

**“An Invitation to Struggle”: Pro-Treaty Coalitions and the Domestic Context of US
Exceptionalism in Arms Control**

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On October 13, 1999, the United States Senate formally rejected the Comprehensive Test Ban Treaty – a treaty which had been painstakingly negotiated over the course of years and represented the culmination of international arms control efforts. The vote was considered the worst foreign policy defeat of the Clinton presidency, and was a major setback for the global effort to halt nuclear proliferation. In the wake of this debacle, the United States was heavily criticized internationally, and the ratification failure was broadly decried as a further example of a worrying trend toward “exceptionalism” in U.S. foreign policy. Such views are not without their merit. Recently, the U.S. has rejected a number of multilateral treaties—viewed as unnecessary compromise—in favour of less formal (often unilateral) approaches. However, the United States also has a long and distinguished history of international engagement, and was the instigator of a massive expansion of multilateral institutions after the Second World War. Therefore, the “exceptional” feature of U.S. foreign policy is not the rejection of institutions and laws outright, but rather the complex process of supporting a system of international governance while at the same time remaining at least partially outside of its jurisdiction (Ignatieff: 2).

What accounts for this “exceptional” behaviour? Most explanations typically locate the source of exceptionalism in ideological or power-based features: U.S. behaviour, according to these views, is the product of either a unique historical development or its current hegemonic status, or both. However, neither explanation is sufficient, as each fails to effectively address the degree of variance in American foreign policy over time. An alternative account of exceptionalism focuses attention on the domestic political structures which powerfully shape U.S. international engagement. The requirement for a two-thirds Senate majority sets a high standard for the adoption of international agreements. Ratification is also a profoundly *political* process, and within the American system executive-legislative relations constitute the primary avenue through which initial international commitments are formalized into binding obligations. The successful nurturing of a pro-treaty coalition is the critical determinant of whether an agreement can overcome the “ratification barrier” and achieve formal approval. Ultimately, foreign policy is the reflection of a complex process of contestation *within* societies and *between* national delegations (Putnam; Milner). However, in recent instances domestic political forces have often proved the decisive source of variation between engagement and non-participation.

This paper proceeds in three parts. I first briefly define exceptionalism, and suggest that explanations which root the phenomenon in broad historical-cultural conditions or contemporary hegemony are unable to account for the fundamental diversity in U.S. international engagement. I then provide a contrary explanation which locates the basis of exceptional behaviour in domestic political forces. The particular structural impediments of the American system mean that ratification can only be achieved with clear and consistent executive branch leadership of a pro-treaty coalition in the Senate. Finally, two recent case studies are presented in order to further highlight the nature of domestic-level interactions. Direct comparison between the Chemical Weapons Convention (CWC) and the Comprehensive Test Ban Treaty (CTBT) is useful as we can control for a number of factors including: time frame; issue area (disarmament); key actors; Democratic presidency with Republican control of the Senate; and the participation of non-governmental “issue groups”. Both the CWC and CTBT provide telling examples of how domestic constituencies may impede and, in the case of the CTBT, halt altogether, U.S. involvement in multilateral efforts.

Defining Exceptionalism

A common complaint with respect to U.S. foreign policy is that American leaders view their nation as *exceptional* – set apart from and superior to other states due to some unique feature of their historical development or contemporary international position. Indeed, while such a view has a considerable historical lineage, reference to “American exceptionalism” has grown considerably during the current Bush presidency. Yet while readily employing the term, critics often fail to adequately define it, employing it instead as a generic catch-all for a host of real or supposed sins (Koh 2002-03: 1482). In order to seek-out its sources, one must therefore first be clear on the nature of such exceptionalism.

At heart, U.S. foreign policy is exceptional for its persistent suspicion of externally-derived obligations and constraints, even during periods of significant international engagement. Exceptionalism is typified by a desire for informal observance of multilateral rules and norms without formal recognition of binding obligations in law. Koh (2002-03: 1482-3) helpfully describes this phenomenon as a “flying buttress mentality,” where the United States remains “willing to stand outside the structure supporting it, but unwilling to subject itself to the critical examination and rules of that structure.” In this regard, Michael Ignatieff (2006: 3) has recently identified a three-fold typology for American exceptionalism: (1) *exemptionalism* (signing treaties while exempting itself from key provisions via reservations, non-ratification, or non-compliance)¹; (2) *maintaining double standards* (proposing different rules for itself than the rest of the world); and (3) *legal isolationism* (denying jurisdiction of international standards over US domestic law).

This approach exposes a significant paradox with respect to international engagement, since the U.S. often explicitly avoids restrictive obligations even while acting as the catalyst for many vital international agreements. In practice the desire for maximum latitude is by no means incompatible with pro-norm behaviour. Formal ratification is not essential for the general observance of a rule, and while the U.S. has often failed to formally adopt international standards, its record of treaty compliance in a variety of fields is not necessarily worse than other democracies (Price 2004-05: 142-4). Moreover, political context may be critical for the simple reason that democratic states arguably feel greater obligation to actually comply with the agreements they sign.² In this sense, the United States might exempt itself from those standards which it is not willing or able to observe.

However, the sense that the United States exists beyond the reach of many formal international agreements undermines the more productive aspects of American leadership on the global stage. In the first case, many in the international community simply cannot fathom how U.S. leadership can reject, in whole or in part, what seem to be eminently reasonable standards for civilized behaviour. Put simply, it is not clear that certain obligations should be *optional*. In this way, recognition of general compliance with international standards is blunted by the more glaring failure to formally adopt the relevant treaties. Moreover, compliance in the absence of legal obligation poses serious challenges to the operation of international governance, since the participation of major powers is usually assumed to contribute disproportionately to the ultimate success of the legal order in question. Indeed, with respect to arms control and disarmament treaties, U.S. ratification may not simply be desirable, but in many cases is a necessary pre-

¹ Ruggie (327) notes that “the United States is party to only 12 of 27 treaties the UN secretary-general has identified as ‘most central to the spirit and goals of the Charter,’ every one subject to conditions.”

² My thanks to Ryder McKeown for this insightful point.

condition for its entry into force. The tension implied by concurrent engagement and detachment is not easily resolved, and the disjuncture between leadership and aloofness—seeking exemptions from rules it often helped create—can be understood as the fundamental trait of American exceptionalism.

Those seeking to locate the origins of exceptionalism typically do so by explaining U.S. policy as a product of either broadly historical-cultural forces or more contemporary hegemonic status. In the first case, most accounts of American exceptionalism rely, implicitly or explicitly, on a notion of uniqueness as the result of a distinct national evolution. This historical trajectory is understood to have produced a hesitancy with respect to foreign engagement; George Washington encapsulated this view when he famously warned his fellow citizens to avoid “entangling alliances” (Kane: 3; Dumbrell; LaFeber). A more recent version locates the logic of exceptionalism in the consequences of power disparity in the international system. Realist scholars treat international agreements as little more than the formalization of existing power relations – hegemons create the rules as they see fit, and ignore them which do not suit them simply because they can (Mearsheimer 1995; Moravcsik 2000b). The current American aversion to international law—as demonstrated in the rejection of the Kyoto Protocol, the failure to support the global ban on anti-personnel land mines, and, most provocatively of all, President Bush’s “unsigned” of the Rome Statute of the International Criminal Court—are unsurprising as they reflect the natural results of hegemonic status. Importantly, in this view, such policies are not the product of national eccentricities or a particular administration (since any great power would act in a similar fashion), but rather the more recent accumulation of overwhelming material power (Kagan).

Accounts of exceptionalism which invoke culture and hegemony are superficially appealing in that they root their explanations and widely-accepted historical trends. However, these explanations, taken together or separately, are analytically limited because they cannot account for the degree of variance in U.S. foreign policy. In the first case, it is not clear that exceptionalism is a genuine or unique aspect of “Americanness” – virtually *all* great powers have justified their greatness in reference to their own distinct historical destiny. Realist assumptions regarding hegemony and cooperation are also problematic because they ignore the glaring fact that the United States has repeatedly invested in a system of constraints on its own sovereign power (Ikenberry). Even in cases where it has chosen to remain on the outside of international regimes the United States still adheres to many of the underlying normative and legal strictures. Thus, it is not at all clear that a hegemonic power will *necessarily* reject multilateralism as irrelevant (Price 2004-2005: 133). Just as references to Providential myth have been employed to justify both internationalist and isolationist policies, so too have proponents of American power drawn different conclusions regarding the wisdom of international obligations.

Accounting for the apparent fickleness of U.S. foreign policy demands attention to the particular configuration of American domestic political structures which complicate the conduct of international relations. The constitutional separation of powers produces a system which is inherently conservative with respect to international engagement in general and the adoption of treaties in particular. The complex and confounding pattern of leadership and aloofness is the result in large measure of these domestic institutional realities. Considerations of special providence—whether rooted in historical evolution or power politics—are reservoirs from which political leaders can selectively draw in order to inform or justify their actions. But at core, it is the particular configuration of the U.S. political system that shapes its engagement with the world.

Domestic Politics and American Exceptionalism

In recent decades, a rich literature has developed linking domestic- and international-level analyses (Gourevitch; Putnam; Allison; Milner; Risse-Kappen; etc.). Much of this discussion has focussed on the manner in which domestic political forces shape (encourage and constrain) the formation and execution for foreign policy (Morrow; Cowhey; Moravcsik 2000a). The goal, in effect, is to “bring the domestic in” to a discussion which, at least in the international relations (IR) literature, has traditionally emphasized states as unitary actors in the international system. Existing studies have been less effective, however, at linking insights from comparative politics regarding the nature and functions of political systems to observations regarding the outcomes of international cooperation. Yet as Morrow (245) has suggested, understanding foreign policy requires attention to the domestic processes which inform international engagement; considering one such process is the central purpose of this paper.

International negotiations have been productively conceptualized as a “two-level game” in which the negotiating parties are responsible both to domestic forces (public opinion, political actors and special-interest groups) and other state delegations (which presumably also share similar domestic pressures) (Putnam; Milner; Knopf; Tarar; Trumbore). Treaty negotiation is an interactive process as negotiators—acting on behalf of the executive—seek to find balance between two distinct and often contradictory audiences. The successful completion of an agreement ultimately depends on striking a workable balance between domestic and international demands (Putnam; Milner: 4).

This study emphasizes the domestic context of ratification in assessing the possibilities and pitfalls of international engagement. As Milner (9) suggests, domestic distributional consequences often determine the success of cooperation internationally. This is so because domestic actors feature both in the negotiation phase (as above) and, often more centrally, in the ratification phase which follows. Though each is central to the final realization of a legally-binding treaty, it is the latter process which is studied in detail here. Domestic political institutions are central to the discussion as they provide the “rules of the game” through which various actors operate and their policy preferences are aggregated (Gourevitch: 904; Milner: 18); in the case of treaty ratification, I suggest that these processes largely determine whether formalized cooperation can occur.

The U.S. Constitution and the “Ratification Barrier”

The Constitution of the United States of America (Articles I and II) establishes a formal division of labour with respect to the conduct of foreign policy. Roles and responsibilities are divided among the executive, legislative, and judicial branches. Congress and President divide aspects of the conduct of foreign policy, though the President remains the “prime mover” (Barrett: 60). In this regard, the Constitution is often characterized as an “invitation to struggle” (Barrett: 83) between the executive and legislative branches – inter-branch competition in a sense defines the formulation and execution of U.S. foreign policy (Koh 1990: 67; Bennett: 50; Golove).

In formal terms, Article II(2) of the U.S. Constitution delineates the roles with respect to the diplomacy. The President (or his official representative) is responsible for negotiating and signing international treaties conditional on the “advice and consent” of the Senate. Agreements only become legally binding upon successful Senate ratification via a two-thirds majority

(Sklamberg; Hamilton; Glennon). Despite considerable ambiguity regarding the intended meaning of “advice and consent”—particularly regarding the degree to which the participation of the Senate in treaty negotiation is constitutionally mandated (Bestor; Sklamberg)—consultations with respect to treaty content remain informal and ad hoc. Nevertheless, the requirement of a two-thirds affirmative vote represents a procedural hurdle which constitutes an exceptionally high standard for the formal adoption of treaties (Ignatieff: 17). Adopting a new treaty is difficult precisely because the number of individual Senators needed to enact legislation is so great. Moreover, the nature of current electoral distribution means that successful ratification requires support from both parties – a tall order during times of intense partisanship. This “ratification barrier” can help explain one obvious manifestation of exceptionalism: the frequent failure on the part of the United States to formally adopt international agreements, despite apparent support during their creation (Ruggie; Sloss).³

However, domestic structure alone is not a sufficient explanation because it fails to account for why some treaties are adopted while others are not. U.S. international engagement is at times schizophrenic precisely because it is the product of fundamentally *political* processes. Within the confines of the Constitutional structure, executive-legislative relations provide the key link between the domestic and international levels (Andres et al.: 555; Hersman). For example, while incorporating demands from key Senators may greatly improve the chances of domestic ratification, this inclusivity can complicate international negotiations, potentially making the initial completion of a treaty impossible. These strategic interactions—whether cooperative or adversarial, cordial or hostile—connect actors and environment to outcomes, and are the critical determinant of whether ratification is ultimately successful.

Pro-Treaty Coalitions and Ratification

Once a formal treaty is negotiated and signed, much work remains to be done. The domestic ratification process constitutes a critical juncture in the two-level game: the executive has signalled its intent to be bound by the terms of the agreement, yet it still faces a difficult sales effort at home (Martin). To a greater extent than during the initial negotiation process, the executive branch must seek-out willing partners to steward the treaty to formal adoption. The two-thirds requirement means that successful ratification needs bipartisan support among Senators; this, in turn, necessitates the construction of an issue-based coalition in support of the agreement.

The success of a pro-ratification effort is largely dependent on strong presidential leadership throughout the process. First and most generally, the essence of presidential power is, in Neustadt’s (1960) famous term, the “power to persuade”: consensus-building is a fundamental aspect of leadership. In solidifying supporters and courting opponents and “undecideds” the president is appealing to two audiences simultaneously: the Senators themselves and the constituencies to which they are responsible. Kreppon (1991: 26-7) has persuasively argued that in forming a pro-ratification coalition, the president has a vital role to play “in 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

³ Ruggie (327) reports that: “From 1993 to 2000... the president transmitted to the Senate a total of 184 treaties on all subjects combined. Of those, 40 were global. As of the end of 2002, the Senate had approved 31 of them, rejecting nearly one-fourth outright. Furthermore, the Senate attached conditions to 24 of the 31 that it approved, ratifying a mere 7 without conditions.”

senators to fill the vacuum.” This was the case for much of the Clinton presidency including the period during which both the CWC and CTBT were being considered.

The political realities of partisanship and divided government complicate coalition development; in such circumstances the president acts as an effective “opposition leader” with more limited leverage over the political process (Crockett; Andres; Hersman: 27-8; Prins and Marshall: 661). The fragmented contemporary Congressional environment has limited institutionalized leadership and led to an emphasis on individual power in facilitating or obstructing legislation (Andres). The coalition-building process is especially reliant on finding a willing champion within the legislative branch to win-over undecided members and neutralize the effects of opponents. Senators with either issue legitimacy or bureaucratic power are especially valuable (Kreppon 1991: 15). The implications of this partisanship with respect to arms control and disarmament are profound, since polarization and the varying involvement of domestic constituencies makes the development and maintenance of stable pro-ratification coalitions considerably more difficult, if not at times impossible.

The nature of arms control and disarmament ratifications provides Senators with considerable leeway in casting their vote. The complexity and limited salience of the issues leads many voters to conclude that international treaties are the exclusive and proper domain of political decision-makers. Popular sentiment may set broad limits to the scope of policy, but it rarely if ever determines the actual content of political choices (Holsti; Hinckley). This is especially the case with arms control and disarmament, as the highly technical nature of the subject matter “make it difficult for the mass public to form coherent and detailed opinions”; in these cases popular opinion tends to coalesce around the individual political leaders involved in a broad assessment of whether or not the treaty is “good” (Morrow: 246-8). Hence even in the face of overwhelming public support (as for both the CWC and CTBT), there may be little anticipated sanction for the member who decides to vote against the treaty. In this sense, public opinion provides an unstable influence on the likelihood of forming a pro-ratification coalition to see the treaty through to formal adoption.

These observations suggest that although the President is not legally obliged to act on Senate recommendations and demands with respect to treaties, there are risks in rejecting ignoring these opinions (and especially those of key political leaders) (Sklamberg: 447). The development of effective coalitions implies trade-offs in the consensus-building process. “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.” (Kreppon 1991: 12; also Andres et al.: 556-7) The use of issue-linkage to extract concessions from the executive is commonly employed by the Senate during the ratification process. In particular, the White House is usually compelled to include a package of “safeguards” regarding the implementation of the treaty in order to appease sceptical Senators. These can include measures—like a standard “national emergencies” clause for withdrawal—which may undermine the intent and purpose of the treaty itself, but are necessary to achieve ratification. Incorporating concerns at the negotiation phase can improve the prospects of achieving a working pro-treaty coalition by mollifying or neutralizing key opponents. In this regard, regular informal consultations during the negotiating process can greatly increase the chances of achieving broad support for ratification domestically (Kreppon 1991: 34). This appears to be a key lesson of the failed CTBT ratification battle.

In all cases, the management of information—“controlling the message”—is critical to a ratification success. Issue-framing is a reciprocal process, as speeches, television appearances,

newspaper op-eds and personal contacts all provide vital avenues for “getting the message out.” Recent experience in the arms control and disarmament field highlights the importance of proactive public engagement in support of the pro-ratification position: “without strenuous efforts by the executive branch, critics can establish the terms of the debate, particularly through sophisticated media campaigns that drive up negative perceptions of the treaty in question.” (Kreppon 1991: 43) Such efforts are made especially difficult by the fact that the content of the “domestic constituency” varies with the issue – the extent of public and elite mobilization varies with the substance and politicization of the subject (Putnam: 445).

Finally, while major political players are naturally critical to the success or failure of a ratification effort, many influential non-governmental and special-interest groups also now exert important pressures on the political process (McCormick; Hersman: 47-50). The increased openness of the political system allows greater input from non-governmental sources (Risse-Kappen: 502). Interest groups can influence the treaty ratification process in a variety of ways, including via agenda-setting, issue-framing, and direct lobbying of political leaders. Both the CWC and CTBT examples demonstrate the important role interest groups can play in providing additional momentum and legitimacy to ratification campaigns.

In light of the above discussion, it is now possible to briefly state a few key propositions with respect to executive-legislative relations and treaty ratification:

- 1) The US Constitution sets high threshold for formal ratification;
- 2) As a consequence of this “ratification barrier,” a president must cultivate a bipartisan coalition to ensure a treaty’s passage;
- 3) Political partisanship greatly increases the difficulties in achieving a successful pro-ratification coalition, and can serve as an effective source of opposition organization;
- 4) In the fragmented contemporary political environment, individual initiative is increasingly decisive in ratification battles;
- 5) Strong, effective executive branch leadership is essential in both forming a coalition and maintaining the momentum necessary for ratification. In particular, presidential engagement will generally determine the outcome of a ratification effort;
- 6) In providing resources and motivation for the ratification effort, non-governmental interest groups are a valuable asset in coalitions;
- 7) The ability to effectively marshal information in support of the cause is vital, and can often tip the balance toward one side in a ratification battle.

These propositions constitute the primary themes which guide the subsequent discussion of executive-legislative relations in two recent cases.

Exceptionalism in Practice: The CWC and CTBT Ratification Battles

United States arms control and disarmament policy provides important insight into the nature of domestic influences on foreign affairs. Following the above discussion, I suggest that executive-legislative relations provide the key framework for understanding the “exceptional” outcomes in two recent cases – a close ratification battle for the CWC, and an outright rejection of the CTBT. These two brief case studies do not attempt to reconstruct the complex chronological narrative of each ratification battle, but rather expand upon the key themes proposed above, demonstrating how each operated in these instances.

The Chemical Weapons Convention

By all objective measures the ratification of the Chemical Weapons Convention should have been a relatively straightforward political achievement. The treaty had a strong bipartisan pedigree, having been negotiated by the Reagan and Bush (Sr.) administrations, signed by Bush, and submitted for ratification by the new Clinton presidency. The CWC was also supported by a host of former political and military leaders, including many—like James Baker and Colin Powell—who served in Republican administrations. Indeed, the treaty had received strong endorsement from both the intelligence community and the Joint Chiefs of Staff (Smithson 1997b: 7) as well as the U.S. Chemical Industry, which recognized the substantial economic penalties that would follow from a failure to ratify the treaty (Hersman: 90-1; Kreppon 1997: 3). Moreover, the treaty was exceedingly popular among the general public, and this endorsement ran across the ideological spectrum. Finally, the international agreement for the most part only formalized existing domestic law requiring the destruction of all U.S. chemical weapons: the impact on military doctrine was minimal, and the military establishment was in broad agreement that chemical weapons were unnecessary for future operations (Perry and Reno). The CWC thus offered an opportunity to deny potential adversaries a horrific weapon which the United States would not use, but which could have been employed against them. It was, in the words of one participant, a “no brainer.” (Smithson 1997b: 7) However, what ultimately transpired was anything but the easy process expected, and the final outcome was much closer and more contentious than had been expected.

The ratification battle surrounding the CWC can be effectively characterized as a “tale of two strategies.” During initial phase, the executive branch failed to mount a spirited campaign in support of what it viewed as an easy sell. To a surprising degree, proponents did not appreciate the level of opposition—both substantive and ideological—the treaty faced. Conservative senators like Jesse Helms assembled a cadre of committed treaty opponents and managed through savvy political manoeuvres to shift the momentum against ratification. Political leaders were bolstered by an effective media and lobbying campaign conducted by a small but influential conservative think-tank run by Frank Gaffney, a former official in the Reagan administration. By contrast, at key points in the early ratification debate, the administration—which was largely preoccupied with other foreign policy issues in Bosnia, Haiti, and Somalia—appeared unwilling to deploy senior members of the executive branch to counter high-profile treaty opponents.

The clear turning point occurred when Republican Presidential candidate Robert Dole—a former treaty supporter—sent a letter to Senate majority leader Lott expressing his reservations about the CWC. Undoubtedly a calculated political move designed to undermine Clinton during the lead-up to the 1996 presidential election, Dole’s action undercut moderate Republican support, and precipitated a shift towards the anti-treaty position. “This,” according to one observer, “turned out to be the proverbial nail in the coffin.” (Hersman: 93; also Graham Jr.: 32) With bipartisan consensus dissolving, many Senate Republicans refused to concede a major legislative success so close to an election. Recognizing that ratification was unlikely, the Clinton administration requested that the treaty be withdrawn from consideration on September 13, 1996, just two days before the scheduled vote. It was an embarrassing moment for the President and his cabinet, and demonstrated the challenges in dealing with an opposition party in control of the legislative branch.

Ultimately, the intransigence of a small number of conservative Senators and a partisan political calculation, combined with the anaemic lobbying efforts of the executive, sealed the

treaty's fate. As one commentator wrote, "conflicting signals over the priority of the treaty and a false confidence about the treaty's unimpeachable credentials allowed the treaty to drift until the opposition had solidified and political forces had found traction in the issue." (Hersman: 102) In this initial phase, the President failed to nurture the bipartisan pro-treaty coalition necessary to achieve ratification. In this regard, the first attempt at ratifying the CWC fell prey to the same political errors which would later doom the CTBT.

With the start of a new Congressional session after the November 1996 elections, the CWC was sent back to the Senate Foreign Relations Committee, and the domain of its chief opponent, Jesse Helms. Helms' opposition to international law was well-established, and his particular distaste for the CWC well-documented.⁴ Helms used his powers as Chairman of the Foreign Relations Committee to effectively hold the treaty hostage – in effect making the release of the treaty from committee conditional on other political concessions which included United Nations reform, the restructuring of the State Department, legislation in support of national missile defence, and amendments to the Conventional Forces Europe and Anti-ballistic Missile treaties (Smithson 1997b: 14; and Hersman: 88). In leading the obstructionist cause, Helms' committee became the site of the most bitterly partisan battles of the entire ratification process (Smithson 1997b: 21-2; for a critique Helms' management style, see Smithson 1997a).

This time, however, the Clinton administration was able to overcome conservative opposition with a combination of political strategy and issue mobilization. In stark contrast to the first disjointed attempt at ratification, the executive branch now launched a comprehensive campaign in support of the CWC. The President personally led the revitalized effort, specifically calling for prompt ratification in his annual State of the Union address. In addition, Clinton's national security team participated in an aggressive public relations campaign, arguing for the treaty in newspaper op-eds (Perry and Reno) and television and talk-radio appearances and specifically lobbying key Senators. Members of the National Security Council and Arms Control and Disarmament Agency ran a further media campaign, and were especially successful in their use of position papers and endorsements from former (often Republican) officials (Issacs: 13). And, as the incoming Secretary of State Madeleine Albright made clear, the administration was willing to deploy considerable resources—including significant political concessions—in order to achieve its objective (Smithson 1997b: 12).

In preparing for the ratification show-down, both treaty supporters and opponents relied extensively on the knowledge and skills of a variety of non-governmental interest groups. During the first ratification effort, the ultra-conservative Center for Security Policy run by Frank Gaffney had dominated the debate, forging strong links with opponents of arms control in the Senate and producing a seemingly endless stream of "decision briefs" which attacked the treaty as "unverifiable, inadequate, and expensive." (Hersman: 87) Gaffney's organization had been largely responsible for shifting the momentum among conservative (and moderate) Senators against the treaty. Chastened by the initial experience, pro-treaty interest groups were much more fully engaged during the second ratification attempt. Non-governmental groups—which consisted of issue-based NGOs like the Poison Gas Task Force (PGTF) and members of the "public-interest community" like peace activists, citizen groups and faith-based organizations—

⁴ Helms's concerns can be summarized as follows: "1) elimination of chemical weapons in Russia and in other countries of concern; 2) high confidence in the CWC's verifiability; 3) US responses to noncompliance with the CWC; 4) the primacy of the US Constitution vis-à-vis the CWC; and 5) protection of confidential business data." Smithson 1997b, fn. 22 at pg. 14; also Lippman 1997. For responses to conservative concerns, see Bidwai: 5-6; and Smithson 1997a.

focused the executive branch and key pro-treaty Senators on the critical task at hand (Parachini: 56; Isaacs: 13). In this regard, one of the most important early contributions to this effort was the commissioning of a public poll which demonstrated overwhelming support for the chemical weapons ban. Particularly notable was the broad bipartisan support the treaty received – a fact which did not go unnoticed by conservative treaty opponents.⁵

Substantively, interest groups were critical in leading the information campaign in support of CWC ratification. The PGTF acted as an “information clearing house” and employed its own “blast fax” campaign to counter the efforts of treaty opponents like Gaffney’s Center for Security Policy, in many cases correcting misleading information from the anti-treaty camp (Parachini: 46-7 and 51). NGO experts frequently held briefings for senators and their staffs in order to make the case for ratification, and even acted to facilitate political dialogue between executive and legislative branches. Pro-treaty groups (like the Business Executives for National Security) also coordinated a highly influential media campaign which brought-in respected former military and civilian leaders to support the CWC. “Senators were hard-pressed to ignore the advice of so many former chairmen of the Joint Chiefs and individual service chiefs, all of whom maintained that the CWC would reduce the chances of chemical weapons use against US soldiers in future conflicts.” (Smithson 1997b: 33) Industry support was also critical, as the Chemical Manufacturers Association not only endorsed the treaty, but actively lobbied key undecided Senators (Lippman 1996; Smithson 1997b: 32; Isaacs: 14). This important constituency was notably absent in the later CTBT experience. Finally, grassroots letter-writing and telephone campaigns further contributed to the perception of growing momentum behind ratification. The successful effort at issue-framing conducted by issue groups raised the political costs associated with opposing the treaty, as many Republican Senators openly worried that failure to support the CWC would “mark the Republican party as being in favor of poison gas.” (Parachini: 43)

With public support shifting decisively in favour of the treaty, the administration finally managed to coordinate strong pro-treaty leadership in the Senate. The administration pressured Senate majority leader Trent Lott to schedule a new vote on the CWC in exchange for a series of concessions related to treaty implementation as well as a separate compromise with Helms. The single most pivotal individual in this process was arguably the moderate Republican senator Richard Lugar, a noted internationalist and arms control proponent. In the earlier failed effort Lugar had worked closely with the administration, but his status as an “outsider” among treaty sceptics limited his effect. This time, however, Lugar’s quiet efforts to win-over undecided members proved essential in transforming the political momentum in favour of ratification. As the deadline neared, two former treaty opponents—Senators Dole and Lott—shifted their support behind the treaty. These two voices, combined with the tireless work of Senator Lugar and other moderates, fatally undermined the anti-treaty position. Though it went down to the wire, the CWC was ultimately ratified on April 24, 1997 by a vote of 74 to 26 – what one former official called “an unconscionable number given that banning chemical weapons is a cause close to motherhood.” (Graham Jr.: 32) While Helms was well positioned to be a critical figure, he could

⁵ The poll was conducted by the Mellman Group, Inc. and Wirthlin Worldwide. For details please see Parachini, 41-2. According to Parachini (43), “Senator Helms is said to have taken some conditions off the negotiating table in his discussions with the executive branch, due to the poll. Some speculated that Senator Helms did not want the Republican party to be branded as the party supporting chemical weapons because as the polling data indicated, even self-identified conservatives were eager to support a treaty banning chemical weapons.”

not obstruct the treaty indefinitely on his own, and, lacking sufficient votes to kill it outright, ultimately could not win the day.

The CWC battle demonstrates that strong political leadership (especially on the part of the executive branch) is usually decisive in ratification campaigns. In contrast to its first attempt, in the second ratification effort the administration managed to cultivate a successful pro-treaty coalition, particularly by developing strong ties with moderate “internationalist” Republicans like Richard Lugar and John McCain. By keeping these key individuals “in the loop,” Clinton and his national security team ensured they had the bipartisan support necessary for ratification. A well-organized and comprehensive political and public relations effort led by the President and his staff was undoubtedly necessary to the final success, but it was not on its own sufficient. International pressure was also important in focusing the executive branch’s attention: “Clinton fully embraced the CWC only when faced with the possible embarrassment of not having the United States ratify before the treaty’s entry into force.” (Smithson 1997b: 30) The costs of the delayed reaction were felt in the significant political concessions required to facilitate the vote. Finally, while Clinton hailed the CWC vote as an example of effective bipartisan cooperation, the ratification process exposed a fundamental identity crisis within the Republican party between isolationists and internationalists (Hersman: 91; Smithson 1997b: 7-9). The individual leadership battles which took place within the Senate were clear reflections of this division.

While political leadership in both the executive and legislative branches was critical, the influence of committed issue groups should not be underestimated:

The cumulative impact of the editorials, the poll, and other momentum-building activities helped transform President Clinton’s political advisers’ view of the CWC from an arcane, Republican-negotiated arms control treaty into an issue that had concrete, positive political value for the president. (Parachini: 53)

NGOs served a critical function as “issue entrepreneurs,” setting the agenda and providing the moral, political, and empirical evidence necessary to tip the balance toward ratification. This suggests strongly that future successful ratification efforts will be determined by effective tripartite collaboration between the executive, sympathetic “internationalist” Senators, and dedicated non-governmental issue groups. The absence of such a synergistic relationship in the case of the Comprehensive Test Ban Treaty in large measure sealed its fate.

The Comprehensive Test Ban Treaty

In many ways the story of the Comprehensive Test Ban Treaty is more straightforward than the CWC, though the implications for American policy and international disarmament were clearly more dire. Becoming the first world leader to sign the CTBT on September 24, 1996, President Clinton hailed the treaty as the “longest, hardest-fought prize in arms control history.” (Deibel) Indeed, upon its completion there was good reason for optimism, as the Clinton administration had distinguished itself with a number of arms control successes including winning an indefinite extension of the Nuclear Nonproliferation Treaty (NPT), and ratification of the second Strategic Arms Reduction Treaty with Russia and Chemical Weapons Convention. Further, the CTBT itself seemed like a winner:

Proponents argued that the new treaty would curtail advances in nuclear weaponry by Russia and China, locking in American superiority; limit the development of more

advanced weapons by India, Pakistan, and Israel; and establish an international norm against testing that would at a minimum put additional pressure on North Korea, Iraq, and Iran to continue complying with the just-renewed NPT. (Deibel)

Despite the apparent momentum for a global nuclear testing ban (including massive popular support), the U.S. Senate delivered a crushing political defeat to the administration by voting-down the treaty – a nearly unprecedented event in modern American history.⁶

To a degree which far exceeded the CWC, the ratification battle for the CTBT was defined by bitter partisan and personal clashes. To their credit, many opponents held genuine concerns about the wisdom of the treaty, arguing primarily that U.S. participation would endanger the safety and reliability of the nuclear stockpile, and that the verification and compliance measures were insufficient to halt proliferation by other states (Deibel). If technical matters had constituted the entirety of Senate objections, negotiated resolution would likely have been possible. Instead, many conservative members viewed the CTBT ratification debate as a means of punishing a president they openly despised when they could not do so by other means. That the CTBT battle came in the immediate wake the Senate's failed impeachment proceedings is surely more than coincidental (Kimball: 26), and the willingness to privilege partisan gain over national security concerns represents a particular black mark on the Senate's record of "advice and consent."

The final defeat of the CTBT was due to a mix of ideological conviction and shrewd use of the political process. As with the CWC before, Helms proved to be an early and intransigent foe for the pro-ratification forces. Helms employed the same strategy which had worked with some effect in the earlier case, demanding political concessions—in particular, submission of the ABM protocols and Kyoto treaty for Senate consideration—in exchange for the release of the CTBT from the Foreign Relations Committee (Schwartz: 25; Kimball). Senate Democrats soon became frustrated with Helms' hostage technique, and began to agitate for a change to the status quo. The confrontation was precipitated by two committed activists, Republican Senator Jon Kyl, and Democrat Byron Dorgan – a fierce treaty opponent and supporter, respectively. More than any others, these two Senators raised the profile of the treaty and forced their leaders to address its status as a near-term political issue.

In the spring of 1999, Kyl, along with a few like-minded conservative colleagues, began a secretive campaign to solidify opposition to the treaty. Frank Gaffney's Center for Security Policy again proved valuable to the anti-treaty cause, providing information and analysis for Kyl's group. Unaware of this growing opposition, Dorgan, the Senate's most ardent treaty supporter, began making more provocative demands, including "a now infamous statement... 'to plant myself on the floor [of the Senate] like a potted plant' and disrupt Senate business if the Republicans refused to schedule debate and a vote on the treaty." (Rees) As one author noted, "[i]n the frigid political climate that pervaded the Senate in 1999, a strategy designed to hound and embarrass Republicans into releasing the CTBT—which was already facing an uphill battle to ratification—was not an astute approach." (Schwartz: 26)

While committed ideologues initiated the process and, in the case of Kyl, nurtured the coalition necessary to defeat the treaty, the failure of the CTBT ratification also demonstrated the importance of calculated manipulation of the political process. After months of steadfast refusal, Senate Majority Leader Lott suddenly offered Minority Leader Tom Daschle an

⁶ Delaet et al. (180) report that "between the famous Versailles Treaty and the end of the Cold War, the Senate only formally rejected three treaties of any kind, all before World War II."

opportunity to bring the treaty to a vote in late September 1999. The compromise, a so-called unanimous consent agreement, provided for a vote within a week, limited Senate debate to only 10 hours, and placed extremely tight restrictions on amendments. The offer of an expedited vote was tantamount to rigging the process: with such limited time for debate—far shorter than the weeks or months typical in such cases (Cerniello)—treaty supporters were unable to mount an effective campaign to address the myriad questions and misinformation which surrounded the issue (Kimball; Deibel; Schwartz: 28). Under these biased conditions, the real surprise is that the Democratic leadership accepted the offer. However, two factors appear to have weighed on the decision. First, “the Democrats had been so publicly insistent on getting action of the CTBT that they could not now turn down a vote, no matter how unfavorable the conditions;” second, Daschle calculated—incorrectly it would turn out—that the overwhelming public support for the treaty would compel moderate Republicans to make the revisions necessary to ensure its passage (Deibel; Rees).

Some of the more genuine resistance could have been addressed had the Clinton administration engaged Senate Republicans during the treaty negotiations. To be sure, the administration had to navigate a difficult path between domestic and international demands: intense pressure from other delegations had forced the U.S. negotiators to withdraw many of the restrictions which would have been appealing to moderate “internationalist” Republicans.⁷ Nevertheless, “[b]y making the treaty absolute and permanent, the administration raised the stakes for the Senate, and it did so despite a lack of cooperation from significant numbers of the opposition.” (Deibel) Ultimately, the series of “safeguards” offered by the administration were insufficient to quell Republican concerns. The lack of transparency and consultation in the negotiation stage thus provided treaty opponents with the “reasonable doubt” necessary to mount a sustained opposition.

The treaty proponents could have potentially overcome these significant impediments with strong leadership from the White House. However, despite repeatedly claiming that the CTBT was “their number one foreign policy priority,” the administration “barely lifted a finger to secure its ratification.” (Schwartz: 24) In the years preceding the ratification battle, Clinton and his team made little effort to “talk up” the benefits of the treaty publicly or on Capitol Hill, and expended no effort or political capital to force the treaty out of Helms’ committee. The administration also failed to solidify support within its own “natural” coalition. Hesitant backing from the directors of the national nuclear laboratories (Cerniello), combined with the absence of a nuclear industry lobby and a robust information campaign coordinated with the NGO community (as with the CWC), meant that the last-minute efforts could not overcome negative perceptions of the treaty. Tellingly, the President failed to designate a senior cabinet official to lead the lobbying effort, and had personally remained aloof from the process. This proved to be a sore spot for Senate Democrats, who questioned Clinton’s depth of commitment to the cause (Graham Jr.: 32).

After brief consideration the CTBT was put to a vote, and was defeated by a margin of 48 to 51 – not even a majority, let alone the two-thirds necessary for ratification. Undoubtedly the ratification battle was an example of particularly bitter partisan and factional rivalries, with the procedure for bringing the treaty to a vote clearly designed to facilitate its defeat. Management of the political process was important here, as the truncated time-frame meant that a full assessment of the relative merits of the treaty was impossible: many Senators—Republican and

⁷ These included a ten-year escape clause, an allowance for low-yield nuclear testing, and a more limited inspections regime.

Democrat alike—ultimately voted against the CTBT on the basis of incomplete and incorrect information. Unlike the CWC, pro-treaty groups were less influential as they were ultimately unable to shape the terms of the debate and overcome often misleading analysis. Overwhelming public support had little effect on the partisan commitment of treaty opponents, and conservative control of the ideological and political agenda also effectively neutralized the small but influential internationalist wing of the Republican party. In this sense the lack of technical knowledge was a product of both political manipulation and partisan commitments; sincere concern regarding the details of the treaty was not at the root of many negative votes. While executive leadership may not have been able to neutralize all of these challenges, a clear and consistent commitment to ratification would have made the anti-treaty position more costly. As it was, the administration ceded too much political ground to conservative opponents, and the lack of sustained engagement belied the seriousness of the topic.

Conclusion

The Chemical Weapons Convention and Comprehensive Test Ban Treaty offer two sobering examples of how domestic political forces can influence the prospects for international cooperation. Executive-legislative relations provides a valuable frame of analysis; indeed, the chief difference between the CWC and CTBT experiences was the success of executive leadership in mobilizing key constituencies as part of a pro-treaty coalition. At the core, in the absence of dedicated presidential engagement, maintaining a sufficient coalition is unlikely if not impossible. Executive leadership does not exist in a vacuum, and is in turn facilitated by a series of factors identified above. First, non-governmental issue groups on both sides played critical roles in informing and prompting the agenda and keeping pressure on their respective political allies to get the job done. Issue-framing and the use (or abuse) of information were their most important contributions to the outcomes. In addition, both cases demonstrate the importance of key political leaders in defining the contours of major political battles. In the case of the CWC, a few determined Senators managed to salvage the treaty in its final moments, while the CTBT ultimately failed as the result of a small cadre of determined conservative opponents. Most notably, the influence of Republican “internationalists” appears to have been decisive: moderates like Lugar stewarded the CWC through to completion, and their conspicuous refusal to support the CTBT added crucial momentum to the anti-treaty forces.

Writing of the early stumbles in the CWC ratification effort, one commentator noted that a “stealthy” strategy is always misplaced:

the executive branch cannot afford to treat treaty ratifications as anything less than major legislative initiatives that require a concerted and high-level effort by the executive.... In today’s climate, treaties and other major legislation will always require a full mobilization of resources inside and outside of the government, starting early in the process to optimize the chances of success. (Hersman: 102)

Despite all of the other factors weighing on the successful ratification of a treaty, effective executive branch coordination is most critical to a positive outcome. Presidential leadership in conjunction with a spirited campaign from pro-treaty issue groups was ultimately able to overcome conservative opposition to the CWC. The absence of both factors in the case of the CTBT meant that partisan politics was decisive in killing the treaty.

In explaining contemporary American exceptionalism, this study points strongly to the importance of domestic politics in shaping the content of foreign policy. As the two cases demonstrate, the nature and extent of US international engagement has varied due to changes in the complex matrix of political forces which define it. Ideological and power-based considerations certainly entered the calculus of political actors, but they did so in less obvious and consistent ways than these accounts for exceptionalism would expect. At best, culture and hegemony served as a background conditions to the real story of domestic forces. However, this paper has not attempted to seriously grapple with the interactive effect of ideology and power on the domestic process; future research should seek to explicitly integrate these features in the assessment of domestic political influence on foreign policy.

Ultimately, constitutional structure and political process shaped the very different outcomes for the CWC and CTBT. This suggests that those interested in drawing the United States toward greater international engagement should begin by addressing the domestic origins of its behaviour.

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