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## Conclusions

*Michael Krepon*

The task of drawing conclusions from the seven case studies presented in this volume is a daunting one. Although an effort has been made to supplement these cases with additional examples of executive-congressional relations and the arms control treaty ratification process, the total number of cases remains small, reflecting the comparatively few instances in which such treaties have been presented to the U.S. Senate for that body's advice and consent.

Moreover, each case is clearly unique. Presidents Warren G. Harding and Ronald Reagan may have shared some traits, but the Senate changed markedly during the sixty-five-year interval between its deliberations over the Washington Naval Treaties and the Intermediate-range Nuclear Forces (INF) treaty. In the mere seven years between Senate consideration of the Anti-Ballistic Missile (ABM) Treaty and the second treaty arising from the Strategic Arms Limitation Talks (SALT II), the domestic and international contexts for the Senate's deliberations were strikingly different, as were the outcomes of the treaties in question.

Finally, the outcome of a ratification debate can turn on many different variables. For example, perceptions of the president's stewardship of national security, the substantive value of the treaty under consideration, and the trustworthiness of prospective treaty partners are all key to the success or failure of a ratification effort. How can analysts rank order these factors, or even determine which among

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them are the most important?

The focused comparison method of analysis borrowed from Alexander L. George and others has helped considerably in the comparing and contrasting of these cases. Yet it has by no means removed the subjective elements to such an inquiry, nor has it provided clarity as to the rank ordering for the most important components of success or failure in the cases. What follows is an evaluation of these disparate cases, based on seven excellent studies and the comments received from the case study authors and outside reviewers. The author hopes that it will provide the reader with greater clarity or new insights. If it stimulates other readers to refine or alter the list of lessons learned, or encourages further scrutiny of this and related subjects, so much the better.

On the basis of the cases of arms control treaty ratification that have been investigated, five keys to success appear particularly prominent. First, the more a treaty appears to provide tangible benefits to the nation's security, such as mandated reductions of threatening weapons systems or a halt to activities that are widely perceived to be dangerous, the more likely the Senate will be to provide its consent to ratification. Second, presidential popularity appears to be a critical component of success, covering a multitude of sins, including chief executive's lack of familiarity with the substance of the agreement negotiated under his auspices. Third, presidents who are widely perceived as staunch defenders of U.S. national interests are ideally suited to succeed in the tangled web of executive-congressional relations during the treaty ratification process. Presidents who lack this credential can expect very difficult sledding on Capitol Hill. Fourth, a perception in the legislative branch and the public at large of the president as an experienced hand in international politics and successful practitioner of the art of diplomacy is important. Fifth, a president's ability to work with Congress is obviously a critical key to success. Presidential micro-management in support of treaty ratification appears to be no vice—as long as the chief

executive has sure political instincts in his dealings with Capitol Hill.

The more presidents lack these keys to success, the more they will be hurt by dissension within the ranks, which can become corrosive during treaty ratification debates. The more presidents lack these keys to success, the greater their dependence on highly competent advisers, a nonthreatening international environment, and a degree of luck regarding domestic and international events. Other important elements of successful arms control treaty ratification strategies are the president's handling of, and support from, the Senate leadership; the absence of, or support from, a "pivotal" senator who can either lend considerable credence to a treaty or badly undercut criticism of it; the support, no matter how lukewarm, of the Joint Chiefs of Staff (jcs); and the judicious use of "safeguards" to minimize the presumed risks of a treaty without undercutting its basic objectives and purposes. These conclusions will be elaborated in the pages to follow.

### International Political Context

As Dan Caldwell's case study of the SALT II Treaty indicates, the Soviet Union's troubling international behavior badly compounded the domestic misgivings that had been fostered about the agreement by the Kremlin's mistreatment of religious and ethnic minorities. President Jimmy Carter was not widely perceived as being "tough" enough in protecting U.S. interests abroad; presidents benefiting from greater standing as staunch defenders of U.S. security have had considerable latitude in dealing with the misbehavior of negotiating partners.

The SALT II case is instructive in this regard: the treaty's provisions were no more than "modest but useful" in the estimation of the joint chiefs,<sup>1</sup> the president and his negotiating team were under strenuous attack as being

insufficiently attentive to national security requirements, the Kremlin was embarked on an activist foreign policy, and Soviet military expenditures were disturbingly high and continuing to increase. Even so, the Carter administration had plausible hopes of securing a bare two-thirds majority vote of support from the Senate, until the Soviet Union made ratification impossible with its invasion of Afghanistan.

Soviet behavior before the conclusion of the Limited Test Ban Treaty was far worse than in the mid- to late-1970s. In the twenty-three months before Governor W. Averell Harriman's successful mission to Moscow, the Kremlin had been responsible for two of the most nerve-racking and dangerous acts of the Cold War—the construction of the Berlin Wall and the secret emplacement of ballistic missiles in Cuba. Yet, as the lopsided vote to consent to ratification of the LTBT indicated, senatorial and public concerns over the Kremlin's erratic behavior were overridden by widespread relief over recently improved superpower relations and a desire to halt nuclear fallout from atmospheric tests.

Although a correlation between troubling behavior by a negotiating partner and the demise of ratification chances is difficult to prove, the reverse is not: good behavior clearly begets improved prospects for arms control treaties in the Senate. When Prime Minister Margaret Thatcher declared that the West could do business with Mikhail Gorbachev in December 1984, more than one third of the U.S. Senate appeared to remain skeptical of this assertion. Yet when President Ronald Reagan was similarly convinced by Soviet deeds and developed a personal relationship with the new Soviet leader, opposition to the INF Treaty in the Senate shrank. Ultimately, just five senators voted against the accord. Concerns over verification and the Kremlin's compliance practices, so prominent during Reagan's first term in office, lost their newsworthiness against the backdrop of the Soviet withdrawal from Afghanistan, acknowledgment that the Krasnoyarsk radar constituted an outright violation of the ABM Treaty, and a willingness to accept unprecedented

verification procedures in the new accord.

Good behavior by a negotiating partner may not only assist the politics of ratification but also simplify future negotiations by lessening pressures for "safeguards." These assurances often accompany arms control accords and take the form of commitments for increased defense spending, improved intelligence collection efforts, and readiness to resume practices barred by the treaty in question. As discussed below, some safeguards have been helpful, while others have undercut the objectives and purposes of an accord, making subsequent agreements more difficult and less meaningful to negotiate.

When a traditionally hostile negotiating partner is acting responsibly abroad and reducing its military might, the stimulus for safeguards is reduced considerably, especially when domestic economic considerations militate against larger defense expenditures. Thus, in stark contrast with previous nuclear arms control agreements, no safeguards accompanied the INF Treaty. The absence of safeguards does not mean that follow-on accords are assured of the Senate's consent. Nevertheless, the absence of ill-chosen safeguards may mean that subsequent presidents will face smaller hurdles in securing the consent of two thirds of the Senate for future accords.

#### *Aversion to War and Military Spending*

Arms control treaties can receive a powerful boost from the public's strong aversion to war, but war weariness is not necessarily enough to secure the consent of two thirds of the senators present and voting. It certainly was not sufficient in the case of the League of Nations, when Woodrow Wilson squandered a consensus of most Americans and their elected representatives in support of a peace treaty through an ill-advised negotiating strategy with both the leaders of Europe and the U.S. Senate. Wilson left for Paris in the role of

peacemaker, but he became less and less of one the longer the Senate debated his handiwork. (One disaffected Department of State aide, William C. Bullitt, noted, "I can see at least eleven wars in it.")<sup>2</sup>

War breeds fear of new wars. Even when these fears pass, as was the case during the 1920s, an aversion to new military spending can linger. This political fact of life shaped the negotiating strategy President Warren G. Harding endorsed and Secretary of State Charles Evans Hughes executed during the Washington Conference on the Limitation of Armaments. Critics of the resulting treaties bemoaned provisions that required the United States to forgo new capital ship construction and fortification of U.S. outposts in the Pacific, but they had been overwhelmed by senatorial and public opposition to such expenditures. By insisting that the obligation to observe a ten-year holiday on capital ship construction be multilateral, Hughes had made a virtue out of necessity.

Later, when war clouds began to form ominously on the horizon, new negotiating efforts were made to extend naval constraints. In the politics of treaty ratification, however, the fear of war is a poor substitute for a favorable and stable international environment. As Thomas H. Buckley has indicated in his case study, Charles Evans Hughes was able to negotiate so successfully, despite the electorate's unwillingness to build a big navy, because of the international environment: he could play on British fears of losing a naval arms race to the United States and on Japanese interests in maintaining the status quo in the Pacific.

Aversion to new naval expenditures deepened after the Washington Conference. Only nine senators voted against the London Naval Treaty of 1930, which extended and slightly modified the terms negotiated at the Washington Conference. Critics of arms control later blamed these accords for constraining U.S. naval posture, but during Senate debate over the London Naval Treaty, a reservation calling for the country to build up to treaty strength by the end of 1936

garnered just eleven votes.<sup>3</sup>

The London Treaty, negotiated by Secretary of State Henry L. Stimson for President Herbert Hoover, turned out to be the last strategic arms control agreement for more than forty years. By 1935 fascist and militarist governments in Germany and Japan had publicly renounced all of their treaty obligations, and last-ditch efforts to salvage naval arms limitations inevitably faltered.<sup>4</sup>

The fear of war is sufficient to convene diplomatic conferences, but it cannot produce useful accords when states have hostile intent and are unalterably opposed to the status quo. After wars have been fought, they generate support for formal compacts to prevent their recurrence and breed revulsion against some of the instruments of warfare used. Just as the Geneva Protocol banning the use of chemical weapons traces its lineage to World War I, efforts to curtail nuclear weapons derive from the gruesome and foreboding events that ended World War II. The Senate's consent to ratification of the LTBR rested in part on public's health-related fears about fallout and its desire to place U.S.-Soviet relations on a more hopeful path.

The relationship between fears of nuclear war and subsequent ratification efforts is more difficult to track. Polling data do not suggest that concerns about nuclear war were a major factor in the Senate's deliberations over the ABM Treaty or SALT II.<sup>5</sup> Nevertheless, the record on this point is somewhat clouded.

When the electorate has perceived strategic modernization programs to be making the prospect of nuclear war less remote, it has become more insistent upon improved superpower relations and arms control accords. In this way, as Alan Platt recounts in his case study, the Johnson and Nixon administrations' plans to deploy ballistic missile defenses created public support for the ABM Treaty. Thereafter, efforts to pursue "nuclear war-fighting" strategies of deterrence—the development of new weapons systems with greater accuracy and more discriminate nuclear weapons effects—energized

pro-arms control senators throughout the 1970s. Similarly, the Reagan administration's loose talk about "winning" a nuclear war, pursuing backyard civil defense programs, and firing nuclear warning shots fueled the movement to "freeze" all nuclear programs.

In other words, nuclear nightmares appear to be a subliminal and constant factor in U.S. politics, occasionally bubbling to the surface during presidential campaigns. The public's uneasiness with nuclear threats remains part of the background noise of U.S. politics; the electorate's fears can provide an impetus to nuclear negotiations and constrain strategic modernization programs. Future administrations would be well advised, however, not to use nuclear nightmares as a basis for seeking ratification of new agreements. Each of the thousands of nuclear weapons deployed in the field potentially has a nightmare attached to it, and if one's negotiating partner is that trigger-happy or dangerous, how can a treaty help? As a result, administrations have not promoted arms control treaties as a means to avoid nuclear holocaust.<sup>6</sup> Future attempts to do so can easily backfire rather than succeed.

### *The Leadership Factor*

U.S. leadership in shaping the negotiating agenda has been a decided plus during ratification debates. Secretary of State Hughes, by surprising other delegations (and most members of the Harding administration) with his dramatic call for scrapping naval combatants at the outset of the Washington Conference, controlled the agenda of the talks. His high-risk strategy also stood in sharp contrast with the bargaining tactics employed by President Woodrow Wilson in Paris. Unlike Wilson, whose agenda was widely perceived to have been swallowed up by European intrigues, Hughes could demonstrate to the Senate that his negotiating objectives were largely reflected in the final accords.<sup>7</sup>

Likewise, Reagan administration officials could take pride in demonstrating to the Senate that their negotiating objectives, articulated at the outset of the INF Treaty negotiations, were clearly met in the agreement signed by the Soviet Union. President Jimmy Carter had no such basis to seek the Senate's consent to the SALT II Treaty. Torn between moving rapidly to conclude an accord inherited from the Nixon and Ford administrations, or opting for deeper reductions, he chose the latter but was forced to fall back quickly to the former. In the process, he undermined his leadership position by deferring to the Soviet negotiating agenda and so provided a massive opening for his domestic critics.

Other openings followed when Carter decided not to produce the B-1 bomber or deploy enhanced radiation weapons in Europe. A strong analytical case could be made for these decisions, but in both international and domestic political contexts these decisions were costly. Presidential leadership in bilateral arms control negotiations has usually been equated with "toughness," whether by the choice of negotiating strategy or by White House decisions relating to the weapons that are the subject of the negotiations.

One way presidents can demonstrate toughness is to proceed with nuclear weapons systems that are believed to provide leverage in the negotiations, provide insurance against their demise, or safeguard comparable capabilities to those presumably already deployed or sought by the Kremlin. Jimmy Carter, by rejecting this standard and deciding on the B-1 solely on the technical merits and problems of the bomber as he saw them, wounded himself in the ratification debate that followed, a wound deepened by his vacillation on the "neutron bomb" issue. Carter's decision in the final months of negotiations to proceed with the MX missile and to boost defense spending came too late to salvage a leadership position lost in earlier decisions.

Two tough presidential decisions during the SALT I negotiations, on the other hand, certified Richard M. Nixon's

leadership position, making criticism of the ABM Treaty and the Interim Agreement difficult to sustain in the Senate. By mining Haiphong harbor and resuming the U.S. bombing campaign over North Vietnam on the eve of a summit meeting in Moscow, at which the SALT I accords were to be signed, Nixon projected a willingness to sacrifice the presumed centerpiece of his reelection campaign in order to prosecute an unpopular war. No one could then effectively argue that Nixon had negotiated poorly on behalf of the United States for his own political reasons, despite the artificial deadline the president imposed to complete the negotiations in time for the fall campaign.

Earlier, Nixon had rejected the advice of many in the Senate and elsewhere that he wrap up an agreement solely on strategic defenses. He insisted on an accord that also restrained offenses. The Kremlin eventually agreed, sustaining the president's judgment and strengthening his hand against complaints that the Interim Agreement did not go far enough in curtailing Soviet rocketry. In defense of the latter agreement Nixon administration officials argued that the accord made the best of an unfortunate situation defined by high Soviet and low U.S. production rates. Disaffected senators like Henry M. ("Scoop") Jackson (D-Wa.) seethed at this argument, but they approved the accords with the proviso that sufficient safeguards would have to be endorsed by the executive branch.

When the Carter administration pursued a similar line of argumentation in the SALT II debate, maintaining that the United States would be better off with the agreement than without, a key block of disaffected senators could no longer be appeased by safeguards. Only a president with strong credentials as a guardian of U.S. interests abroad can effectively argue that he has made the best out of a poor situation. Jimmy Carter could not plausibly make this case; many in the Senate blamed him, unfairly or not, for the negotiating hand that he held.

### Linkage

There are numerous examples of formal or tacit linkage in U.S. arms control negotiations either pursued or accepted by the executive branch.<sup>8</sup> For example, the Washington Naval treaties codified linkage between fleet levels and naval fortifications in the Pacific: Japan was willing to accept inferiority in the ratios of naval combatants negotiated in Washington only if the United States and the United Kingdom pledged not to improve defenses of their Pacific holdings. The implications of these terms were clearly understood and accepted by all parties; they became the source of great contention when, in the 1930s, Japan ceased to accept the status quo in the Pacific.<sup>9</sup>

Arms control treaty supporters and skeptics periodically argue over the value of linkage, but most recognize that tacit linkage is a political fact of life, at least during the months preceding ratification and especially during the Senate debate: if the negotiating partner behaves badly, senators are more likely to provide an administration with advice rather than consent. The classic example of this remains the Carter administration's difficulties in securing ratification of SALT II at a time when the Kremlin was busily seeking to expand its sphere of influence in Africa, Asia, and Latin America.

The Kremlin ultimately wounded itself more than the United States by these adventures. In the short term, however, treaty skeptics and opponents were bolstered by Soviet adventurism, the impact of which was especially apparent in Henry Kissinger's testimony. This previously staunch opponent of legislative encroachments on presidential authority to conduct foreign affairs now suddenly argued for a set of congressionally mandated principles of linkage and for periodic votes on Soviet compliance.<sup>10</sup> A majority of the Republicans on the Senate Foreign Relations Committee agreed, concluding that the administrator's "failure to establish linkage was a mistake, and the Senate should not ratify that mistake."<sup>11</sup>

Attempts by senators to move beyond de facto linkage to the imposition of constraints on Soviet international behavior have periodically been made, without success. During the LTRR debate, Senator Barry Goldwater (R-Ariz.) offered a reservation to postpone the effective date of U.S. ratification until the USSR removed its military and technical personnel from Cuba, and Senator John Tower (R-Tex.) proposed waiting until the Soviets paid up their UN dues.<sup>12</sup> Before the ratification debate over SALR II was shelved owing to the Soviet invasion of Afghanistan, treaty opponents were preparing efforts to insert limitations on the Backfire bomber into the treaty and to reduce the number of the Kremlin's "heavy" missiles—objectives that U.S. negotiators failed to achieve across three administrations.

Treaty supporters now call such efforts "killer amendments," thinly disguised efforts to defeat a treaty other than by a direct up or down vote on the treaty itself. Killer amendments are still very difficult to adopt, however. As Henry Cabot Lodge (R-Mass.) confided to the irreconcilable William Borah (R-Idaho) during plans to oppose President Wilson's League of Nations, "A straight vote in the Senate, if taken immediately, would be hopeless, even if it were desirable."<sup>13</sup> Ever since, the strategy of senators wishing to make their mark on a treaty has been to craft understandings, reservations, and conditions that minimize the damage they perceive will result from the accord or that establish more congenial negotiating objectives for subsequent agreements.

Examples of these tactics abound. They include the safeguards packages accompanying the LTRR and the SALR I accords and the 1972 Jackson amendment calling for equal force levels in subsequent agreements. These approaches have not foreclosed ratification efforts; indeed, they have ultimately gained the support of the executive branch and helped to provide overwhelming votes for ratification.

Other senatorial attempts to impose linkage have a quite different purpose, to block ratification of the treaty in question. Ostensibly, these efforts reflect heartfelt positions by

senators to alter the international behavior or reduce the military capabilities of a miscreant negotiating partner, usually the Soviet Union. Language is crafted that reflects widely held aspirations and that sounds reasonable enough to most Americans while being deeply objectionable to the Kremlin. For irreconcilable opponents of a treaty this indirect approach has much value: If linkage is accepted by a majority of the Senate, the treaty is likely not to go into effect. If, on the other hand, the attempt fails, it still calls attention to Soviet misbehavior, demands adherence to positions most Americans intuitively support, and forces treaty supporters to explain why bad behavior is being condoned.

Even with this framework for debate, linkage amendments viewed as hostile by the executive branch have fared poorly. All concerned have known that, no matter how attractively packaged, such linkage amendments are a surrogate for negating a treaty. Support for these efforts usually does not extend beyond irreconcilable treaty opponents, and sometimes not even that far. For example, the Goldwater reservation to the LTRR requiring the Soviets to leave Cuba gained just seventeen votes, and Senator Tower's effort to make the Kremlin pay up its UN dues garnered only eleven votes.

Perhaps in the future a weakened administration with poor credentials for protecting U.S. interests abroad will face a Senate coalition of moderates and irreconcilables, aligned in support of a linkage amendment. It was such a coalition that President Wilson helped to create and refused to bargain with. Senator Lodge's battle against Article 10 of the League Covenant proposed the reverse of linkage: Lodge's coalition assumed further misbehavior abroad and insisted that the United States not be drawn into the resulting fray without congressional authorization.

In summary, the chances of the Senate's imposing arms control linkage over the opposition of the executive branch during a ratification debate are remote. Strenuous opposition can be expected at home as well as abroad. If the imposition of linkage suggests a repudiation of the executive branch's



negotiating strategy, strenuous opposition will be required to avoid a potential loss of control during the remainder of the ratification debate; if a majority of the senators present and voting elect to support linkage despite the White House's opposition, treaty opponents will be encouraged to assert their position in other areas as well. President Nixon chose to avoid this battle in SALT I, linking up with Senator Jackson instead.

Even when the White House chooses to accept a linkage amendment, the target of these efforts may not be so accommodating, unless that country strongly desires the agreement's implementation. Arms control accords, however, are not gifts given with new strings attached at the eleventh hour; they are compacts that reflect a balancing of interests achieved only after difficult and usually extended bargaining. For this simple reason, attempts by the Senate to alter the terms of a treaty unilaterally invite counter-conditions and stalemate. After a successful negotiation, a powerful and proud foreign country cannot accept linkage imposed by the legislative branch without inviting further humiliating gestures.

Senators who are masters of the art of bargaining and compromise know this, but they are not the prime movers behind linkage amendments designed to block treaty implementation. Proponents of such amendments are usually not concerned with securing the adherence of a negotiating partner with new terms imposed by the Senate. They are concerned primarily with securing a majority of the Senate behind their amendment; if this can be achieved, the rejection of the treaty by an injured party can be considered a success.

### Domestic Political Context

Article 2, Section 2 of the Constitution, which enables just thirty-four senators to kill a treaty, seems, on its face, to be an onerous requirement. Gerard C. Smith, the head of the U.S. team that negotiated SALT I, has said, "If a majority vote of

both Houses of Congress is sufficient to make war, it should be sufficient to make agreements having peaceful purposes."<sup>14</sup> The requirement to secure the support of two thirds of the Senate rather than a simple majority appears to place an unreasonable burden on the executive branch. After all, the two-thirds requirement was born of unique historical circumstances that became irrelevant long ago—the desire of western states at the Constitutional Convention to block agreements inimical to their trading interests, like the Jay-Gardoqui Treaty.<sup>15</sup>

The two-thirds requirement has clearly been a difficult one for the executive branch to meet for treaties governing the foreign relations of the United States. The Jay Treaty with Great Britain over post-Revolutionary War grievances barely survived Senate scrutiny, as did the peace treaty with Spain ending the War of 1812. More recently, Senate irreconcilables and President Wilson combined to sink the Versailles Treaty, and the Panama Canal treaties narrowly survived the ratification process. Given the infrequent occurrence of ratified arms control treaties, it is natural to blame these periods of drought on the two-thirds requirement.<sup>16</sup>

In the final roll-call votes, however, arms control treaties have usually sailed through the Senate with many votes to spare. In the end, only one senator voted against the Washington Naval Treaty establishing fleet ratios and limits, nine voted against the London Naval Treaty of 1930, nineteen opposed the LRTB, two voted against the ABM Treaty, and five opposed the INF Treaty. When viewed in historical perspective, the SALT II Treaty experience was atypical. The Coolidge administration's botched effort to secure senatorial consent for the Geneva Protocol in 1926 was even more so—the only instance of failure when the same political party controlled the White House and the Senate.

Although the two-thirds requirement has usually not been onerous during the final roll-call vote, it has been an important factor during negotiations leading up to an agreement and during negotiation with the Senate. For

example, President John F. Kennedy reluctantly relinquished his goal of a comprehensive test ban when faced with the concerns of the joint chiefs and a preliminary head count suggesting such a ban would fall ten votes short of a two-thirds majority.<sup>17</sup> President Carter in the latter stages of the SALT II negotiations, made several less consequential decisions that many associated with his uphill search for sixty-seven votes, including the decision to proceed with the largest of all candidate designs for the MX missile.

The White House's readiness to agree to safeguards minimizing perceived risks associated with arms control accords has been another mechanism to ensure more than the necessary two-thirds vote. Until the INF Treaty, every nuclear arms control agreement receiving the Senate's advice and consent was linked to a package of safeguards negotiated with deference to defense-minded senators and the JCS. In President Kennedy's case, as noted in Benjamin S. Loeb's study on the LRBT, one object of the safeguards was to generate an overwhelming vote to provide impetus for a comprehensive treaty. Ironically, one of the safeguards—carrying out an "aggressive" underground test program—undermined that objective. Similarly, the Nixon administration mortgaged the future of strategic arms control when it eased passage of the SALT I accords with commitments to proceed with multiple independently targeted reentry vehicles (MIRVs) and nuclear-armed cruise missiles, both of which made subsequent limitations harder to achieve and more difficult to verify.

In response to these and other safeguards, including the Trident submarine and B-1 bomber, Senate Foreign Relations Committee Chairman J. William Fulbright (D-Ark.) opened the hearings on SALT I by voicing the concern that the Nixon administration's actions posed the "danger of having our actions belie our words."<sup>18</sup> Fulbright's qualms, however, mattered considerably less than Henry M. Jackson's. Similarly, in the final months of the SALT II debate, senators William Proxmire (D-Wis.), George McGovern (D-S.Dak.), and Mark

Hatfield (R-Ore.) laid down a marker that the Carter administration's concessions to defense-minded senators could cost the treaty their support.

In the end, however, pro-arms control senators can usually be counted upon to vote for a treaty, whereas defense-minded senators require assiduous courting. Until the INF Treaty debate, when budget deficits, the warming of the cold war, and an increasing lack of interest in new nuclear modernization programs made safeguards difficult to propose, safeguards were the means of choice to sway fence-sitting senators. Even in the case of the INF Treaty, safeguards in the form of improved intelligence collection capabilities were demanded and provided. For supporters of arms control the central question is usually not whether two thirds of the United States Senate will consent to ratification, but whether the agreement will be worth the price incurred during bargaining for its ratification.

### *Bipartisanship*

In a classic study of the Senate's role in the treaty ratification process, written almost sixty years ago, W. Stull Holt concluded that partisanship and jealousy over senatorial prerogatives were the two biggest factors in the demise of treaties.<sup>19</sup> Holt's conclusions remain valid today. The requirement to secure the assent of two thirds of the senators present and voting means that a treaty must have bipartisan support. Otherwise, it will fail miserably.

Partisan appeals by the executive branch, therefore, are a clear sign of desperation and a poor omen for critical vote counts in the Senate. The classic case of faulty executive judgment in this regard is Woodrow Wilson's performance during and after the negotiation of the Treaty of Versailles. As William C. Widenor notes in his case study of the Versailles Treaty, Wilson badly compounded the errors of excluding Republican senators from his negotiating team and

not harkening to their advice in Washington. In an extraordinarily maladroit move, the president cabled members of the Foreign Relations Committee from Paris, inviting them to dine with him upon his return and imploring them to withhold judgment about the treaty until he was able to brief them. Then he chose Boston as his debarcation point—the home base of his principal antagonist, Senator Henry Cabot Lodge—to deliver a rousing speech for the treaty, before proceeding to the White House to entertain the questions of the chairman, Senator Lodge, and his fellow committee members.<sup>20</sup> This partisan move contributed to solidifying Republican opposition.

President Nixon had a better idea: returning from the Moscow summit, where the SALT I Interim Agreement and ABM Treaty were signed, he went immediately to Capitol Hill to deliver a speech to a joint session of Congress. President Carter employed the same tactic upon his return from the Vienna signing of SALT II. President Kennedy de-emphasized partisanship when he decided not to go to the signing ceremony for the LRTR in Moscow, inviting a bipartisan group of senators to attend instead.

The blessing of both the Senate majority and minority leaders is a requirement for sufficient bipartisan support. Wilson's dealings with Lodge were doubly myopic, given the latter's twin roles as majority leader and chairman of the committee handling Senate consideration of the peace treaty. By Lodge's count, Wilson approached at least fifteen Republican senators to try to enlist their support, but not once did he deign to bargain with their majority leader.<sup>21</sup>

It is especially critical for Democratic presidents to gain the support of the Republican leader in the Senate. Otherwise, they risk facing a coalition of moderates and irreconcilables such as defeated Wilson. John F. Kennedy succeeded where Jimmy Carter failed: by enlisting the support of the Senate minority leader, Everett Dirksen (R-Ill.), he ensured that the treaty would not become a partisan issue.

Jimmy Carter tried and succeeded in gaining the support of

Dirksen's son-in-law, minority leader Howard Baker (R-Tenn.), during the Senate's consideration of the Panama Canal treaties, but Baker chose not to lend his support during the bitter campaign over SALT II. Carter was unwilling to accord Baker—who was certain to be a presidential candidate in 1980—the role of broker during the ratification debate, and Baker cast his lot with those pursuing crippling amendments to the treaty.

The old adage that Democratic presidents should negotiate treaties and Republican presidents should oversee ratification campaigns is at least half correct: in the seventy-year period covered in these case studies, Republican presidents have found it easier to demonstrate their credentials as tough defenders of U.S. national security than have their Democratic counterparts. Just as important, they have had far more success in peeling off moderates from oppositionist ranks within the Republican party and limiting opposition to hard-core irreconcilables.

Without the bipartisan support of the Senate leadership a treaty can be delayed for long periods through parliamentary maneuvers, a favored tactic of opponents facing a popular agreement. With enough time, critics can hope to build an effective case against specific provisions, chipping away at popular support. Henry Cabot Lodge controlled the clock during consideration of the League of Nations, using two full months to review treaty provisions, including two complete weeks to have the treaty text read aloud. This was considered undue delay by supporters of the league, but it was hardly dilatory compared with the formal debate over the SALT II Treaty, which lasted six and one-half months. The longer treaty critics debated SALT II, the more they found international events working in their favor.

Timing has not been a problem with a conservative Republican in the White House and a Democratic majority in the Senate—a successful electoral combination for ratification purposes. Republican presidents have never faced Woodrow Wilson's and Jimmy Carter's predicament—the disaffection of

the opposition party leadership. With the thinning out of the ranks of pro-defense Democrats like Henry M. Jackson, most Democrats in the Senate have invariably voted for ratification and against crippling amendments. When this block of votes has combined forces with a vocal, anticommunist, pro-defense president, ratification has been assured. The overwhelming votes in support of the ABM and INF treaties attest to the power of this bipartisan combination.

The most lopsided vote for ratification of an arms control treaty occurred when there was a Republican in the White House and a Republican majority in the Senate. Despite lingering ill will toward the United Kingdom and nascent concerns over Japan, the Harding administration was able to secure, with just one dissenting vote, an agreement establishing ratios for these countries' naval combatants. Secretary of State Hughes's adeptness at securing the Senate's overwhelming consent to the Washington Naval treaties was nowhere more apparent than in his choice of a negotiating team, which included Henry Cabot Lodge as well as the Senate's minority leader, Oscar W. Underwood (D-Ala.).

A Republican in the White House working with a Republican majority in the Senate is still no guarantee for ratification, as the case of the Geneva Protocol attests. In 1926 the Coolidge administration failed to convince the Senate to consent to essentially the same agreement banning chemical warfare that it had approved four years earlier as part of the Washington Naval treaties. As Rodney J. McElroy notes in his case study, the *laissez-faire* attitudes of President Coolidge and Secretary of State Frank B. Kellogg, together with Senator William Borah's iconoclastic leadership of the Foreign Relations Committee, proved no match for the determined lobbying efforts of the Chemical Warfare Service and veterans groups. Borah's chairmanship was anything but a coalition-building enterprise; a standard joke in Washington was to express amazement that he consented to face the same

direction as his horse during frequent rides in Rock Creek Park.<sup>22</sup>

#### *Key Constituencies and Pivotal Senators*

Two constituencies have usually mattered most in arms control ratification debates: pro-defense but undecided senators and the most senior officers of the U.S. military establishment, the joint chiefs of staff. In the LTRR debate the key block of uncommitted but somewhat skeptical senators followed the lead of Henry Jackson and Everett Dirksen. When they signed on, Senate consent to ratification was ensured. During the elongated debate over SALT II, the Carter administration's hopes rested on the noncommittal shoulders of Sam Nunn (D-Ga.), having previously lost the critical support of Howard Baker and Henry M. Jackson.

The fate of treaties that succeeded or failed in the Senate by close margins has often turned on the concerted efforts of one key senator. For example, the outcome of the debate over the League of Nations was sealed not just by Woodrow Wilson's obtuseness but also by Henry Cabot Lodge's narrow nationalism. In 1898 William Jennings Bryan (D-Nebr.) played this pivotal role; without Bryan's support for the peace treaty with Spain, President William McKinley would not have achieved his razor-thin margin for ratification.

For arms control treaties the most pivotal senator has usually been either the Republican leader in the Senate or someone with standing, seniority (either in the Armed Services Committee or the Foreign Relations Committee), and an image as a staunch supporter of U.S. national security interests abroad. Only a few individuals have fit this profile in the case studies under review: Lodge, Dirksen, Jackson, Baker, and Nunn. If a senator fitting this profile chooses to oppose a treaty with all of the skills and devices at his disposal, the president faces a severe challenge.<sup>23</sup>

Pivotal senators generally can command the votes of their

colleagues who have not yet declared a position in the late stages of debate. In addition, criticism of an accord by outside experts can become far more damaging when a pivotal senator concurs. In the SALR II debate, for example, several private citizens, most notably Paul H. Nitze, effectively disparaged the accord, but their campaign against SALR was less decisive than that waged on Capitol Hill by Henry M. Jackson and his staff.

Without the leadership of a pivotal figure in the Senate, treaty opponents face a steep uphill battle—even if public figures with considerable stature weigh in against a treaty. This was clearly evident in the LTRB debate, in which Edward Teller testified against the agreement as “possibly a step towards war.”<sup>24</sup> His opinion usually carried considerable weight on Capitol Hill, but on this issue it was negated by the decisions of senators Jackson and Dirksen to support President Kennedy.

The positioning of pivotal senators and the bloc of undecided senators they sway has often been linked to the position of the JCS. When the joint chiefs have supported an arms control treaty, no matter how warily, it has become more difficult for a pivotal senator and most of his undeclared colleagues to oppose the accord effectively. The preferred alternative for the White House, the chiefs, and the pivotal senator has been a private, three-way accommodation to manage ratification with minimal risk. Thus, safeguards packages have often been negotiated in private and then presented to the full Senate in the final stages of the ratification process. Such tripartite negotiations were not possible in the case of SALR II, when Senator Jackson’s strident opposition could not be mollified by safeguards or muted by the joint chiefs’ mild endorsement. Private negotiations aimed at salvaging a two-thirds vote centered on Senator Nunn but were stillborn with the Soviet invasion of Afghanistan.

Since the creation of the JCS in 1947, no active-duty member of the chiefs has testified in outright opposition to a

signed arms control treaty. Undoubtedly, the chiefs have concluded that their qualms are more usefully expressed privately during the negotiations or in consultations with the White House and pivotal senators over appropriate safeguards. Concerns expressed privately by the chiefs have resulted in important modifications in U.S. negotiating positions, such as in the acceptance of a partial rather than a comprehensive nuclear test ban, and in numerous other changes of lesser consequence. Concerns expressed by the chiefs have also led to generous safeguards attached to the LTRB and SALR I accords.

The extent of past efforts to satisfy the concerns of the joint chiefs of staff speaks volumes about how crucial the White House has considered their support to be. President Gerald Ford was quite explicit in this regard, noting how he declined to conclude a SALR II Treaty because of the misgivings of Secretary of Defense Donald Rumsfeld and the chiefs: “I recognized that they held the trump card. The Senate would have to ratify the new accord. If Rumsfeld or the Joint Chiefs testified against it, there was no way that the Senate would ever go along with it.”<sup>25</sup>

Instances of outright opposition or the expression of serious reservations to an arms control treaty by senior military officers on active duty have been rare, such as the testimony of General Thomas S. Power, commander-in-chief of the Strategic Air Command, and General Bernard A. Schriever of the U.S. Air Force Systems Command during Senate consideration of the LTRB. In contrast, retired senior officers have often testified against arms control treaties, including such former JCS chairmen as General Nathan Twining (LTRB) and Admiral Thomas Moorer (SALR II). Their critiques have often been based on operational concerns heightened by tours of duty before retirement. For example, General Bernard W. Rogers’s testimony expressing deep misgivings about the INF Treaty dwelt on its implications for the strategy of flexible response espoused by NATO (the North Atlantic Treaty Alliance), a concern heightened by eight years of duty as

supreme allied commander for Europe.

Rogers's testimony gave new expression to a long and honorable tradition whereby senior officers, recently retired, declare adverse professional and personal judgments about treaties that would limit U.S. military options in the event of war. Rear Admiral H. A. Wiley, formerly commander-in-chief of the United States Fleet, strengthened the foundation for this tradition in 1930 when he strongly opposed a provision in the London Naval Treaty extending the ban on U.S. fortifications in the Pacific.

In all, the Senate Committee on Naval Affairs took 450 pages of (at best) lukewarm testimony from naval officers on the London Naval Treaty, but this testimony did not affect the outcome; just as the concerns of noted civilians require a pivotal figure in the Senate to have particular force, the misgivings of retired military leaders require the measured support of senior active-duty officers. Thus, when the acting commander-in-chief of the United States Fleet and a naval adviser to the U.S. delegation, William V. Pratt, pronounced the London Naval Treaty "most satisfactory," the qualms expressed by retired naval officers did not damage prospects for ratification.<sup>26</sup>

Senior military officials whose misgivings cannot be assuaged by modifications in U.S. negotiating positions or agreed safeguards are in a quandary: they can swallow their reservations and provide qualified support in public testimony, as General Curtis LeMay did during the LTRT hearings, publicly oppose their commander-in-chief, or retire from active service. One military adviser to the London Naval Treaty negotiations, Rear Admiral Hilary P. Jones, chose the second route. His testimony raised questions of propriety when he provided the Senate Committee on Naval Affairs with his internal memoranda to the U.S. delegation. Lieutenant General Edward Rowny played a similar role when he retired at the end of the SALR II negotiations and testified how his advice went unheeded and how the positions of the joint chiefs had eroded over time.

These breaches of confidentiality were minor compared with William C. Bullitt's performance during the Senate's debate over the League of Nations. This disgruntled former attaché to the American Commission provided Senator Lodge with sensitive memoranda of conversations between members of the U.S. delegation, as well as with early drafts of President Wilson's proposals for the league. The defections of negotiating team members, whether military or civilian, always wound the executive branch. They need not, however, be fatal, as long as pivotal senators and senior members of the U.S. military remain firm in their support of the treaty.

### *Electoral Politics*

The adage that it is unwise for a president to submit an arms control treaty to the Senate during the last year of his term is only half true: to date, late timing has bedeviled Democratic presidents far more than Republicans. Even if Woodrow Wilson could somehow have seen the wisdom to compromise after failing to capture sufficient votes for the league, he ran out of time to do so. Stymied by Henry Cabot Lodge and his own rigidity, Wilson tried to make the 1920 elections a referendum on the league and failed miserably. The electorate overwhelmingly preferred Warren G. Harding's blervations about a nebulous "association of nations" and the Republican party's vague platform supporting "agreement among nations to preserve the peace of the world."<sup>27</sup>

In 1980 President Jimmy Carter similarly found that the electorate was willing to see him leave office, despite the argument that the fate of the SALR process rested on his reelection. Indeed, two of Carter's crucial supporters on the Senate Foreign Relations Committee, Chairman Frank Church (D-Idaho) and ranking minority member Jacob Javits (R-N.Y.), also went down to defeat in the 1980 elections when candidates were swept into office on a wave of conservative sentiment. By 1979 Carter was a seriously

wounded president. As Dan Caldwell notes in his case study of the SALT II Treaty, the delays incurred during the negotiations proved exceedingly costly, both to the treaty and to the president.

With the exception of Gerald Ford, Republican presidents have been able to send arms control treaties successfully to the Senate floor in election years. Indeed, when presidents with reputations as staunch defenders of U.S. national security interests have turned swords into plowshares, the conservative wing of the Republican party has been effectively silenced, and electoral dividends have invariably followed. The political timing of Richard M. Nixon's SALT I signing ceremony in late May 1972 was impeccable politically, even though it meant negotiating against a self-imposed deadline, ill-staffed back-channel deals, and other imprudent steps. All was forgiven during an election year: the SALT I hearings were recessed for the political conventions, after which the senators were returned to Washington to approve the accords overwhelmingly.

As Janne E. Nolan notes in her case study, Ronald Reagan was similarly free to propose that the Senate consent to ratification of the INF Treaty in an election year. All of the Republican presidential candidates who opposed the treaty or equivocated their support for it during the primary campaign fell by the wayside; the lone supporter, George Bush, became the party's standard-bearer and cruised to victory in the November election. Only one Republican president apparently felt stymied from having concluded an arms control treaty at the time of an approaching election. In this case the unelected president, Gerald Ford, was subject to attack from the political Right for allegedly having fallen under the spell of Henry Kissinger and for signing the Helsinki Accords "ratifying" Soviet domination of Eastern Europe. This exception seems now to underscore the general rule that Republican presidents are free to conclude arms control treaties during an election year.

### Role of the President

Presidential standing on arms control issues derives from at least three critical elements. First, the president may enjoy standing owing to a perception that he is a staunch defender of U.S. national security interests (which has been especially true in the periodic confrontations with the Soviet Union and the People's Republic of China that characterized the Cold War). Second, standing can also derive from a perception that the president is knowledgeable about the issues being negotiated and from a reputation that he is a keen observer of international politics. Finally, standing can derive from a president's overall popularity, which can translate into greater clout on substantive issues. Each of these sources of presidential standing have helped immeasurably in facilitating the White House's ability to work effectively with the Senate during the treaty ratification process.

Occupants of the White House who have combined staunch national interest or anticommunist credentials with substantive knowledge of the arcane issues of nuclear diplomacy, such as Richard M. Nixon and John F. Kennedy, have been ideally positioned to secure the high ground in ratification debates with treaty opponents. Future presidents who lack both of these qualities will find themselves and their treaties inviting targets on Capitol Hill. On the other hand, presidents perceived as firm defenders of U.S. interests abroad and were popular at home have not needed to be well versed in negotiating history or international diplomacy to fare well in treaty ratification debates. In such circumstances presidents have maintained their standing as long as they were able to rely on trusted, experienced advisers.

For example, the consensus view of historians is that Warren G. Harding had little to do with U.S. negotiating strategy for the Washington Conference; as Thomas H. Buckley recounts, Harding's rare comments on the treaties during the Senate's deliberations suggested a lack of

appreciation of international and domestic political sensitivities. Yet the treaties were steered through the shoals of Senate debate by none other than Henry Cabot Lodge, whom Secretary of State Charles Evans Hughes had shrewdly chosen as a member of the negotiating team.

Likewise, Ronald Reagan's grasp of INF negotiating issues was often questioned, especially by experienced observers who worried publicly about the treaty's negative implications for NATO's strategy of flexible response and the future deployment of other nuclear weapons on the continent.<sup>28</sup> Reagan's off hand remarks about complicated diplomatic and negotiating matters were periodically a source of embarrassment for administration officials but rarely for the president or his legions of admirers. During the Senate's debate, the INF Treaty's ratification was a foregone conclusion, owing to the president's popularity and reputation as a staunch foe of communism.

Conversely, a deep knowledge of negotiating issues does not guarantee sufficient presidential standing in the Senate, particularly if the occupant in the White House is not personally popular or is perceived as weak in defending U.S. national interests abroad. No president was better versed in the details of negotiations than Jimmy Carter, but hampered by Soviet adventurism, he fared poorly in his dealings with the Senate. As Dan Caldwell notes, Carter's lack of personal popularity, his reputation as a vacillating figure in dealing with the Kremlin, and a weak congressional relations team handicapped the president's recruitment of undecided senators.

Jimmy Carter's experience suggests that a president lacking in popularity and national security credentials could well find his standing further weakened as a result of arms control treaties completed under his auspices. The contentious ratification of the Panama Canal treaties constituted a Pyrrhic victory, since they weakened the president's stature as a defender of U.S. interests abroad.<sup>29</sup> Conservative groups that mobilized during this debate successfully honed their tactics

for the SALT II controversy to follow, during which Carter's standing was eroded still further by political ferment in Iran. Woodrow Wilson's popularity and stature also suffered as a result of his role in the negotiation of the Treaty of Versailles. Wilson left for Europe as a peacemaker; he returned as a dealmaker who got caught up in Old World intrigues, alienating a number of domestic ethnic groups in the bargain.

In contrast, Richard M. Nixon's standing was enhanced by the SALT I accords: his popularity and electoral prospects improved, despite the fact that he was prosecuting an increasingly unpopular war while the Watergate storm front was appearing on the horizon. Similarly, John F. Kennedy's popularity was boosted as a result of the signing and ratification of the LTRR. Where presidential standing is concerned, conservatism on national security issues has, as it does in so many other aspects of politics of treaty ratification, multiple rewards.

#### *Consensus-Building*

Consensus-building begins in the executive branch, since divisions within the president's official family can open up avenues of attack from Capitol Hill and make coalition-building in the Senate more difficult. This was clearly the case in the Carter administration, where divisions within the executive branch, especially the corrosive differences between Secretary of State Cyrus Vance and National Security Adviser Zbigniew Brzezinski, contributed to the SALT II Treaty's demise.

Yet the Reagan administration was beset by more open and deeper divisions, beginning with the most basic question of whether to negotiate with the Soviet Union. Department of State and Pentagon officials conducted intense bureaucratic warfare over negotiating strategies, tactics, and the value of existing accords; secretaries of state Alexander Haig and George Shultz sparred openly with Secretary of Defense



Caspar Weinberger. Yet none of these awkward divisions harmed the ratification prospects of the INF Treaty.

Clearly, divisions within the executive branch are not always disabling. When the president has been personally popular and widely perceived to be protective of U.S. interests, and when the treaty that has been negotiated under his auspices has been generally viewed as worthwhile, embarrassing internal disputes have been no bar to successful results in the Senate. Presidents who have not been widely popular or who have been perceived as uncertain defenders of U.S. interests abroad have had far less leeway on Capitol Hill. For them, divisions within the ranks have had real costs: if a chief executive has been suspected of being "weak" in negotiating with adversaries of the United States, the appearance of poor discipline among cabinet officers and their subordinates has only strengthened this perception, further eroding presidential standing in the Senate.

Presidents have used a variety of strategies in seeking to mold consensus despite potential or actual divisions within the executive branch. Wilson and Nixon stifled debate within their official families and made key decisions in consultation with only one trusted adviser. In contrast, Carter and Reagan let discordant voices ring. During negotiation of the Washington and London naval treaties, presidents Harding and Hoover avoided discord within the executive branch by delegating extraordinary authority to their negotiating teams.

During negotiations over the Nuclear Non-Proliferation Treaty, President Lyndon B. Johnson built consensus by making sure that the concerns of the joint chiefs of staff were taken into account: the chiefs conducted no less than nineteen formal reviews of the evolving treaty text.<sup>30</sup> President John F. Kennedy adopted the opposite approach in negotiating a test ban treaty, consciously not asking the chiefs for their collective opinion on the wisdom of an atmospheric test ban before W. Averell Harriman's was dispatched to Moscow.<sup>31</sup>

Exclusionary tactics did not harm negotiation and ratification prospects for the agreements that emerged from

the Washington Conference. In this instance, Secretary of State Hughes stunned nearly everyone with his opening statement, which called for a ten-year naval holiday for capital ship construction and the scrapping of approximately seventy naval combatants. According to one chronicler of the Washington Conference, no foreign delegates were given advance notice of the speech, and fewer than a dozen men—including the president—knew of its content in any detail. No printed copies of Hughes's proposal were made until the day of the speech.<sup>32</sup> By using the element of surprise, Hughes astutely established the conference agenda and accomplished his objectives.

In stark contrast, Wilson's use of secrecy did not help his cause in the Senate, as Secretary of State Robert Lansing's lukewarm testimony (and his polite but damning published account of the peace negotiations) attests.<sup>33</sup> In the short run, Nixon's exclusion of his cabinet and frequent bypassing of his negotiating team succeeded: the ABM Treaty and the SALT I Interim Agreement were approved by overwhelming majorities. These tactics, however, activated powerful opposition currents to the SALT process while strengthening perceptions that Nixon's willing helper and agent, Henry Kissinger, was not suitable for subsequent cabinet-rank appointments.

In any event, secrecy of the kind employed by Wilson and Nixon is no longer an option. Interagency reviews have become ritualized, the media follow negotiating gambits closely, and even if secrecy can be maintained in Washington, leaks have now become commonplace in Moscow and other capitals. Attempts to bypass the secretary of state, as demonstrated by the awkward exclusion of Robert Lansing and William Rogers from arms control negotiations, seem a thing of the past: since the Ford administration presidents have relied primarily on secretaries of state to push arms control treaties to closure.

Other tactics once employed in pursuit of executive branch cohesion are also implausible today. It is inconceivable that

future heads of U.S. delegations will pride themselves on their near complete lack of oversight from Washington, as Charles Evans Hughes and Henry L. Stimson did while negotiating naval treaties on behalf of the United States. Furthermore, future presidents who choose to hold the joint chiefs at arm's length during arms control negotiations, as Kennedy did, will do so at great risk.

With exclusionary tactics no longer a reliable option, presidents appear stuck for the foreseeable future with an inherently untidy and potentially fractious interagency process. If the president chooses his closest advisers and key cabinet officials carefully, he will not be damaged by bureaucratic infighting when he tries to convince two thirds of the Senate to consent to ratification. Presidents whose national security credentials are suspect will do well to impose order among the ranks; popular presidents representing right-of-center constituencies can afford more chaos within the official family.

A consensus within the executive branch on an arms control agreement will not be very helpful if the country at large and the Senate, in particular, are deeply divided about the value of the accord. The president's responsibility for coalition-building begins in the executive branch but must quickly orient outward to include key senators. The decentralization of power on Capitol Hill has clearly made the president's job more difficult.

In the past the critical lines of communication and consensus-building between the president and the Senate were fairly simple: starting at 1600 Pennsylvania Avenue, they ran through the secretary of state to the offices of the majority and minority leaders on Capitol Hill and then to the chairman of the Senate Foreign Relations Committee. If a lack of consensus existed within this core group, as was the case between Woodrow Wilson and Henry Cabot Lodge on the league issue, ratification was in jeopardy. When this core group supported a treaty, even the opposition of important committee chairmen proved not to be disabling. For example, the Senate consented to the ratification of the 1930 London

Naval Treaty, despite the staunch opposition of the chairman of the Committee on Naval Affairs, Frederick Hale (R-Maine). Similarly, the LTR was ratified over the objections of the formidable Richard Russell (D-Ga.), chairman of the Armed Services Committee. As Benjamin S. Loeb notes in his case study, Russell's opposition was muted—easing the Kennedy administration's problems considerably.

In recent decades the critical lines of communication and consensus-building have become considerably more complex within the executive branch. Now consensus must be shaped with the president's national security adviser as well as with the secretary of state. Presidents also must now deal with the secretary of defense, his top aides, and the joint chiefs of staff instead of, as formerly, with the secretary of war and his top army and navy officers. In addition, the consensus should include various ambassadors serving as U.S. negotiators and the director of the U.S. Arms Control and Disarmament Agency.

Critical lines of communication and consensus-building have become even more convoluted in the legislative branch, particularly with the diffusion of power in the Senate and the decline in the stature of the Senate Foreign Relations Committee. Now, presidents in search of consensus must assiduously seek the support of the committee chairmen and ranking minority members of three key committees—Armed Services, Intelligence, and Foreign Relations—as well as the Senate leadership. Few presidents will enjoy the support of every one of these key senators. For example, in the voting on the INF Treaty, even Ronald Reagan lost the support of the ranking minority member of the Senate Foreign Relations Committee, Jesse Helms (R-N.C.), an irreconcilable opponent of arms limitation accords with the Soviet Union. Presidents, however, cannot afford many defections from the ranks of this expanded core group of senators, and none from the inner circle of Senate leaders and pivotal senators, whose opposition can cause widespread disruption in a president's consensus-building efforts.

### *Presidential Roles*

Presidents have vastly increased their chances of securing the Senate's consent to ratification depending on the way they have gone about breaking negotiating deadlocks at home and abroad, by working with the Senate before and during the ratification debate, and by setting the terms of public debate during the Senate's deliberations. The execution of all these roles has been difficult when presidents have become too directly involved in the negotiations, as the case of Woodrow Wilson attests. Wilson decided to lead the U.S. delegation, he alone briefed members of the Senate Foreign Relations Committee upon his return from Paris, and he personally undertook a whistle-stop campaign to sway public attitudes toward the league. Indeed, Wilson was so personally invested in the league debate that when he was most in need of judicious staff support and fallback positions, he had none. At the other extreme, Calvin Coolidge's aloofness contributed heavily to the Senate's failure to consent to ratification of the Geneva Protocol in 1926. As Rodney J. McElroy shows in his case study, Coolidge allowed an agreement very similar to the one approved overwhelmingly in the Senate during the Harding administration to be bottled up in the Foreign Relations Committee for one year, and then made little discernible effort to rescue it from a surprisingly persuasive campaign waged by the U.S. chemical industry, veterans groups, and the army's Chemical Warfare Service.<sup>34</sup> Modern-day presidents seeking to secure the Senate's consent to ratification must operate between these two extreme cases.

A central responsibility of the president is to break deadlocks over critical issues when his official family cannot reach consensus or when negotiations are at an impasse. These decisions have invariably been made in the face of considerable political pressure from both ends of the political spectrum. When presidents have chosen to assuage domestic concerns raised by conservative circles, they have often facilitated agreements in the short run but generated

problems in the longer term. A classic example is the decision made by President Kennedy late in the nuclear test ban negotiations to shift the objective from a comprehensive to a partial ban. This choice to forgo a comprehensive test ban was later regretted by Kennedy and rued by arms control supporters. Nevertheless, it was based on hard political realities at the time of decision. As Benjamin S. Loeb shows in his case study, concerns that a comprehensive test ban could not be verified and the strong misgivings of the joint chiefs reaffirmed head counts that there were not enough votes in the Senate for a complete ban on testing. In the short run Kennedy secured an important agreement, but one of the safeguards he approved in order to ease concerns of conservative critics, an aggressive program of underground tests, worked against his goal of an early comprehensive test ban.

A comparable presidential decision was President Nixon's choice during the SALT I negotiations to allow MRVs to proceed without constraints. In this case Nixon and Kissinger harkened to the warnings of the joint chiefs as well as to powerful and conservative senators on Capitol Hill who were "passionately in favor" of MRVs.<sup>35</sup> As Kissinger noted in his memoirs, at the time the Soviet Union's strategic arsenal was growing at a rate of 200-300 missiles per year while U.S. deployments were relatively static, awaiting completion of the MRV testing program. Deployment of MRVs was to be the means of multiplying the size of U.S. forces and countering the Kremlin's massive building program. Nixon and Kissinger decided not to pursue meaningful limits on MRVs strenuously, a fateful judgment that, in William G. Hyland's estimation, was the "key decision in the entire history of SALT, given the difficulties that ensued trying to brake the buildups of U.S. and Soviet strategic forces."<sup>36</sup> Kissinger offered a more dramatic appraisal: "There can be no doubt that the age of MRVs has doomed the SALT approach."<sup>37</sup>

When presidents have chosen to assuage domestic concerns expressed by liberal circles, the resulting agreements, at a

minimum, have faced tougher scrutiny on Capitol Hill. In extreme cases such agreements may fail to receive the support of two thirds of the Senate, as was the fate of the Geneva Protocol for almost fifty years. When this accord was first debated in the Senate in 1926, liberal sentiment strongly favored a flat prohibition against the use of chemical weapons, but the argument for military preparedness offered by the Chemical Warfare Service, the American Legion, and the Veterans of Foreign Wars carried the day. The decision by President Carter to cancel the B-1 bomber in the midst of the SALT II negotiations raised a similar outcry from the Right. As Cyrus Vance later recalled, this decision may have been right on the merits, but it constituted "a milestone around the administration's neck" during the ratification debate.<sup>38</sup>

There are no free rides when breaking deadlocks during critical points in the negotiating process: when presidents have chosen sides on critical issues, they have alienated important constituencies. True wisdom in the art of breaking deadlocks involves not only planning for the support of two thirds of the Senate but also making decisions that facilitate short-term agreements without badly mortgaging the future. Presidents who are masters of their craft combine these tactical and strategic skills.

Arms control agreements, like other public policy decisions, have always come with at least small mortgages. Such payments may be reflected in commitments to build new weapons or to refrain from doing so, either of which could be costly to the security of the nation. The Washington and London naval treaties avoided large public outlays for capital ship construction but required pledges not to fortify U.S. possessions in the Pacific; the ABM Treaty mandated comparable restraint in building defenses against ballistic missile attack; the INF Treaty effectively foreclosed the deployment of nuclear-armed missiles in Europe; the LTBR legitimated hundreds of underground nuclear tests; and so on. To best serve U.S. national security interests and advance the

process of arms reductions, presidents must not only have the political skills to break deadlocks in ways that secure a strong domestic consensus but also have the foresight to reject mortgage payments that defeat the objectives and purposes of the agreements they sign.

A second critical role of the president in the arms control treaty ratification process is establishing the themes and the overall strategy that will ensure popular support and a favorable vote in the Senate when an agreement is reached. Presidents who neglect this responsibility invite opposing senators to fill the vacuum.

The Wilson and Harding administrations, for example, relayed messages about international negotiations directly to the public via speeches or through the newspapers. The Hoover administration had the opportunity to employ a new tool of mass communications—the radio—with the U.S. delegation to the London Naval Treaty conference broadcasting negotiating updates back to the United States, courtesy of the Columbia Broadcasting Company. By the time of the test ban negotiations, television was the ubiquitous medium for transmitting presidential messages, as well as opposing views, about arms control. Presidents would be wise not to wait until the ratification debate is at hand to make public addresses that build consensus and stress central themes. Given the executive branch's other preoccupations, however, the prospect of a treaty-signing ceremony has usually been needed to focus its members on the desirability of framing the terms of debate.

As Janne E. Nolan recounts in her case study, the INF negotiations began as an exercise in cynicism; they ended as an object lesson in the effective use of the media to set the terms of debate for treaty negotiation and ratification. The Reagan White House publicized clear and compelling objectives at the outset of the negotiations and then was able to make their achievement the centerpiece of its ratification campaign. It was far easier to rally congressional and public support behind the goal of deep reductions than the vague

notions of greater stability and predictability that were central to the Carter administration's case for SALT II.

President Carter and his advisers generally chose to refrain from making exaggerated claims for the SALT II Treaty in their public speeches and congressional testimony.<sup>39</sup> In light of the treaty's "modest but useful" accomplishments, administration officials would have had difficulty adopting a hard sell. President Kennedy chose to build the case for the LTRR as a hopeful first step. The administration's lead witness, Secretary of State Dean Rusk, rejected a defense of the treaty in grandiose themes and stressed the more modest accomplishments of slowing the spiral of the nuclear arms race, containing the spread of these weapons, and reducing fallout.<sup>40</sup> Secretary of State Henry L. Stimson adopted a similarly low-key approach in his defense of the 1930 London Naval Treaty.<sup>41</sup>

In contrast, President Nixon chose to make strong claims for the SALT I accords, which he characterized as central symbols of how the U.S.-Soviet relationship had changed from confrontation to negotiation. The president and Henry Kissinger equated the accords with the promotion of nothing less than world peace.<sup>42</sup> In Senate testimony Secretary of State William Rogers hailed the agreements as breaking the "action-reaction" phenomenon that fueled the nuclear arms race.<sup>43</sup> The Harding administration adopted similar rhetorical tactics in rallying Senate support for the Five-Power Naval treaty, with Secretary of State Hughes declaring that the accord "ends, absolutely ends, the race in competition in naval armament."<sup>44</sup>

The Harding administration did not have to make grandiose claims for the Washington treaties, which provided tangible benefits at a time of relative peace and tranquility in international affairs. In contrast, administrations that have offered modest characterizations of treaties when international conditions appeared threatening have run the risk of being defeated by opponents who have had little to lose by overstating their case. Treaty advocates who take their

cues from the president can exaggerate an agreement's accomplishments, the negative consequences of failing to ratify it, or both. In the case of the Carter administration, low-key approaches were adopted on both fronts. Meanwhile, Jimmy Carter steadily lost ground to vocal opponents of SALT II throughout the ratification debate.

Presidents who have chosen to make strong claims for arms control agreements have positioned themselves so as to place their opponents on the defensive and to capture the high ground in congressional and public debates. This approach has lacked credibility, however, when the agreement's benefits have been undeniably modest and when executive branch warnings about the terrible consequences of a failure to ratify have lacked plausibility. Serious downside risks have been associated with overstating an agreement's worth—in particular, public disenchantment with the arms control process—when, inevitably, the promised benefits (such as peace dividends) have not been achieved. Still, future presidents will be drawn to overselling, in part because of the perceived needs of the moment, in part because the backlash from unfulfilled expectations invariably falls on succeeding administrations.

Presidents who have been able to negotiate arms control treaties of compelling worth have clearly been in the best position to convince the Senate and the public of their value. As Alan Platt notes in his case study of the ABM Treaty, given the considerable cost of, technical difficulties with, and public opposition to ballistic missile defenses, a treaty that permitted the United States to catch up to the Soviet Union and deploy equal but low numbers of defensive deployments appeared to be a treaty well worth having. Similarly, when President Reagan was able to offer the complete abolition of entire classes of nuclear-tipped missiles in the INF Treaty, most senators found counterarguments about damage to nuclear weapons employment policies and doctrine to be unpersuasive.

Just as substantive achievement has been a strong argument

for ratification, minimal achievement has occasionally led to great difficulties in the Senate. The Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, negotiated by presidents Nixon and Ford, respectively, remained on the Senate's calendar for more than a decade before garnering the Senate's consent to ratification. While there were a number of reasons for this delay, including concerns over verification, a primary cause for the treaties' lengthy deferral was the lack of compelling reasons for entry into force.

Arms control treaties with compelling rationales have allowed presidents to reinforce their standing or to gain new standing during the treaty ratification process. They have provided presidents with the option of not having to make exaggerated claims that would have fostered subsequent public disaffection. As the Coolidge administrator's mishandling of Senate consideration of the Geneva Protocol suggests, however, substance has not been a substitute for process. Presidential skills in working effectively with the Senate to secure ratification have been essential. The negotiation of substantive treaties has made the president's task simpler while increasing the margin for error in dealing with the legislative branch.

The third critical role of the president in the arms control treaty ratification process, smoothing relations with the legislative branch, is considered below.

### Executive-Congressional Relations

President Richard M. Nixon and his principal adviser, Henry Kissinger, kept senators at arm's length during the entire SALR I negotiations. Repeated efforts by members of the Senate Foreign Relations Committee and its Arms Control Subcommittee to receive briefings from the administration were rebuffed.<sup>45</sup> It was not until after the SALR I accords

were signed that members of Congress were invited to the Old Executive Office Building to be briefed about agreements negotiated without their input. Nevertheless, this strategy met with a remarkable degree of success: senators, administration officials, and even U.S. negotiating team members groused about their exclusion, but in the end they acquiesced in supporting the accords.

Similar tactics backfired when Woodrow Wilson employed them fifty years earlier in negotiating the Treaty of Versailles. As William C. Widenor notes in his case study, while in Paris Wilson largely ignored the Senate, his cabinet, and all but one of his negotiating team, Colonel Edward House. He made one attempt to elicit from Senator Lodge suggestions for changes in the draft League Covenant, an approach that Lodge rebuffed. While making concession after concession to other delegations in Paris, Wilson yielded only once to the entreaties from Americans back home, responding affirmatively to the cablegram advice of former President William Howard Taft that several changes be made in the League Covenant, including the insertion of language formally recognizing the Monroe Doctrine. When Wilson finally left France, he was determined not to compromise further.<sup>46</sup>

President Nixon dealt with the pressure building in the Senate as a result of his negotiating decisions and exclusionary tactics by bargaining with Henry M. Jackson during the ratification process and supporting an amendment requiring that future treaties not limit the United States to levels of intercontinental strategic forces inferior to those of the Soviet Union. President Wilson dealt with the pressure building in the Senate by standing fast and by taking his case to the voters. In so doing, Wilson helped defeat that which he worked so hard to achieve while breaking himself in the process.

Wilson's tactics provide an object lesson in how not to deal with the Senate's penchant for adding reservations and understandings to treaty texts. In the dispute over the League Wilson argued that reservations were unnecessary because

their meaning was inherent in the treaty text and that other states might add their own reservations in response to the Senate's action. The weakness of Wilson's argument suggests that there were deeper reasons behind his obstinacy: after all, if the Senate's reservations merely reaffirmed existing obligations, there was no need to oppose the initiatives and no reason for other states to react negatively to them.

Successful presidents have had the political sensitivity and strategic sense to know when to stand fast and when to compromise in order to convince sixty-seven senators to consent to treaty ratification. Successful senators wishing to add reservations or amendments to treaty texts have known the value of indirect approaches that appeal to high-minded ideals, national traditions, and Senate prerogatives. The task of treaty opponents has been aided by a change in the Senate's standing rules in 1868 allowing all "motions and questions" regarding treaties to pass with a simple majority instead of a two-thirds majority vote.

Most reservations, understandings, and conditions passed by the Senate have not directly undercut the executive branch's position or required a major course correction in future negotiations. Reservations of this kind have usually been the product of quiet negotiations between key senators and White House officials and have served as the mortar by which overwhelming votes for ratification have been built. For example, during debate over the Washington Naval treaties, the Harding administration calmed public fears by accepting a reservation offered by Senator Frank Brandegee (R-Conn.), which stated that the United States was accepting no commitments to use armed force abroad or to join alliances—critically contentious issues during the League of Nations debate three years earlier. Likewise, the Hoover administration dealt with criticism over its failure to provide the Senate with a complete negotiating record of the London Naval Treaty by consenting to a reservation that no documents or side agreements existed that modified treaty provisions.

The differences between Woodrow Wilson and Henry Cabot Lodge over the League of Nations were too deep to be bridged in this way. Lodge's tactics provide a textbook case of how to add reservations against the will of the chief executive. He advised the irreconcilable wing of his party that he did "not think it would be wise for us at this stage to make it a party issue, not to confront it with a blank negative."<sup>47</sup> Instead, he crafted reservations that were designed to appeal to the broadest coalition possible.

With regard to the momentous controversy over Article 10 of the League Covenant, Lodge's reservation required congressional assent before U.S. military forces could be used in support of the league's obligation to "preserve as against external aggression the territorial integrity and existing political independence" of member states. For good measure, Lodge added reservations providing for the unconditional right of withdrawal from the league, the right to declare certain questions within the sole jurisdiction of the United States, and the right to decline arbitration over any question relating to the Monroe Doctrine. By defining the issue in terms of U.S. constitutional law and national tradition, Lodge denied Wilson exclusive possession of the moral high ground in the league debate.

The passage of the Jackson amendment in the debate over SAULT I constituted another masterful senatorial performance. Jackson was deeply troubled by Nixon and Kissinger's methods of diplomacy and by the accords they reached but he was faced with the clear prospect of the Senate's consent. He quickly succeeded in capturing the high ground of political debate by asking his colleagues the seemingly irrefutable question "What is wrong with parity?"<sup>48</sup> Despite the implicit criticism in the Jackson amendment, Nixon and Kissinger wisely chose not to oppose this pivotal senator's efforts, choosing instead to haggle in private over the language of the amendment to be introduced. From Jackson's perspective, passage of a simple amendment demanding equality made the best out of a bad bargain while positioning its author to

become the arbiter of subsequent agreements.

As Janne E. Nolan notes in her case study, Senator Robert Byrd (D-W.Va.) and his allies were similarly astute in demanding, as the price of the Senate's consent to the INF Treaty, the implicit repudiation of the Reagan administration's previous unilateral reinterpretation of the ABM Treaty. Seeking to loosen the ABM Treaty's strict constraints against testing, some administration officials had concocted—and the president had approved—a “broad” interpretation of the treaty's terms, which was at considerable variance with the testimony of Nixon administration officials during the Senate's treaty ratification hearings.

With a date already set for a summit signing ceremony in Moscow, Byrd engineered a vote stipulating that the Senate's advice and consent was based on the executive branch's prior testimony and that any reinterpretation of the INF Treaty would require the Senate's consent. Even senators supportive of the Strategic Defense Initiative (the program geared toward deployment of space-based defenses, which ultimately would necessitate violations of the ABM Treaty) found it difficult to oppose an appeal based on common sense, constitutional law, and the Senate's prerogatives. Despite the implicit rejection of its position on the ABM Treaty, the Reagan administration opted for a treaty-signing ceremony in Moscow and accepted Senator Byrd's proposal.

### *Senate Consultation*

By properly informing and consulting the Senate about the status of negotiations, the executive branch can reduce the prospect of embarrassing reservations or crippling amendments passing during a treaty ratification debate. Not all senators can be involved in the takeoff, and some will choose not to be in on the landing. Yet presidents who wish to make the latter as smooth as possible have little choice but to involve key senators early in the negotiating process. In any

event, wholesale exclusion of the Senate of the kind practiced by presidents Nixon and Wilson is no longer a viable option.

As William C. Widenor notes in his case study, Wilson's exclusionary tactics were evident in his choice of a negotiating team. Wilson elected to bring a team of only four commissioners to Paris, only one of whom, Henry White, was a Republican. Moreover, White's background was in diplomacy, not politics. Wilson did not invite any senators to serve on the U.S. delegation, and before the negotiations began, an effort led by Albert Cummins (R-Iowa) to have eight senators go to Paris to acquaint themselves with the negotiations was shelved on procedural grounds.<sup>49</sup> Republican stalwarts like former President William Howard Taft were also left on the sidelines.

The Harding administration chose a far different approach for the Washington Conference, with Secretary of State Hughes enlisting the direct participation of Henry Cabot Lodge and the minority leader of the Senate, Oscar W. Underwood, who was also a member of the Foreign Relations Committee. As Thomas H. Buckley notes, by choosing senators of this stature to serve with him, Hughes ensured bipartisan support and completely undercut the Senate's irreconcilables. Moreover, including both the majority and minority leaders excused Harding and Hughes from inviting the prime instigator of the talks, Senator William Borah, who was seen as being “too independent, impulsive, and unpredictable.”<sup>50</sup>

Similarly, the Hoover administration promoted consensus by enlisting the participation of two senators on the Foreign Relations Committee, Joseph Robinson (D-Ark.) and David Reed (R-Pa.), to serve on the U.S. delegation to the London Naval Treaty negotiations. Robinson was the senate minority leader; Reed was the chairman of the Senate Committee on Military Affairs. Hoover and Secretary of State Stimson were constrained in their choices, since Borah had by then become chairman of the Foreign Relations Committee and since the committee's ranking majority and minority members, in



addition to the chairman of the Naval Affairs Committee, were opposed to the prospective treaty. Robinson and Reed proved to be instrumental in building a consensus in the Senate supportive of the agreement reached in London.

Sitting members of Congress have not served as delegates to international security negotiations since the San Francisco Conference at which the United Nations Charter was negotiated. The prolonged and increasingly complex nature of arms control talks and the greater demands of congressional incumbency preclude senators from becoming directly involved in this way. Instead, consensus-building and executive branch consultations with senators have been grounded in formal briefings, private chats, and occasional visits by congressional delegations to the negotiations.

Presidents who have worked assiduously and deftly at encouraging the support of senators during the negotiations have been better positioned to reap rewards during ratification debates. President Carter was often criticized for his habit of detailed management, but this trait was also shared by President Kennedy in his pursuit of sixty-seven votes for the LTBR. As Benjamin S. Loeb notes in his case study, Kennedy's attention to detail was extraordinary, including daily reviews of detailed negotiating accounts and numerous White House meetings and telephone calls to enlist the support of senators.<sup>51</sup> Judging from Kennedy's performance, micro-management in the pursuit of a consensus in the Senate need not be counterproductive. Indeed, it can be quite helpful as long as the president has sure political instincts and astute knowledge of the senators to be courted.

In 1985 a formal mechanism to promote Senate involvement was arranged between Senator Byrd and the Reagan White House, building on prior arrangements established in 1977 but which later fell into disuse. Arms control observer groups were formed in both houses of Congress to receive briefings and visit delegations on a regular basis. The observer group in the Senate, which included leading figures from the Foreign Relations, Armed Services, and Intelligence committees,

began to assume a collective identity as a result of its many briefings and trips. These observers can serve as a sounding board for negotiating initiatives and as an early warning system to sensitize the executive branch about the degree of importance senators are likely to attach to particular issues. Senate observers may also serve to reaffirm and thereby strengthen executive branch positions during their frequent meetings with Soviet delegations.

When senators have not considered themselves meaningfully consulted by the executive branch, or when consultations have not led to negotiating initiatives preferred by senators, the legislative branch has had a wide variety of responses. One important instrument of suasion has been the congressional resolution. During the SALT I negotiations, sense of the Senate resolutions were passed expressing that body's interest in constraining MRVs and suspending offensive and defensive strategic deployments. A resolution offered by Senator Borah for 50 percent cuts in naval building programs was instrumental in convincing the incoming Harding administration to embrace the cause of disarmament, and the nuclear freeze resolutions introduced in both houses of Congress helped persuade the Reagan administration to restart negotiations on nuclear weapons.

When such resolutions have failed to produce their desired effects, Congress has employed the power of the purse to influence the executive branch's negotiating objectives. The Senate has been reluctant to stop weapons systems that the executive branch has claimed are necessary for negotiating leverage, if not U.S. security. Yet the more the White House has rejected congressional sentiment on preferred negotiating outcomes, the more it has invited an assertive response on defense authorization and appropriation bills.

The Nixon administration experienced this action-reaction phenomenon when its funding requests for a twelve-site continental missile defense system barely survived in the Senate. As a result, Nixon and Kissinger had little choice but to negotiate tight constraints on ballistic missile defenses in

the ABM Treaty. Similarly, when Reagan administration officials attempted to replace the ABM Treaty with space-based defenses, congressional majorities refused to permit funding for the necessary testing. During the better part of the Reagan administration, the fervor of some top officials to dispense with existing arms control agreements was matched by congressional initiatives to cut the Pentagon's strategic modernization programs.

There are many ways for senators to convey messages to an inattentive White House. When Woodrow Wilson returned from a break in the Paris negotiations to defend his handiwork and proclaim his "fighting blood" in Henry Cabot Lodge's hometown, the Senate majority leader countered with a round-robin letter, signed by thirty-nine Senate Republicans, highlighting concerns about the draft League Covenant. Henry M. Jackson adopted a more indirect approach in his struggle against SALR II, using the hearings on Paul C. Warnke's nomination to be President Carter's chief SALR II negotiator as a platform to air concerns over the new administrator's lack of toughness in dealing with the Kremlin. Although Warnke was confirmed, Jackson's allies persuaded more than one third of the Senate to vote against him, a clear signal of trouble to come on any treaty votes. Warnke resigned before the conclusion of the SALR II negotiations, in part to remove himself as a divisive issue in the Senate's debate, but by this time Jackson's bill of particulars against the treaty had grown considerably.<sup>52</sup>

Given all of the devices disgruntled senators and distinguished experts can use against a treaty, presidents have been well advised to consult early and often with the majority and minority leaders and with pivotal senators and key public figures. Ratification debates are replete with examples of how such individuals have effectively opposed agreements in which they had no personal stake but convincingly supported treaties to which they had contributed in some way. The Reagan administration alone provides several examples of this phenomenon. Senator John Tower and Ambassador Richard

Burt had been deep skeptics of arms control during the Carter administration but became effective negotiators of the START (Strategic Arms Reduction Talks) agreement; Paul H. Nitze and Lieutenant General Edward Rowny, ardent critics of SALR II, were given negotiating portfolios in the Reagan administration and became supporters of the INF Treaty, despite the clear damage that would ensue, some critics argued, to U.S. nuclear strategy and doctrine. Of course, the reverse is also true, as typified by Henry Kissinger, who has expressed great unease about every nuclear arms control treaty negotiated since he left office.

A classic case of this variation on the time-honored maxim "Where you stand depends on where you sit" is that of Henry Cabot Lodge. This ardent nationalist and ally of then-Vice President Theodore Roosevelt was a staunch supporter of the 1898 peace treaty with Spain that ceded the Philippine Islands to the United States. In a letter to Roosevelt about the bruising treaty debate Lodge wrote: "I cannot think calmly of the rejection of that Treaty by a little more than one-third of the Senate. It would be a repudiation of the President and humiliation of the whole country in the eyes of the world, and would show we are unfit as a nation to enter into great questions of foreign policy."<sup>53</sup>

Little more than twenty years later, driven by a personal hatred of Wilson and the same nationalist tendencies that led him to support the annexation of the Philippines, Lodge conspired to shelve the League Covenant, counting on Wilson's inflexibility to secure this result. In so doing, he helped engineer the very type of damage he had feared during the debate over the peace treaty with Spain. Then, having been chosen as a U.S. delegate to the Washington Conference, Lodge again became a powerful force for ratification in the Senate, arguing against efforts by irreconcilables to resurrect some of the same reservations employed so successfully against the League Covenant. In one heated exchange on the Senate floor irreconcilable James Reed (D-Mo.) argued that it was foolish for Lodge to oppose

language he once championed. Lodge replied: "It may strike the Senator as foolish. He did not make [the treaty]."<sup>54</sup>

### *Coalition-Building and Safeguards*

Historically, irreconcilable opposition in the Senate to arms control agreements has been insufficient to block entry into force: men such as Jesse Helms and William E. Borah are oppositionists by nature, not politicians capable of building a coalition of thirty-four senators. At the same time, ardent treaty supporters have usually been too few to secure the Senate's consent. The battle between presidents and irreconcilables has usually been waged over an uncommitted block of pro-defense or nationalist-minded senators, leery of both limitations on U.S. forces and foreign entanglements. A treaty's fate has been determined by whether the president or the principled opposition has been able to build a coalition with this crucial block of uncommitted senators.

In the contest over the League of Nations it was Henry Cabot Lodge rather than Woodrow Wilson who forged this crucial alliance; and in the bitter debate over SALT II Jimmy Carter was close to failure before the Soviet invasion of Afghanistan made the possibility of coalition-building moot. In both instances irreconcilable treaty opponents were led by a senator of sufficient standing, seniority, and substance to be able to compete successfully with the White House for uncommitted votes. Without the leadership of such a pivotal senator irreconcilables have little hope of blocking a president's wishes.

Very few senators have been in a position to make or break arms control treaties. Listing the handful that were in a position to play this role in the case studies reviewed in this volume—Lodge, Dirksen, Russell, Jackson, Howard Baker, and Sam Nunn—suggests the importance for the White House of building bridges early in the negotiating process with the Senate leader of the opposing party and with a pivotal senator

(if one exists) on the Armed Services Committee or the Foreign Relations Committee.

Coalition-building between presidents and pivotal senators has rarely been consummated during the course of negotiations; typically, this has been a period in which presidents have tried to address at least some of the concerns expressed by key senators while the latter maintained lines of communication with both the executive branch and irreconcilable treaty opponents. It was the advent of ratification hearings that first presented opportunities for presidents and pivotal senators to expound central themes and to explore private deals to bridge their public differences.

Indeed, the way in which hearings have been organized has reflected the struggle between the White House and key senators over the public airing of competing themes. The first time that the Senate committee hearings and floor debates were made open for public consumption was during the debate over the League of Nations, courtesy of Senator Lodge. For the 1930 London Naval Treaty the Senate Foreign Relations and Naval Affairs committees held concurrent hearings, with divergent appraisals of the accord. During the LTR ratification debate, the Foreign Relations Committee invited members of the Armed Services Committee and the Joint Committee on Atomic Energy to attend its hearings, but the Armed Services Committee also conducted separate reviews of the treaty's military implications, a practice that has since become standard. Since the SALT II Treaty another set of hearings has been conducted by the Senate's Select Committee on Intelligence.

Successful efforts at coalition-building between the White House and key senators have usually been unveiled formally on the Senate floor, after committee hearings have provided testimony concerning the military risks associated with the agreement in question. Here, for example, at the eleventh hour, Everett Dirksen and Henry M. Jackson pledged their support for the LTR, and after passage of his amendment, Jackson decided to support the SALT I Interim Agreement.

The crucial mechanism for coalition-building in these and other instances has been safeguards, which have been designed to minimize the risks presumed to be associated with treaty commitments, especially with agreed constraints on U.S. military programs, and the potential of noncompliance by other signatories. In the debate over the League, Wilson refused to negotiate a package of assurances with Lodge, so the latter introduced them in the form of reservations. During the final stages of the LTBR debate, Kennedy agreed to four safeguards brokered by Senator Jackson on behalf of the Joint Chiefs: funds for an aggressive underground test program, maintenance of modern nuclear weapons laboratories and programs, preparations for resumed atmospheric tests in the event of Soviet noncompliance, and improved intelligence collection efforts.<sup>55</sup>

The SALT I accords were accompanied by an extremely large safeguards package, starting with the Nixon administration's decision to refrain from limiting MRV's in the Interim Agreement in order to counter Soviet strategic modernization programs and mollify conservative critics concerned about trends in the strategic balance. In addition, the joint chiefs, Pentagon civilians, and pro-defense senators secured three broad assurances from the executive and legislative branches: improved intelligence collection efforts to provide high confidence in monitoring Soviet compliance, "aggressive improvements and modernization programs," including planning for rapid force augmentation, if needed, and vigorous research and development programs.<sup>56</sup> In specific terms, Secretary of Defense Melvin Laird tallied the price for the SALT I accords as funding for the Trident submarine program, the B-1 bomber, strategic defenses permitted by the ABM Treaty, and sea-launched cruise missiles.<sup>57</sup>

Planned safeguards for the SALT II Treaty were far more modest. The prospect of a difficult Senate debate undoubtedly contributed to the Carter administration's decisions to press ahead with a large variant of the MX missile and a mobile basing scheme for it, programs that elicited statements of

concern from Soviet negotiators. Nor could President Carter's commitments toward a futuristic bomber, several new cruise missile variants, and long-range theater nuclear forces be considered in isolation from the need to shore up Senate support for the beleaguered treaty. Jimmy Carter, however, had previously decided to kill the B-1, cut defense spending, and forgo deployments of enhanced radiation weapons—decisions that provided essential ammunition to opponents of SALT II. A formal safeguards agreement accompanying the treaty was never consummated, since Soviet misbehavior obviated the effort.

In stark contrast with the safeguards packages negotiated among White House staff, Pentagon officials, and pivotal senators from the LTBR to the SALT II treaties, Senate consent to the INF Treaty was accompanied by no such assurances. The absence of formal commitments was clearly related to the unwillingness of America's European allies to accept deployments of new nuclear weapons systems—the traditional means of offsetting negotiated reductions or limitations. This episode constitutes a reminder that safeguards have not always been required for treaty ratification, particularly during periods of fiscal austerity and improved international relations. The executive branch did not ask for, and the Senate did not demand, safeguards for the Washington and London naval treaties.

Clearly, one of the most important tests of leadership and political skill facing a president is the negotiation of safeguards with pivotal senators and key Pentagon officials. Failure to negotiate a safeguards package can result in solidifying Senate opposition to a treaty; an overly generous safeguards package can cement a two-thirds majority vote but make future agreements more difficult to negotiate and less meaningful. Wilson erred on one side during the league debate: by electing not to set aside personal enmities and build bridges with Lodge, Wilson allowed his nemesis to form a coalition between mild reservationists and irreconcilables. Nixon and Kissinger committed the opposite error in the

SALT I Interim Agreement, undermining the strategic arms reduction process by safeguarding deployments of MIRVs and nuclear-armed cruise missiles.

Wilson and Nixon invited these negative consequences during ratification debates because they kept the Senate at arm's length during the preceding negotiations. Yet presidents who avoid repeating this error may still face difficult choices regarding safeguards, since consultations alone cannot guarantee the support of the joint chiefs and two thirds of the senators present and voting. At the eleventh hour the essence of clarity is knowing what proposed safeguards are necessary to carry the chiefs and a sufficient number of undecided senators and what proposed safeguards badly undermine the objectives and purposes of the treaty in question. Presidents must then make proper, balanced judgments about which safeguards to bless and which to oppose during the treaty ratification process.

These may be the most difficult choices a president makes. After all, an arms control treaty constitutes a way station on the course toward a preferred end state; it should not only stand on its own merits but also facilitate subsequent steps required to fulfill its promise. The negotiating trade-offs inevitably reflected in hard bargaining with senators may be justified if the basis has thereby been laid for better agreements in the future and if they accord with an administration's overall military strategy. No step can be taken, however, if one third plus one of the senators present and voting disagree. Thus, another set of trade-offs may be required, as when John F. Kennedy accepted the safeguard of aggressive underground testing, thereby making the possibility of near-term negotiation of a comprehensive test ban treaty remote.

In this perverse way arms control agreements can themselves contribute to the arms race. The failure, however, may be one of faulty strategic judgment as well as hard political reality. Distinctions between the two will be easier to make if future debates over safeguards are framed in terms of

whether the proposed steps would undermine basic objectives and purposes. For example, in the case of the LRTR, improved intelligence collection efforts, the maintenance of modern laboratories, and a readiness to resume atmospheric testing did not undercut Kennedy's cherished objective of a comprehensive test ban; the commitment to undertake an extensive program of underground tests did. Yet even this would not necessarily have barred such a ban if subsequent presidents had been willing to make it a high enough priority. The Nixon administration's acceptance of safeguards did not jeopardize the ABM Treaty, but it did jeopardize the long-term process of strategic arms reductions ostensibly launched by the Interim Agreement. Given safeguards such as those accepted, the SALT II Treaty was marked at birth for a bitterly contentious Senate debate.

Framing presidential alternatives as choices between short-term political necessities and long-term negotiating objectives does not resolve the White House's dilemma over safeguards: difficult choices still have to be made, ideally by presidents who combine tactical vote-counting prowess with sound strategic sense. If presidents will consider the questions facing them in this way, however, some unhelpful safeguards may be avoided and the resulting damage lessened. That being said, if it becomes apparent that safeguards deeply injurious to the basic objectives and purposes of an agreement are the price of ratification, presidents will be hard-pressed to resist opting for short-term accomplishments.

### Public Opinion and the Role of Interest Groups

Woodrow Wilson, America's most renowned educator-turned-president, provided the clearest lessons for posterity about the role of public opinion in the treaty ratification process. Unfortunately for backers of the League of Nations, Wilson invariably demonstrated how not to proceed. Presidents who

wish to solicit the Senate's consent to treaty ratification need to avoid two things above all else: appearing to be partisan and affronting the Senate's prerogatives.<sup>58</sup> Wilson's actions offended the Senate on both counts; as William C. Widenor's case study demonstrates, Wilson refused to acknowledge the Senate's legitimate role in attaching reservations and understandings to a treaty text, and he turned a policy debate that was inherently above politics into a partisan issue.

Had Wilson sought the advice of former President William Howard Taft, he might have avoided what Arthur S. Link has called the "supreme" error of making the League issue "a hostage of party loyalty and politics."<sup>59</sup> Taft had earlier concluded arbitration treaties with Great Britain and France, which were heavily amended by the Senate to exclude issues relating to aliens, the territorial integrity of the United States, indebtedness questions, anything having to do with the Monroe Doctrine, and a vague category of "governmental policy" issues. Taft refused to accept these changes, shelving the treaties rather than renegotiating them. He took his case to the people, and lost handily. Taft learned to his chagrin that eleventh-hour appeals to the public over the heads of their elected representatives face extremely long odds on treaty ratification issues. Wilson, having declined to solicit Taft's advice during the ratification debate, after declining to add him to the U.S. negotiating team, proceeded to repeat the former president's mistakes, but for much higher stakes and on a far grander scale.

Treaties are ratified or blocked in the Senate, not at the ballot box. Yet Wilson repeatedly scorned deal-making with the Republican majority leader and chairman of the Senate Foreign Relations Committee; he visited personally with a pitifully small number of Republican senators, and he rejected all proposals for reservations. Having helped to create polarities rather than working coalitions in the Senate, Wilson then embarked on a cross-country speaking tour to sway public opinion—a futile and, for him, life-threatening gesture. Senators have considerably more freedom to cast their votes

on arms control treaties than on issues of lesser magnitude. Senatorial latitude derives in large part from the intrinsic importance of these issues: the electorate is likely to be more forgiving of an unpopular vote on an arms control treaty based on principle than of a vote on a local dam or water project. Conversely, because of the perceived importance of treaty ratification votes, any hint of vote-trading for concessions on unrelated issues, such as the nomination of judges or the support of public works projects of statewide interest, can discredit a senator at the polls.

Senators also have considerable leeway in casting their votes on arms control treaty ratification issues because of the intrinsic complexity of these issues and the public's general inclination to leave such important matters to the "experts." Only when the stakes associated with the fate of an agreement are perceived to be particularly high or the outcome in considerable doubt, as in the cases of the League of Nations and the SALT II Treaty, has public interest overridden a natural deference to expertise. In such cases divisions within the ranks of experts has also encouraged public deliberation. Thus, although senators cannot be unaffected by voter sentiment on arms control treaties, they need not respond slavishly to it either.

Senators engaged in difficult reelection campaigns in states in which alleged Soviet misconduct has constituted a potent electoral issue have obviously been more inclined to respond to voter sentiment than those who have been reelected by comfortable margins and who have accumulated large war chests for future campaigns. In the SALT II debate, for example, Senator Richard Stone (D-Fla.) broke ranks with the Democratic majority on the Foreign Relations Committee, opposing the treaty on the grounds that it provided too many advantages to the Soviet Union while not providing for "genuine" arms reductions.<sup>60</sup> In committee hearings Stone focused on tangential issues relating to Soviet military operations in the Western Hemisphere, especially in Cuba. More important, the committee's chairman, Frank Church,

helped to elevate the importance of the Soviet "combat" brigade in Cuba by announcing its presence while on the campaign trail in Idaho.

Both Stone and Church lost their reelection battles, a fact suggesting that tactical shifts in ratification debates may not be helpful at the polls; long-standing supporters can easily feel offended by such changes, and voters inclined to vote for another candidate may be unlikely to be swayed by votes cast on the perceived basis of political expediency.<sup>61</sup> Nor have senators with presidential ambitions been able to parlay participation in arms control treaty ratification debates toward achievement of their objective, as Barry Goldwater, Henry M. Jackson, Howard Baker, Robert Dole (R-Kans.), John Glenn (D-Ohio), and others can attest. The voting public may be uneasy about negotiating with the Soviet Union, but they are also uncomfortable with national candidates who oppose arms control.

Despite this record, presidential hopefuls in the Senate have found treaty ratification debates to be a useful springboard to gain national attention and to highlight issues for anticipated political campaigns. Moreover, treaty ratification debates can become important fund-raising vehicles for political candidates and for interest groups committed to support or oppose the agreements in question. Thus, as Dan Caldwell shows in his case study, the conservative movement gained new vitality with the Panama Canal and SALT II treaty debates.

These activities have had considerable repercussions, even if they have not resulted in changes during roll-call votes. The politics of arms control treaty ratification matters most for interest groups and for selected senators running for reelection or for higher office. If senators are skillful enough in opposing or supporting a treaty, they can perhaps gain the media spotlight, acquire additional leverage with the executive branch, secure commitments to specific weapons systems and future negotiating tactics, and build large war chests and mailing lists for subsequent political campaigns.

In the most narrow sense, however, the politics of treaty ratification are virtually a closed loop: the only votes that count are in the Senate, not on the hustings, where Taft, Wilson, and Carter searched for them in vain. Public opinion usually provides the background and theme music for the Senate's deliberations; rarely does it alter specific votes. During arms control negotiations, public opinion can build for a successful result, as was the case for the Washington Naval treaties, the Limited Test Ban Treaty, and the ABM Treaty. Yet as the SALT II Treaty case indicates, when Americans became increasingly troubled about Soviet behavior during the course of negotiations, public pressures grew against the treaty being negotiated. The ratification process then became a Senate and public referendum on the state of U.S.-Soviet relations. In such instances the executive branch has tried to mold public opinion concerning the treaty in question, but in successful efforts the primary focus has remained on influencing the votes of individual senators. Efforts to shape public opinion by the executive branch have remained extremely important, however, if for no other reason than to counter anti-treaty campaigns: without strenuous efforts by the executive branch, critics can establish the terms of debate, particularly through sophisticated media campaigns that drive up negative perceptions of the treaty in question.

Efforts to sway public opinion help reinforce the executive branch's efforts on Capitol Hill, but they cannot substitute for them. Some senators may be influenced by a select group of influential citizens whose judgment they respect, but few will cast critical votes on which hang the life or death of treaties primarily on the basis of public sentiment. The inclination of most senators not to be tied to polling data was particularly evident in the case of the Panama Canal treaties, which garnered the support of two thirds of the Senate and less than 30 percent of the general public.<sup>62</sup>

Senators cannot be asked to vote against popular sentiment too often, however, and it was Jimmy Carter's misfortune as well as accomplishment to have negotiated seriatim the

Panama Canal treaties and the SALT II Treaty. During the harsh Senate debate over the prospective "giveaway" of the canal, the Carter administration was able to solicit the backing of former President Gerald Ford and such luminaries in the national security firmament as Nelson Rockefeller, Matthew Ridgway, Paul H. Nitze and William C. Westmoreland. In addition, popular figures such as John Wayne were enlisted to support ratification. In the divisive debate over SALT II President Carter was unable to secure such help.

The role of public figures and Republican stalwarts in support of the unpopular Panama Canal treaties attests to the virtues of enlisting commanding or popular figures in ratification debates. Even if the formation of distinguished citizens' committees does not influence Senate voting, it still can provide important bipartisan support and protective cover to the executive branch and a counterweight to negative public opinion. In the case of the canal treaties, the citizens' panel included former secretaries of defense Clark Clifford and Melvin Laird as well as such pillars of the establishment as John J. McCloy and Douglas Dillon.

Distinguished citizens' committees—the League to Enforce Peace and the Committee to Defend America by Aiding the Allies—fulfilled similar roles at critical junctures in World Wars I and II. Presidents wishing to convey bipartisan and broad support for arms control agreements have occasionally adopted this time-honored practice. Warren G. Harding's advisory commission for the Washington Conference was headed by former Senator George Sutherland (R-Utah) and included Herbert Hoover, John L. Lewis, General John J. Pershing, and Theodore Roosevelt, Jr. President Kennedy worked behind the scenes to create the high-powered Citizens' Committee for a Nuclear Test Ban. During the Carter administration, another group of distinguished citizens was formed, Americans for SALT.

Despite its considerable efforts, Americans for SALT was outspent and otherwise overmatched by an array of public education and lobbying groups that made the defeat of the

SALT II Treaty a high priority. The most prominent public education group, the Committee on the Present Danger, consisted of prominent critics of détente and arms control from both political parties. Several of their most effective representatives, like Paul H. Nitze and Admiral Elmo Zumwalt, Jr., had been associated with the SALT I negotiations during the Nixon administration.

The Committee on the Present Danger competed effectively with the Carter administration in setting the terms of debate on ratification. Many of its prominent associates had close ties with senators; others were widely recognized experts whose views carried considerable weight in policy circles. As a result, the arguments set forth in committee pamphlets were echoed on Capitol Hill, and the committee's representatives were given many opportunities to present the case against SALT II in congressional hearings and in the media.

Outside of the Washington Beltway the most effective lobbying group against SALT II was the American Security Council, which at the peak of its campaign had a full-time staff of 106 working against ratification. Its television documentaries, *Peace Through Strength*, *The Price of Peace and Freedom*, and *The SALT Syndrome*, became highly effective fund-raising devices; the latter alone earning \$2 million from more than 2,000 showings in various television markets. Altogether, the American Security Council spent approximately \$6 million in its anti-SALT crusade.<sup>63</sup> The extent of this effort suggests that in campaigning against SALT, conservative groups were able to build on tactics that had been developed in earlier crusades against Warnke's nomination and the Panama Canal treaties.

The Carter administration attempted to counter the American Security Council's effective, anti-SALT documentaries with public speakers and with detailed, factual rebuttals, but these efforts had little impact; "talking heads" from the executive branch were no match for stirring electronic images with appropriate commentary and musical scoring. The American Security Council's campaign, along



with other anti-SALT efforts, established the tone and cadence for this national debate. Carter administration officials, try as they might to sound upbeat about SALT II, were increasingly drowned out by the ominous staccato from the drum and horn section, orchestrated by conservative groups through the electronic media.

Highly contentious treaty ratification debates in the future will no doubt generate new direct mail and electronic media campaigns by freshly created opposing groups or by existing organizations activated for this purpose. Traditionally, the executive branch has been slow in organizing itself to explain its position and seek congressional and public support for arms control treaties; last-minute negotiating difficulties and crises of the moment have understandably received a higher priority. Energized treaty opponents, therefore, can have significant opportunities to shape the terms of public debate and establish negative themes that place the executive branch on the defensive. In the case of the Geneva Protocol and the Coolidge administration, for example, opponents appear to have had the entire field to themselves; the Carter administration's experience in SALT II was more typical. In both cases the end result is instructive.

With the marriage of electronic media and treaty ratification campaigns, the penalties for slow, ineffective rebuttals by treaty supporters have become more severe. Treaty opponents can fill the airwaves with powerful documentaries and thirty-second spots, duplicating tactics that have debased some U.S. political campaigns. The executive branch can respond to these campaigns through senior officials and public statements, but its ability to respond in kind to costly and sophisticated media campaigns is constrained by public law. Title 18 of the United States Code, Section 1913, the "Anti-Lobbying Act," prohibits the use of appropriated funds, directly or indirectly, for publicity or propaganda purposes. Previous interpretations of this legislation by the Department of Justice allow the executive branch only to provide information to, and solicit the support

of, members of Congress, and to provide background material to the public in support of policy. The provision for thirty-second spots, if not documentaries, in support of treaty ratification would appear to stretch the clear meaning of this act.

The responsibility to create media spots and documentaries on behalf of a treaty therefore falls heavily on private groups. Like treaty opponents, they have to organize themselves during the negotiations to carry out fund-raising appeals and to prepare media presentations. The executive branch needs to help outside groups organize themselves and to provide them with information, just as the Carter administration did with Americans for SALT.

As already noted, the executive branch would also be well advised not to wait until a treaty-signing ceremony to begin its ratification campaign. Despite all of the other distractions they face, the president and key administration figures clearly benefit by establishing central themes and framing the terms of debate during the negotiations. The longer they wait to engage in the varied tasks associated with treaty ratification, the harder their job can become.

### Summary

It may seem unfair that ratification hinges on the consent of two thirds of the senators present and voting, but most arms control treaties ultimately have passed this severe test with votes to spare. The most difficult presidential decisions invariably occur well before the final roll-call vote, when, in support of consensus, critical trade-offs must be confronted in negotiations at home and abroad. As a result, supporters of arms control have periodically found themselves asking whether the price of new treaties has been too great. Their answer, in most cases, has been in the affirmative. Thus, the focus of ratification efforts has naturally turned to pro-defense

but uncommitted senators who have a record of skepticism about the value of arms control treaties with long-standing foes.

The Republican party leadership in the Senate and pivotal senators—those with particular standing on national security issues and seniority on the relevant committees—have therefore represented the most critical votes in the determination of the outcome of ratification debates. Presidents have often turned to the adoption of safeguards to assuage senatorial and public concerns over arms control agreements. This tactic, however, has occasionally undermined the objectives and purposes of negotiated accords, making subsequent agreements less meaningful and more difficult to achieve.

Highly popular presidents who have enjoyed the widespread perception of being experienced and staunch defenders of U.S. national security interests, and who have demonstrated a sure hand in dealings with Congress, have been ideally suited to mollify senatorial and public concerns about arms control treaties. The more presidents have filled this profile, the more latitude they have been granted by the Senate and by the general public during ratification debates. Under such favorable circumstances, presidential lapses demonstrating unfamiliarity with the issues under negotiation or a poor understanding of an agreement's terms have not harmed ratification prospects; nor has dissension within an administration's ranks badly undermined a treaty's chances in the Senate.

Conversely, the more presidents have lacked these key traits, the more difficulties they have encountered during the arms control treaty ratification process. Presidents who have experienced waning popularity, who have not enjoyed reputations as being experienced and staunch defenders of U.S. national security interests, and who have not demonstrated a sure hand in dealings with Congress have found the search for sixty-seven votes to be a daunting task. Presidents most vulnerable to second-guessing have had the

least margin for error in difficult negotiations at home and abroad; their precarious standing has been whittled away further in the inevitable process of making negotiating trade-offs. These presidents have also been most damaged by dissension within the ranks.

Presidents who have lacked standing have faced the most difficult choices of all: they, in particular, have needed tangible benefits in the treaties negotiated under their auspices, yet they have been most susceptible to pressures from pivotal senators and military leaders whose support for a treaty was critical for securing the Senate's consent. Presidents with suspect standing have been able to calm senatorial qualms somewhat by enlisting skilled cabinet officers and advisers in the negotiations, but they have also been most susceptible to backlash generated by negative developments at home and abroad. Luck has therefore played a role in the treaty ratification process, particularly with respect to the timing of favorable or unfortunate international developments.

The Table 1 provides a summary of how key factors affected the outcome of the seven case studies presented in this volume. The letter Y indicates a condition supporting treaty ratification; the letter N indicates a condition working against ratification. Although this table cannot begin to capture the nuances developed in the case studies, it does suggest lessons for future arms control treaty ratification efforts. The overwhelming Senate votes to consent to ratification of the Five-Power Naval Treaty and INF Treaty were accomplished without resorting to safeguards and occurred despite widespread acknowledgment of a poor presidential grasp of international politics and negotiating issues. These cases attest to the value of presidential popularity, a nonthreatening international environment, skilled advisers, and treaties that can easily be defended on substantive grounds.

The extraordinary level of Senate support for the ABM Treaty is evident from the factors depicted in the table. The Threshold Test Ban Treaty negotiated at the end of the Nixon

administration fared quite differently. This treaty appeared quite modest in its benefits, left a major loophole (peaceful nuclear explosions) unclosed, and was negotiated under the auspices of a badly weakened president with thoroughly depleted skills in executive-congressional relations. When the Peaceful Nuclear Explosions Treaty was subsequently negotiated by President Ford, it added insufficient luster to a package that included the Threshold Test Ban Treaty to warrant prompt ratification.

President Wilson's handling of the Versailles Treaty negotiations at home and abroad remains a source of enduring fascination. In this case a popular president succeeded in negotiating an accord of widely acknowledged value during a period of U.S. ascendancy abroad. Yet Wilson failed to secure the Senate's consent, clarifying for posterity the critical importance of presidential skills in handling executive-congressional relations. President Coolidge reaffirmed this lesson in his quite different, but equally ineffective, handling of Senate consideration of the Geneva Protocol. Both accords were presented to the Senate without safeguards by presidents who did not seek the help of those who could help with votes on Capitol Hill or in national debates over ratification.

In stark contrast, President Kennedy shepherded the Limited Test Ban Treaty through the Senate with a keen appreciation for the strengths and weaknesses of his position. The latter led him to support what may be considered an overly generous package of safeguards to secure ratification. Presidents Harding and Hoover eschewed safeguards against noncompliance with the Washington and London naval treaties, yet they succeeded with the help of powerful senators recruited to serve on U.S. negotiating teams.

President Carter's experience during the SALT II negotiations points to the inability of safeguards to sway the Senate when so many other factors weigh heavily against ratification. In this instance what was sufficient to garner the support of the joint chiefs of staff was insufficient to convince

two thirds of the Senate. During the ratification debate over the SALT II Treaty, Carter was unable to recoup presidential standing lost during the preceding period of negotiations.

Table 1  
Key Factors in Selected Ratification Debates

	Versailles Treaty	Washington Naval Treaties	Geneva Protocol (1926)	L T B T	A B M	S A L T II	I N F
Perception of substantive treaty benefits	Y	Y	Y	Y	Y	N	Y
Presidential popularity	Y	Y	N	Y	Y	N	Y
Perception of president as defender of U.S. national security interests	N	Y/N	N	Y	Y	N	Y
Perception of president as experienced in foreign affairs	N	N	N	N	Y	N	N
Presidential skill in handling executive-congressional relations	N	Y	N	Y	Y	N	Y
Quality of presidential advice	Y	Y	N	Y	Y	Y	Y
Favorable international environment	Y	Y	Y	Y	Y	N	Y
Support of Senate leadership and pivotal senators	N	Y	N	Y	Y	N	Y
Support of military leadership	Y	Y	N	Y	Y	Y	Y

If politics is the art of the possible, the politics of arms control treaty ratification is a rare, but essential, art form.

During debate over the 1930 London Naval Treaty, an editorial writer for the *Norfolk Virginian Pilot* wryly noted, "It seems that every time our diplomats bring home a peace treaty, war breaks out in the Senate."<sup>64</sup> Behind the hyperbole lies a fundamental truth: full-scale wars during arms control treaty ratification debates are rare, but skirmishes between the executive and legislative branches happen frequently, before and after a treaty is placed on the Senate's calendar. If presidents and those who work for them are wise, they will manage these skirmishes in ways that permit two thirds of the senators present and voting to consent to ratification without sacrificing a treaty's basic objectives and purposes. The stakes involved in these endeavors are sufficiently high that both the policy and academic communities can find rewards in reviewing previous arms control treaty ratification efforts.

## Notes

1. U.S. Congress, Senate Committee on Foreign Relations, *The SALT II Treaty, Hearings*, 96th Cong., 1st sess., 1979, pt. 1, 374.
2. Will Brownell and Richard N. Billings, *So Close to Greatness: A Biography of William C. Bullitt* (New York: Macmillan Co., 1987), 94.
3. The reservation was offered by Senator David I. Walsh. See *Congressional Record*, 71st Cong., special sess., July 14, 1930, 319-20, and July 21, 1930, 370-1; cited in Gerald E. Wheeler, *Prelude to Pearl Harbor: The United States Navy and the Far East, 1921-31* (Columbia: University of Missouri Press, 1963), 185.
4. In 1933 the Japanese government announced its intention to withdraw from the League of Nations. One year later it announced that it would cease to abide by its obligations under the Five-Power Naval Treaty. In 1935, Adolf Hitler renounced the Versailles Treaty.
5. See, for example, the 1984 Public Agenda Foundation/Brown Center for Foreign Policy Development poll, "Voter Options on Nuclear Arms Policy: Briefing Book for the 1984 Elections" (New York: Public Agenda Foundation, 1984).
6. In contrast, elementary confidence-building measures, such as the "hotline" agreement, are clearly linked to concerns of avoiding accidental wars and nuclear escalation.
7. Hughes proposed the scrapping of almost 2,000,000 tons of naval combatants in existence or under construction. The Five-Power Naval Treaty scrapped 1,716,000 tons. Richard Dean Burns and Donald Urquidí, *Disarmament in Perspective: An Analysis of Selected Arms Control and Disarmament Agreements Between the World Wars, 1919-1939*, vol. 3 (Washington, D.C.: U.S. Arms Control and Disarmament Agency, 1968), 30.
8. For a more complete discussion of linkage, see Kiron D. Skinner, "Linkage," in *Superpower Arms Control: Setting the Record Straight*, ed. Albert Carnesale and Richard N. Haass (Cambridge, Mass.: Ballinger, 1987), 275-302.
9. Naval authorities criticized the commitment not to fortify U.S. possessions in the Pacific, including Pearl Harbor, during debate over the Washington and London treaties. The poor level of preparedness by the U.S. Navy as well as its Pacific bases before World War II has often been blamed on the lulling influence of these accords. Such critiques overlook the political fact of life in the 1920s and 1930s that congressional majorities had no interest in funding fortifications in the Pacific or building the fleet up to treaty limits. Nor did the United States act to defend its interests in the Pacific after 1934, when it was free to act after Japan renounced its treaty commitments.
10. U.S. Congress, Senate Committee on Foreign Relations, *The SALT II Treaty, Hearings*, pt. 3, 222-23.
11. U.S. Congress, Senate Committee on Foreign Relations, *The SALT II Treaty, Report*, 96th Cong., 1st sess., 1979, 491.
12. *Congressional Record*, September 23, 1963, 17723, 17732.
13. Henry Cabot Lodge, *The Senate and the League of Nations* (New York: Charles Scribner's Sons, 1925), 147.
14. Gerard C. Smith, "There Is No Other Way," *Arms Control Today* 11, no. 1 (January 1981): 5.
15. See Benjamin S. Loeb, "Amend the Constitution's Treaty Clause," *Bulletin of the Atomic Scientists* (October 1987): 38-41.
16. In the view of Herbert F. York, "Arms control policy is developed not with an eye to a national consensus or even to a majority of the Congress, but rather with the objective of somehow capturing the support of those five or six senators who are two-thirds of the way over toward the 'no' end

- of the political spectrum." "Bilateral Negotiations and the Arms Race," *Scientific American*, (October 1983): 159.
17. See Glenn T. Seaborg with the assistance of Benjamin S. Loeb, *Kennedy, Khrushchev and the Test Ban* (Berkeley: University of California Press, 1981), 227.
  18. U.S. Congress, Senate Committee on Foreign Relations, *Strategic Arms Limitation Agreements, Hearings*, 92d Cong., 2d sess., 1972, 1.
  19. W. Stull Holt, *Treaties Defeated by the Senate* (Baltimore, Md.: The Johns Hopkins University Press, 1933), 154.
  20. William C. Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy* (Berkeley: University of California Press, 1980), 305.
  21. Lodge, *The Senate and the League of Nations*, 157.
  22. Ralph Stone, *The Irreconcilables: The Fight Against the League of Nations* (1970; reprint, New York: W. W. Norton and Co., 1973), 183.
  23. President Kennedy was fortunate in that a senator of similar stature, Richard Russell (D-Ga.), chairman of the Armed Services Committee, chose not to oppose the LTBT strenuously.
  24. U.S. Congress, Senate Committee on Foreign Relations, *Nuclear Test Ban Treaty, Hearings*, 88th Cong., 1st sess., August 12-27, 1963, 418.
  25. Gerald R. Ford, *A Time to Heal: The Autobiography of Gerald R. Ford* (New York: Harper & Row, 1979), 357.
  26. U.S. Congress, Senate Committee on Naval Affairs, *London Naval Treaty of 1930, Hearings*, 71st Cong., 2d sess., May 1930, 54.
  27. John Chalmers Vinson, *The Parchment Peace, The United States Senate and the Washington Conference, 1921-1922* (Athens: University of Georgia Press, 1955), 40.
  28. See, for example, Richard M. Nixon and Henry A. Kissinger, "An Arms Agreement—on Two Conditions," *Washington Post*, April 26, 1987, D7.
  29. For an elaboration of this theme, see George D. Moffett III, *The Limits of Victory: The Ratification of the Panama Canal Treaties* (Ithaca, N.Y.: Cornell University Press, 1985).
  30. U.S. Congress, Senate Committee on Armed Services, *Military Implications of the Treaty on the Non-Proliferation of Nuclear Weapons*, 91st Cong., 1st sess., 1969, 14.
  31. Seaborg and Loeb, *Kennedy, Khrushchev and the Test Ban*, 228-29.
  32. Vinson, *The Parchment Peace*, 138.

33. Robert Lansing, *The Peace Negotiations: A Personal Narrative* (Boston, Mass.: Houghton Mifflin Co., 1921).
34. French opposition to the prohibition against the use of chemical weapons blocked entry into force of the 1922 agreement.
35. Henry Kissinger, *White House Years* (Boston, Mass.: Little, Brown & Co., 1979), 540.
36. William G. Hyland, *Mortal Rivals: Superpower Relations from Nixon to Reagan* (New York: Random House, 1987), 43.
37. Henry A. Kissinger, "A New Approach to Arms Control," *Time*, March 21, 1983, 25.
38. Vance, *Hard Choices: Critical Years in America's Foreign Policy* (New York: Simon and Schuster, 1983), 58.
39. The exception was Secretary of State Vance's testimony that he was not sure if NATO could survive absent the SALT II Treaty. U.S. Congress, Senate Committee on Foreign Relations, *The SALT II Treaty, Hearings*, pt. 1, 221.
40. U.S. Congress, Senate Committee on Foreign Relations, *Nuclear Test Ban Treaty, Hearings*, 19.
41. Stimson's testimony defined the Hoover administration's objectives as cooperating with other delegations to limit all classes of warships, assuring equality of combatant naval strength with Great Britain, and arranging a satisfactory relationship between the U.S. and Japanese navies. U.S. Congress, Senate Committee on Naval Affairs, *London Naval Treaty of 1930, Hearings*, 3.
42. U.S. Congress, Senate Committee on Armed Services, *Military Implications of the Treaty on the Limitation on Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms, Hearings*, 92d Cong., 2d sess., June-July 1972, 113-15.
43. U.S. Congress, Senate Committee on Foreign Relations, *Strategic Arms Limitation Agreements, Hearings*, 5. In later testimony Rogers offered more moderate objectives for the SALT I Interim Agreement: the achievement of a "sound strategic posture" and a "more stable strategic relationship" with the USSR. U.S. Congress, House Committee on Foreign Affairs, *Agreement on Limitation of Strategic Offensive Weapons, Hearings*, 92d Cong., 2d sess., 1972, 3.
44. Thomas H. Buckley, *The United States and the Washington Conference, 1921-1922* (Knoxville: University of Tennessee Press, 1970), 172.

45. Kissinger continued this practice after the SALT I accords as well. From 1973 to 1976 he evaded requests to discuss in detail the SALT II negotiations. See Alan Platt, *The U.S. Senate and Strategic Arms Policy, 1967-1977* (Boulder, Colo.: Westview Press, 1978), 56.
46. Arthur S. Link connects Wilson's refusal to compromise with the Senate to "a great burden of guilt" he felt, owing to his acceptance of so many other compromises in Paris. *Woodrow Wilson, Revolution, War, and Peace* (Arlington Heights, Ill.: Harlan Davidson, Inc., 1979), 106.
47. Lodge to former Senator Albert J. Beveridge (R-Ind.), February 18, 1919, cited in Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy*, 308.
48. *Congressional Record*, August 3, 1972, 12615.
49. *Congressional Record*, December 2, 1918, 3-5.
50. A characterization by Charles D. Hilles, one of Harding's advisers. Vinson, *The Parchment Peace*, 118.
51. Fred Kaplan, "Tapes Reveal JFK Efforts on Test Ban," *Washington Post*, October 9, 1988, A10.
52. Jackson's warning shot was reminiscent of the effort by Senator Strom Thurmond (R-S.C.), who called on the U.S. government to maintain and protect its sovereign rights over the Panama Canal Zone. Thurmond's resolution, which was backed by thirty-seven sponsors, slowed diplomatic efforts in the Ford administration but failed to dissuade the Carter administration from concluding treaties that narrowly received the Senate's consent.
53. Lodge to Theodore Roosevelt, December 7, 1898. Henry Cabot Lodge, ed., *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge: 1884-1918*, vol. 1 (New York: Charles Scribner's Sons, 1925), 368, cited in Holt, *Treaties Defeated by the Senate*, 165.
54. *Congressional Record*, March 8, 1922, 3554.
55. U.S. Congress, Senate Committee on Armed Services, "Testimony of the Chairman of the Joint Chiefs, General Maxwell Taylor," *Military Aspects and Implications of Nuclear Test Ban Proposals and Related Matters, Hearings*, 88th Cong., 1st sess. 1963, pt. 2, 6-7.
56. See U.S. Congress, Senate Committee on Armed Services, *Military Implications of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms*, 447.
57. U.S. Congress, Senate Committee on Armed Services, *Fiscal Year 1973 Authorization for Military Procurement, Research and Development, Construction Authorization for the Safeguard ABM, and Active Duty and Selected Reserve Strengths, Addendum No. 1, Amended Military Authorization Request Related to Strategic Arms Limitation Agreement, Hearings*, 92d Cong., 2d Sess., 1972, 4194.
58. Holt, *Treaties Defeated by the Senate*, 154.
59. Link, *Woodrow Wilson, Revolution, War, and Peace*, 125-26.
60. U.S. Congress, Senate Committee on Foreign Relations, *The SALT II Treaty, Report*, 489.
61. See I. M. Destler, "Treaty Troubles: Versailles in Reverse," *Foreign Policy*, no. 33 (Winter, 1978-79): 65.
62. Moffett, *The Limits of Victory*, 118-19.
63. Greg Hilton (American Security Council), telephone interview by Amy Smithson, November 26, 1990.
64. Cited in *Literary Digest*, July 19, 1930, 13.

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# THE POLITICS OF ARMS CONTROL TREATY RATIFICATION

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