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VOICES AGAINST THE CHEMICAL WEAPONS CONVENTION

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Sometime this month, the Senate is likely to vote on ratifying the 1993 Chemical Weapons Convention (CWC). The CWC seeks to ban the production and stockpiling of chemical weapons worldwide. As Senators debate the CWC, they should pay attention to the many voices expressing serious doubts about this flawed treaty. Even those who back the convention concede the CWC contains many deficiencies and weaknesses, ranging from the inability to verify the treaty to the CWC's possible violation of the Constitution. Voices of concern and opposition come from a broad spectrum of expertise and interest. What follows is a sampling of quotations from those who have serious reservations about the CWC.

COMMENTS FROM NATIONAL SECURITY LEADERS

Former Secretaries of Defense Donald Rumsfeld, James Schlesinger, and Caspar Weinberger:

There is no way to end the chemical weapons business by fiat. The price of attempting to do so with the present treaty [CWC] is unacceptably high, and the cost of the illusion it creates might be higher still.

—“No to the Chemical Arms Treaty,” *The Washington Post*, March 5, 1997

Former Secretary of Defense Dick Cheney, former Attorney General Edwin Meese III, former Ambassador to the United Nations Jeane Kirkpatrick, and former National Security Adviser William P. Clark, among others:

[The Chemical Weapons Convention] has been presented as a global, effective, and verifiable ban on chemical weapons. As individuals with considerable experience in national security matters, we would all support such a ban. We have, however, concluded that the present Convention is seriously deficient on each of these scores, among others.

—Letter to Senator Trent Lott, September 6, 1996

General P. X. Kelley (former Commandant of the Marine Corps), General Merrill A. McPeak (former Air Force Chief of Staff), and Lt. General Thomas Kelly (former Director for Operations, Joint Chiefs of Staff), among others:

[We] respectfully urge you to reject ratification of the CWC unless and until it is made genuinely global, effective and verifiable.

—Letter to Senator Trent Lott, September 6, 1996¹

COMMENTS FROM CURRENT AND FORMER MEMBERS OF CONGRESS

Senator Jon Kyl:

The Chemical Weapons Convention (CWC) is a fatally flawed treaty and should not be ratified by the Senate.

—“Bad Deal for U.S.,” *USA Today*, February 11, 1997

Senator Jesse Helms:

The case against this treaty can be summarized quite simply: It is not global, it is not verifiable, it is not constitutional, and it will not work.

—“Lott Sees Possible Vote on Treaty,” *The Washington Times*,
April 9, 1997

Senator James Inhofe:

One of the problems we have is, so many people who are supporting the ratification of [the CWC] have not read all the details, have not read what we are giving up.... [W]e are giving up many things that would normally be considered private.... [The CWC] would permit searches and seizures without probable cause. I think this is a very serious thing.... [A]nd, as far as trade secrets [are concerned], we would be giving up something here....

—Senate floor statement, April 8, 1997

Senator Robert Smith:

This treaty [CWC] is a one-way street where our proprietary data and commercial secrets flow out the door and straight to foreign competitors...[a]nd we get stuck footing the bill.

—Remarks at The Heritage Foundation’s
National Security Symposium,
March 20, 1997

Representative Floyd Spence, Chairman, House National Security Committee:

Accordingly, we urge you and your colleagues to reject the present, fatally flawed Chemical Weapons Convention. We look forward to working with you to try to

¹ General P. X. Kelley and Lt. General Thomas Kelly signed the letter on September 9, 1996.

develop more effective and less costly means of addressing the real and growing danger of chemical proliferation.

—Letter to Senator Trent Lott, September 6, 1996

Former Senator Malcolm Wallop:

I have long opposed arms control agreements that are inherently unverifiable and certain not to diminish significantly the threat posed by America's enemies. Rarely have these shortcomings been more palpable than with respect to the CWC. Even its proponents have been forced to acknowledge that the treaty cannot be monitored with high confidence, and that nations, including states parties, will retain chemical weapons long after it goes into force.

—Letter to Senator Phil Gram, February 25, 1997

COMMENTS FROM NEWSPAPER COLUMNISTS AND EDITORIALISTS

Syndicated columnist Charles Krauthammer:

Who is going to vote against a treaty whose lofty goal is to eradicate chemical weapons from the face of the earth?

Who? Every senator should. The goal is indeed lofty, but the treaty that purports to bring it about is a fraud.

—“Peace Through Paper...,” *The Washington Post*,
September 12, 1996

***Washington Post* columnist Lally Weymouth:**

If the Clinton Administration succeeds in persuading the Senate to ratify the Chemical Weapons Convention, the mere fact of a new treaty will not help the United States combat the spread of this weapons of mass destruction.

—“...Chemical Weapons Fraud,” *The Washington Post*,
September 12, 1996

Syndicated columnist George Will:

The CWC would encourage underestimation of the probability of chemical warfare, and perhaps result in inadequate training for such warfare. The United States would be committed to complete chemical weapons disarmament, even though possession of such weapons deterred even Hitler from waging chemical warfare. But the CWC would only negligibly reduce the capacity of secretive societies to prepare for such warfare.

—“A Feel-Good Treaty,” *The Washington Post*,
September 8, 1996

The Wall Street Journal Editorial:

Ultimately, the [CWC's] most pernicious effect is that it would lull responsible nations into a false belief that they'd "done something" about the chemical weapons problem and that it now was behind them.

—"Poisons for Peace," September 9, 1996

The Washington Times Editorial:

While most people—terrorists and lunatic dictators excepted—regard chemical weapons with abhorrence and indeed would like to see them banished from the face of the earth, the unfortunate fact is that the CWC will do little to inhibit their production and use by those who are sufficiently unscrupulous.

—"Reject the CWC," September 12, 1996

The Weekly Standard:

The case for ratifying the Chemical Weapons Convention is a triumph of hope over experience.

—"Just Say No to a Bad Treaty," March 24, 1997

COMMENTS FROM CONSERVATIVE LEADERS AND EXPERTS

Edwin J. Feulner, Jr., President of The Heritage Foundation:

First, the CWC is both unverifiable and unenforceable. Second, ratification of the CWC will foster the illusion that the chemical weapons threat has been eliminated. Indeed, the Department of Defense is already taking steps to downgrade its chemical defense programs. Third, the CWC will grant heretofore unimagined police powers to a U.N.-like organization to execute the treaty's inspection program. Fourth, the CWC will force the U.S. to cooperate with rogue regimes, such as Cuba and Iran, in the areas of chemical trade and defense. This is likely to undermine U.S. embargoes against these regimes and actually worsen the chemical weapons proliferation problem by providing key chemical components to Iran, China, or other untrustworthy regimes. Finally, the CWC could well have the perverse effect of making the use of chemical weapons more likely.

—Letter to Senator Trent Lott, April 4, 1997

Jack Kemp, Co-Director of Empower America:

The Chemical Weapons Convention (CWC) is a seriously flawed treaty that will do little to control the development of dangerous chemical weapons by America's enemies and will do much harm to U.S. economic and security interests.

—Empower America News Release, April 8, 1997

Paul Weyrich, President and CEO of the Free Congress Foundation:

The Chemical Weapons Convention is the single most important vehicle for the failed foreign policy establishment since the Panama Canal Treaty. It opens up the United States to a literal invasion by the U.N. and other nations who ratify the

treaty in a way which advances the New World Order while violating sacred Constitutional principles against unreasonable search and seizure.

—Correspondence with The Heritage Foundation,
April 10, 1997

Gary Bauer, President of the Family Research Council:

On behalf of 300,000 American families, I write to you to express Family Research Council's strong opposition to the Chemical Weapons Convention Treaty (CWC). This treaty will not only cost American taxpayers and American companies millions of dollars, but it may actually jeopardize our national security and make us more vulnerable to chemical attack.

—Letter to U.S. Senators, April 10, 1997

Grover Norquist, President of Americans for Tax Reform; David Keene, Chairman of the American Conservative Union; and Karen Kerrigan, President of the Small Business Survival Committee, among others:

Like you, we believe that this treaty [the CWC] will have adverse implications not only for U.S. national security but also for American taxpayers, companies and constitutional rights. For these reasons, we believe the Convention should not be ratified by the United States in its present form.

—Letter to Senator Jesse Helms, February 26, 1997

Steve Forbes, Editor in Chief of *Forbes* Magazine:

The Chemical Weapons Convention is a flawed treaty.

—Remarks at The Heritage Foundation, April 9, 1997

Frank Gaffney, Director of the Center for Security Policy:

Should the U.S. ratify this treaty [CWC], it could find itself in the dangerous—not to say absurd—position of being obliged to assist a country like Iran, which has signed the treaty and is expected to ratify it, in improving its chemical warfare capabilities.

—“What Netanyahu Must Know, and Tell,”
The Jerusalem Post,
September 6, 1996

Peter W. Rodman, Director of National Security Programs at the Nixon Center for Peace and Freedom and Senior Editor of *National Review*:

Arms control, properly conceived, has a place in American foreign policy. But the CWC is junk arms control. Unverifiable, unenforceable, and ineffectual against precisely those rogue states against which we need protection, it is the sort of “feel good” exercise that gives arms control a bad name.

—Correspondence with The Heritage Foundation, April 10, 1997

Phyllis Schlafly, President of Eagle Forum:

Contrary to its announced purpose, this foolish treaty [CWC] would increase, not eliminate, the risk of chemical weapons use, and would seriously damage U.S. national security interests.

—“Chemical Weapons Treaty Quicksand,”
The Washington Times,
July 25, 1996

ON THE INABILITY TO VERIFY COMPLIANCE WITH THE CWC

James Woolsey, former Director of Central Intelligence:

But, still, the chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

—Testimony before the Senate Committee
on Foreign Relations,
June 23, 1994

**ON THE ABSENCE OF MEANINGFUL ENFORCEMENT PROVISIONS
IN THE CWC**

Former Under Secretary of Defense Fred Iklé, former Director of the Arms Control and Disarmament Agency Eugene V. Rostow, and former Assistant Secretary of Defense Richard Perle, among others:

The CWC, now being debated in the Senate, is a very different document from the chemical weapons ban that the Reagan Administration was negotiating.... The principal difference is that the CWC is hopelessly unenforceable. Cynical signatories like Iran, China, Russia and Cuba know that they could ratify the CWC, make and store nerve gas in violation, almost certainly escape detection and certainly escape serious penalty.

—Letter to the Editor of *The New York Times*, February 7, 1997

ON UNDERMINING U.S. DEFENSES AGAINST CHEMICAL WEAPONS

Amoretta Hoerber, Former Deputy Under Secretary of the Army:

Today, I think our [chemical] defense capability is adequate. I am very concerned, however, about the trends. The trends are negative. They are towards the direction of reducing the adequacy of our defensive posture.

—Testimony before the Senate Committee on Foreign Relations,
March 13, 1996

ON JEOPARDIZING THE FOURTH AMENDMENT RIGHTS OF AMERICAN CITIZENS AGAINST UNREASONABLE SEARCHES

University of Illinois College of Law Professor Ronald Rotunda:

[The Supreme Court ruled in the 1978 case, *Marshall v. Barlow's, Inc.*, that] a major purpose of the Fourth Amendment was to prevent “general warrants,” which granted government officials “sweeping power” to invade the premises of “merchants and businessmen” in order to “search at large for smuggled goods.” ...There should be no doubt that the CWC violates the Fourth Amendment in light of *Marshall v. Barlow's, Inc.*

—Memorandum to Senator Jesse Helms, March 31, 1997

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