--Treaty Document No. 105-28 - S11667," *Congressional Record*, 106th Congress (1999-2000), September 30, 1999, <http://www.gpo.gov/fdsys/pkg/CREC-1999-09-30/pdf/CREC-1999-09-30-pt1-PgS11666-2.pdf#page=2>.
- <sup>44</sup> Final Review of the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28) (Washington, D.C., 1999).
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> Ibid.
- <sup>48</sup> Hearings to Receive Testimony on the Ability of the Stockpile Stewardship Program to Adequately Verify the Safety and Reliability of the U.S. Nuclear Deterrent Under a Comprehensive Test Ban Treaty. (Washington, D.C., 1999), <http://www.fas.org/nuke/control/ctbt/conghearings/sasc.htm>.
- <sup>49</sup> "Comprehensive Test Ban Treaty - S11819," *Congressional Record*, 106th Congress (1999-2000), October 1, 1999, <http://www.gpo.gov/fdsys/pkg/CREC-1999-10-01/pdf/CREC-1999-10-01-pt1-PgS11819-5.pdf#page=1>.
- <sup>50</sup> "Unanimous-Consent-Request--Treaty Document No. 105-28 - S11667."
- <sup>51</sup> "Legislative Background: Senate Consideration of the CTBT."
- <sup>52</sup> Ibid.
- <sup>53</sup> Richard Lowry, "Test-Ban Ban: How the Treaty Went Down," *National Review* (November 8, 1999): 20-222.
- <sup>54</sup> Marc Lacey, "Clinton Kicks Off Campaign To Pass Nuclear Test Ban," *The New York Times*, October 5, 1999, sec. World, <http://www.nytimes.com/1999/10/05/world/clinton-kicks-off-campaign-to-pass-nuclear-test-ban.html>.
- <sup>55</sup> Fidler, "White House Worries over Test Ban Vote."
- <sup>56</sup> Eric Schmitt, "Both Parties Seek a Graceful Way To Put Off a Nuclear Treaty Vote," *The New York Times*, October 6, 1999, sec. World, <http://www.nytimes.com/1999/10/06/world/both-parties-seek-a-graceful-way-to-put-off-a-nuclear-treaty-vote.html>.
- <sup>57</sup> Roberto Suro and Helen Dewar, "Test Ban Vote May Be Set Aside; Senate Moving to Avoid Roll Call, Push Treaty to Next Congress," *The Washington Post*, October 6, 1999.
- <sup>58</sup> Susan Milligan, "Clinton Admits Failure On Treaty Says GOP Dooms Vote On Test Ban," *Boston Globe*, October 9, 1999.

<sup>59</sup> Eric Schmitt, "A Plan Is In The Works To Put Off A Vote On Test Ban Pact," *The New York Times*, October 12, 1999, sec. World, <http://www.nytimes.com/1999/10/12/world/a-plan-is-in-works-to-put-off-a-vote-on-test-ban-pact.html>.

<sup>60</sup> Helen Dewar, "Democrats Push Delay on Treaty; Compromise Offered By Daschle Would Block Vote Until After Elections," *The Washington Post*, October 13, 1999.

<sup>61</sup> George Will, "Keeping U.S. Vulnerable," *Chicago Sun-Times*, June 8, 1998.

<sup>62</sup> Madeleine Albright, *Madam Secretary* (HarperCollins, 2013), 302.

<sup>63</sup> Albright, *Madam Secretary*.

<sup>64</sup> Krepon and Caldwell, *The Politics of Arms Control Treaty Ratification*.

<sup>65</sup> Ceci Connolly, "Gore Turns Anger Into First TV Ad; Late-Night Filming Follows Treaty Defeat," *The Washington Post*, October 15, 1999.

<sup>66</sup> "Gore on Campaigning, Test Ban Treaty," *The Washington Post*, October 16, 1999.

<sup>67</sup> *Ibid.*

<sup>68</sup> Adam Nagourney, "First Lady Denounces Treaty Vote And G.O.P.," *The New York Times*, October 16, 1999, sec. N.Y. / Region, <http://www.nytimes.com/1999/10/16/nyregion/first-lady-denounces-treaty-vote-and-gop.html>.

<sup>69</sup> Brian Newman, "Bill Clinton's Approval Ratings: The More Things Change, the More They Stay the Same," *Political Research Quarterly* 55, no. 4 (2002): 781-804.

<sup>70</sup> John M. Broder, "Defeat of a Treaty: The Tactics; Quietly and Dexterously, Senate Republicans Set a Trap - *New York Times*," *New York Times*, accessed March 19, 2013, <http://www.nytimes.com/1999/10/14/world/defeat-treaty-tactics-quietly-dexterously-senate-republicans-set-trap.html?pagewanted=all&src=pm&gwh=21C7475E2356B1FA3CC32B407FB49983>.

<sup>71</sup> *Ibid.*

<sup>72</sup> Helen Dewar, "Senate Rejects Test Ban Treaty; Nuclear Pact Falls 51 to 48 as GOP Deals Clinton Major Defeat," *The Washington Post*, October 14, 1999.

<sup>73</sup> Francine Kiefer, "Washington Mourns Lost Art Of Conversation," *The Christian Science Monitor*, October 22, 1999.

<sup>74</sup> *Ibid.*

<sup>75</sup> Dewar, "Senate Rejects Test Ban Treaty; Nuclear Pact Falls 51 to 48 as GOP Deals Clinton Major Defeat."

<sup>76</sup> Broder, "Defeat of a Treaty."

<sup>77</sup> Kiefer, "Washington Mourns Lost Art Of Conversation."

<sup>78</sup> Adam Clymer, "Angry Democrats and G.O.P. Trade Blame on Test Ban Pact," *The New York Times*, October 16, 1999, sec. World, <http://www.nytimes.com/1999/10/16/world/angry-democrats-and-gop-trade-blame-on-test-ban-pact.html>.

<sup>79</sup> "Nuclear Files: Library: Opinion Polls: Test Ban: Support for Nuclear Test Ban Treaty Remains Strong," *Nuclear Files*, accessed March 19, 2013, <http://www.nuclearfiles.org/menu/library/opinion-polls/test-ban/nuclear-test-ban-support.html>.

<sup>80</sup> Pew Research Center for the People & the Press, "Senate Test Ban Vote Little Noticed, Less Understood: But Has Strong Campaign Potential," 1999.

<sup>81</sup> *Ibid.*

<sup>82</sup> James M. Lindsay, "The New Apathy: How an Uninterested Public Is Reshaping Foreign Policy," *Foreign Affairs* (2000): 2-8.

## Domestic Politics of Arms Control Treaty Ratification