

THE HENRY L. STIMSON CENTER

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**The Battle to Obtain  
U.S. Ratification of the  
Chemical Weapons Convention**

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*Pragmatic steps toward ideal objectives*



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## Preface

These are contrarian times. Today's good news can readily become tomorrow's horror story. The dividing line between success and failure can be painfully thin. Much progress has been made over the past decade toward the progressive reduction and elimination of weapons of mass destruction, but anyone who follows these matters closely knows how difficult progress has been and how easily reversals can occur.

Still, there is much for which to be thankful. Important treaties reducing and eliminating weapons of mass destruction have been ratified, such as the Chemical Weapons Convention (CWC), which secured the Senate's consent by a seemingly comfortable margin (seventy-four to twenty-six) on 24 April 1997. The following day, newspapers across the United States covered this latest chapter in ongoing non-proliferation and disarmament efforts, and then quickly moved on to other breaking news.

The full story behind the CWC's ratification has yet to be told. In an effort to help convey the difficulty of this task and to point the way ahead, the Henry L. Stimson Center has produced this collection of essays. Two of the authors, Stimson Center senior associates Amy Smithson and John Parachini, spent all of their waking hours in the months leading up to the Senate's ratification vote in efforts to combat misinformation about the treaty and to coordinate the work of non-governmental organizations (NGOs) supporting ratification. Dr. Smithson became known in some circles as "the Avon Lady of the CWC," given her many door-to-door appearances on Capitol Hill, responding to requests by senate offices for factual information about the treaty. Mr. Parachini coordinated the work of the Poison Gas Task Force, a collection of over twenty NGOs that cared deeply about the fate of the treaty. Without their hard work and the outstanding work of their colleagues, CWC supporters in the executive and legislative branches would have faced an even more uphill battle to secure ratification.

Non-governmental supporters of the CWC often felt handicapped in the struggle to secure ratification of the treaty. The executive branch was very sluggish in gearing up for a successful ratification campaign. Only at the eleventh hour was it possible to gain the time and effort of the president, vice president, and other senior administration officials, needed for success. Treaty supporters in the Senate also initially seemed to be in a reactive mode. NGOs clearly needed to weigh in, but organizations like the Stimson Center also needed to protect their tax-exempt status by not spending a substantial portion of time and money on lobbying activities. On occasion, this led to hard feelings among the NGOs participating in coalition activities.

NGOs often felt out-gunned and outspent by opponents of the CWC. Foundation support for international security programming is becoming increasingly diffuse as definitions of international security rightfully expand to concerns over ethnic conflict and environmental and population-related problems. As a result, funding for traditional arms control and disarmament programming is waning and moving outside the United States. Most of the remaining foundation support focuses on nuclear-related problems. Funding for programming in chemical and biological weapons-related activities has been painfully thin. In contrast, foundation support for NGOs that oppose arms control and disarmament agreements continues at a high level.

One significant exception to the general lack of foundation interest in chemical and biological weapons-related issues has been the Carnegie Corporation of New York, which has supported the

Stimson Center's work in this field since 1993. We are deeply grateful to the Carnegie Corporation's outgoing president, David A. Hamburg, to the chair of Carnegie's Program for Preventing Deadly Conflict, David C. Speedie III, and to Program Officer Suzanne Wood. Without their long-standing support, the Stimson Center would not have been in a position to contribute to the work described in the pages that follow.

At key times, smaller funders can have a significant impact by offering assistance for an essential purpose. The Stimson Center is also grateful to the Ploughshares Fund for its "strategic" grant in support of Dr. Smithson's work. Special thanks go to the president of Ploughshares, Sally Lilienthal, and to the Fund's former executive director, Karen R. Harris.

The Poison Gas Task Force, coordinated by Mr. Parachini, was an outgrowth of earlier coalition efforts based at the Stimson Center to help secure the indefinite extension of the Non-Proliferation Treaty and the conclusion of the Comprehensive Test Ban Treaty negotiations. In this sense, Mr. Parachini followed in the very large footsteps of another Stimson Center Senior Associate, Joseph Cirincione, who coordinated these earlier efforts with equal measures of enthusiasm, personal relations skills, and media savvy.

The funding for NGO coalition efforts to reduce dangers posed by weapons of mass destruction would not have been possible without the guidance and leadership of the W. Alton Jones Foundation. Those who have been fortunate enough to receive support from the W. Alton Jones Foundation know why it has such a highly successful grant-giving program. This foundation retains a highly focused funding agenda. In addition, George Perkovich, the program director of the Foundation's Secure World Program, combines deep substantive knowledge with deft organizing and political skills. We thank him for all his help, and we also wish to express our heartfelt gratitude to the W. Alton Jones Foundation's president, Patricia Jones Edgerton, and director, J.P. "Pete" Myers.

Essential support for NGO coalition-building activities to reduce and eliminate dangerous weapons of mass destruction was also provided by The John D. and Catherine T. MacArthur Foundation, for which we wish to thank Kennette Benedict. Additional grant support was provided by The John Merck Fund, which has a long record of support for the Stimson Center, for which we are grateful to Nancy Stockford. James R. Compton and Edith Eddy provided welcome support at The Compton Foundation. Our thanks also go to the Rockefeller Family Fund and to its philanthropic adviser, Wade Greene. The redoubtable Ploughshares Fund contributed to coalition efforts as well as to Dr. Smithson's work. Margaret R. Spanel also provided much appreciated support to the coalition's activities. Funders who have helped establish the arms control and disarmament NGO community can take special satisfaction from recent achievements to reduce and eliminate weapons of mass destruction.

Michael Krepon  
President  
July 11, 1997

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## The New Politics of Treaty Ratification

Michael Krepon

The Senate's consent to ratification of the Chemical Weapons Convention (CWC) was hardly neat, quick, or easy. This was the precise intention of the Founding Fathers of the United States, but even such far-sighted men as Jefferson, Madison, and Hamilton could hardly have envisioned just how tortuous this process has become. The constitutional requirement that enables just thirty-four senators to kill a treaty has always been a formidable challenge for the executive branch.<sup>1</sup> The new politics of treaty ratification has raised this barrier significantly.

In the short span of ten years, fifty-five senate seats have changed hands.<sup>2</sup> In most cases, new senators are more insular in their outlook than their predecessors. It is no longer unusual for new senators to have not traveled widely prior to their election. Once elected, members are often dissuaded from foreign travel by the prospect of bad press. Increasingly, foreign trips have become a vehicle for trade and investment promotion, and little more. While this travel is important, it often reinforces a narrow world view. The internationalist wing of the Republican Party—the traditional bulwark of US involvement abroad—has been decimated. Never in the modern era has the senate Republican leadership and key committee chairmen possessed so little personal experience in world affairs.

In recent years, senatorial courtesy has also declined, including the most basic courtesy of permitting timely senate debate on issues of national and international importance. Senate procedure dictates that scheduled debate and voting be contingent upon the *unanimous* consent of one hundred senators. This procedure, which usually was a mere formality, has increasingly become the vehicle for individual senators to work their will on the substance of pending legislation, if not to block it altogether.

The changing composition of the Senate and its procedures have created new roadblocks for the treaty ratification process—except for treaties devoid of contention.<sup>3</sup> The Senate's current composition and practices appear in danger of creating new norms for the treaty ratification process—norms that could increasingly produce unwise advice, extended delays, or non-action on important treaties. Parallel trends are also evident in the Russian Duma, suggesting great difficulties for the formal implementation of treaties governing strategic offensive and defensive forces in the years ahead.

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<sup>1</sup> See Michael Krepon and Dan Caldwell, eds., *The Politics of Treaty Ratification* (New York: St. Martin's Press, 1991).

<sup>2</sup> Sixty-six percent of the members of the House of Representatives were seated over the last decade.

<sup>3</sup> The Conventional Forces in Europe Treaty, which codifies post-Cold War Western conventional superiority, is a case in point. It received the Senate's unanimous consent just two weeks after the prolonged and contentious debate over the CWC.

The executive branch is hardly blameless in this troubling progression, whether in Washington or Moscow. Timely action by the Senate or Duma requires, in the first instance, prompt submission of treaties by the executive branch, effective public framing of the terms of debate, and high-level, private efforts to sway key legislators. Presidents Bill Clinton and Boris Yeltsin have not followed this script, showing only episodic interest in treaty ratification. President Yeltsin's record is particularly poor; his declarations of intent to ratify treaties at summit meetings have soon given way to other concerns. President Clinton's priorities have generally been elsewhere, as well. Only an unalterable deadline for the CWC's entry into force—with or without the United States—focused the White House's attention and prompted the Senate's advice and consent.

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***The treaty ratification process has often been challenging, but has become even more difficult.***

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The forcing function of a date certain for the CWC's entry into force—and the enormous damage to US standing and non-proliferation efforts of failing to join a treaty Washington championed for so long—proved

to be a double-edged sword, providing leverage to supporters and critics alike. As the deadline approached, the Clinton administration's arguments against the delaying tactics of CWC opponents became increasingly persuasive. At the same time, the approaching deadline increased the administration's malleability to deal-making, strengthening the hand of Senate Majority Leader Trent Lott (R-Miss.), without whose support the treaty would likely have failed.

The dynamics of contentious treaty ratification debates reflects the personalities, styles, and ambitions of the president and the Republican leader of the Senate.<sup>4</sup> In this instance, President Clinton's natural inclination to attend to a pressing problem later rather than sooner clearly weakened his hand. But once the president focused on the CWC's ratification, his considerable energy and political skills were decisive to the outcome. Politically compelling White House media events invoking the spirit of bipartisanship made it particularly difficult for senate Republicans to sink the treaty.

Majority Leader Lott's instincts were hardly congenial to the CWC. Lott naturally focused on the down-side risks rather than the up-side potential of collaborative accords to enhance US national security. Moreover, knowing that many Republican senators would vote against the treaty, Lott needed an outcome that would prevent a divisive public split within his party's ranks. As a consequence, Lott's instincts to squeeze as many concessions as possible from the White House were given full play. President Clinton's inclination to trim his sails to secure final passage further empowered Lott and ardent critics of the CWC. The end result of Lott's squeezing and Clinton's trimming was a list of twenty-eight agreed conditions that, at best, will place additional burdens on US diplomacy and, at worst, will weaken the ability of the CWC's inspection teams to deter and detect cheating.

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<sup>4</sup> The Democratic leader is almost never a deciding factor in treaty ratification votes, since most Democratic senators usually support ratification.

The administration and treaty supporters made much of the fact that none of the twenty-eight agreed conditions were “killers.” Indeed, some of these conditions clarified treaty obligations in quite useful ways. Others, however, will cause needless friction with friends and allies, if not create difficulties with proper implementation. For example, one agreed condition requires the United States to “seek on an urgent basis” challenge inspections when there is “persuasive information” regarding noncompliance, without regard to whether quiet, diplomatic efforts are successfully addressing US concerns.

More damaging was an agreed condition requiring the president to certify that no samples taken during an inspection leave the United States, thereby setting a truly damaging precedent that China, Russia, and Iran, among others, would likely follow, seriously handicapping international inspection teams.<sup>5</sup> This condition might have been motivated by the perceived need to protect sensitive business and national security information, but the CWC already contains ample methods to control the collection and analysis of samples to prevent the compromise of sensitive or confidential data.

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*Never in the modern era has the senate Republican leadership and key committee chairmen possessed so little personal experience in world affairs.*

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Such conditions reflect the current mood of many in the Senate to demonstrate “toughness” and to pursue unilateral initiatives even when these reflexes invite diplomatic difficulties for the United States or make the successful resolution of US concerns more unlikely. The Republican-led Senate, however, is highly suspicious of diplomacy in general and the State Department in particular.

Our Founding Fathers designed the Constitution so that the considered judgment of the Senate would override unreasoned passion. They sought sensible action, not legislative paralysis or rule-making by a single member of Congress. The Senate, however, has changed considerably over the past decade. The consequences of this evolution were distressingly apparent in the CWC ratification process. This was, after all, a treaty resulting from the principled positions and negotiating bargains struck by Presidents Ronald Reagan and George Bush. The CWC contained the most intrusive monitoring provisions ever negotiated. The United States had already decided not to produce new chemical warfare agents; members of Congress have shown far more interest in safely destroying the aging US stockpile than in replacing it. At issue before the Senate was what means would be adopted to induce other states to follow Washington’s ineluctable course.

In addition to President Bush, key Republican leaders, including James Baker and Colin Powell, supported ratification. The chairman of the Joint Chiefs of Staff and many senior retired US military officers supported ratification. Even with the eleventh hour support of Majority Leaders Bob Dole and Trent Lott, the Senate consented to the CWC with a seven-vote cushion, seventy-four senators in favor and twenty-six opposed. Republican senators approved this referendum on the handiwork of Presidents Reagan and Bush by a narrow three vote margin.

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<sup>5</sup> Oddly enough, this condition resulted more from a pre-emptive concession by the National Security Council staff than from insistence by Republican staffers.

The twenty-nine to twenty-six vote of support for the CWC among senate Republicans signals grave difficulties ahead for bipartisan approaches to reducing threats posed by weapons of mass destruction. Among the CWC's opponents were the chairmen of the Senate Foreign Relations, Armed Services, and Intelligence Committees. All of the senate Republican leadership with the exception of Senator Lott voted against the treaty. Among the opponents were senators who felt comfortable with the use of the unanimous consent rule to block the scheduling of floor debate, in effect, upping the number of senators needed to invoke cloture from sixty to one hundred.

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***The end result of Lott's squeezing and Clinton's trimming was conditions that will burden US diplomacy and weaken verification.***

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The reasons cited for such drastic legislative blocking action varied. For some, the CWC amounted to unacceptable unilateral disarmament, although no senators demanded the resumption of nerve gas production by the United States. For others, the treaty would force the United States to give away highly sensitive exports or defense technology to

“rogue” states. Many critics expressed the concern that the CWC would lead to a lowering of our guard against states of proliferation concern. According to polling data, most Americans still believed that, on balance, the treaty's benefits far outweighed these risks.<sup>6</sup> Still, hard-line critics of the CWC continued to wage an all-out battle against scheduling a treaty debate.

The increased use of the unanimous consent rule for political purposes seems likely to generate retaliation in kind and increased paralysis on the floor of the Senate. This, in turn, seems destined to hasten retirements of senators inclined toward the regular conduct of legislative business. The current conduct on Capitol Hill also seems destined to diminish the public's view of the legislative process.

In the not-too-distant past, giants of the Senate seemed to conduct their business in a different way. Senator Richard Russell (D-Ga.), a towering force as Chairman of the Armed Services Committee, held grave reservations about the wisdom of the Limited Test Ban Treaty. The reservations of Senate Republican Leader Everett McKinley Dirksen (R-Ill.) were assuaged only by the Kennedy Administration's acceptance of four substantive “safeguards” to convince reluctant senators that an end to atmospheric nuclear testing would not undermine US national security. Despite their strong reservations, Senators Dirksen and Russell allowed prompt senate consideration and consent to ratification, which occurred within seven weeks after President Kennedy submitted the treaty.

The Limited Test Ban Treaty debate proved that the Senate could be thorough and yet prompt in matters of treaty ratification. The Senate Foreign Relations Committee held over 1,000 pages of

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<sup>6</sup> Eighty-four percent of 1000 adults participating in a survey conducted by The Mellman Group/Wirthlin Worldwide expressed support for the CWC. Thirteen percent opposed, and three percent responded with “Don't Know.” The Mellman Group, Inc. and Wirthlin Worldwide, “Support for Ratification of a Chemical Weapons Convention is Overwhelming” (Memorandum, 25 February 1997).

hearings and heard from over forty witnesses. Since then, however, the Senate has become far more ponderous in its review of treaties.

Oddly enough, the end of the Cold War seems not to have led to a streamlining of the Senate's process of providing advice and consent. For example, the Senate generated over 1,500 pages of testimony and information in its prolonged inquiry over the CWC's ratification. Ongoing struggles between the Republican-led Congress and the Clinton administration over missile defense programs have resulted in a broadening and deepening of senatorial inquiry. The Senate has insisted—and the executive branch has conceded in bargains struck to schedule earlier treaty ratification votes—on handling certain ABM Treaty implementation agreements as amendments requiring the Senate's advice and consent. Thus the Senate, which has demanded a streamlining of the executive branch's foreign operations, seems to be resisting its own advice by insisting that its cumbersome advice and consent powers be applied to common understandings reached with negotiating partners to clarify existing treaty obligations.

Is the CWC ratification debate the harbinger of new norms for extended delay, blocking tactics, and the decline of senatorial courtesy? Or is it merely the reflection of contemporary circumstances—one president's management style, the combativeness of Republican legislators, and a divided government? Perhaps a new administration and a new or more experienced Republican group of legislators will produce more forgiving treaty ratification dynamics. We are about to find out, since at least ten treaties are now queuing up for senate consideration, including highly contentious accords governing the cessation of all nuclear weapon tests, the demarcation of the Anti-Ballistic Missile Treaty, and further reductions on strategic nuclear forces.

Current political trends, combined with the tenacity with which the legislative branch holds hard-won gains from the executive, suggest that the coarsening of treaty ratification politics may not be a temporary phenomenon. After all, the political dynamics of treaty ratification are but a reflection of the growing coarseness of public life in Washington. It seems unreasonable to expect greater comity in the treaty ratification process without greater courtesy and less partisanship on Capitol Hill.

Only a steady reversal of contemporary trends on Capitol Hill will lead to a less onerous treaty ratification process. Ratification hearings have increasingly become skirmishes rather than sessions where serious discussion takes place. Administration officials are no longer assured of being expert witnesses whose testimony is heard first. It is no longer uncommon for pro-treaty witnesses to cool their heels until late in the day, after prolonged questioning of treaty opponents. This practice, known as "icing," is designed to postpone unwelcome testimony until members of Congress and media have drifted off to other pursuits. For members of Congress new to majority status, controlling the time for committee deliberation has become a surrogate for winning a substantive debate.

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*A Senate that calls for streamlined operations in the executive branch would do well to follow its own advice.*

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These indicators—and many more—suggest that, even when the executive branch handles almost everything correctly in treaty ratification campaigns, the hurdles imposed by the Senate are

raised considerably. It may be unrealistic to ask the Senate to reconsider its current posture, but the democratic process is diminished when ratification politics are structured as trench warfare. A Senate that calls on the executive branch to streamline its operations would do well to follow its own advice. If this is not forthcoming, future administrations are likely to seek creative ways around senate gridlock.

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## **Bungling a No-Brainer: How Washington Barely Ratified the Chemical Weapons Convention**

**Amy E. Smithson**

When the United States joined over 130 other countries in signing the Chemical Weapons Convention (CWC) in mid-January 1993, conventional wisdom held that the treaty would sail through the Senate, if for no other reason than few senators were thought to have the gall to cast a vote against the CWC and thereby seemingly for chemical weapons. The CWC would initiate the global elimination of one of the most abhorred weapons of all time by prohibiting the development, production, acquisition, and use of chemical weapons. The presumption of relatively easy senate ratification rode on several other factors. First, Congress mandated in 1985 that the US chemical arsenal be unilaterally destroyed, and the Army began to do so in 1991. The CWC would compel other chemical weapons possessors to follow suit, reducing the likelihood that US troops would encounter chemical weapons in the future. Second, the verifiability of an arms control agreement has always been a crucial senate litmus test for treaty ratification. Most of the CWC's intrusive verification protocol were crafted by the Reagan administration, notorious sticklers concerning tough verification. Lastly, the CWC carried the strong endorsement of four important constituencies: the intelligence community, the US chemical industry, the general public, and the Pentagon, including the Joint Chiefs of Staff. Given these circumstances, the Senate's decision regarding the CWC would appear to be a no-brainer.<sup>1</sup>

Instead, the effort to secure the Senate's passage of the CWC turned into perhaps the most bruising foreign policy battle so far of the post-Cold War era. On the surface, the CWC vote was about whether the treaty would roll back the chemical weapons threat. Underneath, the treaty served as the vehicle for inter- and intra-party struggles over the philosophical and even operational control of the US defense and foreign policy agenda. On one plane, presidential election-year political jousting forced a postponement of a treaty vote in the fall of 1996, making the CWC the first major national security issue in President Bill Clinton's second term. As such, it was once again ripe for partisan politics. Democrats and Republicans sparred via the negotiations over the CWC's passage to gain progress on other issues, such as streamlining the State Department.

An underlying aspect of the struggle over the CWC's ratification concerned the roles of the executive and legislative branches in the making and approval of treaties. The Constitution grants the president power to negotiate treaties, the senate power to provide advice and consent to ratification of accords. During virtually all treaty ratification processes, the two branches of government jockey to defend these Constitutional powers, often in ways that seek to redefine or expand their influence in treaty making. In the case of the CWC, the senators encountered an unprecedented feature that appeared to contradict their Constitutional authority. Article XXII

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<sup>1</sup> Quipped one reporter, "A treaty that once seemed as controversial as the proclamation for National Hibiscus Month remains stalled by months of political jockeying." Richard J. Newman, "All in Favor of Chemical Weapons, Say Aye," *US News & World Report*, 14 April 1997, 43.

prohibits the attachment of reservations to the Articles of the CWC. A reservation delineates a substantial difference in the way that a country will implement a provision of a treaty. For example, when ratifying the 1925 Geneva Protocol banning the battlefield use of poison gas, the United States reserved the right to retaliate in kind if attacked with chemical weapons. With numerous other countries having done likewise, the Geneva Protocol changed from a no-use to a no-first-use treaty.<sup>2</sup> Negotiators incorporated Article XXII to preclude the ability of countries to unravel the CWC with provisos to block challenge inspections or other integral parts of the treaty.

With reservations unavailable, the Senate's remaining tool to provide advice about the treaty was the drafting of conditions to clarify the US interpretation of the CWC. Accustomed to wielding the stronger tool of reservations, a number of senators bristled at efforts to phrase these conditions so that even they did not conflict with the object and purposes of the treaty. Throughout the negotiations to conclude the Senate's resolution of ratification, several senators fought strenuously to put a definitive "stamp" on the CWC. Before it was all over, the senators would very pointedly state their disapproval of the CWC's no-reservations article, as well as with other aspects of the treaty.

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***The CWC was tinder for a confrontation to define the Republican party's post-Cold War approach to defense and foreign policy, pitting hawkish isolationists against internationalists.***

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On another dimension, the CWC fostered something of an "identity crisis" within the Republican party. Although Ronald Reagan and George Bush were the CWC's principal architects, one wing of the Republican party repudiated the treaty. Therefore, the CWC was tinder for a

confrontation to define the party's post-Cold War approach to defense and foreign policy, pitting hawkish isolationists against internationalists. One school of Republican thought held that the CWC created a misleading sense of security and that stronger defenses, not easily violated multilateral arms control accords, would safeguard America. Pro-engagement Republicans believed that US security interests would be best served by activating the CWC, even with its imperfections. According to this second Republican viewpoint, vigilant implementation of the CWC would reduce chemical weapons arsenals, retard the proliferation of these weapons, and reinforce international standards of civilized behavior.<sup>3</sup> Given these dynamics, in important respects the CWC debate was

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<sup>2</sup> The Geneva Protocol bans the use of poisonous gases and bacteriological agents during war. Upon ratification, numerous countries put four different types of reservations on the treaty. For a description of this treaty and a list of ratifiers and reservations, see US Arms Control and Disarmament Agency, *Arms Control and Disarmament Agreements: Texts and Histories of the Negotiations* (Washington, D.C.: US Government Printing Office, 1996), 5–10.

<sup>3</sup> Editorial, "Poisons for Peace," *Washington Post*, 23 April 1997, A20; Pat Towell, "Clinton Pressures GOP To Act On Chemical Arms Ban," *Congressional Quarterly* 55, no. 9 (1 March 1997): 545; Thomas L. Friedman, "Hiding Behind the Moon," *New York Times*, 24 April 1997, 35. For op-eds that represent both sides of this debate, see Jesse Helms, "Worse Than Nothing," *Washington Post*, 23 April 1997, A21, and Charles Krauthammer, "A False Sense of Security," *Washington Post*, 11 April 1997, A27, versus Kenneth L. Adelman, "The Chemical Weapons Fight (Cont'd)," *Washington Post*, 13 March 1997, 23, and David Kay, Ronald F. Lehman, and R. James Woolsey, "First the Treaty, Then the Hard Work," *Washington Post*, 13 April 1997, C7.

much more of an ideological struggle about Republican foreign policy than a real referendum on the treaty.

### Politics Breeds Delay

The years leading up to the final CWC debate were full of gaffes by Clinton's national security and congressional relations teams. Having missed a golden opportunity to get the treaty swiftly ratified while Democrats still held the majority in the Senate, the White House lacked a clear strategy of how to secure the CWC's ratification after the 1994 elections swept the Republicans into control of both houses of Congress.<sup>4</sup> When the White House failed to mount a meaningful ratification campaign, the CWC's friends in the Senate took action to move the treaty forward through the cumbersome ratification process. First, in sometimes rancorous negotiations with Foreign Relations Committee Chairman Jesse Helms (R-N.C.) over the State Department Authorization Bill, Senator John Kerry (D-Mass.) won the treaty's release from the Foreign Relations Committee by the end of April 1996.<sup>5</sup> Subsequently, Richard Lugar (R-Ind.), the Senate's foremost expert on treaties and many other national security issues, rallied a bipartisan group of members who outmaneuvered Helms so that a favorable resolution of ratification was reported out of committee.<sup>6</sup> Following Robert Dole's retirement, Minority Leader Tom Daschle (D-S. Dak.), Senator Carl Levin (D-Mich.), and other Democratic senators pressed new Majority Leader Trent Lott (R-Miss.) to put the CWC

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<sup>4</sup> According to Michael Moodie, who helped negotiate the pact, the Clinton administration "didn't invest enough capital in getting it done." Thomas W. Lippman, "Chemical Arms Pact in Jeopardy: Helms Blocks Senate Action on Treaty, Stalling Ratification Elsewhere," *Washington Post*, 13 November 1995, A15. For more detail on the early stages of the CWC ratification effort, see the author's "Dateline Washington: Clinton Fumbles the CWC," *Foreign Policy* 99 (Summer 1995) and "Playing Politics with the Chemical Weapons Convention," *Current History* 96, no. 609 (April 1997).

<sup>5</sup> A 7 December 1995 unanimous consent agreement stated that the CWC was to be reported out of committee by 30 April 1996 and be placed on the Executive Calendar of the Senate. Majority Leader Robert Dole stated his "intention that the Senate would consider the Convention in a reasonable time period" thereafter. 7 December 1995, *Congressional Record*, 104th Cong., 1st sess., S18229. See also Helen Dewar, "Senate Deal on Foreign Policy Agencies Ends Impasse on Envoys, Treaties," *Washington Post*, 8 December 1995, A20. Dewar's article describes the CWC's release as "unexpected," since "Helms had been prepared to block" the treaty and it "had been considered all but dead in the Senate."

<sup>6</sup> The chairman's bill is normally the one marked up in committee, but Helms' proposed resolution of ratification had over twenty conditions that, if approved, would have delayed indefinitely the deposit of the US instrument of ratification or constituted US abrogation of the CWC. Therefore, Lugar worked with Senators Claiborne Pell (D-R.I.), Joseph Biden (D-Del.), Nancy Kassebaum (R-Kans.), and Kerry to craft a substitute bill, which was voted out of committee by a thirteen-to-five margin. Senate Foreign Relations Committee, *The Chemical Weapons Convention*, Exec. Report 104-33, 104th Cong., 2nd sess., 11 September 1996, 19.

to a vote before the Senate's pre-election recess. On 28 June 1996, a senate unanimous consent agreement stipulated that a vote occur prior to 14 September 1996.<sup>7</sup>

Even after these breakthroughs, Clinton failed to mobilize his cabinet and other treaty supporters for the significant lobbying effort that would be needed to win the requisite two-thirds majority. Anyone who walked the halls of the Senate in July and August could discern that momentum was beginning to build against the CWC. The main catalyst for the anti-CWC movement was a conservative Washington, D.C. thinktank, the Center for Security Policy, which peppered the Senate and the media with numerous faxes lambasting the CWC as a "fatally flawed" treaty.<sup>8</sup> Although most senators never saw these anti-treaty tirades, many Republican staffers embraced these missives as gospel. In meetings with representatives of the US chemical industry and other CWC proponents, Republican senate staffers heatedly contested arguments supporting the treaty. Moreover, adamant treaty opponents Helms and Senator Jon Kyl (R-Ariz.) were agitating against the accord.<sup>9</sup> By late August, the atmosphere was so hostile that Republican staffers began refusing to meet with industry lobbyists, behavior bordering on heresy in the midst of an election season.

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<sup>7</sup> 28 June 1996, *Congressional Record*, 104th Cong., 2nd sess., S7293.

<sup>8</sup> See, for example, the Center's "Why the Senate Must *Not* Approve the Chemical Weapons Convention," Decision Brief 96-D 45 (9 May 1996); "How Can the 'World's Greatest Deliberative Body' Deliberate on the C.W.C. Unless the Administration Answers the Mail?" Decision Brief 96-D 80 (26 August 1996); "What the World Does *Not* Need Is Any More of Clinton's Non-Proliferation *Non*-Achievements," Decision Brief 96-P81 (9 September 1996). The Heritage Foundation also opposed the CWC. See Baker Spring, "The Chemical Weapons Convention: A Bad Deal for America," Committee Brief no.25 (15 April 1996) and "Ratifying the Chemical Weapons Convention: American Business Will Pay the Price," *F.Y.I.*, no. 111 (18 July 1996).

<sup>9</sup> For example, Helms circulated confidential business information to his colleagues on 4 June claiming the CWC would irreparably harm US industry. Also, Helms and Lott staffers convened an "informational" meeting on 23 July, wherein they lectured industry representatives for an hour "on the havoc the CWC would wreak upon their businesses." See the author's "Point of View: No Cause to Derail Chemical Weapons Treaty," *Raleigh News & Observer*, 4 September 1996; Jesse Helms, "Dear Colleague" letter, 4 June 1996 (see note below); Trent Lott, Letter to Graydon Powers (president of the Synthetic Organic Chemical Manufacturers Association), 17 July 1996. In addition, Helms used a one-page brief (accompanied by two pages of charts) from the Heritage Foundation as the basis for a press campaign directed at twenty states. See Senate Committee on Foreign Relations, "Texas, State Hardest Hit by Chemical Weapons Pact, Says Helms: New Chemical Regulations, Inspections Could Devastate Many US Businesses," Press Release, 30 July 1996. (*Note:* A "Dear Colleague" letter is a letter written by a member of Congress to the other members of the chamber, usually expressing a strongly held position on a particular piece of legislation, with the intent of persuading one's fellow members to vote for or against it.)

As the vote deadline neared, some leading conservative voices began to clear their throats, advising against ratification.<sup>10</sup> On 9 September, former secretary of defense Caspar Weinberger met with senators to urge them to reject the CWC. Weinberger presented the senators with a list of over fifty former Reagan and Bush administration officials—ranging from other cabinet members to relative unknowns—who opposed the CWC.<sup>11</sup> Weinberger outranked Arms Control and Disarmament Agency Director John Holum, whom the White House sent as its pro-treaty emissary to this meeting. The CWC’s senate advocates were understandably irritated and concerned when Clinton did not deploy his cabinet at this critical stage to underscore his commitment to win the CWC’s ratification. Then, on 11 September, presidential candidate Dole put new meaning into the term “poison pen letter,” advising his former colleagues to beware of “illusory” arms control deals.<sup>12</sup> Helms, Kyl, and other treaty opponents claimed to have the votes necessary to defeat the treaty.<sup>13</sup> With the Republican presidential candidate opposing the accord, Lott publicly questioning the treaty’s lack of universality, and the Clinton administration doing little to push for ratification, even the venerable Lugar could

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***So close to the presidential election, the CWC became one more issue upon which Republicans and Democrats could differ.***

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<sup>10</sup> See, for example, George F. Will, “A Feel-Good Treaty,” *Washington Post*, 8 September 1996, C7; Editorial, “Poisons for Peace,” *Wall Street Journal*, 9 September 1996, 16; and Charles Krauthammer, “Peace Through Paper...” *Washington Post*, 12 September 1996, A27.

<sup>11</sup> Among the other noteworthy individuals enlisting in the anti-CWC ranks were former defense secretary Richard Cheney, former US attorney general Edwin Meese, former United Nations ambassador Jeane Kirkpatrick, and former chief of staff, Gen. Merrill McPeak (USAF, ret.). They argued that the CWC was not global, effective, or verifiable, but that it would create a huge new bureaucracy that would burden US industry with costly inspections. Caspar Weinberger et al., Letter to Trent Lott, 9 September 1996. This letter was presented at a 9 September meeting of the Senate Arms Control Observer Group, chaired by Ted Stevens (R-Alaska). Stevens had invited all of his colleagues to discuss the CWC. White House officials had indicated that the so-called “A Team,” Secretary of State Warren Christopher, Secretary of Defense William Perry, Chairman of the Joint Chiefs John Shalikashvili, and perhaps even Attorney General Janet Reno would appear at this meeting to tout the CWC.

<sup>12</sup> Dole’s letter, which was trumpeted by treaty opponents, stated his belief that in order to abolish “chemical weapons from every point on earth...a treaty must be effectively verifiable and genuinely global—encompassing all countries that possess, or could possess, chemical weapons.” If the CWC does not meet these goals, Dole argued that “we should pass up illusory arms control measures” and announced his intent, if elected, to “work to achieve a treaty which really does the job instead of making promises of enhanced security which will not be achieved.” Bob Dole, Letter to Trent Lott, 11 September 1996.

<sup>13</sup> Author’s personal conversations with staffers. See also Matthew Rees, “Chemical Warfare and How Not To Fight It,” *Weekly Standard* 1, no. 50 (9 September 1996): 30. Rees cites another reason that the treaty was likely to pass: “A vote against this treaty opens any senator to the charge of being soft on terrorism. And that’s a charge [senators] don’t want to be responding to on election eve.”

not rescue the CWC.<sup>14</sup> The White House quietly retreated and withdrew the CWC from consideration.<sup>15</sup>

So close to the presidential election, the CWC became one more issue upon which Republicans and Democrats could differ. The CWC was at heart a Republican-drafted treaty, but Dole was lagging far behind in the polls. Therefore, the Republican leadership was determined not to give Clinton a foreign and defense policy victory that would enable the incumbent president to bask in a Rose Garden treaty signing ceremony. In contrast, Clinton's polling numbers were quite high. Aware that the election would be won on domestic issues, Clinton's White House advisers shied away from an all-out fight on a little-known arms control treaty. In short, the election year encouraged both ends of Pennsylvania Avenue to forsake the best interests of the nation's foreign and defense policies in order to improve their party's chances of gaining the presidency.

### **Forced into Action**

On 31 October 1996, Hungary became the sixty-fifth country to ratify the CWC, triggering a six-month countdown to the treaty's entry into force. With or without the United States, the CWC would be activated on 29 April 1997. This deadline was something the White House could no longer ignore. At long last, the executive branch began in earnest to launch a CWC ratification campaign above the staff level. Incoming secretary of state Madeleine Albright led the charge. During her confirmation hearing, Albright foreshadowed the political horse trading that was to come. She pressed Helms to move forward with the CWC, and told the senator she would keep an "open mind" concerning State Department reorganization, an issue on which Clinton had rebuffed Helms in 1995.<sup>16</sup> Clinton featured a request for CWC ratification in the foreign policy section of his State of the Union Address on 4 February. New secretary of defense William Cohen joined Albright on national news shows to promote the cause of ratification.<sup>17</sup> This flurry of activity, a notable

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<sup>14</sup> On 9 September, Lott told reporters that he was concerned about the fact that Iraq, North Korea, Syria, and Libya had not joined the CWC. "Secret Senate Session Likely on Chemical Arms Pact," *Reuters*, 10 September 1996. That same day, Lugar had initiated a last-ditch effort to try to countermand the negative assertions being made about the treaty, sending his colleagues five different letters authoritatively refuting them.

<sup>15</sup> Secretary of State Warren Christopher called Lott to ask that the CWC be withdrawn. See Lott's remarks, 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3601. Thomas W. Lippman, "Senate Foes Force Delay on Poison Gas Treaty," *Washington Post*, 13 September 1996, A1.

<sup>16</sup> Carroll J. Diehard, "Changes Improve for Revamp of Agencies," *Congressional Quarterly* 55, no. 9 (1 March 1997): 546. Steven Erlanger, "Albright Gets Courtly Hearing From Senators, Left and Right," *New York Times*, 9 January 1997, A1. See also US Department of State, *Daily Press Briefing* (Nicholas Burns, briefer), 4 February 1997.

<sup>17</sup> In his State of the Union speech, Clinton stated: "We must rise to a new test of leadership and at last begin to outlaw poison gas from this earth...It will make our troops safer from chemical attack. It will help us fight terrorism. We have no more important obligation." See Clifford Krause, "Clinton Asks G.O.P. to Help in Fight for Chemical Weapons Ban," *New York Times*, 5 February 1997, A15. Albright testified before the Foreign Relations Committee on 8 January, while Cohen appeared on ABC's "This Week" on 26 January and CNN's "Larry King Live" on 27 January. See also Associated Press, "Albright Lobbies for Chemical Arms Treaty Ratification," *Baltimore Sun*, 31 January 1997,

departure from how the CWC was handled in the first Clinton administration, helped elevate the treaty on the Senate's prospective agenda.<sup>18</sup>

With the start of a new Congress, the CWC was sent back to the Foreign Relations Committee, the domain of chairman Helms, an outright CWC opponent. Given these circumstances, Lott was widely recognized as the key to gaining passage of the CWC. Even though the Mississippian has been described as the most conservative individual ever to hold the office of majority leader, Lott's politics stemmed more from domestic issues and he was viewed as "not clearly aligned with either foreign policy wing of his party."<sup>19</sup> Since Lott had not staked out a firm foreign policy perspective, his actions with regard to the CWC could label him as "a staunch partisan or a sophisticated deal maker," an "ideologue or [a] statesman."<sup>20</sup> The White House was therefore searching for a formula to elicit Lott's willingness to use his powers as majority leader to prevent Helms from keeping the CWC bottled up in committee indefinitely.

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The courtship of Lott began early in January, when both Clinton and his new national security adviser, Samuel Berger, privately asked Lott to schedule a vote. Understanding that this situation gave him some leverage, Lott responded to these initial overtures by making some demands of his own: "I am sure you understand that it will be very difficult to explore the possibility of senate action on the [CWC] without first addressing legitimate security and Constitutional concerns on other important arms control issues," referring specifically to his desire for Clinton to submit substantive modifications on the Conventional Forces in Europe (CFE) and Anti-Ballistic Missile (ABM) treaties for senate approval.<sup>21</sup> Like any seasoned political poker player, Lott was not about to fold at the outset and miss the chance to up the ante.

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<sup>18</sup> "After virtually ignoring the treaty for most of his first term....Mr. Clinton has now put his own prestige on the line, and that of his new national security team, for the [CWC]." Carla Anne Robbins, "Chemical-Weapons Treaty Shapes Up as Messy Battle," *Wall Street Journal*, 14 February 1997, A16. See also Alison Mitchell, "New Push for a US Chemical-Arms-Pact Vote," *New York Times*, 14 January 1997, A8.

<sup>19</sup> Towell, "Clinton Pressures GOP To Act," 545.

<sup>20</sup> Donna Cassata, "For Lott, a Chance To Rise Above the Fray," *Congressional Quarterly* 55, no. 17 (29 April 1997), 451. The Center for Security Policy's Frank Gaffney was "trying to convince Republicans that the CWC is to the late-1990s GOP what the Panama Canal Treaty was in the late 1970s for the party—the key to victory for future [Republican] presidential contenders as it was for Ronald Reagan." Lott reportedly has presidential aspirations, and he remained mute as other potential Republican candidates for the Oval Office in 2000 took sides on the issue. Jack Kemp and Steve Forbes opposed the CWC, while Senator John McCain (R-Ariz.) and former chairman of the Joint Chiefs Colin Powell supported it. Morton M. Kondracke, "Chemical Warfare Vote Is Key Test for Lott and GOP," *Roll Call*, 21 April 1997, 8.

<sup>21</sup> Trent Lott, Letter to William J. Clinton, 8 January 1997.

No doubt delighted with Lott's opening stance, Helms served notice that he would hold the CWC hostage. Helms' staff released to the media a letter in which the senator apprised Lott of the issues that he preferred to address in committee, including reform of the United Nations, restructuring of the State Department, passage of legislation on the deployment of a national missile defense, and senate advice and consent to modifications to the CFE and ABM treaties.<sup>22</sup> Reacting to Helms' position, the *New York Times* editorialized, "Trent Lott and his fellow Republicans may feel a need to humor Jesse Helms in his erratic management of the Senate Foreign Relations Committee, but they only embarrass themselves and the Senate by letting Mr. Helms hijack a treaty that would ban chemical weapons." Some of the reforms on Helms' wish list, noted the *Times*, "could take years."<sup>23</sup> Berger met with Helms on 5 February to discuss the situation, but to little avail.<sup>24</sup>

These initial rebuffs by Lott and Helms were no doubt uncomfortable for the White House, but the Clinton administration had little, if any, choice in the matter. If Clinton accelerated to a rhetorical battle, he might win the CWC's release but alienate the very Republicans needed for a two-thirds majority vote for the treaty. The White House therefore accentuated instead a theme of bipartisanship, both in the CWC's roots and among the ranks of its supporters. Unfazed by such appeals, Lott handed the Clinton administration another setback when he backed up Helms, telling the White House that the road to the CWC's release went first and foremost through the senior senator from North Carolina.<sup>25</sup> Lott also declined Berger's request to use the bipartisan Senate Arms Control Observer Group to arbitrate outstanding concerns via a resolution of ratification. Instead,

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<sup>22</sup> In an attachment to his letter to Lott, Helms listed his key concerns about the treaty: 1) elimination of chemical weapons in Russia and in other countries of concern; 2) high confidence in the CWC's verifiability; 3) US responses to noncompliance with the CWC; 4) the primacy of the US Constitution vis-à-vis the CWC; and 5) protection of confidential business data. Jesse Helms, Letter to Trent Lott, 29 January 1997. See also Thomas W. Lippman, "Helms Pushes Chemical Arms Treaty Aside: Chairman Wants GOP 'Priorities' Put First," *Washington Post*, 4 February 1997, A1. Also, Helms' staff also reportedly initiated stories that attempted to make an old problem—a Russian chemical weapons development program that was first revealed in 1991 by whistle blower Dr. Vil Mirzayanov—look like a new threat. See Bill Gertz, "Russia Dodges Chemical Arms Ban," *Washington Times*, 4 February 1997, A1; Robert Burns, "Russian Project Could Expedite Chemical Arms: Pentagon Report Adds to Debate on Treaty," *Washington Post*, 5 February 1997, A4. For more on the *novichok* program, see Mirzayanov's essay, "Dismantling the Soviet/Russian Chemical Weapons Complex: An Insider's View," in *Chemical Weapons Disarmament in Russia: Problems and Prospects* (Washington, D.C.: The Henry L. Stimson Center, October 1995), 21–34. See also Mirzayanov's letter to Lugar, which refutes the stories about the *novichok* program in early 1997. Richard Lugar, "Dear Colleague" letter, 8 April 1997, with Mirzayanov's letter of 19 March 1997 attached.

<sup>23</sup> Editorial, "Jesse Helms Mocks the Senate," *New York Times*, 10 February 1997, A14.

<sup>24</sup> See Helms' remarks, 19 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2541.

<sup>25</sup> Bill Gertz, "Lott sends White House to Helms on CWC treaty," *Washington Times*, 6 February 1997, A1; Thomas W. Lippman, "Helms Pushes Chemical Arms Treaty Aside," *Washington Post*, 4 February 1997, A1. As administration officials continued to press Lott, he reiterated that they must work with Helms. "Of course you have to work with the chairman (Helms)," Lott said. "And I told them (administration officials) again yesterday, 'If you think you can roll the chairman, you'd better bring lunch.'" William Scally, "Democrats Take Tough Line to Free Chemical Treaty," *Reuter*, 19 March 1997.

Lott formed a task force of nine Republicans to negotiate with the White House. Most of Lott's chosen nine were solidly opposed to or highly skeptical of the CWC.<sup>26</sup> Lugar was notably and unfortunately absent from the task force roster.

The White House inaugurated these negotiations on 29 January by tabling twelve conditions intended to clarify the US understanding of the CWC's obligations and thereby address the concerns of Helms and other senators.<sup>27</sup> According to insider accounts, the majority of the senators in this meeting reacted quite favorably to this initiative, which had a great deal of overlap with the Lugar resolution of ratification approved by the Foreign Relations Committee in 1996. At the staff level, however, the reaction to this opening proposal varied from "a well-intentioned, constructive first step" to "utterly worthless."<sup>28</sup> The stalwart CWC opponents in the task force, namely Kyl and Helms, were displeased with their colleagues' positive reaction to the White House's proposal. Therefore, Kyl issued a memo to his fellow task force members urging that the talks continue at a staff—not a member—level.<sup>29</sup>

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On 11 February, Berger returned to the Hill with slight modifications in some of the original conditions and a new condition on riot control agents.<sup>30</sup> Although a couple of other senators put in brief appearances, only Kyl and a Helms staffer were present for the duration of this meeting. Afterwards, the White House agreed to continue the negotiations mostly at the staff level. According to a senate source, this demotion of the talks was necessary because the discussions were so detailed that "senators couldn't understand the issues, and [continuing talks at that level] would take a lot of

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<sup>26</sup> Towell, "Clinton Pressures GOP To Act On Chemical Arms Ban," 545. Among the task force members were Senators Don Nickles (R-Okla.), Robert Smith (R-N.H.), McCain, John Warner (R-Va.), Kyl, Richard Shelby (R-Ala.), Helms, Paul Coverdell (R-Ga.), and Stevens.

<sup>27</sup> Text of the conditions proposed on 5 February (mimeograph). An additional condition on riot control agents was ready at that time, but not tabled until the following week.

<sup>28</sup> Senate sources, interviews with author, 30 and 31 January 1997.

<sup>29</sup> Even though the Republicans had not tabled anything at that point, Kyl voiced his concern "that we are negotiating about their proposals (which address the Lugar Resolution, not Chairman Helms' Resolution) without receiving ANY commitments to deal with the issues laid out by the Majority Leader and Chairman Helms." Given the intricate detail of the negotiations, Kyl wanted matters to be discussed by staff, not senators. Kyl's assessment of the administration's initial proposals was very critical. Jon Kyl, "Memorandum for the CWC Task Force on Administration Amendments to the CWC Resolution of Ratification" (undated).

<sup>30</sup> Text of the conditions circulated on 12 February 1997 by William C. Danvers, senior director for Legislative Affairs, National Security Council, White House.

time.”<sup>31</sup> However, this concession could only complicate matters given how entrenched opposition to the CWC was among some Republican staffers.

The political undertone of this negotiation was that the White House, very eager to wrest the CWC from Helms’ grasp, was prepared to make numerous compromises. The treaty’s critics in the Senate—all veteran politicians—knew that the longer they held out, the more concessions they could

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squeeze out of the White House. As the negotiations began to stall, task force member John McCain (R-Ariz.) publicly tried to pull fellow Republicans toward the treaty, pointing out the dilemma it posed for Lott and for the party. “This is a very difficult situation for Trent. He wants to give Jesse the respect and attention he deserves.... [But] he’s also not interested in seeing the Republican Party in the Senate labeled as the group that’s in favor of chemical weapons. He’d like to work this thing through so it satisfies most Republicans.”<sup>32</sup> Lugar also began a steady drumbeat of “Dear Colleague” letters, informing his fellow senators on various aspects of the treaty.<sup>33</sup> All totaled, the White House

held four negotiating sessions at the member level and four at the “expanded senior staff” level. During about thirty hours of talks, Republican members and staffers elaborated a universe of about thirty concerns, which became the basis for draft language on some thirty conditions to the resolution of ratification.<sup>34</sup>

Gradually, the task force and the White House worked their way toward agreement on more than a dozen conditions, but little headway was made on some of the core objections of Helms and Kyl.<sup>35</sup> Early in March, Helms issued an ultimatum, presenting the White House with a list of twenty-

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<sup>31</sup> Richard E. Cohen, “Legislative War Over Chemical Weapons,” *National Journal*, no. 15 (12 April 1997): 717.

<sup>32</sup> Robbins, “Chemical-Weapons Treaty Shapes Up as Messy Battle.” Similar words were uttered by Senator Levin: “To block consideration of a treaty negotiated by a Republican president and supported by the military would tag [Republican senators] as extreme. The one thing Republicans want to avoid is looking extreme.” Towell, “Clinton Pressures GOP To Act On Chemical Arms Ban.” McCain also joined Levin, both on the Armed Services Committee, in circulating a “Dear Colleague” letter drawing members’ attention to an 8 April editorial by Secretary of Defense William Cohen that concluded the CWC would enhance US security. John McCain and Carl Levin, “Dear Colleague” letter, 8 April 1997.

<sup>33</sup> Lugar circulated seventeen of these “Dear Colleagues.” He also repeatedly demonstrated bipartisanship regarding the treaty. See, for instance, Richard Lugar and Joseph Biden, “An End to Chemical Weapons: Is the Senate Up to the Challenge?”, *Christian Science Monitor*, 28 February 1997, 19.

<sup>34</sup> Remarks of Robert Bell, Press Briefing, White House, Office of the Press Secretary, 4 April 1997.

<sup>35</sup> A side-by-side listing of the Helms/Kyl and White House/Biden language is in a document used by senate staffers, “Conditions Under Consideration,” 13 March 1997. The White House negotiated separately with Senator Wendell Ford (D-Ky.) a condition on chemical weapons destruction issues, which ultimately became condition 27 in the

one conditions he viewed as essential. “I can promise you this: Unless the administration makes the modifications I am demanding, the [treaty] will not leave my committee. Period,” Helms said on 8 March.<sup>36</sup> Helms’ list of conditions, which Kyl’s staff also helped draft, contained several so-called treaty “killers.”<sup>37</sup> By mid-March, all members of the task force were willing to approve seventeen agreed conditions except for Helms, who agreed with only eight.<sup>38</sup> Helms described the task force as able to “accomplish a few things of minor significance, but they could not do anything of importance, not in the really serious issues.”<sup>39</sup> At this juncture, the ranking minority member of the Foreign Relations Committee, Joseph Biden (D-Del.) stepped forward to begin bartering with Helms. While this second channel offered an opportunity to break the impasse, it also made the negotiating environment even more complex, for Helms differed with the task force over some issues, and Biden deviated from the White House on others. Over the next couple of weeks, the Helms-Biden negotiations narrowed some differences, with agreement being reached on another half dozen conditions.<sup>40</sup>

Trying to increase the pressure on Republican treaty opponents to accept a unanimous consent agreement that would set the date for a vote, Democratic members threatened on several occasions to halt the Senate’s work if a vote date was not set.<sup>41</sup> Lott responded with a warning of

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resolution of ratification. Samuel R. Berger, Letter to Wendell Ford, with attachment, 27 February 1997.

<sup>36</sup> Thomas W. Lippman, “Unmodified, Chemical Weapons Pact Is Doomed, Sen. Helms Warns,” *Washington Post*, 9 March 1997, A10.

<sup>37</sup> These conditions were a mix of more severely worded versions of those already being discussed with the task force and entirely new proposals. These are listed in Jesse Helms, Memorandum to Trent Lott, “Resolution of Key Concerns Relating to the Chemical Weapons Convention,” 27 February 1997.

<sup>38</sup> Three of the eight concerned reporting requirements, one was a non-binding sense-of-the-Senate condition. The last task force meeting occurred on 13 March, at which time Helms objected to finalizing a list of seventeen agreed and thirteen nonagreed conditions. See remarks of Helms and Biden, 19 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2541, S2543.

<sup>39</sup> See Helms’ remarks in 19 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2549.

<sup>40</sup> Biden agreed with Helms on twenty-one of thirty conditions. Although he disagreed with nine of Helms’ conditions, he said that he would not oppose three of them. Biden agreed with Helms on some conditions that the White House resisted, for example a re-emphasis of the Senate’s right to place reservations on a treaty. Remarks of Joseph Biden, 19 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2543. By mid-April, Biden and Helms reached agreement on twenty-three conditions. Remarks of Robert Bell, Press Briefing, White House, Office of the Press Secretary, 16 April 1997.

<sup>41</sup> Daschle alluded to taking retaliatory hostages by jeopardizing unanimous consent agreements that would allow votes on other issues. Daschle said, “We’re determined to get a date for the Chemical Weapons Convention, and unless we get some sort of a date, we’re not going to be inclined to move any additional legislation.” Nancy E. Roman, “Daschle Warns Against Treaty Delay: Will Block Mexico Bill if Necessary to Quicken Weapons Vote,” *Washington Times*, 20 March 1997, 4. See also David Briscoe, “Chemical Weapons Treaty Pushed,” *Associated Press*, 18 March 1997, and “Partisan Senate Showdown Looms,” *Associated Press*, 19 March 1997. Senators Kerry, Byron Dorgan (D-N.Dak.), Jeff Bingaman (D-N.Mex.), and Ford also pressed Lott to commit to a certain date for a vote. 19 March 1997,

his own, on the morning of 20 March telling reporters: “If they jerk me around on this, I might change my attitude.” Later that day on the senate floor, after the Democrats retreated from their vote-blocking threat, Lott said that “It is my intent for this treaty to come up when we come back from [Easter] recess. It is not my intent to stonewall or delay on this.” Such pronouncements bought Lott additional time to juggle the matter in search of a compromise that would satisfy the clashing wings of his party. Two days earlier, Lott sent Clinton a letter of reprimand, reminding the president that progress on the CWC would be unlikely until the White House kept its commitment “to work closely and expeditiously” with “Helms on issues before the Committee, including the presentation of a plan to reorganize US foreign affairs agencies.”<sup>42</sup> In short, Lott confirmed with the White House that he agreed with Helms’ price for the CWC’s release, raising the ante.

Also on 20 March, the senate Republican leadership caught the White House off guard by introducing S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997.<sup>43</sup> The Senate Republican Policy Committee boldly advertised this bill as “effectively” addressing the chemical and biological weapons threat, saying it would “bolster US international leadership on chemical weapons, whether or not the US ratifies the [CWC].”<sup>44</sup> The bill’s sponsors claimed that S. 495 would “fill the gaps of the incomplete [CWC]” and described this legislation as “the best thing we can do to protect our country and the world from the horrors of chemical and biological weapons.”<sup>45</sup> Treaty critics chimed in to depict S. 495 as an alternative to the CWC.<sup>46</sup>

As the negotiations to craft a resolution of ratification continued, so did the public relations battle. Albright journeyed to Texas to recruit the support of former secretary of state James Baker III and a renewed endorsement from former president Bush.<sup>47</sup> She also traveled to Wingate University in North Carolina to lobby the Helms on the treaty and other related issues. With photos

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*Congressional Record*, 105 Cong., 1st sess., S2501-3. Bingham reiterated his concerns the next day. 20 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2580-1.

<sup>42</sup> Lott also castigated Clinton for not responding to his request to send the CFE and ABM treaty revisions forward for senate review. Trent Lott, Letter to William J. Clinton, 18 March 1997.

<sup>43</sup> 20 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2658-S2665.

<sup>44</sup> Senate Republican Policy Committee, “The Chemical and Biological Weapons Threat Reduction Act: Republican Initiative Effectively Addresses the Chemical and Biological Weapons Threat,” Policy Paper, 20 March 1997.

<sup>45</sup> Senators Don Nickles, Paul Coverdell, Jesse Helms, Richard Shelby, Jon Kyl, and Kay Bailey Hutchison, “Statement by Sponsors of S. 495: ‘The Chemical and Biological Weapons Threat Reduction Act,’” 31 March 1997.

<sup>46</sup> Center for Security Policy, “Republicans’ Senate Leadership Offers Constructive Alternative to Fatally Flawed Chemical Weapons Convention,” Decision Brief 97-D 43 (21 March 1997); Baker Spring, “S. 495, A Better Alternative to the CWC,” Heritage Foundation Issue Bulletin no. 231 (16 April 1997).

<sup>47</sup> US Department of State, Office of the Spokesman, “Press Availability Following Breakfast, Former President George Bush and Secretary of State Madeleine K. Albright,” Press Release, 8 February 1997. See Robert Burns, “Bush Urges GOP to Ratify Arms Pact,” *Associated Press*, 8 February 1997. For James Baker’s subsequent op-ed, see “Our Best Defense,” *New York Times*, 16 February 1997, IV:13.

of a hand-holding Helms and Albright splashed across the front pages, Helms spoke benignly of the progress in his negotiations with Biden. “There will be no problem with it if we continue to negotiate as we have been doing for the past few days,” he remarked, leading some to conclude mistakenly that Helms was ready to relinquish his stranglehold on the treaty.<sup>48</sup> Although appreciative of Albright’s attentiveness, Helms wanted more than just a display of diplomacy.

Major figures in the foreign and defense policy communities began to weigh in on both sides of the matter. The Gulf War’s General Norman Schwarzkopf, former chief of naval operations Admiral Elmo Zumwalt, former CIA director John Deutch, and former

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national security adviser Brent Scowcroft were among those publicly advocating the treaty, while former defense secretaries Weinberger, James Schlesinger, and Donald Rumsfeld argued against the accord.<sup>49</sup> Outside of Washington’s beltway, public opinion favored the treaty by an overwhelming margin.<sup>50</sup> The White House held a major media event on 4 April, when Clinton surrounded himself with a bipartisan group of defense and foreign policy luminaries to reiterate the need to ratify the CWC. Among those featured at the White House were Baker and former Joint Chiefs Chairman General Colin Powell, who topped an impressive list of seventeen distinguished military commanders announced that day as backing ratification.<sup>51</sup>

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<sup>48</sup> Thomas W. Lippman, “Helms Signals Vote Likely On Chemical Weapons Pact: Senator, Albright Warm to an Unlikely Alliance,” *Washington Post*, 26 March 1997, A1.

<sup>49</sup> On 30 January, Schwarzkopf said, “I am very, very much in favor of ratification of the Chemical Weapons Convention. We don’t need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I would just as soon not be associated with those thugs in this particular matter.” See Office of Richard G. Lugar, “Lugar Criticizes Anti-Chemical Weapons Treaty Campaign: Senator Refutes Flawed, Misleading Foreign Relations Committee Press Release,” Media Release, 3 February 1997. See also E.R. Zumwalt, Jr. “A Needless Risk for US Troops,” *Washington Post*, 6 January 1997, A17; Brent Scowcroft and John M. Deutch, “End the Chemical Weapons Business,” *Washington Post*, 11 February 1997, A21; James Schlesinger, Caspar Weinberger, and Donald Rumsfeld, “No to the Chemical Arms Treaty,” *Washington Post*, 5 March 1997, A21.

<sup>50</sup> An independent poll of 1000 adults by Wirthlin Worldwide and the Mellman Group, Inc., showed that eighty-four percent of the public supported the CWC; seventy-five percent would vote for a candidate that backed the CWC; and sixty-three percent felt that a chemical arsenal was not needed to deter a chemical attack. Office of Senator Richard G. Lugar, “Lugar Unveils Chemical Weapons Convention Polling Results: Public’s Overwhelming Support of Treaty Frames Debate, Demonstrates Urgency of Ratification,” Media Release, 28 February 1997; Robert Burns, “Poll Backs Chemical Weapons Ban,” *Associated Press* (28 February 1997).

<sup>51</sup> Steven Lee Myers, “Clinton Mobilizes Bipartisan Effort on Chemical Arms: Treaty Deadline Is Near,” *New York Times*, 5 April 1997, A1; Thomas W. Lippman, “White House Has Rally for Weapons Ban: Sen Helms Offers List of Treaty Opponents,” *Washington Post*, 5 April 1997, A8. Adm. Stanley R. Arthur (USN, Ret.) et al., Letter to William J. Clinton, 3 April 1997. Two signatories of this letter, Adm. Wesley McDonald (USN, Ret.) and Gen. Merrill McPeak (USAF, Ret.), had signed the 9 September 1996 letter opposing the CWC.

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***By negatively interpreting select passages of the treaty in isolation from the rest of the text, the CWC's opponents made it seem as though the treaty had dangerous, gaping loopholes.***

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Helms responded with a public relations blitz of his own, launching a series of hearings on the CWC on 8 April. The Foreign Relations Committee issued press releases to call attention to the anti-CWC witnesses. At the outset of each hearing, Helms lavished praise on the witnesses who opposed the treaty, often neglecting to introduce those who would speak for the CWC. Witnesses testifying

against the treaty were allowed unlimited time for their introductory statements, which created long waits for those standing by to speak on behalf of the CWC.<sup>52</sup> Throughout these hearings, treaty critics focused on arcane aspects of the CWC that were unfamiliar to most policymakers. By negatively interpreting select passages of the treaty in isolation from the rest of the text, the CWC's opponents made it seem as though the treaty had dangerous, gaping loopholes. For example, Schlesinger, Weinberger, and Rumsfeld were among several witnesses trying to equate Articles X and XI of the CWC to the Atoms-for-Peace principles and programs of the Nuclear Nonproliferation Treaty. Only those well-versed in the CWC's details were not likely to fall for the critics' argument that the CWC would do more to proliferate chemical weapons than eliminate them.<sup>53</sup>

Another tactic employed by the treaty's opponents was to intimate that the CWC would threaten concepts or constituencies held dearly by conservatives (e.g., US defenses, the Constitution, and business interests). To wit, opponents argued that the CWC would not reduce the chemical weapons threat because countries such as Iraq, Libya, Syria, and North Korea would not join. Responding to this concern, the administration accepted a condition that US chemical defenses must be bolstered and reiterated the US policy of responding with "overwhelming and devastating" force if poison gas were used against US troops.<sup>54</sup> Another misleading charge that later resulted in an

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<sup>52</sup> David Briscoe, "Helms: Weapons Pact is Dangerous," *Associated Press*, 9 April 1997. Rumsfeld, Schlesinger, and Weinberger inaugurated the hearings on 8 April. Albright was the lone treaty proponent that day. The next day, former UN ambassador Jeane Kirkpatrick and former assistant secretary of defense for international security policy Richard Perle were the featured anti-treaty witnesses. Scowcroft, Zumwalt, and former START negotiator Lt. Gen. Edward Rowley carried the CWC banner on the 9th. On 15 April, Steve Forbes headlined a group of anti-treaty activists purporting to embody industry's interests, although Fred Webber of the Chemical Manufacturers Association, who testified for the treaty, was the only panelist representing companies that would routinely be required to declare data and undergo inspections. The author attended these hearings. Also on that day, Forbes launched a radio campaign against the CWC. See Americans for Hope, Growth and Opportunity, "Americans for Hope, Growth and Opportunity Launches Radio Campaign to Block Passage of Dangerous Chemical Weapons Convention," Press Release, 13 April 1997. See also his editorial, "Toxic Treaty," *Forbes*, 24 March 1997, 27.

<sup>53</sup> For a brief explanation, see the author's "The CWC Critics' Case Against Articles X and XI: Nonsense," Issue Brief, The Henry L. Stimson Center, 17 April 1997; for a more in-depth discussion by the author, see *Separating Fact from Fiction: The Australia Group and the Chemical Weapons Convention*, Occasional Paper 34 (Washington, DC: The Henry L. Stimson Center, March 1997).

<sup>54</sup> Thomas W. Lippman, "Clinton Presses Chemical Pact Promise of Fierce Response Offered to Gain GOP Support," *Washington Post*, 15 February 1997, A1. See US Congress, "To advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions," S. Res. 75, 105th Cong., 1st sess., 24 April 1997,

ameliorating condition in the resolution of ratification was that the CWC's inspections would infringe upon Fourth and Fifth Amendment rights against unwarranted search and seizure and self-incrimination.<sup>55</sup> And, despite industry's stalwart support, treaty opponents asserted that the CWC would unduly burden US industry, especially small businesses. The National Federation of Independent Businesses, which represents over 600,000 small businesses, had previously expressed "serious concern" about possible regulatory burdens stemming from the CWC.<sup>56</sup> Treaty critics made NFIB the poster organization for opposition to the CWC, compelling the NFIB to correct the record: "At the time, we said we had concerns. But it is one hundred percent incorrect when it was said in floor debate that NFIB opposes [the CWC]. It is now our belief our members are not going to be impacted."<sup>57</sup> Senators who were not following these developments closely remained under the false impression that the CWC clashed with traditional Republican constituencies and concepts.

The tone of Helms' CWC hearings fed a growing animosity on the Hill between treaty supporters and detractors. For example, the Center for Security Policy implied that the Chemical Manufacturers Association could buy Lott's vote on the treaty.<sup>58</sup> Then, former and prospective presidential candidate Steve Forbes insinuated that chemical industry exports were tantamount to "blood money" that helped proliferate chemical weapons.<sup>59</sup> Even among the members were rules of protocol being broken, for instance, when Kyl publicly derided Lugar and Biden for their

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***Privately, Republican senators and staffers were complaining about how Lott was handling the situation.***

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condition 11. The "overwhelming and devastating response" policy, first stated by Secretary of Defense Richard Cheney during the Gulf War, was articulated again in 1994 hearings by General John Shalikashvili, chairman of the Joint Chiefs of Staff. See Shalikashvili testimony in Senate Committee on Armed Services, *Military Implications of the Chemical Weapons Convention (CWC)*, S. Hrg. 103-835, 103rd Cong., 2nd sess., 41.

<sup>55</sup> The author rebuts this assertion in "The Chemical Weapons Convention, Constitutionality, and Unwarranted Fears," Issue Brief, The Henry L. Stimson Center, 3 February 1997. See US Congress, S. Res. 75, conditions 16 and 28. One of the last conditions negotiated, number 28 requiring search warrants during inspections, addressed these concerns.

<sup>56</sup> Dan Danner, National Federation of Independent Businesses, Letter to Richard Lugar, 9 September 1996.

<sup>57</sup> Robbins, "Chemical-Weapons Treaty Shapes Up as Messy Battle." A spokesman for the organization stated that the 9 September 1996 letter had been "mischaracterized" as outright opposition to the treaty. Towell, "Clinton Pressures GOP To Act On Chemical Arms Ban."

<sup>58</sup> "A Place To Start on Campaign Finance Reform: CMA Should Refrain From Putting Senators in Compromising Positions on the Chemical Weapons Convention," Decision Brief no. 97-D 34, Center for Security Policy (26 February 1997). This brief erroneously reported that CMA "held" a fund-raiser for Lott. Actually, another organization hosted the fund-raiser in question, which only one CMA lobbyist attended.

<sup>59</sup> Forbes made this remark during testimony before the Senate Foreign Relations Committee on 15 April 1997.

views on the CWC.<sup>60</sup> These and other actions offended some senators and aides.<sup>61</sup> For those in the trenches in the dispute over the CWC, staffers were saying that it was simply the nastiest, toughest battle many of them had ever experienced.

When Helms opened his hearings, senate Democrats renewed their threats of a work stoppage. While openly scoffing at the seriousness of the 29 April deadline, Lott nonetheless reportedly gave Daschle a personal pledge to take the treaty to the floor the following week.<sup>62</sup> Reports circulated that Helms would only release the CWC from committee if Lott agreed to vote against the accord.<sup>63</sup> This apparent attempt at blackmail gave treaty supporters another opportunity to depict Lott's actions on the accord as a test of his leadership. "If he lets Helms roll him, he's dead," said Biden of Lott.<sup>64</sup> Giving no indication of how he would vote, the next day Lott described the general shape of an arrangement that would bring the CWC to the senate floor, with a vote on S. 495 bill preceding a vote on the treaty.<sup>65</sup> Lott anticipated that the CWC debate would debut the week of 21 April,<sup>66</sup> giving him several more days to arbitrate disputes over the treaty and wring further concessions from the administration. A resolute Helms contradicted Lott's conciliatory tone, maintaining that he would not allow anyone to bypass the Foreign Relations Committee. "They're not going to push me around," Helms said, indicating that more hearings would be forthcoming.<sup>67</sup>

### **Down to the Wire**

With under two weeks until 29 April, the CWC's fate in the Senate was still undecided. Although Helms and Biden had agreed upon two conditions to address concerns about Articles X

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<sup>60</sup> Jon Kyl, "A Bad Chemical Arms Pact," *Christian Science Monitor*, 18 March 1997, 19.

<sup>61</sup> In another move that insulted some of the Hill's denizens, Helms distributed reams of paper to his Republican colleagues during the week prior to the vote. Helms claimed that industry facilities would have to fill out this seemingly endless stack of forms to comply with the CWC's reporting requirements. Industry representatives corrected this faulty impression, showing senators and their staffs the brief forms that industry had helped the government design and test for CWC reporting.

<sup>62</sup> Steven Lee Myers, "Senate Vote Now Likely on Chemical Arms Treaty," *New York Times*, 9 April 1997, A10.

<sup>63</sup> Thomas W. Lippman, "Lott Seeks Vote on Chemical Arms Treaty: Helms Remains an Obstacle to Long-Delayed Action in Senate," *Washington Post*, 9 April 1997, A12.

<sup>64</sup> Helen Dewar, "Lott Outlines Chemical Arms Treaty Plan," *Washington Post*, 11 April 1997, A18.

<sup>65</sup> S. 495 would be considered during the week of 14 April, the CWC during the week of 21 April. Lott anticipated about fifteen hours of debate on the treaty, with a handful of amendments to the resolution of ratification receiving separate up or down votes. Pat Towell and Chuck McCutcheon, "Senate Moves Toward Vote On Chemical Arms Pact," *Congressional Quarterly* 55, no. 15 (12 April 1997): 853.

<sup>66</sup> Dewar, "Lott Outlines Chemical Arms Treaty Plan."

<sup>67</sup> David Briscoe, "Helms Blocks Chemical Weapon Treaty," *Associated Press*, 10 April 1997.

and XI, Helms continued to push for a requirement to renegotiate these two segments of the CWC.<sup>68</sup> From the Oval Office, Clinton called several Republicans, who told him “they were waiting to see how Lott, who has questioned key elements of the treaty but has not taken a formal stand, votes before deciding what they will do.”<sup>69</sup> Privately, Republican senators and staffers were complaining about how Lott was handling the situation.<sup>70</sup> By this time, everyone knew the elements of the package deal that both the Clinton administration and Lott had in mind.<sup>71</sup> Already, the White House had informed Lott that it would submit modifications to the CFE and ABM Treaties to the Senate for advice and consent.<sup>72</sup> Lott had hailed this as “an important development [and] a step in the right direction.”<sup>73</sup> Talks were also underway on plans to restructure the State Department and repay US dues to the United Nations. Despite these constructive developments, Lott was giving little indication of whether he would pull rank on Helms before 29 April. If not, the United States would suffer the economic, political, and international security consequences of not being aboard when the CWC entered into force.<sup>74</sup>

As the week of 14 April began, furious efforts were being made to lengthen the list of twenty-three conditions that had been fashioned over the preceding two and a half months. The administration reported progress on the handful of conditions still under discussion, particularly on two of the last issues to be settled, riot control agents and search warrants

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***Lugar cautioned his colleagues not to fall for bait-and-switch tactics.***

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<sup>68</sup> Pat Towell, “Five Amendments To Dominate Debate,” *Congressional Quarterly* 55, no. 16 (19 April 1997): 918. Conditions 7 and 15 in the resolution of ratification restricted US defense assistance to medical antidotes and reiterated the US understanding that application of export controls as conducted by the Australia Group would continue. A letter from Berger to Biden underscored these US interpretations of the treaty. Samuel Berger, Letter to Joseph Biden, 9 April 1997.

<sup>69</sup> John F. Harris and Helen Dewar, “Clinton Works Phones to Push Chemical Treaty: Majority Leader Anticipates Deal For Senate to Vote Before April 29,” *Washington Post*, 17 April 1997, A4. One columnist described Lott as being “torn between an 84 percent approval rating for the treaty and the bared-teeth opposition of his right wing in the Senate.” Mary McGrory, “Poisoning the Atmosphere,” *Washington Post*, 10 April 1997, A2.

<sup>70</sup> In the months leading up to the vote, the author held numerous meetings with members and staffers.

<sup>71</sup> In early February, Biden reportedly urged Clinton to cut such a deal, sending Clinton a memorandum urging the president to give both Helms and Lott “something” they want. “I could be wrong about this proposed approach, boss, but I think it is our best shot to achieve several policy goals that we all share,” wrote Biden. Roy Gutman, “Praise for Passage: Chemical Weapons Treaty Is Shared Political Victory,” *New York Newsday*, 28 April 1997.

<sup>72</sup> Lott received a letter from Berger on 25 March that contained notification that the CFE flank agreement and the demarcation agreement of the ABM Treaty would be submitted to the Senate. “Prospects Improve for Action On Chemical Arms Pact,” Section Notes, *Congressional Quarterly* 55, no.13 (29 March 1997): 751.

<sup>73</sup> Lawrence J. Goodrich, “World Views Clash On Weapons Treaty,” *Christian Science Monitor*, 15 April 1997, 1.

<sup>74</sup> For a full accounting of these consequences, see Amy E. Smithson, ed., *The US Senate and the Chemical Weapons Convention: The Price of Inaction*, Report no. 18 (Washington, D.C.: Henry L. Stimson Center, October 1995).

for inspections.<sup>75</sup> From the White House, Clinton continued to work the phones because the CWC, not to mention “a large chunk of his political credibility,” were “hanging in the balance.”<sup>76</sup>

The logjam finally broke late in the afternoon on 17 April. First, Lott and Daschle announced a unanimous consent agreement that set 24 April as the deadline for a CWC vote.<sup>77</sup> Later that afternoon, the Senate quickly debated S. 495 and passed it by a margin of fifty-three to forty-four. The bill’s main proponent, Kyl, said that S. 495 “will demonstrate concretely American international leadership against chemical and biological weapons.”<sup>78</sup> The majority of Republicans had yet to declare their intentions regarding the CWC, but it was expected that S. 495’s passage would help push senators off of the fence in either direction. For some Republicans, S. 495 would function as political “cover,” allowing them to defend a vote against the CWC because they had voted for S. 495, which purported to do something about chemical and biological weapons proliferation. The approval of S. 495 would liberate others to vote for the treaty without unduly irritating the Republican leadership, which had sponsored the bill.

Lugar cautioned his colleagues not to fall for a bait-and-switch of S. 495 for the CWC. He characterized S. 495 as leaving the United States to go it alone against chemical weapons proliferation because the bill’s prohibitions against chemical and biological weapons possession and use would have jurisdiction only domestically.<sup>79</sup> In contrast to the CWC—already signed by over two-thirds of the world’s suspected chemical weapons possessors— S. 495 would not eliminate a single chemical weapon abroad.

The next day’s headlines confirmed the profits reaped from the bartering to obtain the Senate’s unanimous consent to put the CWC to a vote. Helms’ long-standing quest to reshape the State Department was fulfilled. The CWC

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***Lott and Helms got virtually everything that was on their wish lists.***

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<sup>75</sup> Pat Towell, “Chemical Arms Ban’s Chances Put at 50-50 in Senate.” Having interpreted the treaty in June 1994 as totally prohibiting the use of riot control agents on the battlefield, the Clinton administration agreed to revert to a slightly broader policy established during the Ford administration so that riot control agents could be used in defensive situations to save lives. Also, the White House agreed to require a criminal search warrant showing “probable cause” of cheating during a challenge inspection in the United States. See US Congress, S. Res 75, conditions 26 and 28.

<sup>76</sup> Steven Erlanger, “Clinton Pushes Pact Covering Chemical Arms,” *New York Times*, 21 April 1997, 10.

<sup>77</sup> 17 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3324-7. The agreement provided for eighteen hours of debate over the course of two days, 23 and 24 April, including ten hours on the treaty, two in closed session, and one apiece on five killer amendments. In addition, the Senate agreed to consider the CWC’s implementing legislation (S.610) prior to the Memorial Day recess, assuming passage of the treaty. Helms’ reportedly insisted that votes on five conditions that he favored precede a final vote on the CWC. Pat Towell, “Chemical Arms Ban’s Chances Put at 50-50 in Senate,” *Congressional Quarterly* 55, no. 16 (19 April 1997): 917.

<sup>78</sup> Bill Gertz, “GOP Bill to Ban Chemical Weapons Passes in Senate,” *Washington Times*, 18 April 1997, 8. See also Pat Towell, “Senate Passes Domestic Version of Ban,” *Congressional Quarterly* 55, no. 16 (19 April 1997): 919.

<sup>79</sup> Richard Lugar, “Dear Colleague” letter, 16 April 1997.

would be freed in exchange for the merging of three agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the US Information Agency—into the State Department.<sup>80</sup> This reorganization plan was, ironically, more drastic than the Helms legislation that Clinton vetoed a year earlier.<sup>81</sup> In addition to revamping the State Department and resubmitting the CFE and ABM Treaties to the Senate, the White House agreed that any plan for paying US arrears at the United Nations would have the approval of the Foreign Relations Committee. This arrangement ensured that Helms would “have a strong voice in deciding whether and how to begin repaying this country’s debt to the United Nations.”<sup>82</sup> In short, Lott and Helms got virtually everything that was on their wish lists.

Asked if the simultaneous resolution of these matters were a coincidence, Clinton explicitly denied linkage.<sup>83</sup> However, referring to the assertion that there was no quid pro quo, Berger told reporters, “If I were sitting where you were, I wouldn’t believe it.”<sup>84</sup> An anonymous Albright aide opined how this arrangement allowed Helms “to re-establish the primacy of his committee” and “to lose with dignity.”<sup>85</sup> The administration characterized the non-deal as an effort to “win some goodwill among Republicans at a time [when Clinton] urgently needs it” and to create an “improved...atmosphere” for the CWC vote.<sup>86</sup> Thus, in one breath, administration officials were

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<sup>80</sup> Thomas L. Friedman, “The Big Deal of The Day,” *New York Times*, 27 March 1997, A39. Describing the stand-off between the White House and Helms over the prospective deal, the head of one of the agencies to be eliminated, ACDA Director John Holum, said, “The argument boiled down to the notion that, ‘I’ll let you have the golden egg if you’ll let me kill the goose.’” Bob Deans, “US Disarms Without Pact: Army Demolishes Chemical Weapons,” *Washington Times*, 10 March 1997, 14. See also Lott’s remarks, 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3601. Whereas mostly the administration functions of the Agency for International Development will be integrated into the State Department, the other two agencies will totally lose their autonomy.

<sup>81</sup> Helms’ bill had required the elimination of one of the three agencies in question. Carroll J. Doherty, “President, in Nod to Helms, Plans To Merge Agencies,” *Congressional Quarterly* 55, no. 16 (19 April 1997): 921; Carroll J. Doherty, “Contentious Issues Set Aside In State Department Bill,” *Congressional Quarterly* 55, no. 16 (19 April 1997): 856.

<sup>82</sup> Thomas W. Lippman and Peter Baker, “Bipartisanship, but at a Price: President Trades Foreign Policy Concessions for GOP Support of Treaty,” *Washington Post*, 25 April 1997, A1. During his 10 April press conference, Lott noted that a separate working group initiated to discuss the “parallel” issue of UN reform had already met twice. “Senate Majority Leader Holds Regular News Briefing,” 10 April 1997 (mimeograph).

<sup>83</sup> White House, Office of the Press Secretary, “Remarks by the President in Press Availability,” 18 April 1997.

<sup>84</sup> Pat Towell, “Chemical Weapons Ban Approved in A Burst of Compromise,” *Congressional Quarterly* 55, no. 17 (29 April 1997): 974.

<sup>85</sup> Albright reportedly traveled to the Hill to personally brief Helms on the State Department reorganization plan. Gutman, “Praise for Passage.” Because of this development, Helms was judged a winner among the players in the CWC saga. Megan Rutherford, “Notebook: Winners & Losers,” *Time*, 28 April 1997.

<sup>86</sup> Vice President Albert Gore reportedly crafted the State Department reform plan, which Clinton approved on the afternoon of 17th. Administration officials said this decision was prompted by “Helms’s insistence on reorganizing the State Department” and “the need to accommodate congressional Republicans and keep them from thwarting Clinton’s

saying that all of this deal-making was just “practical politics,” describing “what was given away....[as] far less than what was gained.” In the next, the White House spin was that this package of items was not a quid pro quo for the CWC’s release and approval, but rather the “byproduct of a healthier, bipartisan atmosphere” of decision-making in the nation’s capitol. In fact, both the White House and Lott alluded to how this give-and-take could serve as a model for negotiations to balance the federal budget.<sup>87</sup>

Having won an important battle, the CWC’s approval was still far from assured. The CWC’s prospects were a featured topic of discussion over the next few days, as various officials and pundits weighed the odds of whether the CWC would squeak by or sink. Daschle put the CWC’s chances at “50-50.” Noting his continuing concerns about Articles X and XI, Lott characterized the vote as “too close to call.”<sup>88</sup> Indicative of his perceived importance to the outcome of the vote, Lott was still being heavily lobbied, including by former Republican presidents.<sup>89</sup> Cohen and Albright made a rare joint appearance on NBC’s Sunday news show, “Meet the Press,” to plug the treaty.<sup>90</sup> Working off of an initial approach made by General Edward Rowny (USA, Ret.), the White House was also

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foreign policy agenda.” John F. Harris and Thomas W. Lippman, “Clinton Agrees to Shift Foreign Policy Agencies: Move Comes as Senate Sets Chemical Arms Vote,” *Washington Post*, 18 April 1997, A1; Helen Dewar, “Senate Sets Chemical Arms Pact Vote: After 4 Years of Delay, Action on Treaty Is Scheduled for Next Week,” *Washington Post*, 18 April 1997, A1.

<sup>87</sup> Lippman and Baker, “Bipartisanship, but at a Price.”

<sup>88</sup> Joyce Price, “Senate Vote on Treaty to be Close: Lott Disagrees on Chemical Pact,” *Washington Times*, 21 April 1997, 4.

<sup>89</sup> Clinton administration officials said they were “targeting [their] campaign on Lott.” Moreover, Lott told Albright that he received a 7:00 a.m. wake-up call on the 17th from Bush and Ford asking him to vote for the accord. John F. Harris and Helen Dewar, “Chemical Weapons Treaty in Peril, Democrats Fear: Clinton Says US Risks Joining ‘Pariah Nations,’” *Washington Post*, 19 April 1997, A1. On the opposing side, conservative activists also met with Lott on 10 April, giving him a preview of a poll that showed Americans disapproved of the CWC. “Ad Hoc Coalition of Conservative Leaders Urges Senator Lott to Defeat the C.W.C.,” Press Release, Free Congress Foundation (11 April 1997); “New National Poll Shows Overwhelming Public Opposition to a Flawed Chemical Weapons Convention,” Press Release no. 97-P 50, Center for Security Policy (10 April 1997). This poll of 900 Americans was conducted by the Luntz Research Companies, which had also projected a landslide Dole victory in the 1996 election. See also Robert D. Novak, “Trent Lott’s Chemical Test,” *Washington Post*, 10 April 1997, A25.

<sup>90</sup> Of the vote count, Albright cautiously said, “We are moving in the right direction.” “Meet the Press” (NBC), interview with Albright and Cohen, 20 April 1997.

quietly trying to change Dole's opinion of the treaty.<sup>91</sup> Also over the weekend, McCain editorialized about his reasons for supporting the CWC.<sup>92</sup>

Although it appeared that momentum was swinging in favor of the CWC as the vote neared, passage was by no means assured. More than a few Republicans had signaled that they would vote against the CWC, but only a couple had publicly joined Lugar and McCain in the pro-treaty camp.<sup>93</sup> As late as Tuesday, ten to fifteen Republican senators, including Lott, had yet to declare which way they would vote. The White House planned a last minute offensive for the treaty, hoping in the final forty-eight hours to more than double the number of Republican votes in hand for the treaty.<sup>94</sup> Debate on the treaty began on the 23rd. During the second hour of the proceedings, McCain breathlessly interrupted his colleagues to inform them of an unexpected turn of events. Dole was about to execute an about-face on the CWC. Months before, Dole had played a principal role in torpedoing the CWC, but he resurfaced at noon that day at a White House press conference to urge his colleagues to vote for the accord. The twenty-eight conditions in the resolution of ratification had, in Dole's view, strengthened the treaty and addressed his major concerns about it. "If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to," he said.<sup>95</sup>

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<sup>91</sup> Rowney, who had signed the 9 September 1996 letter of opponents to the CWC, had since become a treaty advocate, testifying on behalf of the CWC on 9 April. As Biden recounted, Rowney ran into Dole in the coffee shop at the Watergate Hotel. During this meeting, Rowney pressed Dole to rehear the case about the CWC. Dole agreed, and a briefing from White House staffer Robert Bell followed, facilitating Dole's about-face. 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3606; Robert Dole, Letter to Bill Clinton, 22 April 1997.

<sup>92</sup> John McCain, "Chemical Weapons Treaty is in America's Best Interest," *Arizona Republic*, 20 April 1997, H4.

<sup>93</sup> Tipping their hand, Senators Robert Smith, James Inhofe, and Larry Craig circulated editorials bashing the CWC to other senators. Robert Smith, James Inhofe, and Larry Craig, "Dear Colleague" letter, 8 April 1997. See also, "Allard to Vote No on Chemical Weapons Convention," Press Release, Office of Senator Wayne Allard, 23 April 1997; "Bond to Oppose Chemical Weapons Convention," Press Release, Office of Senator Kit Bond, 23 April 1997. In contrast, Senator Alfonse D'Amato (R-N.Y.) described the CWC as "the most effective mechanism to assure control of chemical weapons and assure their destruction." David Briscoe, "Clinton Optimistic on Chemical Weapons Treaty, Republicans Split," *Associated Press*, 22 April 1997. Earlier, Senator James Jeffords (R-Vt.) had stated he would vote for the CWC. Statement of James M. Jeffords, "Veterans Say 'Ratify the Chemical Weapons Convention,'" 10 March 1997, *Congressional Record*, 105th Cong., 1st sess., S2056-7.

<sup>94</sup> The White House tally had eight Republicans solidly in favor of the CWC, which was fourteen votes shy of the sixty-seven needed for ratification. Of the remaining Republicans, eleven were leaning for the CWC, ten leaning against it, and twelve were genuinely undecided. Kondracke, "Chemical Warfare Vote Is Key Test For Lott and GOP," 8. Among those involved in the last minute treaty push were Clinton, Gore, Albright, Berger, Bush, and Baker. Alison Mitchell, "Clinton Makes Final Push on Chemical Arms Treaty," *New York Times*, 23 April 1997, A10.

<sup>95</sup> Responding to Dole's change of heart, Helms grumbled that the twenty-eight conditions only added "sweetener to hemlock." Francis X. Clines, "Dole No Senator, but Might as Well Be," *New York Times*, 24 April 1997, A6. Statement of Bob Dole on the Chemical Weapons Convention, 23 April 1997.

Admittedly, Citizen Dole's reversal was transparent—nothing in the twenty-eight conditions actually *changed* the treaty's text.<sup>96</sup> However, Dole successfully altered the political landscape just as the floor debate was getting underway by upstaging his successor and reasserting leadership for Republicans in the Senate.<sup>97</sup> Over the next few hours, Lott began sounding mollifying notes about the CWC and the Clinton administration's efforts to address Republican concerns.<sup>98</sup> However, Lott said he would not announce his vote on the treaty until after the Senate had considered all five “killer” amendments. With Lott still noncommittal so close to an important vote, Dole's surprise announcement may have provided undecided senators an impetus to vote for the treaty.<sup>99</sup>

At the end of the first day of debate, Clinton made another important gesture to appease Lott. Clinton sent Lott a letter stating that he would be willing to withdraw the United States from the

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*Lott finally ended the suspense with a decidedly lukewarm endorsement.*

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<sup>96</sup> Although the twenty-eight conditions did provide substantive clarification, Reagan's assistant defense secretary Richard Perle told one columnist that they “are not worth the paper they are written on.” Robert Novak, “Lott's Stance on Treaty Enrages GOP Right,” *Chicago Sun-Times*, 28 April 1997. Condition 18, which precludes samples taken during an inspection in the United States from leaving US territory for analysis, presents the most serious clash between the CWC's objectives and the US resolution of ratification. This condition could interfere with the ability of the international monitoring agency to verify treaty compliance, not only in the United States, but in other countries of concern that might pattern their ratification after the Senate's model. Some staffers in the Senate and the White House refused the suggestions to modify the wording or have this condition voted upon separately along with other so-called killer conditions. See US Congress, S. Res. 75, 24 April 1997. Whereas White House staffers were apparently convinced that CWC inspectors could use a US mobile laboratory to resolve ambiguities on site, senate staffers insisted on this condition as extra protection for US trade and security information. The CWC's Verification Annex elaborates the treaty's ample provisions for safeguarding confidential and national security data during the collection, handling, and analysis of samples. See the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, Annex on Implementation and Verification, Part II, paragraphs 52–58.

<sup>97</sup> Pundits credited Dole with having “turned the tide” with an announcement that “put enormous pressure on Lott to support the agreement.” Reacting the next day to Dole's announcement, Lott said, “Senator Dole has a long history of doing what he thinks is right, and being able to surprise people with what he does. He did it again yesterday.” Bill Schneider, “Analysis: Chemical Vote Wins Dole Political Play Of The Week,” *AllPolitics*, 25 April 1997, Internet: <http://allpolitics.com/1997/04/25/schneider/>. See also Janice M. Horowitz et al., “Winners & Losers: Seizing The Moment,” *Time*, 5 May 1997.

<sup>98</sup> Helen Dewar and Peter Baker, “Dole Raises Hopes of Chemical Treaty Backers,” *Washington Post*, 24 April 1997, A1.

<sup>99</sup> Adam Clymer, “Some in the GOP Move to Back Ban on Chemical Arms,” *New York Times*, 24 April 1997, A1. During a weekly Republican luncheon held on 23 April, several senators reportedly asked the party leadership to state their position on the treaty, a request that was refused. “The leadership also chose not to count votes formally, due to the high number of undecideds and the general conviction that the issue was a matter of conscience.” Cassata, “For Lott, a Chance To Rise Above the Fray,” 975.

CWC if abuses by other countries of Articles X and XI damaged US security.<sup>100</sup> Reportedly worried about the shadow that non-ratification would cast on the America's role in the world, Lott apparently decided that night that he would vote for the CWC. Perhaps Clinton's letter had finally given Lott the political cover he needed, for he would later describe it as "beyond what I even thought [Clinton] would do."<sup>101</sup> On Thursday morning, Lott told the press that Clinton's letter was "unprecedented," an "ironclad commitment" that had "affected [his] thinking."<sup>102</sup> Lott's comments left little doubt that he was leaning toward the treaty. However, Lott refused to declare his intentions until later that afternoon. After the first of the five killer amendments went down to defeat, Lott finally ended the suspense with a decidedly lukewarm endorsement. "The United States," he declared, "is marginally better off with [the CWC] than without it."<sup>103</sup> With the outcome still uncertain, Gore was dispatched to the Hill late in the day in the event that last-minute arm-twisting or a tie-breaker on one of the amendments was needed.

One by one, Helms and Kyl tried but failed to assemble sufficient votes to pass the other four killer amendments. Lott and the chairmen of the three committees of jurisdiction—Foreign Relations (Helms), Armed Services (Strom Thurmond), and Select Intelligence (Richard Shelby)—voted for all of the killer amendments. Of this group, only Lott alone voted for the treaty.<sup>104</sup> The CWC's long odyssey through the Senate ended at approximately 10:45 p.m., when the senate clerk announced the vote tally on the resolution of ratification as seventy-four yeas, twenty-six nays.<sup>105</sup> In the end, the majority of Republicans voted for the CWC. At 10:51pm, a relieved

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<sup>100</sup> Bill Clinton, Letter to Trent Lott, 24 April 1997.

<sup>101</sup> Jerry Gray, "Resolving Treaty Issue, Lott Seems to Cement Party Leadership," *New York Times*, 25 April 1997, A10.

<sup>102</sup> "US Senate Majority Leader Trent Lott (R-MS) Holds Regular News Briefing," *AllPolitics*, 24 April 1997, Internet: <http://allpolitics.com/1997/04/24/fdch/>. See also Helen Dewar, "Senate Approves Chemical Arms Pact After Clinton Pledge," *Washington Post*, 25 April 1997, A1. David Briscoe, "Lott Endorses Chemical Weapons Pact," *Associated Press*, 24 April 1997. Clinton stated that if countries used Articles X and XI of the CWC as a pretext to violate the treaty's prohibitions, he would "in consultation with the Congress, be prepared to withdraw from the treaty." Bill Clinton, Letter to Trent Lott, 24 April 1997.

<sup>103</sup> 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3603.

<sup>104</sup> The killer amendments pertained to 1) Russian ratification as a prerequisite of US ratification (defeated by 66 to 34); 2) Iranian, Iraqi, Libyan, Syrian, North Korean, and Chinese ratifications as prerequisites of US ratification (defeated by 71 to 29); 3) pre-emptory exercise of the right to bar certain inspectors from countries believed to be proliferating nuclear weapons (defeated by 56 to 44); 4) deletion of Articles X and XI from the CWC (defeated by 66 to 34); and 5) presidential certification of high confidence in the verifiability of the CWC (defeated by 56 to 44). See 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3616, S3623, S3636, S3596–3603. After the first amendment fell, Lott told reporters that he anticipated the final vote would be 72 to 28. "Lott Will Vote For Treaty," *AllPolitics*, 24 April 1997, Internet: <http://allpolitics.com/1997/04/24/chem.lott/>.

<sup>105</sup> 24 April 1997, *Congressional Record*, 105th Cong., 1st sess., S3651.

president appeared in the White House briefing room to express profound gratitude to the Senate.<sup>106</sup> Just as with the vote on the North American Free Trade Act, Clinton had teetered precariously close to having the Senate hand him a major foreign policy defeat, only to eke out a victory at the last minute.

### **A Test of Post–Cold War Leadership**

Visionary leadership is an increasingly rare commodity, partly because the few who engage in it must consistently eschew partisan politics and pet projects for the sake of national and, when possible, international interests. The CWC debate presented an opportunity for America’s elected leaders to pass judgment upon an international framework designed to grapple with a complex security threat. The CWC enjoyed a Republican heritage, the endorsement of important domestic constituencies, and remarkably high approval ratings among Americans, so few recriminations would have been forthcoming for moving promptly to ratify the treaty. Instead, in a regrettable lack of leadership, the CWC was sidelined as Washington’s major public figures dallied and dickered.

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***Owing to a regrettable lack of leadership, the CWC was sidelined as Washington’s major public figures dallied and dickered.***

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Along the way, this landmark treaty of US design almost became a US foreign policy failure of historic proportions.

To illustrate, Clinton fully embraced the CWC only when faced with the possible embarrassment of not having the United States ratify before the treaty’s entry into force. In all fairness, Clinton ultimately did what needed to be done, taking to the bully pulpit, cutting deals, and thereby contributing to a successful outcome. However, Clinton had ample opportunities to address the chemical weapons threat and animate support for the CWC during his first term. For example, Clinton might have used the March 1995 terrorist poison gas attack in Tokyo’s subway as a springboard to push for the CWC’s ratification.<sup>107</sup> Rather than an exercise of leadership, Clinton’s eleventh-hour CWC ratification campaign was an exercise in damage control to avert a significant blemish on his administration’s reputation, both domestically and internationally.

In the Senate, Lott and Helms wielded the treaty as a bargaining chip, unmistakably naming their price for letting a vote on the accord occur. Although both treaty proponents and opponents viewed Lott as central to their desired outcomes, the majority leader actually had a

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***Clinton’s eleventh-hour CWC ratification campaign was an exercise in damage control.***

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<sup>106</sup> White House, Office of the Press Secretary, “Remarks by the President After the Vote on Ratification of the Chemical Weapons Convention,” 24 April 1997.

<sup>107</sup> The religious cult Aum Shinrikyo used the nerve agent sarin to kill a dozen and injure more than 5,000 commuters on 20 March 1995. For an insightful article on the implications of this group’s activities, see John Sopko, “The Changing Proliferation Threat,” *Foreign Policy*, no. 105 (Winter 1996-97): 3-20.

minimal influence on the final treaty vote.<sup>108</sup> Infuriated conservatives castigated Lott precisely because he did not flex his political muscle and swing the seven votes needed to defeat the treaty.<sup>109</sup>

With the all-important vote on the budget looming on the horizon, Lott focused on driving a hard bargain for the CWC with an eye toward dispensing of the treaty to avoid the initiation of “trench warfare” with the White House.<sup>110</sup> Lott pointed out that the Republicans were granted almost every condition that they asked for in the CWC resolution of ratification, plus agreements to overhaul the State Department and United Nations bureaucracies.<sup>111</sup> Aside from framing this deal, Lott distanced himself from the CWC to the extent possible, first by forming the treaty task force and then by waiting so long to state his position that his predecessor, Dole, beat him to the punch. A further sign of Lott’s muddled views on the CWC were his votes for the killer conditions *and* the treaty. Thus, when it came to confronting the threat of chemical weapons via the CWC, Lott hardly led his majority in the Senate, much less his country.

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***Lugar persisted in his role as the Senate’s E.F. Hutton on treaties: when the time came to vote, Lugar spoke, and they listened.***

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Clinton, Lott, and Helms may have been the headliners in the chronicle of the CWC’s ratification, but they were not so pivotal to the outcome of the senate vote. First and foremost, the Senate’s ratification of the CWC can be attributed largely to the efforts of Lugar and McCain. “Without the two of them weighing in on this treaty, I not only doubt, I know we would not have passed

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<sup>108</sup> Some reports gave Lott laurels for statesmanship in securing the CWC’s passage. See, for example, Towell, “Chemical Weapons Ban Approved In Burst of Compromise,” 973; Gray, “Resolving Treaty Issue, Lott Seems to Cement Party Leadership,” A10; Lippman and Baker, “Bipartisanship, but at a Price;” John Parachini, “Foreign Policy Victory for Clinton, Lott and the Country,” Intellectual Capitol, [www.intellectualcapital.com/issues/97/0501/icopinions1.asp](http://www.intellectualcapital.com/issues/97/0501/icopinions1.asp) (1 May 1997). However, insider accounts depicted Lott as having a marginal impact on the CWC vote. For instance, “several senators said there was no lobbying on the treaty from Lott.” Cassata, “For Lott, a Chance To Rise Above the Fray,” 975. Also, interviews with author in the immediate aftermath of the vote.

<sup>109</sup> In an open letter to the majority leader posted on the web, Paul Weyrich of National Education Television lambasted Lott’s turn-about on the CWC, calling it a “sell out [of the] country.” Weyrich asserted that Lott’s actions on the CWC “will never be forgotten” by conservatives. “When the talk show community gets finished with you, I can assure you that any ambitions you have to run for president will be in the ash heap of history.” Weyrich continued, “I no longer consider you a friend....I no longer trust you.” Paul Weyrich, “An Open Letter To Trent Lott,” Direct Line Commentary, 25 April 1997, Internet: <http://net.fceref.org>. The National Center for Public Policy Research lampooned Lott by issuing buttons proclaiming “Lott for Sale,” with the subtitle of “Will Build to Suit.” Al Kamen, “In the Loop,” *Washington Post*, 9 June 1997, A17. See also Novak, “Lott’s Stance on Treaty Enrages GOP Right”; George F. Will, “Arms Control Fetish,” *Washington Post*, 1 May 1997, A23.

<sup>110</sup> Speaking of the votes on the CWC and the budget, Lott said, “If we get these two things done in the next two weeks, it will mean that we can get things done in the next three and one half years. If we dropped the ball on either of them, or if we dropped the ball on both of them, it would be a serious indication that there’s going to be trench warfare from here on out, and I don’t want that.” Gray, “Resolving Treaty Issue, Lott Seems to Cement Party Leadership,” A10.

<sup>111</sup> “We got 28 conditions out of the 33 we asked for, plus we have fixed some additional problems through the Judiciary Committee in implementing legislation,” Lott said. “Plus we demanded three side issues, all three of which we got.” Cal Thomas, “What if Ronald Reagan had Never Been Born?” *Los Angeles Times*, 25 June 1997.

this,” said Biden.<sup>112</sup> Lugar’s leadership was decidedly unglamorous. He did his homework thoroughly and early by attending the 1994 hearings that most members bypassed. Augmenting this background with information from independent sources, Lugar and his crack staff became encyclopedic authorities on the treaty and its associated issues. Several senators regarded Lugar’s library of “Dear Colleague” letters as definitive tutorials on the CWC. McCain’s public interjections on behalf of the CWC and Biden’s patient negotiations to coax Helms toward agreement on the conditions in the draft resolution of ratification complemented Lugar’s behind-the-scenes efforts. Despite being excluded from Lott’s task force, Lugar persisted in his role as the Senate’s E.F. Hutton on treaties: when the time came to vote, Lugar spoke, and they listened. Lugar’s actions buttressed the proclivities of internationalist Republicans leaning toward the CWC and also swung several key votes from not-so-moderate members of his party.

When circulating through Republican offices in the days before the vote, it was evident that senators were also particularly attuned to the views of the two critical constituencies that would be affected by the CWC.<sup>113</sup> The chemical industry lobby, led by the Chemical Manufacturers of America, explained why the CWC was in the interests of the US chemical industry in spite of the increased regulation that the treaty would bring. Time and again, they recounted industry’s long involvement in shaping and testing the treaty’s verification measures. Bluntly contradicting the assertions of treaty opponents, chemical company officials told senators that the CWC’s reporting and inspection requirements were acceptable and would not compromise trade secrets. Industry representatives also described how failure to ratify the CWC would result in automatic sanctions that would harm their businesses, which depend significantly on overseas trade.<sup>114</sup> Industry’s efforts thus prevented the CWC’s critics from scaring more senators to vote against the treaty.

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<sup>112</sup> 24 April 1997, Congressional Record, 105th Cong., 1st sess., S3658.

<sup>113</sup> Among the other factors contributing meaningfully to the Senate’s ratification of the CWC were the non-partisan public opinion poll demonstrating remarkable public support for the treaty and the Poison Gas Task Force’s facsimile blasts, which provided a counterpoint to Center for Security Policy in the propaganda wars. In addition, the large and varied number of pro-CWC organizations—from religious, scientific, and veterans groups to business organizations—underscored the ideological isolation of the comparatively small number of organizations opposing the treaty.

<sup>114</sup> CMA spearheaded a coalition of industry organizations that included the Synthetic Organic Chemical Manufacturers Association, the Pharmaceutical Research and Manufacturers of America, and the American Crop Protection Association. These and other industry associations placed a pro-CWC advertisement in the Hill newspaper *Roll Call* on 14 April 1997. Sporting buttons that said “Stand by the Ban!” and “It’s the Right Thing To Do,” lobbyists for these organizations and representatives from their member companies met frequently with senators and staffers. In addition, CMA carried out letter-writing and phone calling campaigns and issued press releases. A few of many examples are, Frederick L. Webber, Letter to Trent Lott, 24 June 1996; Frederick L. Webber et al., Letter to Trent Lott, 26 August 1996; Frederick L. Webber et al., Letter to Trent Lott, 15 April 1997; Frederick L. Webber, Letter to Trent Lott, 18 April 1997. See also Chemical Manufacturers Association and the Business Executives for National Security, “Making Americans Safer: The Case for the Chemical Weapons Convention (CWC),” pamphlet, Spring 1996 and Spring 1997; Fred Webber, “To Stop Poison Gas Attacks,” *Washington Post*, 14 April 1995, A22.

Senators were also listening closely to what the nation's senior military commanders had to say about the CWC. The key to mobilizing this important constituency was an unheralded effort by the Business Executives for National Security to enlist the stellar group of military leaders that

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***So much horse-trading had to occur between the executive and legislative branches just to obtain a vote on the CWC that a comparatively simple decision became exceedingly difficult.***

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Clinton lauded on the White House front lawn on April 4th. Senators were hard-pressed to ignore the advice of so many former chairmen of the Joint Chiefs and individual service chiefs, all of whom maintained that the CWC would reduce the chances of chemical weapons use against US soldiers in future conflicts. These generals and admirals also echoed Shalikhshvili's pronouncement that the United

States could respond effectively to a chemical weapons attack without retaliating in kind, reinforcing the 1985 decision to disarm unilaterally. A number of senators based their decision on whether the CWC would enhance US national security, and the opinions of Powell, Schwarzkopf, and other military leaders helped convinced them to cast their vote for the CWC.

In retrospective, hardly anyone expected the Senate's consideration of the CWC to be so bitterly contested. The principal constituencies involved were on record as listing the numerous measures by which the CWC would further US interests. Yet, so much horse-trading had to occur between the executive and legislative branches just to obtain a vote on the CWC that a comparatively simple decision became exceedingly difficult. That such political machinations had to take place over a matter of national and international security is in and of itself a sad commentary on the way that Washington makes decisions. The bungling of this no-brainer brought the US government precariously close to flunking an important test of leadership. As such, the saga of the CWC's ratification bodes poorly for Washington's ability to meet the ever more complex tests of foreign and defense policy that lie ahead in the post-Cold War era.



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# NGOs: Force Multipliers in the CWC Ratification Debate<sup>1</sup>

**John Parachini**

In the aftermath of the Clinton administration's successful campaign to win senate approval of the Chemical Weapons Convention (CWC) in April 1997, the news media cast the ratification fight as a battle between major political figures, primarily President Bill Clinton, Senate Majority Leader Trent Lott (R-Miss.), and Senator Jesse Helms (R-N.C.).<sup>2</sup> There was scant appreciation in media coverage of the CWC ratification effort of more complex dynamics at play, including the contributions of non-governmental organizations (NGOs).<sup>3</sup> Even though NGO proponents and opponents regularly interacted with a broad range of media outlets, editors and producers typically spotlight the political "big guns" and not the legions of people working diligently for months in the trenches. Similarly, presentations by executive branch officials on the outcome of the CWC also portray the struggle over ratification as an insider's game.<sup>4</sup> While the interplay between key Washington political figures was significant, particularly in the last few weeks before the final vote, this focus does not give an accurate picture of the broader forces that shaped the ratification debate and its outcome.

Six weeks after the CWC vote, deputy national security advisor James Steinberg announced the Clinton administration's intention to push for senate hearings and a floor vote on the Comprehensive Test Ban Treaty (CTBT) by the first quarter of 1998.<sup>5</sup> This declaration of intent was strongly questioned by some in the arms control NGO community who have concluded from the CWC ratification debate that senate approval of treaties like the CTBT is unlikely in the near future, given the political configuration of the US Senate and the current state of executive-congressional relations.<sup>6</sup> While there should be no illusions about the opposition the CTBT will face in the Senate,

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<sup>1</sup> Melinda Lamont-Havers, my colleague on the Poison Gas Task Force, deserves special thanks for her hard work throughout the ratification debate and her valuable research assistance for this essay.

<sup>2</sup> See Adam Clymer, "Senate Approves Pact On Chemical Weapons After Lott Opens Way," *New York Times*, 25 April 1997, A1; Alison Mitchell, "How the Votes Were Won: Clinton's New GOP Tactics," *The New York Times*, 25 April 1997, A1; Helen Dewar, "Senate Approves Chemical Arms Pact After Clinton Pledge," *Washington Post*, 25 April 1997, 1; Thomas W. Lippman and Peter Baker, "Bipartisanship, But at a Price," *Washington Post*, 25 April 1997, 1; Robert Novak, "Lott's Stance on Treaty Enrages GOP Right," *Chicago Sun Times*, 28 April 1997.

<sup>3</sup> Non-governmental organizations, as the term is used in this paper, include non-profit organizations, industry associations, and individual private businesses.

<sup>4</sup> Presentation by a senior executive branch official on the CWC outcome, 23 June 1997.

<sup>5</sup> Statement of James Steinberg at Carnegie Endowment for International Peace, 9 June 1997.

<sup>6</sup> Author's conversation with a senior senate staff aide, 26 June 1997. See also George Bunn and John B. Rhineland, "The Duma-Senate Logjam on Arms Control: What Can Be Done If It Continues?", mimeograph. Not surprisingly, some NGO commentators who argued that the CWC stood little chance of winning senate approval are, once again, suggesting that the CTBT will fail to win senate approval.

pessimism among treaty supporters is unhelpful and unwarranted. This view fails to fully appreciate the mosaic of factors that shaped the CWC debate leading up to the Senate vote. A fuller appreciation of these forces might lead one to be more optimistic about the prospects for the CTBT.

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***The battle for CWC ratification provided valuable training for the coming debate on the Comprehensive Test Ban Treaty.***

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Furthermore, a pessimistic appraisal of the CTBT's ratification prospects discounts the valuable training gained by a new generation of arms control supporters during the CWC debate—experience that can be applied to future political battles over arms control treaties.

### **Fall to Spring, Delay to Victory**

Non-governmental “outsiders” can make a difference in a treaty ratification debate at two different stages. First, in the months leading up to the vote, the NGO community can encourage executive branch supporters and senate champions to lead boldly, set the terms of debate, and help build public and media interest. In the case of the CWC, the NGO community made its most important contributions during the many months leading up to the final vote. The second stage at which outsiders can play an important roll is during the last few weeks prior to a close vote. When vote counts are close, even small efforts can be significant for fence-sitting senators given the unpredictability of the outcome. Two days before the CWC vote, only fifty-six senate votes in favor for the Convention were solid. The intentions of almost twenty Republican senators were still unknown at this late date.

During August and September of 1996, NGO efforts on behalf of the CWC were waged by a handful of arms control experts and business organizations. At this time, treaty opponents seemed to be running circles around the Clinton administration and treaty supporters.<sup>7</sup> Non-governmental opponents of arms control, with Frank Gaffney of the Center for Security Policy being the most vocal, used their political access to the right wing of the Republican party to maximum effect. Senator Jon Kyl (R-Ariz.) paid visits to other senators accompanied by Dr. Kathleen Bailey, Convention opponent and Livermore Laboratory analyst. When a senator calls on another senator accompanied by an outside expert, he means business. Convention supporters had difficulty finding champions in the Senate, let alone senators willing to travel the halls of the Senate with expert advocates. Faced with the possibility of Senate rejection of the treaty, Secretary of State Warren Christopher asked Senator Lott to withdraw the CWC from consideration in September 1996. In the aftermath of this political defeat, treaty supporters inside and outside of the Clinton administration bemoaned the administration's weak and disorganized ratification campaign.

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<sup>7</sup> A series of op-eds and regular columns opined against the convention in the days immediately preceding the treaty vote, including George Will, “A Feel-Good Treaty,” *Washington Post*, 8 September 1996, C6; Lally Weymouth, “...Chemical Weapons Fraud,” *Washington Post*, 12 September 1996, 7; and Jesse Helms, “Why This Chemical Weapons Treaty is Badly Flawed,” *USA Today*, 12 September 1996. Frank Gaffney's Center for National Security faxed eight “Decision Briefs” on the CWC prior to 12 September 1996. The Clinton administration and non-governmental effort pushing ratification of the convention was anemic by comparison.

The Clinton administration's poor showing was compounded by inadequate support from the non-governmental arms control community. There was a consensus in the Clinton administration, on Capitol Hill, and among non-governmental arms control experts, that if there was any chance of securing senate approval of the Convention, a NAFTA-like campaign needed to be waged.

In the spring of 1997, NGOs put in a much stronger performance. Non-governmental arms control advocates contributed to the national debate over the Convention in four broadly defined ways:

- First, NGOs elevated the intensity of public debate on the Convention and the problems posed by the proliferation of chemical weapons.
- Second, NGOs improved coordination and communication among themselves, with the executive and legislative branches of government, and with the news media.
- Third, the NGO community helped to focus members of the Clinton administration on the task at hand in the months prior to active presidential engagement, while providing encouragement to supportive Senators.
- Finally, given the independent and nimble nature of NGOs, they were able to make unique contributions to the national debate that can only be made by outside, independent actors.

These four areas were important to the success of the CWC ratification campaign and warrant additional examination, given their relevance for future treaty ratification campaigns.

### **Organizing for Action**

An important part of the story of the CWC ratification campaign of 1997 was how NGOs organized to stimulate debate on the Convention. The non-governmental arms control community effectively harnessed its talents in two coalitions prior to the CWC ratification debate—one to secure indefinite extension of the NPT, the other to address “nuclear dangers” in general and the conclusion of the CTBT in particular. Both coalitions were based at the Henry L. Stimson Center.<sup>8</sup> The Stimson Center proved an important convener of the CWC campaign and prior coalitions for four primary reasons:

- First, the Stimson Center is perceived in the Washington national security community as more centrist in political orientation than activist organizations that focus on arms control; the Stimson Center complements this with a strong reputation for independent research and analysis of arms control and security issues.

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<sup>8</sup> The Campaign for the Non-Proliferation Treaty (NPT), formed in 1994, was deemed a “force multiplier” for the NGO community by both participating organizations and supporting foundations. After the indefinite extension of the NPT, the NGO community sought a successor coalition. The new group, entitled the Coalition to Reduce Nuclear Dangers, had a broader policy agenda than its predecessor. The Coalition to Reduce Nuclear Dangers commenced operation in March 1996. The Coalition was based at the Henry L. Stimson Center from its inception until May 1997. It is now based at the Council for a Livable World Education Fund and directed by Daryl Kimball. Its Web page address is <http://www.clw.org/pub/clw/coalition/index.html>.

- Second, the Stimson Center's chairman, Barry Blechman, and its president, Michael Krepon, have had considerable access to senior Washington policy makers.
- Third, the Stimson Center has developed good relations with the national security press corps and has successfully developed innovative approaches to the media.
- Fourth, the CWC campaign benefitted from media tactics developed during the NPT and the CTBT efforts spearheaded by Stimson Center Senior Associate Joseph Cirincione.

Shortly after the 1996 presidential election, several NGO leaders underscored the need for the arms control community to turn its attention to CWC ratification. They felt that the entire arms control agenda was in jeopardy. If an arms control agreement negotiated and signed by Republican presidents, that enjoyed the support of the chemical industry and military leaders, could not win Senate consent, then other important arms control agreements without such credentials were even less likely to get approved.

Three distinct coalitions of NGOs with overlapping memberships participated in the CWC ratification effort. First, the Poison Gas Task Force (PGTF) was formed as a working group of the Coalition to Reduce Nuclear Dangers. The PGTF was based at the Stimson Center and coordinated by Stimson Center staff. The author served as the chair, and Melinda Lamont-Havers served as the Task Force's research associate. Throughout the period leading up to the 24 April vote on ratification, the PGTF was the primary vehicle for coordinating NGO public education efforts. Representatives of over twenty NGOs attended the PGTF meetings, including several organizations that did not formally participate in the Coalition to Reduce Nuclear Dangers, such as business organizations, trade associations, and environmental and religious groups.

The PGTF was not formed to lobby Capitol Hill. Restricted by non-profit tax laws, the PGTF sought to influence the national debate by disseminating factual information among the participating organizations, to the general public, and to their elected representatives. The PGTF employed varied means of communication to foster more informed and vigorous public discussion, as described below.

The second NGO coalition was known as the Monday Lobby. This collection of organizations met weekly, including many that were legally registered to lobby Congress and the executive branch on arms control and national security issues. While the PGTF focused on public education, the Monday Lobby meetings concentrated on information-sharing to enhance lobbying activities. The Stimson Center did not participate in Monday Lobby, nor did the business or trade associations.<sup>9</sup>

Finally, the Chemical Manufacturers Association held legislative strategy meetings. These meetings included lobbyists from member companies and allied business and trade associations. There was no formal coordination among these three coalitions. While the existence of these separate collective efforts caused a multiplication of meetings, given the requirements of the tax laws

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<sup>9</sup> For a formal listing of the Coalition's membership see <http://www.clw.org/pub/clw/coalition/members.html>.

and the necessity of some NGOs to avoid substantial lobbying efforts, these overlapping memberships were both necessary and useful.

### **Raising the Intensity of the CWC Debate**

According to interviews with congressional aides and executive branch officials, the non-governmental community made several important contributions. All of these activities reinforced one another and should be standard components of any future NGO effort to inform and influence national debates on arms control treaties. To appreciate the work and the impact of all the NGO activities, it is useful to explain them in some detail. Clearly, some activities had a greater direct impact than others. However, in a noisy political environment in which the NGO community is just one player in a multi-front political battle, the sum is more important than the individual parts.

### **Print Media**

Many executive branch officials argue that the large number of newspaper editorials on the CWC was one of the most significant contributions non-government organizations made during the ratification struggle. These newspaper editorials were, in large part, the result of a comprehensive editorial campaign waged by the National Security News Service (NSNS).

Starting in January 1997, NSNS sent out over eight-hundred information packets on the CWC to editorial writers around the country. Wayne Jaquith, NSNS founder, and colleague Anne Gallivan, made hundreds of follow-up calls to editorial writers in the months leading up to the senate vote on the CWC. This editorial campaign helped garner 171 editorials in 102 papers supporting the CWC. In contrast, seventeen editorials in nine papers opposed the convention. Key to these impressive results was NSNS's systematic approach to editorial writers and the relationships Wayne Jaquith and Anne Gallivan have developed with them over the years.

Some of the newspaper editorials were in part the result of direct approaches by NGO experts. Various experts have developed relationships over the years with key editorial writers and op-ed page columnists with major dailies such as *The New York Times*, *The Washington Post*, *The Boston Globe*, and trade press publications, notably *Defense News* and *Roll Call*. Relationships with regional papers were also developed during the course of the debate.<sup>10</sup> Among the experts making these contacts were Dr. Marie Chevrier at the Harvard's Center for Science and International Security, who spoke with the editors of papers in almost every city in which she lived as an adult; Dr. Leonard A. Cole, who frequently spoke with editorial writers from the New Jersey, New York

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<sup>10</sup> A sample of the results of these individual efforts includes the following: Editorial, "A Chance to Ban Chemical Weapons," *New York Times*, 12 January 1997; Editorial, "Jesse Helms Mocks the Senate," *New York Times*, 10 February 1997, A14; Editorial, "Helms' chemical warfare," *Boston Globe*, 10 February 1997; Editorial, "The US as an outlaw nation," *Deseret News*, 16 January 1997, A18; Editorial, "Ratify the CWC," *Salt Lake Tribune*, 19 January 1997; Editorial, "The chemical weapons ban," *The Record*, 12 February 1997, L-8; Editorial, "When it Comes to Chemical Weapons, No One Is 'Good Guy,'" *Lincoln Journal Star*, 23 April 1997; Editorial, *Defense News*, "US Foreign Policy Test," 21-27 April 1997, 48.

and Pennsylvania area. He also wrote several op-eds and letters to the editor.<sup>11</sup> Mr. Michael Krepon, Dr. Amy Smithson, and the author regularly spoke with editorial writers and columnists from national, regional and trade publications. Key to this type of media work are personal relationships built up over time, the credibility of spokespersons, and persistence.

The staff of the NSNS and the PGTF carried the results of these media outreach efforts one step further. They distributed the expanding collection of editorials to the entire Senate and the relevant executive branch officials during several phases of the debate. Additionally, they sent packets of editorials from individual states to the senators representing those states.<sup>12</sup> Sending the full complement of editorials and state-specific packets more than once contributed to the intensity of the public education campaign surrounding the Senate's consideration of the CWC.

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***Editorials contributed to the intensity of the public education campaign surrounding the Senate's consideration of the CWC.***

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These editorials signaled to senators that there was important and informed support for the CWC, giving their vote political significance. Moreover, newspaper editorials often give elected leaders more political running room on controversial issues. For example, editorials supportive of the CWC reassured President Clinton's political advisors

that the president could wager some political capital on the CWC and be rewarded in the press. Additionally, all members of Congress meet with their local editorial boards on a periodic basis to ask for their endorsements. Given how much members of Congress value newspaper endorsements during elections, it is understandable that they value them throughout their term in office.

One of the decisive blows against the CWC during the fall of 1996 was a series of opposing op-eds and editorials that appeared in the week before the scheduled vote.<sup>13</sup> The second time around, treaty supporters were determined not to be outdone. Op-eds were a vehicle for senior spokespersons to endorse the convention. The Clinton administration was particularly effective in encouraging former senior government officials and other prominent individuals to make their views known via op-eds.<sup>14</sup> These major voices were complemented by a steady flow of op-eds by

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<sup>11</sup> Dr. Cole was an energetic proponent of the CWC. His op-eds and letters to the editor are as follows: Leonard A. Cole, "Senate Must Quit Stalling and Ratify Ban on Poison Gas," *The Star-Ledger*, 13 February 1997, 26; "Chemical weapons ban merits Senate support," *The Record*, 13 April 1997, 1; "Can a Southern Populist Mirror a Brahmin Elitist?," *Los Angeles Times*, 13 April 1997; "Poison Pen," *The New Republic*, 14 April 1997, 5; Leonard Cole, "US must support chemical-weapons treaty," Letter to the Editor, *Philadelphia Inquirer*, 22 April 1997.

<sup>12</sup> On 17 April 1997 the NSNS sent Senator Connie Mack (R-Fla.) a packet of thirteen editorials from eight papers in Florida. In the cover note to Senator Mack, Wayne Jaquith pointed out how no Florida papers editorialized against the CWC. Despite this packet of editorials, Senator Mack voted against the CWC.

<sup>13</sup> See note 4.

<sup>14</sup> James A. Baker III, "Our Best Defense," *New York Times*, 16 February 1997, IV-13; Kenneth L. Adelman, "Chemical Treaty Imperatives," *Washington Times*, 20 February 1997; and "The Chemical Weapons Fight (Cont'd)," *Washington Post*, 13 March 1997, 23.

recognized non-governmental experts around the country. Op-eds by experts such as Drs. Jessica Stern, Jonathan Tucker, Cole, Smithson, Chevrier and others helped maintain the intensity of the public debate.<sup>15</sup>

Articles by newspaper columnists were the third type of print media that was frequently mentioned by congressional and executive branch officials as having a significant impact on the CWC debate. As was the case with editorial writers, NGO experts had long conversations with columnists who seek knowledgeable sources and abundant material.<sup>16</sup>

### **Demonstrating Overwhelming Public Support: The Poll**

The PGTF's commissioning of a poll on public attitudes on a chemical weapons ban was one of its more important contributions to the CWC debate. This tool was employed by the Coalition to Reduce Nuclear Dangers to blunt the missile defense issue during the 1996 presidential campaign.<sup>17</sup> Based in part on this previous experience, when the PGTF was created, virtually everyone in the group supported the idea to commission a poll.

The PGTF engaged the Mellman Group, a noted firm with ties to Democratic party clients, and Wirthlin Worldwide, equally noted but with ties to the Republican party. Several members of the PGTF reviewed questions that the PGTF chair crafted in collaboration with the Mellman Group. The Mellman Group refined the questions further in consultation with Wirthlin Worldwide.

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***The poll results were political gold for treaty supporters.***

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Wirthlin Worldwide conducts an omnibus poll every other week in which a wide range of topics are polled, to which were added the PGTF questions. The results fit the historical pattern: an overwhelming number (eighty-four percent) of Americans supported an international treaty banning the

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<sup>15</sup> Leonard A. Cole, "Senate must quit stalling and ratify ban on Poison Gas," and "Chemical weapons ban merits Senate support"; Jonathan Tucker, "Getting rid of Russia's weapons," *Boston Globe*, 12 January 1997, and "Ratify chemical weapons ban now," *Monterey Peninsula Herald*, 23 February 1997, A13. See also Michael Krepon, "Time to Push Weapons Treaties—Not Block Them," *MIT Review* (February/March): 66-68; Amy E. Smithson, "Should the US ratify the treaty banning chemical weapons?" *Washington Times Insight*, 17 March 1997; Vil Mirzayanov, "Why US should ratify the treaty to ban chemical weapons globally" *Philadelphia Inquirer*, 14 April 1997; Stanley A. Weiss, "Lott's Choice: It's Henry Cabot Lodge or Arthur Vandenberg," *International Herald Tribune*, 21 April 1997.

<sup>16</sup> Some of the many columns that resulted include: Helena Cobban, "Memo to GOP Senators: Uphold a Party Tradition," *Christian Science Monitor*, February 1997; Richard Cohen, "Legislative War Over Chemical Weapons," *National Journal*, 12 April 1997, 717; Morton M. Kondracke, "Chemical Warfare Vote Is Key Test For Lott and GOP," *Roll Call*, 21 April 1997, 8.

<sup>17</sup> See Bradley Graham, "Missile Defense Failing to Launch as Voting Issue" *Washington Post*, 28 July 1996, A6-7. See also John Parachini, "Public Not Fearful of Nuclear Missile Attack," *The Polling Report* 12, no. 12 (17 June 1996), 1.

production, possession, and use of chemical weapons.<sup>18</sup> These results were consistent across all demographic groups. Even self-described conservative Republicans, by a two-to-one margin, said they would support a senate candidate who favored such a treaty over one who did not. These poll results were political gold for treaty supporters.

### **Bipartisan combination of Pollsters Proved Important**

The PGTF chair expressly requested that the Mellman Group, which has a long history of working for prominent Democratic party clients, collaborate with a Republican polling organization. At the time, the Mellman Group was working with Wirthlin Worldwide on another matter. Wirthlin Worldwide's previous clients included Ronald Reagan and the Republican Senate Campaign Committee, making it an ideal match for the Mellman Group on this poll. This combination of pollsters with ties to each of the two political parties was critical to ensuring that the poll had political currency with all senators.

The poll was purposely released on the anniversary of the World Trade Center bombing, but the initial press coverage was modest. It was covered by the widely read political newswire *Hotline* and the Voice of America program *Close Up*.<sup>19</sup>

The poll results received more media traction when Senator Richard Lugar (R-Ind.) released them at a press conference in the senate radio and television press gallery, with seventeen journalists and seven television cameras in attendance. It is hard to imagine a better venue for releasing a poll. Since the questions were part of a recognized Republican pollster's omnibus poll, Senator Lugar felt comfortable enough taking the initiative to release the poll in the press gallery and issue a press release on the results.<sup>20</sup> Without Senator Lugar, initial coverage of the poll would have been much more modest.

The *Associated Press* ran a story on the poll the day after Senator Lugar's press conference. This article was picked up by several papers around the country.<sup>21</sup> These stories were then quoted

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<sup>18</sup> The Mellman Group, Inc. and Wirthlin Worldwide, "Survey Findings On the Chemical Weapons Treaty," Memorandum, 25 February 1997. See also John V. Parachini, "Broad-based Support for Chemical Weapons Ban," *The Polling Report* 13, no. 5 (10 March 1997), 2.

<sup>19</sup> "Chemical Weapons Convention: If the Senate Doesn't Ratify the Chemical Weapons Convention by the April 29th Deadline, as John Parachini of the Henry L. Stimson Center Points Out, American Chemical Manufacturers Could Be Subjected to Trade Restrictions," *Close Up*, transcript distributed by John Pike via BDM E-mail list, 27 February 1997.

<sup>20</sup> Office of Senator Richard G. Lugar, "Lugar Unveils Chemical Weapons Convention Polling Results: Public's Overwhelming Support of Treaty Frames Debate, Demonstrates Urgency of Ratification," Media Release, 28 February 1997.

<sup>21</sup> Robert Burns, "Poll Backs Chemical Weapons Ban," *Associated Press*, 28 February 1997. This wire story was carried by the *Christian Science Monitor*, *Dallas Morning News*, the *Washington Post* Web page, and the political news wire service *Hotline*.

in the White House's *CWC News Alert* entitled "Public strongly favors CWC," giving the original release of the poll yet another bounce.<sup>22</sup>

The media is not the only important audience for such a poll. Senator Helms is said to have taken some conditions off the negotiating table in his discussions with the executive branch, due to the poll.<sup>23</sup> Some speculated that Senator Helms did not want the Republican party to be branded as the party supporting chemical weapons because as the polling data indicated, even self-identified conservatives were eager to support a treaty banning chemical weapons. Some other Republican senators also worried that failure to ratify the CWC would mark the Republican party as being in favor of poison gas.<sup>24</sup>

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*Even self-described conservative Republicans said they would support a Senate candidate who favored a chemical weapons ban over one who did not.*

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The administration was also an important conveyor of the polling results. Senior executive branch officials began referring to the poll results in speeches.<sup>25</sup> The Pentagon press office distributed copies of the results to the Pentagon press pool. And, as noted above, USIA did an interview with the chair of the PGTF during which he described the poll. This broadcast had a potential listener audience of some eight million people around the world. When different executive branch organizations started distributing the poll results, the results reached audiences that are generally far beyond the scope of most NGOs.

### Placing the Poll Before Important Audiences

The poll was a significant success because its results were placed before elected officials and their political advisors. The poll was distributed in at least six ways that ensured its notice by a wide range of policy-makers and opinion-shapers:

- First, one of the considerable advantages of engaging major political pollsters is the access they have to political leaders. They constantly brief members of Congress on polling results covering a wide range of issues.

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<sup>22</sup> White House, *CWC News Alert*, "Public strongly favors CWC," no. 8, 4 March 1997.

<sup>23</sup> Author's conversation with a senior administration official, 3 March 1997.

<sup>24</sup> Carla Anne Robbins, "Chemical-Weapons Treaty Shapes Up as Messy Battle," *Wall Street Journal*, 14 February 1997, A16.

<sup>25</sup> John D. Holum, remarks to the Business Executives for National Security and the Chemical Manufacturers Association, New York, N.Y., 6 March 1997.

- Second, the polling data were summarized by the author in an article in the *Polling Report*.<sup>26</sup> The *Polling Report* is a newsletter compilation of polling information that is distributed to political consulting firms, political campaign committees, the White House, and a host of other offices and organizations that monitor important national issues.
- Third, offices and organizations within Congress circulated the polling information themselves. For example, the Senate Democratic Policy Committee distributed the CWC poll to the entire Senate Democratic Caucus.
- Fourth, the polling data were published by *National Journal* in its weekly “Opinion Outlook” section.<sup>27</sup> Many consider *National Journal* to be one of the more influential magazines dedicated to Washington politics.
- The fifth vehicle for distributing the poll was a hyperlink in the on-line magazine *Intellectual Capital (IC)*. *IC* inserted a link to the graphic representation of the poll results that Ms. Lamont-Havers created on the PGTF Web page located at the Henry L. Stimson Center Web site.
- Sixth, the results of the poll were communicated during visits to senate offices by industry lobbyists and citizen activists. The poll, like the newspaper editorials and expert reports, was a standard component of information packets that activists left with senators and their staff.

The different means of communicating polling data expanded well beyond the normal arms control community channels into the broader and more political marketplace. If the arms control community is going to inform the policy process, it must devise tools that are valuable for “political” policy makers.

### **Endorsements by Prominent Individuals and Organizations<sup>28</sup>**

One of the many missing elements of the autumn 1996 effort to secure senate approval of the CWC was a list of prominent supporters of the Convention. Treaty opponents assembled a list of prominent opponents that was attached to presidential candidate Bob Dole’s letter to Senator Lott expressing his reservations about the Convention. The media value of this list of prominent treaty opponents was considerable. In contrast, there was no widely circulated list of prominent national security experts or broad-based national organizations supportive of the Convention. Endorsements

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<sup>26</sup> John V. Parachini, “Broad-based Support for Chemical Weapons Ban.”

<sup>27</sup> *National Journal*, “Opinion Outlook: Views on the American Scene,” 15 March 1997, 538.

<sup>28</sup> A comprehensive list of Convention supporters and opponents can be found on the Stimson Center Web page: <http://stimson.org/cwc/supportr.htm>

from arms control group leaders were insufficient to counter the impressive list of endorsements treaty opponents collected.

In 1997, the most important group of endorsements was collected by the Business Executive for National Security (BENS). BENS not only rallied prominent business leaders, it also gathered the support of former senior military leaders. Lieutenant General Thomas G. McInerney, USAF (Ret.), the new president of BENS, and Dr. Erik Pages, BENS vice president for policy and programs, led an

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***If the arms control community is going to inform the policy process, it must devise tools that are valuable for “political” policy makers.***

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effort to persuade prominent former military leaders to endorse the treaty. Additional help in recruiting prominent military officers was provided by Michael Krepon of the Stimson Center. Some of these military leaders had previously been cited by opponents as opposing the CWC. A veteran of the Gulf War, Gen. McInerney had extraordinary access to retired military officers. The two major events held at the White House to rally support for the CWC prominently featured active and retired military officers, many of whom had been recruited by BENS. For a president whose credentials in the sphere of national security policy are still in question, support from prominent military leaders was crucial.

In addition to these extremely valuable endorsements by former military leaders, there were endorsements from other segments of American society. Collecting the endorsements of prominent individuals or organizations outside of the arms control community was primarily the work of a few dedicated and highly energetic individuals rather than through the efforts of national membership organizations. John Isaacs, president of the Council for a Livable World, gathered endorsements from arms control, social justice, and religious organizations. Professors Matthew Meselson and Barbara Rosenberg worked with Dorothy Pressler of the Federation of American Scientists to collect a long list of National Academy of Science members and Nobel laureates who called for prompt debate and ratification of the CWC. Leonard Cole motivated a host of national Jewish organizations to issue statements on behalf of the CWC. Dr. Paul Walker of Global Green organized a statement by environmental groups endorsing the CWC, including some that had threatened to oppose the treaty because of their opposition to incineration as the executive branch’s preferred means of chemical weapons destruction. Matthew Meselson and the PGTF staff organized the drafting of a letter signed by a group of prominent legal practitioners and scholars on the constitutionality issues posed by the convention. The main organizers of this effort were Professor Barry Kellman of DePaul University Law School, Meselson’s Harvard colleague, Professor Abraham Chayes, and the PGTF staff. This letter was credited by Senate Judiciary Committee staff with dissuading Senator Helms from holding additional hearings on constitutional issues.<sup>29</sup>

These endorsements broadened the support for the CWC beyond the arms control community, and, combined with the polling data, made it virtually impossible for a senator to ignore

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<sup>29</sup> Author’s conversation with Senate Judiciary Committee staff, 14 April 1997.

the broad base of support for the Convention. All of these expressions of support were communicated to the US Senate by at least three different means: mailings from NGOs, the PGTF “fax blasts” (mass facsimile transmissions), and the White House *CWC News Alert*. An essential component of any major public debate is endorsements for and against the issue at hand. In the endorsement game, convention opponents outflanked supporters in 1996, but not in 1997.

### **Setting the Record Straight: Dueling Faxes**

Frank Gaffney’s Center for Security Policy helped cripple the push for Senate ratification of the CWC in the fall of 1996 with what seemed an endless stream of “Decision Briefs” criticizing the Convention. In the months immediately prior to the 1996 CWC vote, the Center for National Security sent out eight “Decision Briefs.” There was no White House *CWC News Alert* at this time. The collective fax output of the Business Executives for National Security, Council for a Livable World, and the Henry L. Stimson Center did not match that of the CWC opponents. Senate offices and media outlets clearly heard Gaffney’s views; whether they listened or not remains unclear. Nevertheless, in the few weeks after the 1996 election, several senate offices supportive of the Convention noted how Gaffney’s vigorous fax campaign gave many the impression that only treaty opponents felt strongly about the Convention.

One of the early tasks of the PGTF was to ensure that a balanced alternative to Gaffney’s faxes was distributed to the Senate and the media. The PGTF sent out eighteen fax blasts, each consisting of two pages of text paralleled by enlarged quotes from major spokespersons.<sup>30</sup> In several instances, the PGTF fax blast sought to correct some of Gaffney’s misleading information, while other faxes sought to rise above the dispute over details and set the terms of the debate on a higher and more overarching level. Merely responding to Gaffney’s twenty-six faxes at two or more pages apiece would have run the risk of drawing more attention to his views than was warranted.

The fax blasting system proved an essential “megaphone” for pronouncements by policy-makers and positive developments in the debate over the CWC. These faxes were distributed to approximately seven hundred offices, including senate offices, executive branch officials, treaty supporters, Washington-based press contacts, and other media outlets around the country.

The PGTF fax blasts fulfilled three different purposes. First, they highlighted statements policy-makers made on the CWC and chemical weapons proliferation. Even in this media-saturated era, comments by major officials on the CWC often did not get noticed, or needed reiteration and explanation. The second purpose was to respond to misleading charges made by opponents of the Convention. And finally, the PGTF fax blasts sought to shift and to set the terms of debate at a higher level, away from the details of misleading charges by convention opponents.

The actual value of dueling fax blasts is a legitimate subject of debate. However, in 1996 supporters of the CWC were outgunned by the opponents’ fax machines. This apparent absence of Convention supporters was facetiously interpreted by some to mean that there was little public support

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<sup>30</sup> The entire set of PGTF fax blasts are located at <http://www.stimson.org/poison/#press>

for the Convention. The polling data and the robust campaign supporting the Convention in 1997 proved that this was not the case.

At a minimum, the PGTF fax blasts neutralized the impact of Convention opponents' faxes. With several points of view coming over the fax machine, journalists saw a richer national debate. On several occasions, the author fielded calls from journalists who were trying to figure out how to resolve points of conflict between dueling faxes. In virtually all of these cases, the author referred the journalist to an original negotiator of the Convention or a respected, independent expert to guide the journalist through the issue of concern.

Several executive branch officials used the PGTF faxes for their activities in support of the Convention. John Hiley, assistant to the president for legislative affairs, could be seen moving around the Senate halls passing out the PGTF fax blast that summarized General Schwarzkopf's comments in support of the CWC. A senior administration official commented that another one of the president's advisors would pass out the PGTF's recent faxes at White House meetings to underscore aspects of the public campaign, much to the chagrin of White House aides who labored over their own fax blasts.<sup>31</sup>

While the executive branch public affairs personnel recognized the value of the fax medium, it took them some time to establish a capability of their own. After repeated urging from NGO leaders, particularly David Culp of Plutonium Challenge, Mary Dillon, public affairs director at the Arms Control and Disarmament Agency, finally established the *CWC News Alert* fax blast system. Beginning in February 29, 1997 the executive branch distributed these *CWC News Alerts* bearing the image of the White House. But although the executive branch finally created the capability, much of the content continued to be generated by the activities of the non-governmental arms control community. At least seven of these *CWC News Alerts* were based on endorsements, polling information, or op-eds that were the result of the efforts of the NGO arms control community.<sup>32</sup> Over time, the White House *CWC News Alerts* shifted from featuring many of the efforts of the NGO arms control community to countering criticisms of the treaty and highlighting treaty endorsements by major political figures.

## Citizen Communications with the Senate

Quite separate from the activities of the PGTF staff, some NGOs generated letters, phone calls and visits from grassroots activists and interested parties. These techniques are so standard that they have lost some of their value unless they achieve a critical volume. However, the absence of citizen campaigns are also noticed by congressional offices. In 1996, there was virtually no citizen

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<sup>31</sup> Conversation with senior executive branch official, 24 April 1997.

<sup>32</sup> The following White House *CWC News Alerts* build upon efforts of the NGOs: "Religious groups support treaty," no. 3 (13 February 1997); "Public strongly favors CWC," no. 8 (4 March 1997), "Editorial support spans cross-country," no. 9 (6 March 1997); "Scientists, engineers urge CWC support," no. 10 (11 March 1997); "Legal community supports treaty protections," no. 14 (26 March 1997); and "Top Russian scientist urges support; treaty best way to get at covert programs" no. 27 (21 April 1997).

communication on the CWC. In 1997, several grassroots organizations made the CWC a standard part of their action alerts for members. The Council for a Livable World (CLW) and 20/20 Vision collaborated on a briefing postcard on the CWC designed to inform local activists about the essence of the CWC debate and to stimulate individual letters of concern. Twenty-seven thousand of these briefing postcards were distributed by CLW and 20/20 Vision as well as other arms control membership organizations. Several senate offices reported receiving large volumes of mail supporting the CWC in the final weeks before the vote.

Similarly, during this same time period, Working Assets, a “socially conscious” long-distance phone carrier, sent out an action alert to hundreds of thousands of subscribers urging them to contact

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***The combination of citizen communication and debate in the media created a general climate of opinion that did not go unnoticed by senators, particularly those up for re-election in 1998.***

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elected leaders regarding the CWC. According to Working Assets, over 30,000 subscribers chose to send a message to the Senate expressing their opinion on the CWC.<sup>33</sup>

While the sheer volume of these letters and calls undoubtedly had an impact, many congressional offices pay more attention to individual letters, particularly if they are sent by prominent community leaders. John

Pollack of 20/20 Vision was quite successful in identifying community leaders in states represented by undecided senators and encouraging them to contact their senators. While the impact of these letters is hard to measure, the combination of large volume and some communications from prominent individuals undoubtedly registered with senate offices.

Citizen letters prompted by the briefing cards arrived at the Senate at the same time as a group of grassroots activists who came to participate in a day-long briefing on the CWC and CTBT, and two additional days of visits to senate offices. Spearheaded by David Culp, and Laura Kriv and Cheryl Haeseker of 20/20 Vision, this day-long briefing was a collaborative effort of many grassroots groups, quite apart from the PGTF program. The combination of citizen expressions—letters to senators, citizen visits to senate offices, and a rally on the Capitol Steps— all occurred at the critical moment before the Senate’s Easter recess. Senate supporters of the treaty used the possibility of delaying the recess as leverage to force the Senate leadership to schedule votes on the CWC. The confluence of these activist efforts was a testament to the effectiveness of the groups involved in the briefing postcards and the day-long briefing. It is also illustrative of the focus and agility NGOs displayed during the campaign for CWC ratification. While it is always hard to measure the impact of citizen communication on US senators, the combination of citizen communication and debate in the media created a general climate of opinion that did not go unnoticed by senators, particularly those up for re-election in 1998.

## **Talk Radio and the CWC**

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<sup>33</sup> Interview with Working Assets public affairs office, 9 July 1997.

Many political commentators attribute great importance to the impact of talk radio shows on the 1994 mid-term congressional elections. Shortly after the 1994 elections, a prominent Democratic pollster reported that over eighty percent of the American people listened to some form of talk radio and over twenty percent of them listened to Rush Limbaugh. Some talk show hosts believe they are at their best when they take a strident position that provokes as much controversy and as many callers as possible. While this may be good for ratings, it is hardly conducive to reasoned discussion of complex and important issues.

If it were not for an aggressive booking campaign to put treaty supporters on commercial radio stations, the CWC might have been crippled by this medium. Fortunately, Mark Sommer and the Mainstream Media Project waged an aggressive campaign to book NGO arms control experts on at least seventy-two talk radio shows during the final weeks leading up to the senate vote on the CWC. Mr. Sommer designed the CWC radio campaign to be smaller than other talk radio campaigns conducted by his project, but it was strategically timed for maximum impact. Once again, it is hard to measure the impact of this talk radio campaign. However, in a campaign designed to debate the issues in every forum possible, it was important that this medium, which many feel proved so potent prior to the 1994 election, was fully utilized.

## Briefings

While many different briefings were organized to train activists, the only briefing the PGTF convened occurred on 18 March, the anniversary of the Tokyo subway sarin gas attack. The title of the briefing was, "Two Years After the Tokyo Sarin Gas Attack: Have we learned the right lessons?" The briefing featured Assistant Secretary of Defense for Special Operations and Low Intensity Conflict H. Allen Holmes, Brad Roberts of the Institute for Defense Analysis, and Michael Moodie, former CWC negotiator and current president of the Chemical and Biological Arms Control Institute. Organized a month before the final vote on the CWC, this briefing contributed to media coverage of the proliferation of chemical weapons, and highlighted the role of NGO experts working on virtually every aspect of the problem.

The briefing attracted ten journalists, including R. Jeffrey Smith of the *Washington Post*, but the resulting press coverage was modest.<sup>34</sup> Much of the discussion focused on the US government's anti-terrorism precautions for the Group of Eight summit in Denver. Nevertheless, this press club briefing occurred hours before a rally was scheduled to occur on the steps of the Capitol that featured over one hundred people wearing gas masks. The reporters attending the morning press club briefing were also informed of the rally at the Capitol later in the day. The outreach required to obtain even this modest coverage entailed 20/20 Vision, the NSNS, and the PGTF staff contacting hundreds of media outlets. This briefing helped convey the larger message of building a sense of momentum behind the Convention.

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<sup>34</sup> Carole Landry, "Two years after Tokyo attack, US assesses threat of chemical terrorism," *Agence France Presse*, 19 March 1997; Joseph Garcia, "US taking small steps against chemical, biological terrorist attacks," *Gannett News Service*, 19 March 1997.

Several NGO experts provided regular, small-group briefings for senators and their staff. John Isaacs, Gen. McInerney, Erik Pages, and Amy Smithson were regular participants in such meetings. Shortly after Dr. Smithson edited *The Chemical Weapons Convention Handbook*, published by the Stimson Center in 1993, she began visiting senate staff to distribute this volume

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***In the end, the conflict surrounding CWC ratification was decided more on political, rather than substantive grounds.***

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and subsequent publications explaining the details of the treaty.<sup>35</sup> Additionally, Gen. McInerney and Drs. Pages and Smithson paid a number of visits to senators serving as independent experts on the Convention. It was essential to have a cadre of substantive experts to clarify aspects of the treaty and correct

misleading charges by treaty opponents. However, in the end, the conflict surrounding CWC ratification was decided more on political, rather than substantive grounds. Some aptly described the Senate in the last few weeks prior to the vote as a “fact-free environment.” While a careful examination of the floor debate suggests that there were senators who developed a keen understanding of the Convention and the threat posed by chemical weapons proliferation, other senators, some of whom sat through many briefings on the Convention, did not, and it showed during their floor statements.

### Debating the CWC on the Web

One of the more innovative aspects of the public debate of the treaty occurred in on-line magazines. First, *Slate* magazine, edited by Michael Kinsley and funded by Microsoft, ran an article by Robert Wright entitled “Jesse Helms’ Poison Gas.”<sup>36</sup> Not only did *Slate* have the potential to reach a different audience than most national newspapers, it also offered hyperlinks in the text to explain particular points in greater detail and links to sites of organizations working on chemical weapons issues, such as the Stimson Center.

The conservative analogue to *Slate* is *Intellectual Capital (IC)*, published by former presidential candidate Pierre S. Dupont. *IC* editor Bob Kalasky contacted the PGTF soliciting short articles on different aspects of the Convention. Kalasky already had a piece opposing the Convention by Frank Gaffney. Dr. Jonathan Tucker of the Monterey Institute’s Center for Nonproliferation Studies prepared a piece supportive of the treaty and outlining the chemical industry’s view on the Convention.<sup>37</sup> Michael Moodie, president of the Chemical and Biological

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<sup>35</sup> Amy Smithson, ed., *The Chemical Weapons Handbook*, (Washington, D.C.: The Henry L. Stimson Center, Fall 1993).

<sup>36</sup> Robert Wright, “Jesse Helms’ Poison Gas,” *Slate*, 27 February 1997, <http://www.slate.com/Earthling/97-02-27/Earthling.asp>.

<sup>37</sup> Jonathan Tucker, “US Industry and the Chemical Weapons Ban,” *Intellectual Capital*, 6 March 1997, <http://www.intellectualcapital.com/issues/97/0306/icpro.html>.

Arms Control Institute, prepared an historical piece for the same issue of *Intellectual Capital*.<sup>38</sup> Readers of these articles were able to send comments via E-mail to *IC* that were then posted on the page. An interesting on-line debate ensued on some of the more arcane aspects of the Convention.

In addition to running three articles on the Convention and hosting the reader response corner, Bob Kalasky wrote a long introduction to the topic that hyperlinked to the charts of polling data that the PGTF featured on its Web page. *Intellectual Capital* went one step further by asking its readers to register how they would vote on the Convention. The PGTF encouraged all participating organizations to urge their members to vote on the *IC* cyber voting booth. Initially, votes opposing the treaty were more numerous, but over the course of the week, votes for the Convention reached seventy-two percent, while votes in opposition amounted to twenty-eight percent. This breakdown is surprisingly similar to the actual final vote (seventy-four to twenty-six) in the Senate. The CWC provided an interesting trial run for the potential of the Web, which is worthy of additional attention on the part of NGOs. The role of the Web is likely to grow in future treaty ratification efforts.

### **Information and Coordination Lead to Effectiveness**

The Poison Gas Task Force sought to be a full-service information clearing house on the CWC and the ratification debate. Given the comparative lack of expertise in the arms control community on the CWC, and the limited public understanding on chemical weapons issues in general, the PGTF had a very important function. The view of the PGTF staff was that everyone needed to be in the information loop in order to be effective. Additionally, the PGTF's extensive information-sharing helped build a cooperative spirit among its members. As congressional or executive branch letters concerning the CWC were acquired by the PGTF staff, they were quickly distributed via fax or E-mail. Greater circulation of these official communications created more NGO points of contact for the media, congressional offices, and executive branch officials. The arms control community is at its best when it treats all its members as equals and that means sharing information.

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As noted above, the PGTF issued eighteen two-paged fax blasts on a variety of issues to a wide audience. These fax blasts proved to be as important for other members of the task force as they were for senate offices and the media. They kept members of the NGO

community current on the latest official pronouncements and the latest line of the debate. Moreover, since few in the NGO community had worked on chemical weapons issues, many people viewed these two-paged faxes as basic briefing sheets.<sup>39</sup> For more in-depth research and analysis, they could

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<sup>38</sup> Michael Moodie, "Warfare Back Then," *Intellectual Capital*, 6 March 1997, <http://www.intellectualcapital.com/issues/97/0306/icsmart2.html>.

<sup>39</sup> See note 32. The set of PGTF faxes can also be viewed at: [www.clw.org/pub/clw/coalition/poison](http://www.clw.org/pub/clw/coalition/poison).

consult the reports of the Stimson Center's Chemical and Biological Weapons Nonproliferation Project.

E-mail was another communication vehicle that proved essential to the CWC ratification public education campaign. Announcements of PGTF meetings, recent statements by senators or executive branch officials, news articles, editorials, and op-eds, were distributed via E-mail lists. These messages were sent to PGTF members, academicians, experts around the country, and foundation supporters. The PGTF staff plus other participants in the PGTF, such as John Isaacs, sent out over two-hundred fifty CWC-related E-mails to approximately fifty people from the later part of November until the end of April. Many people not based in Washington found this stream of electronic information to be extremely valuable for keeping abreast of developments in Washington.

The typical Washington day can be consumed by meetings. But information is power and the PGTF tried to keep all of its participants abreast of the latest developments and to set an inclusive tone in its meetings. The PGTF met every other week from January until the end of March to share information about recent developments, explain issues, and coordinate joint activities. During April the PGTF met every week.

A meeting between NGO leaders and the senior officials at the Arms Control and Disarmament Agency (ACDA) was held in early December that set in motion extensive contact and information-sharing between NGOs and executive branch officials. This meeting was followed by another meeting at the Old Executive Office Building with a senior White House official in charge of CWC ratification. Despite the constructive nature of this meeting, some NGO representatives remained skeptical of the administration's willingness to undertake the comprehensive, high-level campaign needed to win a tough treaty fight. In the end, the Clinton administration waged an impressive, high-level, and well-coordinated campaign. Considerable credit for the administration's effort goes to a few key National Security Council staff members.

After these initial large group meetings, two regular channels of communication were established that started in January and continued up until the week of the vote. Every Monday morning a small group of NGO leaders met with a senior administration official and every Thursday afternoon the chair of the PGTF met with a small group of executive branch officials. The willingness of these executive branch officials to meet regularly with NGO representatives to exchange ideas and, from time to time, endure some friendly criticism, is a testament to their belief in the value of NGO efforts.

Not only did these meetings provide a regular opportunity to share information and to discuss substantive issues, they also forced both parties to prepare to engage one another. A senior government official stated that this was valuable because it forced the government to periodically take stock of its own activities before meeting with NGO representatives.<sup>40</sup> Similarly, the NGO community kept careful track of its activities in order to communicate with executive branch officials and supporters on Capitol Hill.

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<sup>40</sup> Author's conversation with senior administration official, 13 May 1997.

While the coordination between the executive branch and the NGO community was much better than the channel between the NGOs and Congress, there was a useful interchange between certain Hill staff and NGOs. On several occasions congressional staff expressed concerns to NGO leaders about the course of the debate and its management by the Clinton administration. These views were discreetly passed on to executive branch officials who sought to address the expressed concerns. The same was true in reverse. NGO leaders were able to interpret and communicate their understanding of executive branch activities and intentions to congressional staff. In this way, NGO leaders played a valuable role as third-party interlocutors for both branches of government.

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***NGO leaders played a valuable role as third-party interlocutors for both branches of government.***

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Opponents of arms control have been extremely effective at forging tight bonds with senators who champion the defeat of arms control measures. NGO opponents of arms control have excellent access to the right wing of the Republican party and they are effective at leveraging this access to motivate senators. Most pro-arms control NGOs simply do not have working relationships with enough Republican senators. Republicans are poised to increase their numbers in the Senate in 1998, potentially making treaty ratification even more difficult. NGOs must therefore build relationships with senate Republicans if arms control supporters are to prevail in the coming years.

### **Focusing the Inside and Outside Players**

The importance the NGO community played in pushing the Clinton administration to marshal and focus its resources cannot be underestimated. While the administration's national security bureaucracy was committed to wage a NAFTA-like campaign for the CWC, even as late as the beginning of March, some of President Clinton's political advisers were not convinced of the importance of the CWC for the president's overall political agenda. The cumulative impact of the editorials, the poll, and other momentum-building activities helped transform President Clinton's political advisers' view of the CWC from an arcane, Republican-negotiated arms control treaty into an issue that had concrete, positive political value for the president.

The non-governmental arms control community is neither big nor powerful. However, with the addition of important constituencies such as business, religious organizations, and former military leaders, support for the CWC appeared more substantial. Not surprisingly, as various prominent constituencies expressed their support for the CWC, the tableau of elite, opinion-shaping groups confirmed what had already been discovered in the opinion poll: a global agreement banning chemical weapons enjoyed overwhelming support from the American people.

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***Pro-arms control NGOs must build relationships with senate Republicans.***

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Success in mobilizing the modest resources available to leverage other resources was due in large part to the dedicated focus of NGO leaders. The prospect of

failure crippling the entire arms control enterprise, and the CWC's pending entry-into-force deadline, focused the attention of many to the task at hand. Given the tenuous support for arms control in the Senate, this degree of support will probably be required if the non-governmental arms control community expects future success.

### **Financial Resources for Chemical Weapons Nonproliferation**

Funding for, and NGO work on, chemical weapons nonproliferation has always taken a distant back seat to the nuclear arms control agenda. The only sustained funding for the field came from the Carnegie Corporation of New York, which supported the Henry L. Stimson Center, and the John D. and Catherine T. MacArthur Foundation, which supported the Harvard Sussex Program on CBW Armament and Arms Limitation.

Amy Smithson of the Stimson Center and Matthew Meselson of the Harvard Sussex Program have been two of the most active experts in a regrettably small field. From 1993 until 1997, Dr. Smithson prepared seven detailed reports on a variety of issues pertaining to the Convention. She also published a newsletter and wrote numerous journal articles and Issue Briefs. Dr. Meselson, in addition to editing the *Chemical Weapons Convention Bulletin*, a journal of record on the CWC, has been a crusader for the Convention in countless forums for decades. While these and several other scholars created the written materials needed for waging the campaign for CWC ratification, the educational and political task of CWC ratification required much, much more. Furthermore, given the home base of the Harvard Sussex Program, only the Stimson Center could contribute intensively to the ratification debate on a daily basis. Few Washington-based NGOs have ever received funding to work on chemical and biological weapons (CBW) issues, so the Stimson Center's expertise and library of CWC materials became a key resource for multiplying the effectiveness of the NGOs in the CWC ratification debate. While NGOs ultimately rose to the challenge of CWC ratification, the magnitude of the task and the stakes involved warranted much greater support.

The Ford Foundation, the Ploughshare Fund, and the John Merck Fund also provided support over the years, but in comparison to the enormous amount of funding the arms control community receives for nuclear weapons issues, support for the area of CBW was and continues to be minuscule. Similarly, arms control membership groups never dedicated much attention or resources to chemical weapons. The notable exceptions to this unfortunate trend are the Business Executives for National Security and the Federation of American Scientists. The result was that the arms control community as a whole was neither equipped nor prepared to deal with the treaty ratification issue in the fall of 1996. The near death of the CWC helped to focus attention and galvanize the NGO community to participate actively in the national debate on the Convention. A greater appreciation for the linkage between nuclear, chemical, and biological weapons might shift the balance of funding and attention.

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*While NGOs ultimately rose to the challenge of CWC ratification, the magnitude of the task and the stakes involved warranted much greater support.*

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If the CWC had been defeated and the entire arms control enterprise jeopardized as a result, much soul searching would have followed in the foundation and NGO communities. Fortunately, this outcome was avoided. All those who support arms control will benefit from a careful review of the CWC experience because many of the same tools will be required for future treaty ratification campaigns.

## **Summary**

### **Building the Public Debate**

The difference in the public campaigns for CWC ratification between the fall 1996 and the spring 1997 effort was significant. Public debate over the CWC was raised to a new level due to the efforts of the NGO arms control community and other non-governmental players. The key to this success was utilizing every possible communications medium. The decibel level of the campaign was significantly raised by opinion-survey work, fax blasts, radio talk show and newspaper editorial campaigns, citizen communications to senate offices, public demonstrations, and a host of individual and organizational endorsements. The public campaign surrounding CWC ratification created a political climate that was ripe for the Clinton administration to marshal the political resources to help secure senate approval of the Convention. The administration did its job and the Convention was approved by a solid majority, including a majority of Republicans.

### **Coordination**

Unlike the NGO campaigns for the NPT and CTBT, which had significant international components, the NGO effort on behalf of the CWC was primarily focused on the media, the executive branch, and Congress. CWC ratification was fundamentally a domestic political conflict with all the encumbrances that come with a multifaceted political fight between the legislative and executive branches of government. The degree of outreach and coordination with supporters in the executive and legislative branch was simply more extensive and more complex than anything that had been encountered in the two previous coalition efforts.

Coordination was forced on the community because of the April 1997 entry-into-force deadline and the potential for considerable damage to the arms control agenda should the Convention be rejected by the Senate. Despite these pressures, the NGO community worked together with considerable good will. The inclusive nature and cooperative tone of the PGTF made it easier for individuals and organizations to make the extra effort required for victory. When times are tough, if the right tone is set, the best in people comes forward.

A model of NGO cooperation and coordination was established during the CWC ratification debate that can be built upon for the future. The struggle for senate approval of the CTBT will probably require an even greater degree of effort from the NGO arms control community. The NGO community's weakness will have to be compensated for with a greater effort from its own members. Given the resonance the CTBT has had among grassroots activists, this is possible, but it will require skillful leadership.

**Focus**

A key to the successful campaign to garner senate approval of the CWC was the degree of focus supporters inside and outside of government were able to muster. Given the modest resources of NGOs, sometimes the only way for them to influence a policy debate is to concentrate all their energies on one issue. This degree of concentration made a difference in the community's performance during the CWC ratification debate. Intense focus will be required for the CTBT ratification debate. Setting priorities for the community will, therefore, be very important as the CTBT ratification draws near.

The NGO community also helped hone and maintain the focus of the executive branch and Congress. Both institutions have vast and complex political agendas of which national security in general, and arms control in particular, are just a part. Official complacency bedeviled the CWC up until the entry into force deadline was set. Even then, the NGO community played a valuable role in encouraging governmental bodies to do the heavy political lifting require for Senate approval. There is no obvious deadline for the CTBT; hence, the challenge of NGOs to keep pushing the executive branch and the Senate to move forward on the test ban will be even greater.

**Unique Capabilities**

The independence and agility of the NGO arms control community proved to be extremely valuable assets. For example, it is hard to imagine the White House engaging the services of a polling organization that generally works for elected representatives of the other party. The bipartisan team of pollsters the PGTF engaged proved important in the politically charged environment surrounding CWC ratification. Another unique strength of independent, private groups is their vocalization of positions of principle in a political environment that stresses the value of compromise. The independent, principled voice in any debate is a valuable reference point. Finally, NGOs of modest size have the agility to respond quickly to new situations, partially offsetting their minuscule resources. Inside and outside players in treaty ratification campaigns need to appreciate each of their unique talents and contributions as fully as possible.

As the Clinton administration prepares to seek senate advice and consent of the long-sought CTBT, it is vital for the administration, private foundations, and the non-governmental arms control community to take stock of how and when outsider players can effectively contribute to a national treaty ratification debate. Having overcome determined opposition to the CWC, the community of organizations supportive of arms control has acquired experience that will be invaluable in the ratification debates ahead. If the unique talents of the NGO community can be focused and coordinated, and if the recent experiences are built upon, then there is some reason to be optimistic about the outcome of future ratification campaigns.



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## About the Authors

**Michael Krepon** is president of the Henry L. Stimson Center. He has written over 300 articles, and is the author or editor of seven books: *Strategic Stalemate, Nuclear Weapons and Arms Control in American Politics* (1984); *Arms Control in the Reagan Administration* (1989); *Verification and Compliance, A Problem-Solving Approach* (1988); *Commercial Observation Satellites and International Security* (1990); *The Politics of Arms Control Treaty Ratification* (1991); *Open Skies, Arms Control and Cooperative Security* (1992); and *Crisis Prevention, Confidence Building, and Reconciliation in South Asia* (1995).

**Amy E. Smithson** is a senior associate at the Henry L. Stimson Center, where she directs the Chemical and Biological Weapons Nonproliferation Project. The project conducts analytical research across the spectrum of complex topics associated with implementing the Chemical Weapons Convention and strengthening the Biological and Toxin Weapons Convention. Aside from project publications, journal articles, and editorials, outreach efforts involve symposia, congressional testimony, and regular contact with the print and electronic media. She also co-edited *Open Skies, Arms Control, and Cooperative Security*. She holds a doctorate from George Washington University and a master's degree from Georgetown University.

**John Parachini** is a senior associate at the Henry L. Stimson Center, and the Washington representative for the Monterey Institute's Center for Nonproliferation Studies. He served as the chair of the Poison Gas Task Force, a coalition of more than twenty non-governmental organizations that coordinated a variety of public education activities surrounding the senate vote on the Chemical Weapons Convention. Mr. Parachini's research and outreach activities at the Stimson Center include arms control, public attitudes on foreign and defense policy, and the politics of national security policy. He holds a master's degree from Johns Hopkins University's School of Advanced International Studies.



## **The Chemical and Biological Weapons Nonproliferation Project**

Chemical and biological weapons have proliferated more widely than nuclear weapons, in part because the behavioral norms against chemical and biological weapons are not as robust as those against nuclear weapons, and partly because biological and chemical weapons are more easily acquired. In conjunction with the 1993 ceremonies to sign the Chemical Weapons Convention (CWC), the Stimson Center launched a project to monitor domestic and international preparations to implement the CWC and to strengthen the 1972 Biological and Toxin Weapons Convention (BWC). This project serves as problem-solver and an information clearinghouse in these general subject areas.

**Project Publications.** *Separating Fact from Fiction: The Australia Group and the Chemical Weapons Convention* (March 1997) explains the controversy associated with the CWC, the Australia Group, and the use of export controls, debunking the misguided notion that the CWC would somehow promote chemical weapons proliferation.

*The U.S. Senate and the Chemical Weapons Convention: The Price of Inaction* (November 1995) details the negative repercussions if the Senate does not ratify the CWC soon, including degrading the U.S. ability to track chemical weapons proliferation and American safety, security, and leadership.

*Chemical Weapons Disarmament in Russia: Problems and Prospects* (October 1995) includes the first public discussion of security shortcomings at Russia's chemical weapons storage facilities and the most detailed account publicly available of the chemical weapons development program of Soviet origin by Dr. Vil Mirzayanov, who blew the whistle on this program. The report also discusses the tools available to address these problems, namely the Cooperative Threat Reduction program and the CWC.

*The U.S. Chemical Weapons Destruction Program: Views, Analysis, and Recommendations* (October 1994) provides a detailed review of the controversies associated with the Army's stockpile incineration program and recommendations to improve the oversight of this program.

Other reports include *Implementing the Chemical Weapons Convention: Counsel from Industry* (January 1994); *Administering the Chemical Weapons Convention: Lessons from the IAEA* (April 1993); and *The Chemical Weapons Convention Handbook* (Fall 1993). The project also issues a periodic newsletter, *The CBW Chronicle*.

**Upcoming report.** *Biological Weapons Proliferation: Reasons for Concern and Courses of Action* (Summer 1997) broaches the challenges involved in strengthening the BWC.

**Other information.** The Carnegie Corporation of New York funds this project, which is directed by Dr. Amy E. Smithson. A supplemental grant from the Plowshares Fund was awarded primarily to support CWC treaty ratification activities. For more information, see the project's webpage at [www.stimson.org/cwc/](http://www.stimson.org/cwc/).



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## About the Henry L. Stimson Center

The Henry L. Stimson Center was founded in 1989 as a nonprofit, nonpartisan institution devoted to public policy research. The center concentrates on particularly difficult national and international security issues where policy, technology, and politics intersect. Our aim is to produce research that is relevant to policymakers, rigorous by academic standards, and understandable by the public at large. Our projects assess the sources and consequences of international conflict, as well as the tools needed to build national security and international peace.

Henry L. Stimson's distinguished career in defense and foreign policy spanned four decades in which the United States grew into its new role as a global power. We admire Henry L. Stimson's nonpartisan spirit, his sense of purpose, and his ability to steer a steady course toward clearly defined long-range national security goals. By establishing a research center in his name, we hope to call attention to the issues he cared about, as well as to his record of public service, and to propose, as Stimson did, pragmatic steps toward ideal objectives.

Michael Krepon is president of the Henry L. Stimson Center, and Barry M. Blechman is chairman of the board of directors.