

CRITERIA FOR A COMPREHENSIVE STRATEGY FOR NUCLEAR ARMS CONTROL

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Every generation of Americans has its own special challenge. For one it was the task of eliminating slavery, for another it was meeting the threat of Hitler, for another it was finally standing up to the issue of civil rights and addressing the problems of social and economic injustice. Our generation's challenge is just as important: bringing nuclear weapons under control by reducing their number and eventually eliminating them entirely.

The special challenge of this generation is an obligation that we owe to our children. It is a requirement of our defense and national security. It is a moral imperative of our age. And it is America's role to lead the world in this effort.

If our nation does not lead the world toward arms control, it will not be done. For the civilized nations to rescue the boat people, it took the Americans to lead.¹ It took our nation to speak out to further the cause of human rights.² To achieve peace in the Middle East between the Egyptians and Israelis, it took American initiative.³ For the earth to be free from the possibility of a nuclear nightmare, it is American leadership which must bring about successful arms talks.

This requires, above all else, the deep commitment of our President to serious arms negotiations. The most solemn responsibility of a President is to manage wisely our nuclear arsenals. He must keep us strong to deter war, but also use that strength to ensure that these dreadful weapons never are used. Since the dawn of the atomic age, every

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1. President Carter approved a refugee policy that permitted the admission of all Vietnamese "boat people" refused asylum elsewhere and of those Indochinese in refugee camps who have close family and political ties to the United States. *N.Y. Times*, March 1, 1978, at 1, col. 6. President Carter later ordered American ships to pick up refugees who fled Indochina in boats. The decision was prompted by an abrupt rise in May and June of 1978 of the number of "boat people." The United States hoped other countries would now be encouraged to take similar action. *N.Y. Times*, July 6, 1978, at 7, col. 1.
2. See *30th Anniversary of the Universal Declaration of Human Rights*, 79 DEP'T ST. BULL. 1 (1979).
3. For an excellent and complete analysis of the United States' role in the Egypt-Israel peace negotiations, see *Egypt and Israel Sign Treaty of Peace*, 79 DEP'T ST. BULL. 1 (1979).

American President has conscientiously worked to fulfill this responsibility.

President Truman had his Baruch Plan to control the uses of nuclear power.⁴ President Eisenhower proposed general disarmament and started test ban talks.⁵ President Kennedy concluded the limited Test Ban Treaty.⁶ President Johnson concluded the nuclear non-proliferation treaty and began the Strategic Arms Limitation Talks (SALT) with the Soviet Union.⁷ President Nixon continued these talks and concluded the first SALT treaty which ended the race to build anti-ballistic missiles and set limits on the number of offensive strategic arms.⁸ President Ford achieved the Vladivostok Accords and initiated limits on weapons-grade materials distribution.⁹ President Carter concluded SALT II¹⁰ and began negotiations designed to curb the development of anti-satellite weapons,¹¹ limit the spread of conventional

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4. "Baruch Plan" was the name given to the United States' policy on nuclear power as stated by the United States' representative to the United Nations Atomic Energy Commission, Bernard M. Baruch, in New York City, June 14, 1946. 14 DEP'T ST. BULL. 1057 (1946).
 5. See, e.g., Eisenhower's Statement on Disarmament Presented at the Geneva Conference, PUB. PAPERS 713 (July 21, 1955).
 6. Treaty Banning Nuclear Weapon Tests in The Atmosphere, in Outer Space and Under Water, October 10, 1963, United States - Great Britain - Soviet Union, 14 U.S.T. 1313, T.I.A.S. No. 5433.
 7. Treaty on the Non-Proliferation of Nuclear Weapons, *opened for signature* July 1, 1968, 21 U.S.T. 483, T.I.A.S. No. 6839, 729 U.N.T.S. 161.
 8. On May 20, 1971, President Nixon announced "The governments of the United States and the Soviet Union . . . have agreed to concentrate this year on working out an agreement for the limitation of the deployment of anti-ballistic missile systems (ABMs). They have also agreed that, together with concluding an agreement to limit ABMs, they will agree on certain measures with respect to the limitation of offensive strategic weapons." Remarks Announcing an Agreement on Strategic Arms Limitation Talks, PUB. PAPERS 648 (May 20, 1971).
These talks became two treaties: Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, United States—U.S.S.R., 23 U.S.T. 3437, T.I.A.S. No. 7503; and Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, May 26, 1972, United States—U.S.S.R., 23 U.S.T. 3463, T.I.A.S. No. 7504.
 9. Text of the Joint United States-Soviet Communique issued at the conclusion of President Ford's visit to Vladivostok, U.S.S.R., 10 WEEKLY COMP. PRES. DOC. 1494 (Nov. 24, 1974).
 10. The SALT II Treaty was signed at Vienna, Austria, on June 18, 1979. See *Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, Art. XV: Hearings Before the Senate Comm. on Foreign Relations*, 96th Cong., 1st Sess. (1979) [hereinafter cited as *SALT II Hearings*].
 11. See N.Y. Times, May 18, 1980, at D3.

The United States asked the Soviet Union to begin negotiations on banning hunter-killer satellites. N.Y. Times, Mar. 19, 1978, at 1, col. 1. The talks started in Helsinki, Finland on June 8, 1978. The discussions were led by Paul C. Warnke, head of the United States Arms Control and Disarmament Agency, and Oleg Khlestov of the Soviet Union. The talks concluded on June 17, 1978 with an agreement to continue at an unspecified date in the future. N.Y. Times, June 18, 1978, at 8, col. 1. This date never came. In June of 1979, the Soviet Union called for a halt in American development of the space shuttle, virtually ruling out the possibility of any accord limiting anti-satellite weapons. N.Y. Times, June 1, 1979, at 6, col. 1.

The Reagan Administration has called for major increases in funds for military equipment for orbital operations, including development of two systems for destroying enemy satellites. N.Y. Times, March 20, 1981, at 13, col. 1.

arms,¹² and strengthen curbs on the distribution of weapons-grade material to slow the dawn of the plutonium age.¹³ Every presidential administration since the devastation of Hiroshima and Nagasaki has joined the bipartisan tradition of negotiating controls on the development, deployment, and spread of these awful weapons—until the Reagan administration.¹⁴

THE CURRENT STATUS OF ARMS CONTROL EFFORTS

It was not until May 1982 that President Reagan finally came forward with an arms reduction proposal.¹⁵ Although I welcome this demonstration of his interest in arms control, it is unfortunate that it took sixteen months from the time of his inauguration for this to happen. Because of this delay we have not created the climate of cooperation so helpful to successful arms talks. At the same time, the Administration has made it easier to export weapons-grade material,¹⁶ announced the production of the neutron bomb,¹⁷ and restarted con-

12. The U.S.S.R. agreed to begin formal talks in Washington on limiting Soviet and American sales of conventional arms. N.Y. Times, Nov. 25, 1977 at 9, col. 1.

On December 15, 1977, U.S. and Soviet negotiations opened a preliminary meeting in Washington on questions of international arms trade. N.Y. Times, Dec. 15, 1977 at 7, col. 1.

In May 1978, the U.S. and U.S.S.R. agreed to hold regular talks to curb the arms trade. The talks were to deal with measures to engage other supplier countries to limit international transfer of conventional arms. N.Y. Times, May 12, 1978 at 10, col. 3.

By April 1979, a report by the Senate Foreign Relations Committee found President Carter's policy of reducing arms sales abroad as "running out of time" and his efforts to get the U.S.S.R. to agree to a formula for restraint in arms sales "may be on the brink of failure." N.Y. Times, April 16, 1979 at 2, col. 3.

13. Nuclear Non-Proliferation Act of 1978, Pub. L. No. 95-242, 92 Stat. 120 (1978). This act stated as its purpose: "To provide for more efficient and effective control over the proliferation of nuclear explosive capability." This act provided criteria and procedures governing export and overseas handling and transfer of U.S. nuclear material and technology.

14. While American negotiations in Geneva for months have attempted to strike an arms reduction agreement with the Soviet Union, they have yet to succeed in coming to any accord with the Soviets. Both the Americans and the Soviets have taken hard line stands on their respective positions. President Reagan's stand of "strength before compromise" is best illustrated in recent remarks he made in Topeka, Kansas:

Yes, we have stepped up Defense Spending. At the same time, we now have teams in Geneva, Switzerland, who are negotiating with the Soviet Union for outright reduction in nuclear weapons. Nuclear freeze, yes—after we have reduced the number of weapons in the world and reduced the Soviet Union to no more than we, ourselves, have.

18 WEEKLY COMP. PRES. DOC. 1122 (Sept. 9, 1982).

15. Address Delivered by President Reagan During Commencement Exercises at Eureka College, 18 WEEKLY COMP. PRES. DOC. 599 (May 9, 1982). [hereinafter Speech at Eureka].

16. Although the Reagan Administration has made no changes in the federal regulations regarding export limits of weapons-grade materials, 10 C.F.R. pt. 110 (1982), several policy changes have been made which have had the effect of making it easier to export weapons-grade materials: (1) President Reagan has dropped a policy implemented by the Carter Administration that the President *personally* sign any export request over 15 kilograms. (2) President Carter would allow no new commitments to supply nuclear materials to anyone; only existing commitments would be honored. Although President Reagan has expressed concern about the spread of nuclear weapons, he has dropped the "no new commitments" policy where the request is for the use of nuclear electrical power. (3) President Carter discontinued the reprocessing of spent fuel. President Reagan dropped this policy, recommending such things as the start up of the Clinch River Breeder reactor. Telephone interview with Mr. Neil Moore, Senior Licensing Manager, Nuclear Regulatory Commission, (Nov. 10, 1982).

17. N.Y. Times, Aug. 9, 1981, at 1.

struction of the plutonium-producing Clinch River Breeder Reactor.¹⁸ Executive branch officials have spoken of the possibility of winning a nuclear war, fighting a limited nuclear war, and the firing of nuclear "warning shots."¹⁹ And, of course, this Administration has rejected the SALT II Treaty.²⁰

Underlying these attitudes are several arguments which must be countered:

- (1) the United States strategic forces are inferior to the Soviet Union's arsenal;
- (2) we could win an arms race with the Soviet Union;
- (3) the Russians do not deserve arms control; and
- (4) a nuclear war is winnable.

The Myth of Inferiority

President Reagan has recently asserted that our strategic forces are inferior to those of the Soviet Union.²¹ From my experience, I know this is not the actual situation. I not only participated in practically every arms control and weapons judgment made over the last sixteen years, but for four years I contributed to every basic decision of the National Security Council, saw all the secrets, and all the estimates of the Soviet forces.²² This experience has led me to believe that the United States nuclear forces are superior to the Soviet nuclear forces in many ways. Many facts available to the general public support this belief. We have nine thousand deliverable warheads in our strategic forces today; the Soviets have approximately seven thousand.²³ Our targeting systems are more sophisticated and, consequently, our ICBM

18. N.Y. Times, Mar. 10, 1981, at B10, col. 1.

19. Partial transcript of an interview with George Bush, conducted by Robert Sheer of The Los Angeles Times, N.Y. Times, Feb. 14, 1980, at 27. Presidential Counselor Edwin Meese recently said that nuclear war is, "Something that *may* not be desirable" (emphasis added). When Senator Clairborne Pell asked Eugene Rostow, Director of the Arms Control and Disarmament Agency, if either the U.S. or the Soviet Union could survive a nuclear war, Mr. Rostow said, "the human race is very resilient." He then added, "Japan, after all, not only survived but flourished after the nuclear attack." When he was asked what shape the country would be in if it did survive, he said: "There would be ten million dead on one side and 100 million on the other but," he added, "that is not the whole population." *Hearings Before the Senate Comm. on Foreign Relations on Nomination of Eugene V. Rostow, to be Director, Arms Control and Disarmament Agency, 97th Cong., 1st Sess. 48-49 (1981)* (statement of Eugene V. Rostow) [hereinafter cited as *Rostow Hearings*].

Paul H. Nitze, currently chief arms negotiator in Geneva and a member of the United States delegation to the Strategic Arms Limitations Talks, 1969-1974, said that there could be serious arms control negotiations *only* after we've built up our forces. When asked how long that will take, he said, "Ten years."

20. Secretary of State Alexander Haig, before the Senate Foreign Relations Committee, May 11, 1982, N.Y. Times, May 12, 1982 at 8. See also The President's News Conference 17 WEEKLY COMP. PRES. DOC. 66 (Jan. 29, 1981).

21. New Conference of March 31, 1982, N.Y. Times, April 1, 1982, at 22.

22. Mr. Mondale won election in Minnesota to the United States Senate in 1966. He was re-elected in 1972. He was Vice President to President Jimmy Carter from 1977-1981. As Vice President he was a member of the National Security Council from 1977-1981. Official Congressional Directory 3, 474, 95th Cong., 1st Sess., (1977).

23. *SALT II Hearings, supra* note 10, at 99 (chart supplied by Secretary of Defense Harold Brown).

missiles are considered more accurate than the Soviets' ICBM missiles.²⁴ The Soviet bomber force is inferior to ours. Our nuclear missile submarines are on station longer, are less vulnerable, and are more reliable than their Soviet counterparts.²⁵ We are ahead of the Soviets in anti-submarine warfare techniques. We have a wide range of new weapons systems which can be used to deter Soviet aggression from superior cruise missiles that can elude Soviet defenses to our unsurpassed submarine missiles. We are clearly not behind the Soviet Union in nuclear weapons technology. And to say that our forces are inferior can only aid Soviet attempts to intimidate other nations, worry our allies, and fuel the arms race.

An Unwinnable Race

It has been said that we could win an arms race with the Soviet Union, and that if we only build more nuclear weapons systems, we would remain safe from nuclear threat and attack.²⁶ For thirty years the United States has spent hundreds of billions of dollars on nuclear weapons and shifted thousands of scientists from the productive private sector of the economy to build increasing numbers of these weapons. These billions of dollars have not ensured our safety. It does not enhance our nation's security that all the warheads in the world today have a combined explosive force equal to four tons of TNT for every man, woman, and child on earth.²⁷ It does not enhance our security that we and the Soviets have equipped our missiles with MIRVs.²⁸

When I was in the Senate, a few of my colleagues and I tried to stop the equipping of our missiles with MIRVs in the belief that MIRVs would initiate a new level of escalation of the arms race, make arms control more difficult, and force the Soviets to equip their missiles similarly.²⁹ Other Senators argued that the Soviets would need years to catch up with us and would go broke trying to do so.³⁰ We lost this argument: the United States built MIRVs and within five years the

24. See *Who's Really Ahead*, NEWSWEEK, Apr. 12, 1982, at 20.

25. See *id.*

26. See generally Rees, *Why We Can't Afford a Nuclear Freeze*, 25 AM. OPINION, June 1982, at 7.

27. A recently released study by the World Priorities organization put this figure at 3.5 tons TNT for every person on earth. The study, entitled *WORLD MILITARY AND SOCIAL EXPENDITURES 1982*, was authored by Ruth Leger Sivard, the director of World Priorities (a non-profit organization). Ruth Leger Sivard is the former chief of the economics division of the U.S. Arms Control and Disarmament Agency.

28. A MIRV is a Multiple Independently Targeted Re-entry Vehicle—a nuclear missile weapon system. The concept involves a launching rocket, a booster, and a final stage, called the bus, from which several warheads can be fired at different speeds and on various trajectories against different targets. 6 ENCYCLOPEDIA BRITANNICA *MIRV* 932 (15th ed. 1974).

29. A group of congressmen, including Senator Mondale, drafted a research paper recommending a number of cuts in the military budget, including funds targeted for deploying MIRV warheads. N.Y. Times, June 16, 1970, at 9, col. 1.

30. For a complete treatment of the issues surrounding the original testing and deployment of MIRVs, see generally *ABM, MIRV, SALT, And The Nuclear Arms Race: Hearings Before the Subcomm. on Arms Control, International Law and Organization of the Senate Comm. on Foreign Affairs*, 91 Cong., 2d Sess. (1970).

Soviets followed suit.³¹ The resulting defense problems for the United States had only expensive solutions and our land-based missile systems became much more vulnerable to a Soviet attack.³²

The Soviets will do almost anything to match our increase in nuclear weapons and will not voluntarily concede nuclear superiority to the United States. The arms race will not stop unless the two major nuclear powers work together to this end. Common sense and a decent respect for humanity demand that we negotiate an end to the nuclear arms race.

Real Security

The present administration tells us that the Soviets do not “deserve” arms controls because they “misbehaved,” and that we should punish them by withholding this favor.³³ Arms control is not a favor to the Soviets. It is primarily something we do for ourselves. It is in our security interest as well as in theirs. By reducing counterforce weapons, we could reduce the chance of surprise attack. By putting ceilings on warheads and delivery systems, we could ease the tension on the nuclear trigger. By verifying the Soviet compliance, we could know what the Soviets are up to. By restricting their nuclear activities, we could better plan our own military improvements. By saving billions of dollars in nuclear weaponry not built, we could spend more on conventional forces and other programs.

These are direct boosts to our security. Moreover, a United States that stands for arms negotiations would strengthen NATO solidarity. A United States responsibly seeking arms control would have the moral force to go to so-called threshold nations and ask them not to add nuclear weapons to their arsenals. For all these reasons controlling nuclear weapons makes us safer and not weaker.

During the Carter Administration, every one of the Joint Chiefs of Staff—the heads of the Army, the Navy, the Air Force, and the Marines—endorsed the SALT II Treaty in the belief that it would en-

31. The Department of Defense, in 1969, announced plans to test and deploy Minuteman 3 and Poseidon missiles with MIRV warheads. *N.Y. Times*, June 14, 1969, at 8, col. 4.

In a news conference on January 14, 1975, Defense Secretary James Schlesinger reported that the United States had confirmed deployment by the Soviets of MIRV missiles in underground silos. This deployment, said Schlesinger, heralded the Soviet entry into the MIRV field. *N.Y. Times*, Jan. 15, 1975, at 1, col. 1. Yet, as early as 1969, Department of Defense experts' analysis of Soviet tests in the Pacific indicated the Soviets were nearing development of a MIRV system. *N.Y. Times*, June 9, 1969, at 1, col. 7.

32. An analysis of the Carter Administration's approach to arms limitation talks found Carter policies reflected an acceptance of the long-standing contention of the Joint Chiefs of Staff that the Soviet MIRVs could pose a threat to United States land based deterrent missiles. *N.Y. Times*, Apr. 15, 1977, at 1, col. 5.

33. President Reagan said strategic arms negotiations with the Soviets would be linked to Soviet global behavior. *N.Y. Times*, Jan. 30, 1980, at 3, col. 1. Later, in ordering this policy, President Reagan said Soviet involvement with the Salvadorian rebels must be “straightened out” before arms control negotiations could proceed. *N.Y. Times*, Feb. 25, 1980, at 4, col. 4.

hance our security.³⁴ Heads of intelligence agencies supported this agreement because their jobs were to defend this country and they believed they could defend the country better with the Treaty than without it.³⁵

Of course, the Soviet Union has misbehaved. Yet, through thirty years of wars and crises and Soviet misdeeds, every Administration has sought agreements to reduce nuclear weapons. It is precisely when tensions rise, when turmoil abounds, and when competition between the super powers is heightened that we must work hardest to eliminate the possibilities of nuclear war.

An Unwinnable War

Members of the Reagan Administration have even dared to suggest that a nuclear war is winnable because it can be limited, we can protect ourselves, and we can recover. In the six years of World War II some fifty million people were killed.³⁶ In an unlimited nuclear war that many, twice as many, three times as many could be killed in an instant. Many more would die from want of food or health care. The ozone layer protecting us from dangerous solar radiation could be depleted, soil rendered useless by contamination, water made undrinkable and a planet perhaps uninhabitable. As someone once said, the living would truly envy the dead.³⁷

PROPOSALS AND RECOMMENDATIONS

Evaluation of Arms Control Proposals

Every arms control proposal should be evaluated by the following criteria:

- (1) The proposal must lead to an outcome that will enhance the national security of both sides. No proposal can work that does not realistically lower the threat that each side faces.
- (2) The proposal must focus on counterforce weapons. As the weapons that threaten the weapons of the other side, these are the most de-

34. On July 11, 1979, the Joint Chiefs of Staff gave their formal support to the SALT II treaty in their appearance before the Senate Foreign Relations Committee. FACTS ON FILE 510 (1979).

35. The Treaty was supported by Adm. Noel Gaylor, former Director of the National Security Agency, *SALT II Hearings, supra* note 10, pt. 2, at 197, and William E. Colby, former Director of the Central Intelligence Agency, *id.*, pt. 5, at 268. Also, the then Director of the CIA, Adm. Stansfield Turner, stated his confidence that the treaty provided for adequate verifiability of Soviet compliance with its terms. *Id.*, pt. 3, at 276.

36. "The best estimates put the death roll as approximately 50,000,000." THE WORLD ALMANAC BOOK OF WORLD WAR II 614 (P. Young ed. 1981).

37. Kinsley, *Nuclear Holocaust in Perspective*, HARPER'S, May 1982, at 8-12.

For further inquiry in to the effects of a nuclear attack, see OFFICE OF TECHNOLOGY ASSESSMENT, THE EFFECTS OF NUCLEAR WAR (1979) (Report to Congress). See also, *Short- and Long-Term Health Effects on the Surviving Population of a Nuclear War: Hearing before the Senate Subcomm. on Health and Scientific Research, 96th Cong., 2d Sess. (1980).*

stabilizing nuclear arms, and they should be the first targets of reduction.

(3) The proposal must aim for significant reductions in nuclear weapons. For arms control to be successful, there must be hope that negotiations can lead to a genuine, sizable reduction in destructive power.

(4) The proposal must lead to an outcome that can be effectively verified. Any agreement we seek must be independently verifiable by the United States.

(5) Above all, the proposed agreement must strengthen America's security. No treaty will receive or deserve full bipartisan backing unless the American people are convinced it fundamentally strengthens our nation.

A Comprehensive Strategy

An additional criterion is that we must have a comprehensive security strategy, not to put on the negotiating table, but to use for planning both our defense needs and our approach to arms negotiations. The military challenge we face today is not composed of isolated and distinct elements. The forces we contend with are not strategic or tactical or conventional, but rather a combination of the three. What we need to enhance our security is a comprehensive approach to arms reductions across the board. Instead of proceeding on a piecemeal basis, we must look at the picture as a whole, discuss it with our allies, and negotiate with it in mind. If we did this, we would have more leverage, more flexibility, more negotiating room, and more opportunity to emphasize our military strengths. We would surely have more hope of achieving arms control.

With a comprehensive strategy we could propose, for example, that the Soviets reduce their conventional preponderance in Europe if we, in turn, dropped our first use doctrine. We could abandon the MX if the Soviets agreed to major cuts in the missiles that threaten our Minuteman silos. There are many other ways to relate reductions in their forces to reductions in ours. Conversely, we cannot hope to reduce the things the Soviets have that worry us unless we are prepared to discuss seriously the things we have that worry them. Opponents of arms control often hide behind unbalanced proposals that the other side cannot possibly accept. Shadow thus obscures substance.

Implementation

The nuclear freeze movement, Ground Zero Week, town meetings, church resolutions, and other spontaneous grass-roots movements, which I strongly support as a way to get the President's attention, have begun to succeed. In the recent elections, nuclear freeze resolutions

passed in eight out of the nine states where they were on the ballot.³⁸ The Administration must take advantage of this building arms control momentum to take several urgently needed steps.

The Administration should withdraw its opposition to the SALT II Treaty, which should be swiftly ratified by the Senate. This treaty enhances verification, requires the dismantling of some 250 Soviet missile delivery systems,³⁹ puts a so-called fractionation ceiling on the number of warheads per delivery system,⁴⁰ and prevents the Soviets from taking advantage of their currently greater capacity to sharply increase the numbers of deliverable warheads.⁴¹ This was why many military chiefs supported SALT II.⁴² The Reagan Administration must drop the loose talk about tinkering with the Anti-ballistic Missile Treaty. That treaty has been one of the few stabilizing and economizing forces in the arms race.

The President must restore control of weapons-grade material and return the American government to the side of nuclear non-proliferation. The passage of ever more nations from threshold to nuclear capability poses one of the most clear and dangerous threats to our long-term security. The United States must also move ahead with conventional force improvement and complete the conventional parity talks now stalled in Vienna.⁴³ The President must improve crisis communications, as Senators Sam Nunn (D-Ga.) and Henry Jackson (D-Wash.) have urged,⁴⁴ to minimize the chance of accidental firing.

Above all, President Reagan must begin to exercise the leadership so desperately needed if our country is to regain its proper role in the world as the most powerful advocate for controlling nuclear weapons.

38. Nuclear freeze resolutions won overwhelming approval in various states across the nation during the November 2, 1982 elections. The people of California, Massachusetts, Rhode Island, New Jersey, North Dakota, Montana, Oregon, and Michigan all approved freeze referenda. Only Arizona defeated a freeze referendum.

On a more local scale, the people of the cities of Chicago, Denver, Washington, D.C., Reno, and Olympia also supported nuclear freeze proposals. *'Freeze' Success Highlights Ballot Measures*, 40 CONG. Q. WEEKLY REP. 2809 (1982).

39. *SALT II Hearings*, *supra* note 10, at 103 (statement of Harold Brown, Secretary of Defense, accompanied by Ralph Earle II, Chairman, U.S. Delegation to the Strategic Arms Limitation Talks).

40. "Each Party undertakes not to develop, test, or deploy systems for placing into Earth orbit nuclear weapons or any other kinds of weapons of mass destruction, including fractional orbital missiles." SALT II Treaty, Art. IX, para. (1)(c). *SALT II Hearings*, *supra* note 10.

41. ". . . These limits hold the Soviets down to a level well below what I believe [they] otherwise could be expected to reach. For example, without SALT II I would expect them by 1985 to have 1800 multiple-warhead missiles instead of 1200." *SALT II Hearings*, *supra* note 10, at 115 (statement by Secretary of Defense Harold Brown).

42. *See supra* note 34.

43. *See supra* note 14.

44. "Jackson urges the U.S. and the Soviet Union to establish a jointly manned communications center to ease what he called a growing concern that a nuclear war might be touched off by accident." N.Y. Times, April 26, 1982, at 3, col. 4.

Two days later, Senator Sam Nunn stated he had been advocating such a plan for years. N.Y. Times, April 28, 1982, at 24, col. 1.

CONCLUSION

Nuclear war threatens everything we hold dear—our children, this nation, this planet, and human life itself. To speak of nuclear weapons is literally to consider the fate of the earth. To use them is to seal that fate. To control them is to begin preserving what we cannot recreate and what must be preserved.

As Jonathan Schell stated in his historic *New Yorker* articles:

Of all the modest hopes of human beings, the hope that mankind will survive is the most modest, since it only brings us to the threshold of all the other hopes. In entertaining it we do not yet ask for justice or for freedom or for happiness or for any of the other things that we may want in life. We do not even necessarily ask for our personal survival. We only ask that we be survived. We ask for assurance that when we die as individuals, as we know we must, mankind will live on.⁴⁵

The survival of mankind is not too much to ask.

45. Schell, *Reflections: The Fate of Earth*, NEW YORKER, Feb. 15, 1982, at 45-46. Mr. Schell wrote two other articles which were published in the Feb. 1, 1982 and Feb. 8, 1982 editions of NEW YORKER.