

Retiring From the Agency, But Not From the Cause

For Arms Control Official, Challenging Authority Was Part of Job

By R. Jeffrey Smith
Washington Post Staff Writer

On the day before a historic meeting of the Reagan administration's National Security Council in 1985, a 52-year-old civil servant at the Arms Control and Disarmament Agency named Thomas Graham Jr. drafted a legal memorandum he knew would anger all those who were to attend.

The memorandum took issue with a Pentagon plan to reinterpret the Anti-Ballistic Missile Treaty so managers of President Ronald Reagan's "Star Wars" program could test, and possibly deploy in space, an array of futuristic weapons designed to shoot down nuclear warheads launched by the Soviet Union.

The treaty interpretation issue seems arcane now, but shortly after Reagan's top security aides endorsed it, it became a raging controversy in Washington and a huge dispute with Moscow. Although Graham's arguments made little impact on senior administration officials, details of his position eventually leaked and helped persuade Congress to block the plan through legislation.

Graham retired last week after 27 years with the Arms Control and Disarmament Agency, during which he occasionally challenged the government line but managed to survive and even prosper in the shark-infested political waters of U.S. national security policymaking during the latter years of the Cold War.

At the outset of the Clinton administration, he became the agency's acting director, and later was its top official in negotiations aimed at permanently extending a global pact against nuclear proliferation. He also played a key role, inside the administration and in nearly a dozen foreign capitals, in lobbying for a global pact to end all nuclear tests.

Graham is retiring now, as ACDA is about to be folded into the State Department under a reorganization plan forced by Congress, because he has come to believe that "I can do more from the outside than the inside" to persuade the government to embrace a lower level of nuclear armaments. Graham thinks that achieving a limit of a few hundred U.S. weapons—as opposed to the roughly 10,000 it has now—

should become a U.S. goal, but the idea is not even on the White House "radar screen."

ACDA Director John D. Holum paid tribute at a ceremony last week to what he called Graham's friendly demeanor and "spine of hard steel" on the politically sensitive legal issues that arose in complex arms treaty negotiations. Veteran arms negotiator Paul Nitze, who differed with Graham on the ABM Treaty, nonetheless recalls that he was "absolutely straightforward and a damn good lawyer. He's had good judgment as to what was proper."

The son of a lifelong Democratic politician in Louisville, Graham split from the party and embraced the Republicans in 1968. He joined ACDA two years later, starting in its congressional relations office but later becoming a key adviser in 20 arms negotiations. His 15-year tenure as ACDA general counsel, interrupted by several years in another post with the agency, spanned four presidents and is evidently unrivaled by any of his counterparts at other agencies in Washington.

Graham, who retains a slight drawl and the manners of a southern gentleman, became notorious in the first year of Reagan's presidency for publicly challenging a claim by then-presidential counselor Edwin Meese III that the administration was not legally bound to abide by the SALT II nuclear treaty because the accord had not been ratified.

Graham's position, he recalls, was that "you just can't ignore international [legal] practice in such a blithe way," even though his statement made him a target of White House and congressional sniping.

In 1985, when Graham raised his objections to the reinterpretation of the ABM Treaty, he knew he would be crossing Secretary of State George P. Shultz, Defense Secretary Caspar W. Weinberger, national security adviser Robert McFarlane and other senior officials who wanted to give the Star Wars program unfettered rights to build what its managers hoped would become a national defense against ballistic missile attack.

But Graham said he believed "it was a question of the honor of the United States" to hold to a settled interpretation of the



Thomas Graham, longtime general counsel of Arms Control and Disarmament Agency, receives a hug from colleague Barbara Starr during his retirement party last week. BY KHUE BUI—THE WASHINGTON POST

ABM Treaty—which restricted Star Wars tests—instead of finding a new one just to suit the politics of the day. "His courage was enormous, and I admired him very much," said then-ACDA Director Kenneth Adelman, who differed with Graham but forwarded Graham's legal brief to others in the administration.

Then-Assistant Secretary of Defense Richard Perle, the chief proponent of reinterpreting the treaty, recalls that Graham "made quite a bit of trouble" by strongly registering his view and quietly collaborating with ABM Treaty backers outside the administration to "frustrate the move to a new approach . . . that permitted the United States to do sensible things."

Perle added that "personally, he is a nice guy" who was "single-minded in pursuit of arms control"—to a fault, in Perle's judgment, because Moscow frequently violated the treaties it signed.

Graham said he "was aware there was a lot of pressure to go along, but I did not think too much about my career at that point. . . . I just thought we were supposed to be a country that believes in the rule of law and the sanctity of contract."

John Rhinelander, a former State Department deputy legal adviser and ABM Treaty negotiator who describes himself as Graham's partner in the fight, said Graham soon found himself "under the blowtorches" of conservative lawmakers who demanded he be fired. Shultz at one point

joined Sen. Jesse Helms (R-N.C.) in accusing Graham of leaking classified documents, but backed down when Adelman defended him.

During President Clinton's first term, Graham and his colleagues at ACDA were initially alone in arguing against allowing the small nuclear explosions the Pentagon wanted to exempt from a nuclear test ban, but they eventually prevailed by winning over Energy Secretary Hazel R. O'Leary and White House science adviser John Gibbons. Graham also caught some flack for expressing interest in a 1994 Chinese proposal that the world's nuclear powers each forswear the first use of any nuclear arms in a conflict.

Graham also held out for indefinite extension in 1995 of the nuclear Non-Proliferation Treaty, when many other administration officials were arguing that goal was too ambitious. But he warns now that the treaty will be undermined "if it appears that five countries are forever going to be permitted to be significant nuclear weapons states" while all other nations cannot acquire the weapons.

As the newly appointed director of a lobbying group, the Lawyers Alliance for World Security, Graham said his aim will be to persuade the administration to pay attention to "the real threats that exist today," such as that a nuclear weapon might be lost or stolen and "actually be used by a terrorist group or rogue state."