

# A FAREWELL TO ACDA



IT WILL TAKE VIGILANCE TO ENSURE THAT THE DEMISE OF ACDA DOES NOT MEAN A FAREWELL TO ARMS CONTROL.

BY THOMAS GRAHAM, JR.

On April 1, 1999, the U.S. Arms Control and Disarmament Agency went out of business. As part of a reorganization of foreign affairs agencies, the main functions of ACDA are now incorporated into the State Department.

Was this a wise decision? Will America and the world be safer with the arms control portfolio integrated into the vast range of foreign policy concerns that occupies State, rather than constituting the sole responsibility of a specialized agency?

Beginning in 1992, much effort went into formulating a strategy for ACDA's survival. When, in late 1996, that no longer appeared to be a viable objective, my colleagues in ACDA and I negotiated the best deal we could for the preservation of the arms control mission.

This, then, is the story of ACDA's end, told from the viewpoint of one who believes in arms control as part of America's national security policy.

## Why ACDA Was Born

When President John F. Kennedy signed the legislation creating the Arms Control and Disarmament Agency in September 1961, the time was ripe for the establishment of such a body. John J. McCloy, the administration's sponsor of the legislation, said in effect in his Senate testimony that arms control and disarmament is too important a subject to be "buried in the State Department." Instead, a new agency should be created with a director who would have direct access to the president.

Previously, in the Eisenhower administration, the responsibility for arms control had been placed in the White House under former governor and frequent presidential candidate Harold Stassen, but this had not worked well. There were serious conflicts with the State Department and Secretary of State John Foster Dulles.

By 1961, arms control had become a major national security issue for the United States. In the 1950s, the Soviet Union had developed its nuclear weapons and nuclear weapon delivery systems to such a degree that a nuclear arms race was in full swing. John F. Kennedy, during the 1960 presidential campaign, had warned of a possible "missile gap." As a result of these developments, Kennedy decided to establish a separate executive branch agency for arms control and disarmament.

Kennedy's secretary of State, Dean Rusk, supported the draft legislation. Rusk testified, "Disarmament is a unique problem in the field of foreign affairs. It entails not only a complex of political issues, but involves a wealth of technical, scientific, and military problems which in many respects are outside the Department's normal concerns and, in many instances, reach beyond the operational functions the Department is designed to handle." The legislation received strong support from foreign policy leaders in both the Senate and the House.

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They understood the argument that arms control is just one of the tools of national security policy but, nevertheless, a separate and distinct arena. It is not an end in itself but it represents one of several alternative paths toward solution of national security problems.

The fundamental rationale for not subordinating the agency within State was that the pursuit of arms control and disarmament goals will often conflict with the primary mission of the Department of State, which is to foster good relations with other countries. For example, to press Pakistan on nuclear non-proliferation issues or criticize Russia for perceived arms control treaty violations can be contrary to pursuing improved relations with those countries and will often be opposed by the regional State Department bureau responsible for relations with the country in question. Most often, in the competition of ideas within State, interests of improved bilateral relations will prevail over arms control, disarmament and non-proliferation interests.

## A Brilliant Beginning

The early years of the agency in the 1960s were prosperous and successful, as Secretary Rusk believed in and supported the role of ACDA. ACDA was effectively led by Director William Foster, a former deputy secretary of defense, Deputy Director Adrian Fisher, a former State Department legal advisor, and General Counsel George Bunn, the drafter of the Arms Control and Disarmament Act.

Over strong opposition by State — which was pressing for the establishment of a multilateral nuclear force with our NATO allies in Europe — ACDA successfully pressed for the Nuclear Non-Proliferation Treaty, which is now considered a centerpiece of international security. ACDA almost single-handedly advocated this proposal within the U.S. executive branch and went on to play the leading U.S. role in the complex multi-party negotiations in Geneva. Indeed, if it had not been for an independent ACDA, this important agreement might never have come into being.

Over the years that followed, the post of ACDA director was filled by a series of distinguished public servants, and the agency had a number of significant accomplishments. Among the highlights: negotiation of the SALT I agreements by Director Gerard Smith; the negotiation of the Chemical Weapons Convention under Director Ron Lehman; the extension of the nuclear weapon test



moratorium in 1993 (initially and for a long time advocated by ACDA alone), and the indefinite extension of the Non-Proliferation Treaty and the negotiation of the Comprehensive Test Ban Treaty under ACDA's last director, John Holum. (Holum, for many years a key staffer for Sen. George McGovern, D-S.D., had also been on the policy planning staff at State.) These successes all depended to an important degree on the existence of an independent arms control agency, with a director who could take controversial issues directly to the president and the national security advisor.

#### **More Controversy Per Capita**

But there was another side to this history. I often used to say that on a per capita basis (ACDA was always very small) ACDA was the most controversial government agency in the history of the world. In the wake of criticism by Sen. Henry Jackson (D-Wash.) of the SALT I agreements, the Nixon White House in 1973 cut the ACDA budget by 30 percent and reduced it to, in the words of White House press spokesman Ron Ziegler, "a research and staffing agency."

Director Fred Iklé effectively restored the agency in the middle 1970s but there were many other attempts to reduce or eliminate ACDA's authority over the years. But for many years, the Congress, regarding ACDA as its creation, served as the agency's defender. Gradually, over time, this support began to cool.

In 1993, when there was great controversy within the executive branch as to whether ACDA should be terminated and its assets acquired by State, the support for ACDA in the Congress was not as overwhelming as in prior years.

Why the decrease in congressional support? Many factors undoubtedly took their toll, including the end of the Cold War (hence less attention to the nuclear threat), and a Congress generally less interested in international issues.

Fortunately for ACDA in 1993, there remained substantial support in other government agencies. In an inter-agency exercise on the issue, the White House, the Central Intelligence Agency and the Office of the Joint Chiefs of Staff expressed benevolent neutrality, and the

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Office of the Secretary of Defense and the Department of Energy supported the independence and strengthening of ACDA, with only the Department of State dissenting.

But even this changed after the 1994 elections. The attitude in the new Republican-led Congress toward the independence of ACDA switched from widespread neutrality with pockets of strong support to outright opposition. Sen. Jesse Helms (R-N.C.), now chairman of the Senate Foreign Relations Committee, pressed for legislation that would eliminate at least two and preferably all three independent foreign policy agencies — ACDA, the Agency for International Development and the U.S. Information Agency — and merge them into State. Director John Holum fended off this effort for ACDA in 1995, with support from the president and vice president.

However, in 1996, a new factor entered the equation — the Chemical Weapons Convention. The U.S. felt a pressing need to get the CWC ratified by early 1997: this was necessary if the U.S. was to be an original party to the convention and thus have maximum influence in shaping the treaty's verification regime. This gave Chairman Helms a significant bargaining chip, as he could hold up approval of the CWC. Action on the CWC was linked, among other things, to merger of the three independent foreign policy agencies into State.

#### **Negotiate or Fight?**

So in December 1996, ACDA Director Holum was informed by the White House that the ACDA "independent box" had to disappear. At the same time, senior State officials as well as some long-time congressional supporters of the agency told Holum that the political situation could no longer support an independent ACDA. Accordingly, he called ACDA Deputy Director Ralph Earle, Executive Secretary Barbara Starr and myself into his office and asked whether we should "negotiate or fight." All three of us supported the concept of negotiating the best arrangement we could, given the strategic situation: opposition in Congress, no support in the White House or elsewhere in the executive branch, and limited interest in the non-governmental community. Our position was further weakened by the fact that all four assistant ACDA directors had left by early 1997, and

there was no prospect of getting replacements named and confirmed.

I prepared an opening position based on an analysis of the 1961 Senate Bill which led to the Arms Control and Disarmament Act. (Unlike the House version which eventually prevailed, the Senate bill would have established an independent arms control agency within State.) Barbara Starr did the nuts and bolts negotiations, with Director Holum setting overall policy and, advised by Ralph Earle and me, weighing in as needed with Secretary of State Madeleine Albright, Deputy Secretary Strobe Talbott, National Security Advisor Sandy Berger, and other key officials.

#### **Laying Out the Options**

The ultimate decision was to be presented to the president in an options paper. We knew that one option in the paper would be to retain an independent ACDA, which meant that if a suitable arrangement could not be negotiated with State, we could still make a last-ditch stand. With that alternative protected, we set out to work with State to make the merger option as attractive as possible. We wanted to capitalize on what was favorable in the negotiating environment — especially Secretary Albright's longstanding commitment to arms control, and her strong interest in presenting a consensus recommendation to the president.

We all concluded that certain things were absolutely essential to the independent arms control process that we sought to preserve. A central concern was that the responsible official in State — to be called the Under Secretary for Arms Control and International Security — had to have the right to attend all National Security Council meetings in any way connected with arms control, non-proliferation and disarmament, and had to have the right to a vote independent of that of the secretary of State. That is, his or her lack of consensus alone would be sufficient to send an issue to the president. Also, he or she must have the right to communicate directly with the President.

These steps, which Secretary Albright and Director Holum resolved positively at the very end of the negotiations, meant that we could preserve within the State Department the independent advocacy role which, as in 1961, most studies had singled out as the main reason why a separate agency made sense. Additionally, we concluded that all arms control, non-proliferation and disarmament functions anywhere in the department should come under the under secretary's authority: there could be no competition elsewhere in State. ACDA's unique responsibilities for verification judgments and reporting had to be preserved as well, as did its special legal competence for arms control treaties and related issues.

And we were determined that the new State Department, bolstered by ACDA's expert personnel resources, should have an enhanced interagency policy role. Thus we argued that the interagency leadership of arms control as well as non-proliferation should be taken from the White House and put in the hands of the under secretary. Almost all of the above objectives were achieved during the negotiation which lasted until April 18, 1997 but their formal inclusion in the official government decision documents took a long time.

There had been strong resistance from the NSC to moving the interagency chairs of the arms control and the non-proliferation interagency working groups (IWG) from the NSC to the under secretary. In an arduous negotiation early in April 1997, this was fought out. We arrived at a compromise: The Non-Proliferation IWG would go to State, but the Arms Control IWG would remain at NSC. However, it was agreed that the under secretary would share with the NSC chair the right to call a meeting and begin inter-agency consideration of a specific arms control issue.

#### **A Presidential Decision Directive**

The question of the under secretary's right to communicate with the president was a tough one. No State Department official, other than the secretary, has this right. However, we regarded it as essential to the independence of the arms control process. We fashioned a compromise procedure: the under secretary may communicate directly with the president through the secretary of State, who must forward the under secretary's memorandum but may append his or her views. This right is implicit in the full title of the under secretary, namely, "Under Secretary of State for Arms Control and International Security Affairs/Senior Advisor to the President and Secretary of State for Arms Control, Non-proliferation and Disarmament."

After the agreement on ACDA's future, we pressed to have the central elements of it memorialized in a Presidential Decision Directive (PDD). The White House replied by asking why an announcement by the



president, which had been made, was not sufficient. But we believed to the extent possible this arrangement should be established not just for this administration, but for future administrations as well. After a long debate, this was accomplished in PDD/NSC-65 issued on June 23, 1998. It provides *inter alia* that the under secretary "shall be invited to attend all National Security Council meetings concerning matters pertaining to arms control, non-proliferation and disarmament" and makes identical arrangements for all NSC Principals Committee meetings, as well as NSC Deputies Committee meetings.

The presidential directive also provides that the IWGs on non-proliferation shall be chaired at the assistant secretary level in the Department of State and that the NSC chair of the arms control IWG shall convene a meeting of the IWG at the request of the Department of State. This means that the Office of the Under Secretary shares with the NSC the authority to introduce an issue into the interagency process — an important right.

However, a serious dispute broke out over conventional arms control in Europe. The agreement reached between the secretary and the ACDA director provided that all arms control functions in the Department of State, wherever they had been located before, would come under the authority of the under secretary. But State's European Bureau (EUR) strongly resisted including the talks on Conventional Armed Forces in Europe (CFE) in this understanding, because of the close association of the ongoing CFE Treaty adaptation process and NATO enlargement.

Eventually, after long negotiations, it was agreed that an exception would be made for CFE adaptation and directly related issues: EUR would continue to lead under the under secretary's overall authority until 1999. This year, there is to be a review "with a view to consolidating the lead (for CFE) in the new functional bureau under the Under Secretary at the earliest practicable date." In other words, the lead on CFE Treaty issues would be transferred to the Office of the Under Secretary. As of July '99, that transfer had not yet occurred, though the two bureaus are said to be working together on CFE.

Another hard-fought issue was protecting the independence and integrity of ACDA's Verification and Compliance staff. That staff had resided, appropriately, in a separate bureau at ACDA for the previous 16 years. This setup reinforced one of ACDA's strengths — its indepen-

dent take on verification and compliance questions. These questions have often been hotly argued, not only with foreign powers but also as domestic political issues.

But a separate bureau in State for verification and compliance appeared impossible to achieve in the merged entity. The end result was three bureaus reporting to the Under Secretary: Arms Control, Non-proliferation and Political-Military. So it was decided to insist on an Office for Verification and Compliance to be attached directly to the Under Secretary, a solution eventually included in the final report on State's reorganization plan.

On the question of maintaining a separate legal office for the under secretary, we were less successful. What was eventually achieved was that ACDA's general counsel would become an associate legal advisor dedicated to arms control and non-proliferation issues under the jurisdiction of the Under Secretary. The under secretary would be able to draw on the views of the associate legal advisor even where he or she disagreed with the State legal advisor.

Finally, the official State Department Reorganization Plan and Report set out guidelines for the Office of the Under Secretary emphasizing the objective of preserving the independence of the arms control, non-proliferation and disarmament process.

- The new under secretary will have a "unique" role "reflecting authorities transferred from ACDA."
- The new structure within State is to "ensure that unique arms control and non-proliferation perspectives will continue to be available at the highest levels of the U.S. government, including the President."
- An entity will provide "independent arms control and non-proliferation verification and compliance assessments."
- The new under secretary will "provide oversight for State's new inter-agency leadership role in non-proliferation."

This report, which implements the law that authorized the ACDA merger, is authoritative and cannot be modified without further legislation. Combined with PDD/NSC-65, the report sets forth as U.S. government policy that the independence of the arms control, non-proliferation and disarmament process is to be strengthened and preserved. The arms control alternative in policy debates on national security issues will continue to be made available at the highest levels of the government,

including the president, as was the case when there was an independent ACDA director.

In all these ways, I think we can say that the ACDA negotiating team, faced with a less-than-favorable political terrain, did a creditable job in preserving an independent structure for arms control within the U.S. government.

### **The Personal is Political**

The effectiveness of the director of ACDA over the years always depended on personalities and personal relationships. The relationships of the director with the president, the national security advisor and the secretary of State have been important to the reality of operating as an effective independent agency. Director Paul Warnke, for example, had a close relationship with Secretary of State Cyrus Vance in the late '70s, and this enabled him to function far more effectively.

This personal dimension will continue to be important in the new post-merger arms control arrangement. The new order may work well if NSC and State respect the authority of the under secretary for arms control and inter-

national security, and if the under secretary in this and future administrations exercises that authority vigorously.

But now, there is a difference. Previously, if an independent ACDA was marginalized, the structure was solidly in place; therefore the agency could be brought back, as Director Fred Iklé demonstrated. But if this new arrangement does not work properly, and, as a result, arms control, non-proliferation and disarmament considerations become buried in the Department of State bureaucracy, it might not be possible in the future to resuscitate — at least not in a few years — an independent voice for arms control.

We must do our best with the new structure. If the arrangement is implemented properly, it is possible that the arms control, non-proliferation and disarmament process could emerge stronger and more effective than before. But, if over the next five to 10 years the result is otherwise, then I would hope that some future president and future Congress would reenact the Arms Control and Disarmament Act and reestablish an independent ACDA. ■

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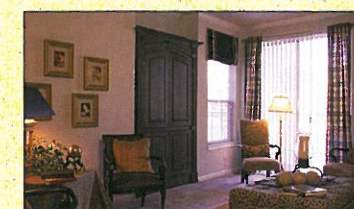


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