

MEMORANDUM CONCERNING AGREEMENTS TO TRANSFERS UNDER THE ATOMIC ENERGY ACT.

On July 2, 1958, an amendment to the Atomic Energy Act (Public Law 85-479) came into force. On the basis of this amendment, agreements for cooperation on the uses of atomic energy for military purposes, or mutual defense purposes and training NATO forces in the use of nuclear weapons have recently been concluded with the governments of Great Britain, France, Canada, Germany, The Netherlands, Turkey and Greece. Under Public Law 85-479 Congress may, before July 19 and 26, pass a concurrent resolution stating that it does not favor these proposed agreements, in which case the agreements shall not become effective.

The point of the present statement is to suggest that such action by Congress would be desirable. It is fortunate to know that the Joint Committee on Atomic Energy holds hearings to consider this question.

In order to clarify the essential implications of these agreements one might start with a discussion of the latter three agreements, i.e. the similar agreements which have been made with the NATO countries Germany, the Netherlands and Turkey.

Arguments in favor of these agreements have been brought forward; to be specific, the agreement with Germany may be discussed in more detail.

First, it is said, the proposed distribution of weapons delivery systems would avoid that our allies be put to the needless expense and effort of duplication of development, and it would lead to a strengthening of the morale of the military establishments of the NATO countries which will be unhappy to be relegated to doing merely the "leg work" in a war, i.e. to be second class partners assigned to do the dirty work. This argument for transfer agreements fails to convince because it refers to the case of a war actually occurring. In that case a Germany possessing nuclear weapons will be but a radioactive heap of rubble, and the dying soldier will not even have the consolation of his family surviving. This kind of an argument, concerned about military morale in the event of a nuclear war, fails to face the reality of the catastrophe implied by these kinds of weapons.

Second, it is argued that failure of the United States in entering such agreements would only enhance independent development of nuclear weapons by these countries in which case the United States would have no control over such emerging nuclear powers — it is assumed that under the proposed agreements the United States would retain control over the nuclear weapons in the NATO countries. The following fact should however be recalled. Eighteen leading German nuclear physicists went on record refusing to participate in the research on nuclear weapons development simply because they consider that a suicidal policy. Restraint by the United States in providing the German army with nuclear weapons systems would under such conditions make the establishment of a denuclearized central Europe possible provided, as seems likely, that the Soviet Union would then also refrain from supplying its satellite governments with nuclear weapons systems. On the other hand, the supplying of nuclear weapons systems to the German army, the "bulwark against communism" might produce as incalculable results as did the supplying with war materials (several billion dollars worth) to the German military machine of 1933-39.

Third, it is argued that the proposed agreements are only the natural and logical sequels of the NATO defense concept and cannot be considered apart from this context. In regard to the suggestion that we must go the full way with our allies, it has to be pointed out that the issue under discussion concerns long range agreements which permit termination only by agreement by both parties, e.g. Germany and the United States. In due course, a few years from now, or at the time of an international crisis, the German military establishment will be in a position to demand nuclear warheads. Having geared their military outfit to nuclear warfare, they would only make fools of themselves, did they not then have sovereign possession of nuclear

warheads (if the United States should refuse, the German military might get them from elsewhere). In short, the proposed agreement implies a new commitment of an unprecedented magnitude on the part of the United States which is not fully disclosed by the nature of the transfer presently proposed. Such a not easily revocable commitment has to be judged in its proper perspective, i.e. in relation to the kind of basic change in the foreign policies of the nuclear powers, a change which alone can provide our children with a chance to live. The proposed agreement, on the other hand, would increasingly chain the United States to an outmoded policy of threat by nuclear retaliation.

Fourth, it held that the proposed agreements would substantially raise the potential of such a deterrent of massive nuclear retaliation. The dogma of the nuclear deterrent has become a sacred cow. Even so, it needs to be subjected to critical examination.

In the light of history, is it sound appraisal of strategy, psychology and criminology to rely on the nuclear deterrent? And is it a morally possible doctrine?

Even as regards criminology of the hardened individual criminal, the thesis that the threat of punishment prevents the crime stands without proof, with the evidence rather pointing to the contrary. It is the sensible education by an enlightened police or the judge or by the social worker, and the moral integrity of society which prevents crime before it brakes out.

In international life we talk about a nuclear deterrent, implying a state of mind which is both cause and consequence of the avalanche of nuclear arsenals which hang over us. Does that deterrent bring what it is supposed to bring, an "enforced peace"? In the past an arms race, the effort to maintain an imagined balance of power, has usually led to war. The best that can be said about the nuclear deterrent comes from E.B. White (in the New Yorker): "The bomb has given us a few years of grace without war and now it offers us a millenium of oblivion."

The core of the challenge to our foreign policy is this: do we have the moral vigor to stop this criminal race? We can stop it only if we have the integrity to refuse to be ready to do by remote control what no sensitive human being could do with his own hand: to bring untold suffering and obliteration to innocent children. We need to stop and think about the consequence of our policy and of our handiwork. We need to develop nonviolent techniques to resolve areas of conflict. We need to concentrate our efforts on negotiation and arbitration through the United Nations, leading to a system of world law. The International Court at the Hague has, in its early days, settled many an international conflict. We need to begin world disarmament now by a first step agreement to end all nuclear weapons tests. We need to break the missiles race now while it is still in its infancy, by agreements to missile test cessation. And we need to pour our creative energies and resources into constructive programs of rehabilitation and development to help the suffering people in the world.

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