Senate Rejects Comprehensive Test Ban Treaty; Clinton Vows to Continue Moratorium

Arms Control Today

IN A MAJOR setback to the nuclear non-proliferation regime and U.S. credibility, the Senate decisively rejected the Comprehensive Test Ban Treaty (CTBT) on October 13 by a vote of 51-48, marking the first time that it has defeated a security-related treaty since the Treaty of Versailles nearly 80 years ago. Immediately following the largely party-line vote, President Bill Clinton pledged that he would keep fighting for the CTBT and that the United States would continue its moratorium on nuclear testing, which has been in effect since 1992. Despite his assurances, the vote sent shock waves throughout the world, drawing strong condemnation from Russia and China as well as American allies in Europe and Asia. (See story.)

Just 12 Days

In September 1996, President Clinton became the first world leader to sign the CTBT, which prohibits "any nuclear weapon test explosion or any other nuclear explosion." One year later he submitted the treaty to the Senate for its advice and consent. However, Senator Jesse Helms (R-NC), whose Foreign Relations Committee has jurisdiction over treaties, repeatedly stated that the CTBT was a low-priority item and that it would only receive consideration after the committee had voted on two unrelated sets of agreements not yet submitted by the administration: the 1997 amendments to the ABM Treaty and the Kyoto Protocol on climate change.

This logjam persisted for almost two years until July 1999, when all 45 Democratic senators signed a letter urging Helms to conduct hearings on the CTBT and report it to the full Senate for debate. (See ACT, July/August 1999.) When Helms snubbed the request, Senator Byron Dorgan (D-ND) threatened to hold up Senate business unless the treaty received floor consideration. "This is going to be a tough place to run if you do not decide to bring this issue to the floor of the Senate and give us the opportunity to debate [the CTBT]," he warned on September 8.

Confident that the Republicans already had the votes to defeat the treaty, Majority Leader Trent Lott (R-MS) called for a quick vote—a move that surprised the Democrats and most observers. Forced to choose between a vote after limited debate or no vote at all until the next Congress, the Democratic leadership, in consultation with the White House, reluctantly agreed to Lott's proposal. On October 1, a unanimous consent agreement was reached under which the Senate would bypass the Foreign Relations Committee and vote on the CTBT on October 12 after just 18 hours of floor debate. Under the terms of the agreement, the Republican and Democratic leaderships were each permitted to introduce only one amendment to the resolution of ratification, thereby curtailing the administration's ability to craft a resolution that could have addressed the stated concerns of some senators.

The White House was highly critical of the truncated process. "This is not what the Founding Fathers meant by advise and consent. This is hit and run," National Security Adviser Sandy Berger said October 2. Two days later, White House press spokesman Joe Lockhart argued that the lack of attention given to the CTBT was unprecedented. By way of comparison, he noted that the ABM Treaty had received eight days of hearings in the Foreign Relations Committee and 18 days of consideration on the Senate floor; the INF Treaty had received 23 days of committee hearings and nine days of floor consideration; and START I had received 19 days of committee hearings and five days of floor consideration.
White House Launches Full-Court Press

Faced with the unanimous consent agreement, the White House immediately launched a highly visible campaign to achieve ratification. In an October 4 photo opportunity with his national security team, Clinton made the case for the treaty and responded to charges that the Central Intelligence Agency is unable to determine whether Russia is secretly conducting low-yield nuclear tests at its Novaya Zemlya facility. He argued that while such tests are difficult to detect, the treaty gives the United States "new tools" to ensure compliance, such as the creation of an International Monitoring System (IMS) consisting of 321 monitoring stations located throughout the world and the ability to request an on-site inspection if suspicious activity cannot be adequately clarified.

Clinton repeated his call for ratification during an October 5 signing ceremony for the defense authorization bill and a pep rally the next day at the White House, which included participation from the present and past chairmen of the Joint Chiefs of Staff as well as a number of the 32 Nobel laureates in physics who had publicly endorsed the CTBT. "The best way to constrain the danger of nuclear proliferation and, God forbid, the use of a nuclear weapon, is to stop other countries from testing nuclear weapons. That's what this test ban treaty will do. A vote, therefore, to ratify is a vote to increase the protections of our people and the world from nuclear war. By contrast, a vote against it risks a much more dangerous future," Clinton said.

Congressional Hearings Begin

Other key Clinton administration officials argued for ratification during three days of congressional hearings held October 5-7, only one of which took place in the Foreign Relations Committee. The hearings focused on two issues: whether the United States could effectively verify if countries were adhering to the CTBT and whether the United States could maintain a safe and reliable nuclear arsenal solely through its stockpile stewardship program.

Testifying before the Senate Armed Services Committee on October 6, Secretary of Defense William Cohen and Chairman of the Joint Chiefs of Staff General Henry Shelton, as well as former chairman General John Shalikashvili, argued that the United States should ratify the CTBT with the six safeguards that President Clinton established in August 1995 as conditions for U.S. entry into the test ban. (See sidebar.) In particular, they pointed out that Safeguard F would allow the United States to withdraw from the CTBT under the standard "supreme national interests" clause in the event that the secretaries of defense and energy (as advised by the Nuclear Weapons Council, the commander-in-chief of U.S. Strategic Command and the heads of the three nuclear weapons laboratories) could no longer certify that a weapon critical to the U.S. nuclear deterrent was safe and reliable. With respect to verification, the witnesses argued that even though some low-yield nuclear tests might go undetected, such tests are not militarily significant.

Challenging these views, former Secretary of Defense James Schlesinger testified that in the absence of underground nuclear testing, confidence in the safety and reliability of the U.S. nuclear arsenal would inevitably decline. Schlesinger was particularly critical of the fact that the treaty bans all tests in perpetuity. In addition, he said that the stockpile stewardship program will not be fully operational for another 10 years.

Sparring over these issues continued October 7, when the Armed Services Committee received testimony from Secretary of Energy Bill Richardson and the directors of the three nuclear weapons laboratories (John Browne of Los Alamos National Laboratory, Bruce Tarter of Lawrence Livermore National Laboratory and Paul Robinson of Sandia National Laboratories). Although Richardson was confident about the abilities of the $4.5 billion-per-year stockpile stewardship program, the three lab directors were much more cautious, stating that the United States was heading into "uncharted waters" and that there were no guarantees that the program would be successful. However, when pressed on this point by Senator Carl Levin (D-MI), the lab directors said they supported the CTBT provided that there is full funding for the stewardship program and that the six safeguards are adopted by the Senate. Clarifying their views in a joint statement issued the next day, the lab
directors wrote, "While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America's nuclear deterrent without nuclear testing."

**Let's Make a Deal**

Meanwhile, recognizing that the 67 votes needed for ratification were not there, Senators Daschle and Lott began a behind-the-scenes dialogue as early as October 5 on ways to postpone the vote and prevent a humiliating blow to U.S. credibility abroad. Lott said he was willing to put off the vote as long as Clinton requested the delay and agreed not to bring up the CTBT during the remainder of his presidency.

In the days that followed, as it became even clearer that the treaty would be soundly defeated, Clinton met Lott's first demand and requested that the vote be postponed, but he was not willing to rule out the option of resubmitting the treaty before leaving office. Efforts to reach a deal were further complicated by the fact that Senate rules required all 100 senators to agree to change the original unanimous consent agreement in order to postpone the vote. A small but powerful group of conservative senators—including Helms, James Inhofe (R-OK), Jon Kyl (R-AZ) and Robert Smith (I-NH)—indicated that they would block any attempt to delay the vote because they believed the treaty should be defeated.

As the floor debate opened on October 8, the Clinton administration and Senate Democrats increased their efforts to postpone the vote. That same day, in an unprecedented appeal, French President Jacques Chirac, British Prime Minister Tony Blair and German Chancellor Gerhard Schröder published an op-ed piece in *The New York Times* imploring the Senate to ratify the treaty. Also on October 8, the states participating in the Vienna conference on bringing the CTBT into force issued a declaration calling upon those states that had not yet ratified the treaty to do so. (See document.)

**The Endgame**

Efforts to delay the vote went down to the wire. On October 11, Clinton put his request for a postponement in writing, but still would not agree to put off the vote until 2001. In his letter to Lott and Daschle, Clinton said, "I firmly believe the Treaty is in the national interest. However, I recognize that there are a number of Senators who have honest disagreements. I believe that proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership over forty years, through administrations Republican and Democratic, in reducing the nuclear threat."

On October 12, the day before the vote, the sides came close to reaching a deal. In return for a delay, Daschle pledged that he would not bring up the CTBT for a vote before 2001 barring "extraordinary circumstances," an implicit reference to the resumption of nuclear testing in South Asia. Although Daschle and Lott tentatively agreed on this language, the deal fell through when the same small group of conservative senators objected.

The Democrats also tried to remove the CTBT from the so-called "executive calendar," an unusual parliamentary maneuver that would have required only a simple majority (51 votes). Although 62 senators, including influential Republicans such as Pete Domenici (R-NM), Richard Lugar (R-IN) and John Warner (R-VA), indicated in an October 12 letter to Lott and Daschle that their preference was to delay the vote, the majority leader did not give Republicans his blessing to support the procedural move, thereby making the vote a test of party loyalty that was later defeated by a 55-45 vote.

When the roll was finally called on October 13, the resolution to ratify the CTBT (including the six safeguards that Daschle had submitted as an amendment) was defeated by a 51-48 vote with one abstention. (See the voting record.) Forty-four Democrats voted for ratification as did four Republicans: John Chafee (R-RI), James Jeffords (R-VT), Gordon Smith (R-OR) and Arlen Specter (R-PA). Fifty Republican senators and one independent (Robert Smith of New Hampshire) voted against
ratification, and Senator Robert Byrd (D-WV) voted "present." The treaty fell 19 votes short of achieving the necessary two-thirds majority necessary for ratification.

Clinton Goes on the Offensive

Just hours after the vote, Clinton reassured the world that the fight for the CTBT was "far from over" and announced that the United States would continue its moratorium on nuclear testing, which has been in effect for the past seven years. He also called upon Russia and China (which have signed the treaty but not ratified) as well as Britain and France (which have signed and ratified) to continue their moratoria on nuclear testing.

In his October 13 statement outside the Oval Office, Clinton strongly condemned the Senate's action. "For two years, the opponents of this treaty in the Senate refused to hold a single hearing. Then they offered a take-or-leave-it deal: to decide this crucial security issue in a week... They rejected my request to delay the vote and permit a serious process so that all questions could be evaluated. Even worse, many Republican senators apparently committed to oppose this treaty before there was an agreement to bring it up, before they ever heard a single witness or understood the issues. Never before has a serious treaty involving nuclear weapons been handled in such a reckless and ultimately partisan way," he said.

Clinton continued his assault on the Republican Party in a press conference the next day. He characterized the Senate vote as "partisan politics of the worst kind" and charged treaty opponents with showing "signs of a new isolationism." Clinton argued that the Senate majority "has turned its back on 50 years of American leadership against the spread of weapons of mass destruction" and that they "are betting our children's future on the reckless proposition that we can go it alone; that at the height of our power and prosperity, we should bury our heads in the sand, behind a wall."

Lott quickly denied that partisan politics played any role in the CTBT's defeat. "We have some of the most thoughtful senators that have ever served in this body that said that this treaty was not verifiable, that it was fundamentally flawed, and it should not be ratified," he said in an October 14 press conference. Furthermore, Lott accused the administration of not effectively lobbying for the treaty. "I was demanded and forced into having a debate and a vote. And so when we agreed, then they said, 'Well, wait a minute; there may not be the votes to ratify this treaty.' Well, I wonder why. Because we had been doing our work. We'd been checking into it," Lott said.

Given the Senate's action along party lines, there is the real possibility that the CTBT will become an issue in the 2000 presidential and congressional elections. Following the vote, Vice President Al Gore condemned the "partisan" way in which the Senate handled the CTBT and pledged to resubmit the treaty for ratification if he is elected president next year. Earlier, on October 5, leading Republican contender George W. Bush announced that he is opposed to the CTBT as are other Republican candidates, such as Senator John McCain (R-AZ), who voted against the treaty. Bush did say, however, that he supports the current moratorium on nuclear testing.

Nuclear Safeguards Necessary for U.S. Ratification of the CTBT

A: The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.

B: The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

C: The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this treaty.
D: Continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.

E: The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

F: The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

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The Voting Record Voted Against Ratifying the CTBT

Spencer Abraham (R-MI), Wayne Allard (R-CO), John Ashcroft (R-MO), Robert Bennett (R-UT), Christopher Bond (R-MO), Sam Brownback (R-KS), Jim Bunning (R-KY), Conrad Burns (R-MT), Ben Nighthorse Campbell (R-CO), Thad Cochran (R-MS) Susan Collins (R-ME), Paul Coverdell (R-GA), Larry Craig (R-ID), Mike Crapo (R-ID), Mike DeWine (R-OH), Pete Domenici (R-NM), Mike Enzi (R-WY), Peter Fitzgerald (R-NY), William Frist (R-TN), Slade Gorton (R-WA), Phil Gramm (R-TX), Rod Grams (R-MN), Chuck Grassley (R-IA), Judd Gregg (R-NH), Charles Hagel (R-NE), Orrin Hatch (R-UT), Jesse Helms (R-NC), Tim Hutchinson (R-AR), Kay Bailey Hutchison (R-TX), James Inhofe (R-OK), Jon Kyl (R-AZ), Trent Lott (R-MS), Richard Lugar (R-IN), Connie Mack (R-FL), John McCain (R-AZ), Mitch McConnell (R-KY), Frank Murkowski (R-AK), Don Nickles (R-OK), Pat Roberts (R-KS), William Roth Jr. (R-DE), Rick Santorum (R-PA), Jeff Sessions (R-AL), Richard Shelby (R-AL), Bob Smith (I-NH), Olympia Snowe (R-ME), Ted Stevens (R-AK), Craig Thomas (R-WY), Fred Thompson (R-TN), Strom Thurmond (R-SC), George Voinovich (R-OH), John Warner (R-VA)

Voted for Ratifying the CTBT

Daniel Akaka (D-HI), Max Baucus (D-MT), Evan Bayh (D-IN), Joseph Biden Jr. (D-DE), Jeff Bingaman (D-NM), Barbara Boxer (D-CA), John Breaux (D-LA), Richard Bryan (D-NV), John Chafee (R-RI), Max Cleland (D-GA), Kent Conrad (D-ND), Thomas Daschle (D-SD), Christopher Dodd (D-CT), Byron Dorgan (D-ND), Richard Durbin (D-IL), John Edwards (D-NC), Russell Feingold (D-WI), Dianne Feinstein (D-CA), Bob Graham (D-FL), Tom Harkin (D-IA), Ernest Hollings (D-SC), Daniel Inouye (D-HI), James Jeffords (R-VT), Tim Johnson (D-SD), Edward Kennedy (D-MA), Robert Kerrey (D-NE), John Kerry (D-MA), Herb Kohl (D-WI), Mary Landrieu (D-LA), Frank Lautenberg (D-NJ), Patrick Leahy (D-VT), Carl Levin (D-MI), Joseph Lieberman (D-CT), Blanche Lincoln (D-AR), Barbara Mikulski (D-MD), Daniel Moynihan (D-NY), Patty Murray (D-WA), Jack Reed (D-RI), Harry Reid (D-NV), Charles Robb (D-VA), John Rockefeller IV (D-WV), Paul Sarbanes (D-MD), Charles Schumer (D-NY), Gordon Smith (R-OR), Arlen Specter (R-PA), Robert Torricelli (D-NJ), Paul Wellstone (D-MN), Ron Wyden (D-OR)

Voted Present

Robert Byrd (D-WV)

Source: U.S. Congressional Record

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