THE VOICE OF SCIENCE ON CAPITOL HILL

F.A.S. PUBLIC INTEREST REPORT

Formerly the FAS Newsletter

SPECIAL ISSUE: CONTROVERSIES OVER THE H-BOMB AND SALT

Vol. 32, No.5 May, 1979

IS THE H-BOMB SECRET OUT? WHAT SHOULD BE FAS SALT POLICY?

During the last month, a controversy sprang up over the right of the *Progressive Magazine* to print a story that, it asserted, contained "The H-Bomb Secret." As members know, no magazine in the history of this country has received a court order enjoining its publication, and such a precedent could open the door for future such exceptions to the First Amendment freedom of the press.

In a last ditch effort to prevent such an unfortunate precedent—and to prevent such harm to non-proliferation as the release of the secret in question might bring—the FAS Executive Committee made an eleventh hour proposal to the Judge, in an Amicus Brief.

The judge, whose opinion said he was "greatly impressed" with the FAS proposal, accepted it completely and enthusiastically and called for a mediating panel of two scientists and two media representatives, chaired by a jurist, to try to defuse or resolve the controversy. For two hours, while the parties conferred, we thought we had this historic case on the road to some kind of non-legal solution.

But while the Government agreed, the *Progressive* declined. And so the temporary injunction was ordered, to the regret of most observers. Thereupon the Federation made a second proposal, that the scientists be convened by the court to discuss the issue amongst themselves and to produce a memorandum of agreement and disagreement.

Because of the importance of this controversy to freedom of the press, to non-proliferation, and to the methods by which scientists resolve such high technologically sensitive issues, we are printing the two amicus briefs for the members to examine.

ON SALT

The FAS debate over SALT, called for in the March newsletter: "SALT: Pros and Cons for Doves," broke out in the pages of the *New York Times* with a sharp letter from ten FAS Sponsors urging uncritical support of the SALT agreement. It criticized Jeremy J. Stone for considering such other alternatives as deferral of the agreement, and for allegedly "poor-mouthing" the treaty and "downgrading SALT." Herbert Scoville, a key organizer of the letter, has written FAS asking that the *New York Times* letter be printed in the *FAS Public Interest Report*. (Other FAS officials, led by John Holdren—concerned by the substance and tone of the Scoville letter—have sent a response to the *Times*, and also asked that it be printed in the *FAS Report*.)

On receipt of the letter, a mailgram poll of the approximately 100 Sponsors was taken. By April 11, votes were as follows (including multiple choices of members and using shorthand for the choices):

Support with Some Enthusiasm: 21

Support with Dismay: 24

Seek Commitments of Future Promise: 21

Urge Deferral and Improvement Especially if Defeat Looms: 12

But without multiple counting, and averaging multiple votes, the straw ballot is still more supportive of some kind of support of the SALT agreement without maneuver. In this case, the options get, in order: I-21; II-21; III-13; IV-7.

At an informal FAS meeting called to discuss the issue, strong support existed for adding still another option: "Preclude MX Becoming a Ratification Price." With these five options, a mailing has now gone out to the general membership asking for their preliminary judgment.

So we are having the debate called for! And while all concerned—including, on reflection, most signers of the *New York Times* letter—are somewhat troubled by the letter's style and drafting, it does provide excellent access to the debate for the members. Following the publication of the letters, on pages 5 and 6, Stone's letter of response to the letter signers is printed because it shows not only one assessment of the issues involved, but also the legislative uncertainties, and the problems of trying to cope with them in advance, in a surprisingly dynamic political situation.

As this newsletter went to press, Senator Alan Cranston, Senate whip, and vote counter par excellence, was being quoted by *Time* as saying of ratification: "It's not impossible, but ratification faces very tough sledding."

FAS BRIEF THE JUDGE ADOPTED

The Federation of American Scientists (FAS) was founded, in 1946, as the then-named Federation of *Atomic* Scientists (FAS).

Many founding members of the organization contributed themselves to the construction of the first atomic bombs and consequently felt a personal moral responsibility to work for control of atomic weapons. This charge continues to permeate the thinking and work of our organization as our publications and reputation attest. Earlier, as now, the main goal and concern of the Federation has been the control of the superpower arms race and the slowing down of the spread of nuclear weapons to other states.

As the court can well imagine, this historic concern gives FAS a predisposition to believe that some secrets—at least the secrets of the workings of nuclear weapons—ought to be kept from as many individuals, organizations, and nations for as long as possible.

At the same time, our organization is not predisposed to accept official secrecy in general. Quite the contrary, our record shows continuing examples in which we have opposed excessive and unnecessary secrecy concerning the U.S. weapons programs. These are by no means isolated

Continued on page 2

examples because they arise organically from our felt necessity to give the public the necessary information to approve desirable plans for controlling the arms race. I believe it is fair to say that this record reveals quite as strong a predisposition to a flat interpretation of the First Amendment as it does a predisposition to controlling the secrets of the bomb.

As an example of this confluence of thought, it was FAS's just past Chairman, Dr. George W. Rathjens, who, according to press reports, first brought the Morland article to the attention of the Department of Energy as requiring review. And it is no accident that these same press reports reveal that he first phoned the *Progressive* and warned its editors that such publication could only, among other things, lead to legislation still more restrictive of the freedom of the press than now exists.*

On reading the attached article by Mr. Walter Pincus of the *Washington Post* and after consulting with a number of relevant organization officials and informed members, we sent a telegram to the *Progressive* urging efforts to redress the damage the article could cause to nonproliferation and to the First Amendment.

Subsequently, the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science (AAAS) sent a comparable telegram to the *Progressive* urging, in cases of this kind, "voluntary editorial changes by the publisher after discussion with the Government if necessary." The AAAS is a 130-year-old organization of scientists of all kinds, including over 100,000 scientists, and publishing the well-known *Science Magazine*. The Committee on Scientific Freedom and Responsibility is charged by the AAAS to consider problems of scientific freedom and responsibility of this kind.)

In short, our Federation and the AAAS Committee wish a largely nonlegal resolution of this matter that will satisfy the needs of both sides. And having given further consideration to ways and means of achieving such a resolution, the Executive Committee of our Federation has approved the submission to the Court of the following suggestion.

We believe the court should consider extending the temporary restraining order and urging the parties to try to resolve the dispute with the aid of mediators acceptable to each side. As we understand it, the Government did not ask to suppress the article in its entirety but requested certain deletions. And we consider it entirely likely that whatever socially useful purpose the *Progressive* has in mind for this publication does not require it to resist most or all of the deletions.†

*Before providing the court with our recommendation, I should note in the interest of full disclosure, that Mr. Howard Morland came to my office in the course of his research into the article and asked for assistance. I said, in as many words, "You want to be the Phillips of Princeton on the hydrogen bomb." When Mr. Morland nodded, I said that we would not cooperate because we saw no useful purpose in his project. Except for this, I had no personal involvement in this affair until the matter reached the press.

†For example, the attached article from the Washington Post by *Progressive* Editor Erwin Knoll gives as an example of the need to publish the need better to understand the necessity for a comprehensive test ban. However, we know of no plausible reason why supporters of the test ban are hampered by not knowing technical details of how the bomb is built.

Furthermore, the *Progressive* is surely mindful of the high risk it is taking of being the means by which a Supreme Court precedent might occur interpreting the First Amendment as permitting a permanent order of prior restraint in this case. (We submit for the Court as evidence of media concern on this point relevant editorials of the *New York Times* and the *Washington Post* —entitled, respectively, "Ban the Bomb—And the Press?" and "John Mitchell's Dream Case.")

No doubt, as is so common in such matters, if permitted, both parties may redouble their efforts while losing sight of their goals. Emotions may obscure otherwise easily accommodated ends. In this connection, it seems to us especially desirable for the court to provide a precedent showing that

FAS

Chairman: JEROME D. FRANK
Secretary: JOHN T. EDSALL
Treasurer: FRANK VON HIPPEL
Director: JEREMY J. STONE

The Federation of American Scientists is a unique, nonprofit, civic organization, licensed to lobby in the public interest, and composed of 7,000 natural and social scientists and engineers who are concerned with problems of science and society. Democratically organized with an elected National Council of 26 members, FAS was first organized in 1946 as the Federation of Atomic Scientists and has functioned as a conscience of the scientific community for more than a quarter century.

SPONSORS (partial list)

*Christian B. Anfinsen (Biochem.)
*Kenneth J. Arrow (Economics)
*Julius Axelrod (Biochemistry)
*David Baltimore (Microbiology)
Leona Baumgartner (Pub. Health)
Paul Beeson (Medicine)
*Hans A. Bethe (Physics)
*Konrad Bloch (Chemistry)
*Norman E. Borlaug (Wheat)
Anne Pitts Carter (Economics)
*Owen Chamberlain (Physics)
Abram Chayes (Law)
Morris Cohen (Engineering)
Mildred Cohn (Biochemistry)
*Leon N. Cooper (Physics)
*Carl F. Cori (Biochemistry)
Paul B. Cornely (Medicine)
*André Cournand (Medicine)
*Max Delbruck (Biology)
*Renato Dulbecco (Microbiology)
Carl Djerassi (Organic Chem.)
John T. Edsall (Biology)
Paul R. Ehrlich (Biology)
*John F. Enders (Biochemistry)
*Paul J. Flory (Chemistry)
Jerome D. Frank (Psychology)
John Kenneth Galbraith (Econ.)
Richard L. Garwin (Physics)
Walter Gilbert (Biochem.)
Edward L. Ginzton (Engineering)
Marvin L. Goldberger (Physics)
*Donald A. Glaser (Physics-Biol.)
*H. K. Hartline (Physiology)
Walter W. Heller (Economics)
*Alfred D. Hershey (Biology)
Hudson Hoagland (Biology)
*Robert W. Holley (Biochemistry)
Marc Kac (Mathematics)
Henry S. Kaplan (Medicine)
Carl Kaysen (Economics)
*H. Gobind Khorana (Biochemistry)
George B. Kistiakowsky (Chem.)
*Arthur Kornberg (Biochemistry)
*Polykarp Kusch (Physics)
*Willis E. Lamb, Jr. (Physics)
*Wassily W. Leontief (Economics)
*Fritz Lipmann (Biochemistry)
*S. E. Luria (Biology)
Roy Menninger (Psychiatry)
Robert Merton (Sociology)
Matthew S. Meselson (Biology)
Neal E. Miller (Psychology)
Hans J. Morgenthau (Pol. Science)
*Robert S. Mulliken (Chemistry)
Franklin A. Neva (Medicine)
*Marshall Nirenberg (Biochem.)
Robert N. Noyce (Indust. Exec.)
*Severo Ochoa (Biochemistry)
Charles E. Osgood (Psychology)
*Linus Pauling (Chemistry)
Gerard Piel (Sci. Publisher)
George Polya (Mathematics)
George W. Rathjens (Def. Policy)
Oscar Rice (Physical Chemistry)
*Burton Richter (Physics)
David Riesman, Jr. (Sociology)
Walter Orr Roberts (Solar Astron.)
*J. Robert Schrieffer (Physics)
*Julian Schwinger (Physics)
Herbert Scoville, Jr. (Def. Policy)
Alice Kimball Smith (History)
Cyril S. Smith (Metallurgy)
Robert M. Solow (Economics)
*William H. Stein (Chemistry)
*Albert Szent-Györgyl (Biochem.)
*Howard M. Temin (Microbiology)
James Tobin (Economics)
*Charles H. Townes (Physics)
*Harold C. Urey (Chemistry)
*George Wald (Biology)
Myron E. Wegman (Medicine)
Victor F. Weisskopf (Physics)
Jerome B. Wiesner (Engineering)
Robert R. Wilson (Physics)
C. S. Wu (Physics)
Alfred Yankauer (Medicine)
Herbert F. York (Physics)

NATIONAL COUNCIL MEMBERS (elected)

Bruce Ames (Biochemistry)
Lipman Bers (Mathematics)
Harrison Brown (Chemistry)
Nina Byers (Physics)
Britton Chance (Chemistry)
Geoffrey Chew (Physics)
Thomas Eisner (Biology)
Morton H. Halperin (Pol. Science)
Denis Hayes (Environ. Policy)
Myra Karstadt (Law-Biochemistry)
Daniel Koshland, Jr. (Biochem.)
Leonard Meeker (Law)
Victor Rabinowitch (World Devel.)
Leonard Rodberg (Pol. Science)
Arthur H. Rosenfeld (Physics)
Patricia Rosenfield (Env. Health)
Carl Sagan (Astronomy)
Joseph L. Sax (Environ. Law)
William Shurcliff (Physics)
George A. Silver (Medicine)
Frank von Hippel (Physics)
Alvin Weinberg (Physics)
Robert H. Williams (Energy Policy)
Archie L. Wood (Defense)

*Nobel Laureates

The FAS Public Interest Report (USPS 188-100) is published monthly except July and August at 307 Mass. Ave., NE, Washington, D.C. 20002. Annual subscription $25/year. Second class postage paid at Washington, D.C. Copyright © 1979 by the Federation of American Scientists.

parties seemingly at odds in such matters can, on reflection, satisfy both their interests. Such cases can arise in future involving this or even other technologies. It is possible, for example, that a technology such as recombinant DNA could someday surface means of destruction that ought not be published while, at the same time, provoking crucial issues of public policy that badly need to be publicly discussed. As the AAAS statement notes, the accommodation of such conflicting interests is not best made in the spotlight of such publicity as restraining orders seem inevitably to evoke. Would it not be well to give the parties every last chance to try to resolve the matter out of court, so as to simultaneously moot the case, and set a desirable precedent for the future?

If matters continue as they are, we have no doubt that more and more copies of this article will diffuse to uncleared individuals. Reasoning as to how the material contained within the article might have somehow come from public sources will become more and more elaborate, if not always relevant. The temptations of persons and journals to respond to the sensational atmosphere by defying the Government, perhaps in order to secure publicity for them or their journal, will increase.

Thus, the Government has an interest in settling this case out of court because it must want to short-circuit an otherwise circus atmosphere that is as self-defeating as it is undesirable. And the *Progressive* has an obligation to its collegial organs of the press not to provoke unnecessary and possibly unwinnable fights over the First Amendment. Under these circumstances, aided perhaps by a court-appointed set of acceptable mediators, the two parties might well be able to settle the matter.

We would suggest that one or two senior weapons scientists be joined by one or two senior representatives of the U.S. media, and the two to four person mediating committee be chaired by some respected lawyer or retired judge or justice. The resulting committee of three to five would then work together with the two parties and report to the judge on their progress, or lack of it, in dealing with the specific deletions at issue. At the least, this could facilitate subsequent litigation by narrowing the issues. The members could be chosen to be acceptable to the two sides...

In short, unlike a civics book appraisal of the issue that might assume there were only clear-cut, and hard-and-fast, disagreements between the parties, there may well be items the Government would like deleted which are irrelevant to the *Progressive*'s point, and matters relevant to its purpose which the Government can concede. In any case, it might cost little at this stage of hearings to leave open such a possibility of agreement, and, if successful, this might avoid the bad law that hard cases can bring.□

—Jeremy J. Stone

POST—HEARING BRIEF: FAS URGES THE COURT TO CONVENE THE SCIENTISTS

I have the honor to transmit to the Court a second suggestion of the Executive Committee of the Federation of American Scientists, a group described in our Amicus Brief filed with the Court on March 23, 1979.

The gist of our proposal is that a Court-encouraged effort to convene those representative scientists of the different views upon which the parties have relied, might produce advantages in terms of a better factual consensus on what everyone has acknowledged to be the underlying issue: the extent to which publication would hasten the proliferation of thermonuclear weapons...

According to the Government oral argument, the *Progressive*'s early draft conceded that its article would assist other nations in building hydrogen bombs much as it conceded that the article contained "secret/restricted data." However, a scientific consultant, Dr. Theodore M. Postol subsequently gave the *Progressive* an affidavit saying that the Morland article could be easily derived from the *Encyclopedia Americana* article by Dr. Edward Teller. The Government says that its analysis shows that Dr. Postol's scientific argumentation is in error in certain regards.

However, still later, the *Progressive* secured an affidavit from Dr. Hugh Edgar DeWitt of the Livermore Laboratory saying that the publication of the Morland article would aid a nuclear weapons design group in another country "only by a few days," or "only for a very short time." A still more complete affidavit of that kind was filed by Dr. Ray E. Kidder of the Livermore Laboratory saying that:

> "those details of design of the hydrogen bomb described in the Morland article that are not deducible from the public record are not of such a nature that their disclosure would significantly influence the national security."

He went on to say that: "...statements made in the affidavit of Dr. Jack W. Rosengren are misleading and, in part, factually in error."

Now the affidavit of Dr. Rosengren had said that the:

> "formulation of a practical design from this vast collection of good and bad ideas and hints [in the open literature] would require an extraordinary inventivenesss and a substantial amount of time and resources"

And Dr. Hans W. Bethe, a most senior and respected physicist had said that:

> "Based upon my experience on the Bethe panel, whose task it was to analyze the nuclear capabilities of foreign nations, it is my judgment that public dissemination of the Morland manuscript would substantially hasten the development of thermonuclear weapons capabilities by nations not now having such capablities."

Such Disputes Not Uncommon

Now these kinds of disputes between experts are not uncommon. They are, indeed, inherent in science. And scientists have developed a tradition of being able to resolve such disputes in an amicable fashion to the extent they can be resolved.

In this case, we believe that a minimum of conversation has taken place between the authors of the opposing affidavits. This is the unfortunate consequence of time, and of occasion, because these matters cannot be discussed over telephones or through the mails.

But we know most of these scientists quite well; indeed most are members of our organization. And we have no doubt but that if they were to discuss the matter together, they would reach a better level of agreement, if not consensus.

Quite possibly, the scientists whose opinions the *Progressive* cites could persuade the scientists whose opinion the Government cites that there was more information in the public domain than the latter had realized. In the alterna-

Continued from page 3
tive, the scientists supporting the *Progressive* might become conscious of a few aspects of the hydrogen bomb construction to which the Morland article might point which do, still, require a good deal of inventiveness in one proliferation context or another and ought therefore not be disclosed lightly.

We believe it would be wise for champions of the scientists involved to be invited to talk this matter over together and to provide the Court with a document explaining where there is consensus and where there is not. Such documents are prepared all the time in scientific controversies in debates over everything from the dangers of using saccharin to disputes over the life stages of the common snail.

Of course, it may seem to some late in the day to try this remedy. But a surprising number of things can be said for it.

Above all, if litigation proceeds, the *Progressive* has the right to ask for a trial and, in this trial, could cross-examine technical witnesses which would have the analogous effect of trying to draw an agreed position from technical witnesses. But this is not, from a scientific point of view, a very effective method for doing so. And even if this course were ultimately to be followed, for legal reasons, it would be, we think, enormously better to have the scientists talking first among themselves in front of blackboards and surrounded by various documents, rather than in Court.

Second, if agreement could be reached among the scientists, it ought to be possible to reach agreement between the parties. If, for example, the scientists upon whom the *Progressive* relies are right that "only days" are involved in helping nuclear weapon design groups, then the Government would presumably drop its case, at least insofar as prior restraint is concerned.

Harms the Progressive Case in No Way

If, on the other hand, the scientists supporting the Government became aware of contingencies and details in which the Morland article would significantly help the construction of hydrogen bombs abroad, they might voluntarily make suitable deletions. This would not, in any way, blunt their First Amendment rights. And one presumes that they would have to feel a very strong social purpose for including the details at issue to do otherwise—a strong purpose that has not yet surfaced. Indeed, the *Progressive* seems to be relying upon its claim that the material was already in the public domain for practical puposes and have themselves recognized *some* potential limitations in the First Amendment.

Of course, it is possible that such a clear consensus cannot be reached, either way, among the scientific champions of each side. In that case, as we noted, the exercise would only have clarified the issues for the purpose of such further litigation as the *Progressive* might seek. But this is itself still an advantage. Presumably the Government would defray the expenses of a meeting.

Finally, the Court was mindful, in its March 26 opinion, of trying to resolve issues of this kind in a way that would be extended to other scientific controversies relating public safety to public information. We are deeply appreciative of the Court's sympathy for the dilemmas with which the pace of technology confronts the scientific community. With this in mind, we cannot but feel that the solution here proposed is yet another piece of the puzzle of establishing desirable future precedents in scientific controversies involving information that deserves the highest secrecy. Encouraging the scientists to get together, in cases where the two parties cannot compromise their differences, would seem a logical second stage between the temporary restraint with its time-urgent demands and any final orders. In brief, the Executive Committee of the Federation proposes that the Court invite a suitable subset of the scientists upon whom each side has relied to meet and discuss their differences and to prepare a memorandum describing the extent of their agreement of the parties or by direct invitation of the scientists by the Court.

In particular, we do not believe that it need be necessary, however, for the Court, or a subsequent higher Court, to secure the agreement of the parties to this process. The scientists are free agents, not lawyers responsible to clients. None has endorsed all aspects of the case on either side; on the contrary, they are generally restricting themselves to scientific judgments. As scientists, they have a duty to discuss the views they express with each other and we have no doubt but that, with Court encouragement, or our own, or through their own inclinations, they will discuss these maters in due course anyway.

In either case, it might be useful to note that, in the scientific community, it is not necessary to have *all* the parties disputing come together. The scientists (and through them the parties at controversy) are normally pretty clear on who would be the best representatives of the dispute on each side. And they are also adept at deciding themselves, if necessary, who might best chair the committee and prepare, for the Court, the summary documents with footnoted exceptions.

Probably, the scientists with Q clearances who have filed affidavits in the case, after reading the article, would be quite satisfactory. Since the participants would already be cleared, and relatively experienced in these areas, we believe that they would make the strongest case for each side (and have).

In Any Case, Scientists Should Meet

In any case, if the Court, for one reason or another, found it unsuitable or infeasible to adopt this proposal from the point of view of Court sponsorship, we will, and hereby do, urge the scientists themselves to find some fashion to get together to bring their judgments into as close a correspondence as the facts permit. In this event, the Federation of American Scientists stands ready to assist the scientists themselves to organize such a meeting in a suitable place at some agreed time.

In submitting this Amicus Curiae Brief, the Executive Committee wishes to thank the Court most warmly for its sympathetic interest in our views as indicated in its opinion of March 26.* ☐

* We note that, in consulting over the matter, the Executive Committee has recused Dr. George W. Rathjens—who would be a member as our just past Chairman—because he is recused in *all* questions involving non-proliferation during his partial Government service. (Furthermore, at his request, Council Member Morton H. Halperin will, and has been, recused, in this and other Federation business in this matter, because of his involvement as Director of the Center for National Security Studies, which is affiliated with other interested Amicae.)

THE NEW YORK TIMES TUESDAY, APRIL 3, 1979

Why the Senate Should Ratify SALT II

To the Editor:

As members of the Federation of American Scientists (most of whom are listed as Sponsors) we wish to express disagreement with F.A.S. Director Jeremy J. Stone's March 11 Op-Ed article, "SALT, in Perspective."

First, we do not believe that the goal of SALT, as purported by Stone, is the SALT process itself. We believe that the objective of any SALT agreement must be the enhancement of security through progress in limiting strategic weapons. We are less concerned that the failure to ratify the SALT II treaty might have damaging effects on the SALT process than we are concerned that a failure to ratify will be an irreparable setback to the goal of getting the dangerous strategic arms race under control.

Stone apparently believes that recommitting the treaty with the pious exhortation to "try harder" from hawks and doves alike will somehow make a satisfactory agreement more easily attainable than has been possible in seven years of negotiations. We believe this view is fundamentally flawed. Soviet leaders, and for that matter those in most other countries as well, will inevitably reach the conclusion that the U.S. Government is incapable of agreeing on even modest limitations to its nuclear arsenals. The Soviet military will almost certainly insist on continuing and probably accelerating all current buildups. In the U.S. the hawks will not be alone in insisting on a menu of new weapons programs to match the Soviet Union's.

If Stone is really interested in arms control and in the SALT process, which he seems to be trying to support, they will certainly be furthered more by ratification of the treaty than by failure to ratify and having to send the negotiators back to Geneva. While the treaty does not end the arms race and solve all our security problems, it is by no means as short on substance as Stone would have us believe.

For the first time it places limits on *all* types of strategic delivery vehicles, bombers as well as ballistic and cruise missiles.

For the first time it reverses the arms race and calls for reduction from existing force levels. The Soviets will have to scrap more than 250 relatively modern weapons.

For the first time it puts an overall limit on the total numbers of warheads each side can have. While it does not solve the ICBM vulnerability problem, it does put finite limits on the size of the threat to land-based ICBM's.

For the first time it puts restraints on the qualitative arms race by limiting each side to testing and deploying only one new ICBM and putting restrictions on mobile land-based missiles.

Finally, it establishes many new procedures to assist verification and remove uncertainties as to the strategic threat facing each nation.

If the Senate fails to ratify the SALT II treaty:

- Do Stone and others downgrading SALT really think that the Soviet Union will reduce, not add to, its arsenal of strategic delivery vehicles?
- Do they really think that the Soviets will restrict their testing and deployment of new ICBM's to one new model between now and 1985?
- Do they really think that the Soviets will deploy no more than 820 of their SS-17, SS-18 and SS-19 ICBM's whether they are MIRVed or not? — or stop production and deployment of their potentially mobile SS-16 ICBM?
- *Do they really think the U.S. is less* likely to deploy the MX ICBM?
- Do they really think that the completion of a Comprehensive Test Ban Treaty will be hastened?

Stone's article seems based on the proposition that the SALT II treaty will fail to be ratified. By poor-mouthing its accomplishments and naïvely implying that the renewal of negotiations will readily bring a different treaty satisfactory to doves and hawks alike, he is probably increasing the likelihood that it will not be ratified.

We believe the treaty should be ratified because it enhances our security by making important steps toward controlling strategic weapons. A failure to get it ratified would be a major setback to a sane nuclear weapons policy.

MARVIN GOLDBERGER
President
California Institute of Technology
HERBERT SCOVILLE JR.
Vice President, Arms Control Assn.
McLean, Va., March 26, 1979

The letter was also signed by Ruth Adams of the Bulletin of Atomic Scientists, Hans Bethe of Cornell, Abram Chayes, Paul Doty and George Kistiakowsky of Harvard, Sidney Drell of Stanford, Richard Garwin of I.B.M., Gerard Piel of Scientific American, Charles H. Townes of the University of California at Berkeley and Jerome B. Wiesner of M.I.T.

THE NEW YORK TIMES, SUNDAY, MARCH 11, 1979

SALT, In Perspective

By Jeremy J. Stone

During the period of the treaty, the United States and the Soviet Union will either install, or commit themselves irrevocably to deploying, intercontinental ballistic missiles of sufficient effectiveness to galvanize the other to redeploy its land-based force. The resultant cost will be tens of billions of dollars and, possibly, new risks of hair-trigger firing in crises.

Like two alcoholics who find it easy to agree that another drink will not hurt, the superpowers have designed an agreement that will keep them "bellying up to the bar" through its 1985 termination date.

They should be, and could be, agreeing to phase out those land-based missiles that have multiple warheads, which promise to destabilize the situation; instead, they are conducting arms-race business as usual and no serious disarmament at all.

Could a coalition of those Senate hawks interested in protecting Minuteman ICBM's and those Senate doves interested in avoiding the replacement ICBM — the MX missile — and starting disarmament force the superpowers to work out suitable additional provisions? Maybe not.

But one thing is certain. Overstrain is not the only danger confronting the SALT process.

When, by 1985, it becomes painfully evident how modest this treatv was, SALT — as a comprehensive agreement on offensive weapons — could die of ridicule.

[concluding paragraphs]

RESPONSE TO THE SCOVILLE ET AL LETTER

To the Editor of the *New York Times*:

As officials of the Federation of American Scientists, we write to take issue with a letter to the *New York Times* (3 April 1979) signed by Herbert Scoville and 11 other officials and members of the F.A.S. The letter seems to confuse the particular SALT II agreements with the SALT process itself which, ironically, was the very subject of the article under attack ("SALT in Perspective," *New York Times*, 11 March 1979).

We do not agree that the SALT II agreement deserves the unqualified support provided in the letter, and doubt that its signers do either. In fact, we believe it deserves at least expressions of dismay, and possibly a demand for commitments from the two sides (at summit conferences or in the process of ratification) about their intentions to secure future disarmament, as a precondition for public support.

Indeed, if the vote swings sufficiently decisively against ratification, some of us would obviously prefer that ratification be deferred, rather than the treaty defeated, and would want this recommital to take place with injunctions to work for real disarmament.

These are positions which Jeremy J. Stone, our Director, has espoused and for which he has generated a number of creative ideas in recent newsletters and laid important groundwork.

Perhaps most unfortunate, it attacks Stone's views without letting the reader know that he was calling, in particular, in the article in question, for reductions of MIRVed land-based missiles—reductions for which the entire FAS Council had called in a circulated and agreed editorial. Again, we believe many of the signers, though none are on the Council, share this goal.

FAS members will know, of course, that Stone's support of arms control has, for two decades, been not only indefatigable, but highly original and ingenious. But it is nice to note that the Forum for Physics and Society of the American Physics Society is giving him its award this year precisely for his arms control work.

John Holdren
Nina Byers
John T. Edsall
Denis Hayes
George Silver
Arthur Rosenfeld
Howard M. Temin
Frank von Hippel
Arch L. Wood

(Signers have seen the text and communicated their endorsements by phone.)

RESPONSE FROM JEREMY J. STONE

The Scoville letter is quite useful in providing an authoritative defense of the SALT II agreement. Unfortunately, on reflection, many FAS members—whether they want to work for ratification of the agreement or not—may despair at the thinness of the achievements the letter enumerates on behalf of this treaty. And they may come to conclude, as I have, that the real issue is not SALT "II" but SALT "III"—what is going to happen next. If so, they may come to conclude, as I have, that at least a wing of FAS should be working to preclude SALT III from duplicating the underachievement of SALT II by getting suitable commitments *now*.

Let me begin by saying that the Scoville letter unaccountably fails to mention what it was that I was proposing in the *New York Times* article: an effort to form a dove-hawk coalition to *add* to the SALT II provisions reductions in MIRVed land-based misiles. It was not just a general suggestion to "try harder." The prompt addition of such provisions forms an important key—if not the critical key—to avoiding the next round of land-based missile destabilization. If one waits for the 1985 termination date, it would be too late.

It was for this reason that the FAS Council approved the March editorial calling precisely for such reductions, and for such a coalition. There was no Council dissent voiced from the 26 persons to whom the editorial was sent and some considerable enthusiasm.

I hasten to point out that the Council approved this proposal in the context of *ratification* of the SALT agreement; the editorial suggested that the instructions to the negotiators to work subsequently for such reductions would be embodied in a resolution attached to the treaty ratification process.

This resolution, it was felt, would also importantly *help* the ratification process since it would provide an opportunity for undecided Senators to split their votes on SALT—one "tough" vote for future progress in cutting back Soviet MIRVed missiles and then a "soft" vote for the treaty itself. This classic method of getting undecided votes—of which it is believed as many as 17 of 20 are needed for ratification—follows the pattern of SALT I where the Jackson resolution calling for equal force levels was used as the analogous foil.

In the *Times* article, I went further and raised the possibility strongly—but fell a bit short of flatly calling for it—that such instructions might be made by the Senate in the context of *deferring ratification* of the treaty. This possibility was raised as a personal view combining the above conclusion on MIRVed ICBMs approved by the Council, with the "con" side of the pro-con debate in our February newsletter: "SALT: Pros and Cons for Doves."

I raised the possibility in the *Times* partly because of a disputed but still widely held, view in Washington that the Senate votes just may not be there for SALT and that opponents of the SALT process may recommit the agreement largely by themselves. If so, it would be far better for the SALT process's future if the deferral of ratification were associated with good (dovish) reasons, as well as anti-SALT ones. Better to put off ratification until SALT has more substance and promise—and to let the world know what doves think that substance should be—than to let SALT be defeated by what might seem a purely "anti-Soviet" coalition. But since I was not sure that the votes are not there, I did less than flatly insist upon this recommital.*

Also, while the Scoville letter suggests criticism of the treaty from the left may hurt the prospects for ratification, I believe such criticism permits the Administration to portray itself as centrist and to defuse the implicit fear of undecided Senators about sell-outs to the left.

*In any case, it was the President himself who earlier advised *Atlantic Monthly* that he would, in the event of inability to secure ratification, try for interim compliance as has worked with the Interim Treaty and the Threshold Test Ban Treaty. The prospect of a period in which the two sides could attempt to show the concrete SALT III commitment we want, without losing SALT II provisions, is not my invention.

But personally, and politics aside, I cannot work up any enthusiasm for this SALT agreement until the superpowers make *some* credible commitment to what SALT III is going to do. After all, it is only during the ratification process of a SALT agreement that doves (or hawks) have any real control over the now proven disinterest of the superpowers in any substantial disarmament. The Scoville letter fails to appreciate why this is a uniquely important time to complain and exert pressure unlike the last seven years. Only now, when the treaty is trying to get by a hard place, can we make our complaints really heard, and try to secure commitments to more substantial progress later. Should we not, now when we can, insist at least on *promises* or Senate *instructions* for the future?

With that in mind, I have put forward, over the last few months, for FAS consideration, three relevant ways to get such commitment. The first was a prototype of a simple agreement in principle—called percentage annual reduction (PAR)—which could represent a "summit conference" type of agreement.

Second, there was the notion, mentioned above, of a resolution of instruction for the future which, while "hawkish" in calling for tough disarmament, would serve dovish purposes. (Reductions of MIRVed land-based missiles were the example.) And finally there was the more desperate notion of "recommital," a notion especially to be considered if the treaty was in bad trouble anyway.

Now these are, I submit, the kind of creative ideas which FAS should be generating. We should be making some kind of effort to prevent the superpowers from institutionalizing SALT at a cosmetic level, aimed more at detente than disarmament. (It might be worth mentioning that, during the flap over Angola, the Council approved an editorial that advised, if a choice were necessary, throwing out detente rather than disarmament.)

Now is the treaty that cosmetic or not? What about these "for the first time" limits mentioned in this letter? The Department of State has not thus far been willing to release any comparison of what, according to estimates, the Soviet Union *would* have by 1985 in the absence of a treaty and what it *could* have by 1985 under this treaty. Normally, the Department just argues the straw man of what numbers the Soviets *could* have in the absence of the treaty as compared to what numbers it *could* have in the presence of the treaty. It also ignores what the Soviets could do under the treaty to maximally exploit treaty provisions by, for example, *modernizing* more, in lieu of precluded *numerical* growth. I have written asking for more precise information but my letter has been ignored.*

I believe the effectiveness of the Soviet force in 1985, for almost any purpose, would, in fact, depend on the effort the Soviets make to exploit the treaty limits, not on the negotiated limits themselves. Put another way, any level of force effectiveness (as opposed to numbers only) likely to have been obtained in the absence of the treaty agreement could be obtained under the treaty.†

For doves like ourselves, therefore, the treaty seems part of a numbers game about the Soviet rate of buildup. It certainly does nothing to forestall the major new threat: the rising Soviet threat to Minuteman, which encourages U.S. doctrines of firing on warning; and the construction of MX; and the MX's subsequent impact on destabilizing the Soviet land-based missile force causing, in turn, firing on warning doctrines there.

In particular, after the Scoville letter was written, the attached article appeared showing rather definitively that MX is even more clearly a price of SALT. Thus the chances of stopping MX could hardly be worse in the *absence* of a treaty than in its *presence* in contrast to the letter's claim. Still more ironic, MX as our agreed September 1978 editorial, "MAP or SALT?" shows, may make SALT impossible in the future! Furthermore, it was only a year ago that FAS was advising the White House that MX would be too high a price for us to pay for SALT II!

Finally, the Soviet 250-weapon reduction, provided by SALT, is matched by none on our side and hence provides no basis for a subsequent disarmament process. And the Scoville letter's suggestion that the Test Ban is somehow linked to SALT is probably more wrong than right. When President Nixon saw he was unable to get a SALT agreement, he hurried to substitute a test ban for it, and this could as well happen again as not.

In this decade, during SALT II negotiations, U.S. warheads have risen from 2,000 to 10,000. Under this agreement, Soviet warheads will double to a comparable 10,000 and ours will continue to climb to 13,000. After seven years of negotiations, no bilateral disarmament has been achieved and the superpowers are not about to make, it appears, any concrete commitment to reductions unless pressure is put upon them. I do not count whatever principles are listed in the preamble of this treaty because it is only too obvious from talking around town that they do not reflect any concrete internal agreement.

Continued on Page 8

*Maybe not entirely ignored. The President's Science Advisor, Frank Press, was recently moved to advise a major newspaper privately, and at least one of our Sponsors, not to worry about my views because I was in the process of being "isolated" within FAS. While I don't mind standing alone when necessary, I hope all members will resist Government intervention in our internal affairs.

†For example, assume the Russians succeed, as I suppose they will, in ongoing negotiations to permit their replacement to the SS-11 (Minuteman-type single-warhead) missile to be considered as "modernization only" and not a "new type." Then they can use the permission for one-new-type missile to field a heavily MIRVed missile, like the SS-19 but with as many as ten warheads. They could then replace with the new-type missile as many of the 820 MIRVed missiles permitted as they wished. (The remaining *non*-MIRVed missiles would be modernized as above.) In short, everything could be massively modernized under the treaty, but the Russians need only choose the best of their prototypes rather than fielding some of them all. In this light, does it matter that the Soviets could, in the absence of the treaty, field more than one new kind of ICBM—since they can otherwise field the best?

True, in the absence of the treaty, the modernization would not require *replacement* but would be in *addition* to the older missiles which, in Soviet style, might be kept. But it shows that the treaty is not so much constraining the Soviet Union modernization program as requiring dismantlement of older missiles when new and better ones are installed. And since the newer ones are so much more effective (ten warheads, for example, instead of a few and more accurate), the difference in numbers (e.g., 2,650 - 3,000 vehicles rather than 2,250) is less than decisive and mostly in the SLBM missiles of least concern.

Continued from page 7

Under these circumstances, what should FAS policy be? Should not at least part of FAS policy be inventing and announcing ways and means of getting this SALT process on a track of real accomplishment? Recent history, by this analysis, shows we have little to lose. The Scoville letter takes the line that even viewing with dismay would be "poor-mouthing" SALT accomplishments and it prefers such protective, but startling phrases as:

"While the Treaty does not end the arms race and solve all our security problems..."

Is that the right tone for FAS? Or is it laughable? Do we not know, in our hearts, that this seven-year negotiation has not brought anywhere near the fruits that we want and that the world needs? Was our cousin organization, the *Bulletin of the Atomic Scientists,* "bad-mouthing" SALT when, in a February editorial, "The High Price of SALT," Bernard Feld, the *Bulletin*'s editor-in-chief, said of SALT II: "...the longed-for child is being metamorphosed into a monster....No wonder that a large part of the arms control community is beginning to wonder whether SALT in any form likely to emerge from the current political process is worth the price."

Now, it is said to be "naive" to try for more, and especially naive to work to include hawks in a coalition to achieve our goals. But is it not also naive to think that the disarmament goals we want can be achieved by doves alone? And is it not also wrong to think that America can survive for long periods with the nuclear overhang, and the arms race momentum, that these agreements are doing little or nothing to diminish?

My own point of view, then, is to advise Moscow and Washington that doves will not automatically accept as "better than nothing" any treaty served up. To the extent—which is a real extent—that the two sides want to boast of a treaty with one another, they ought be instructed that the treaty must promise more meaningful progress. The promise is what I believe we should be maneuvering to secure. And, again, with the promise, in an agreement in principle, or in a resolution of ratification, I believe that chances for prompt SALT ratification would sharply improve. And if a real commitment to—or Senate instruction about—more substantive future progress can be achieved in no other way, I personally would tend to prefer to see the ratification deferred until the commitment is forthcoming—which would, I believe, increase the chances of *eventual* ratification and, as important, put the SALT process on a more hopeful track.

In this connection, I believe that the President would, as he said, try to get the Russians to agree to maintain the terms of the treaty even if it were not immediately ratified or ratifiable. And I believe the Russians would likely agree to maintain these limits although, obviously, this has some risks, albeit of small disarmament costs. Basically, I believe the real question is when to consider a SALT cycle over, and a ratification inquiry and ceremony both desired and warranted. And, for FAS, the question is how hard to press, in the face of the general irrelevance of the treaty, for commitments as to the future.

So I believe these ideas are playing a useful role in the SALT process. But FAS members should not feel any compulsion whatsoever to agree with me or anyone else. Best, perhaps, that the record show accurately whatever erosion of dove enthusiam for such treaties exists, as well as whatever degree of acceptance exists. Our organization, which is the only arms control interested organization in the nation to be having a debate over the issue of SALT II's adequacy, is well placed to signal both Washington and Moscow what, in many of our hearts, is really happening.

In the end, perhaps, the question is "Who is FAS?" Put another way, "Who will insist on disarmament if not FAS?" And "What is FAS doing here if not calling for disarmament?" *Who if not us and what if not this?* With these questions in mind, it seems that at least one strong faction of FAS should be speaking the truth and maneuvering to secure commitments for SALT III.

In sum, the question, for many FAS members, ought not be who is for or against SALT II. The question is what form SALT III is going to take. The struggle for a substantive SALT III is taking place right now in the process of ratification of SALT II. And this, I submit is what makes my tactics not only right, but essential, to FAS's goal of making the SALT process real.

In any case, the question is one of tactics. How can we all work together in reflecting one or more views that will, together, best secure our underlying goal—to make, and keep, the SALT process as substantive as possible? I call on the signers of the Scoville letter and other interested members, Council members, and Sponsors to write a few to several hundred words on what they think FAS tactics should be for publication in the June newsletter.□

—Jeremy J. Stone

FAS PUBLIC INTEREST REPORT (202) 546-3300
307 Mass. Ave., N.E., Washington, D.C. 20002
Return Postage Guaranteed
May,1979, Vol. 32, No.5

☐ I wish to renew membership for the calendar year 1979.
☐ I wish to join FAS and receive the newsletter as a full member.
Enclosed is my check for 1979 calendar year dues. (☐ I am not a natural or social scientist, lawyer, doctor or engineer, but wish to become a non-voting associate member.)

☐ $25 Member ☐ $50 Supporting ☐ $100 Patron ☐ $500 Life ☐ $12.50 Under $10,000

☐ Subscription only: I do not wish to become a member but would like a subscription to:

☐ FAS PUBLIC Interest Report — $25 for calendar year

☐ Enclosed is my tax deductible contribution of ________ to the FAS Fund.

NAME AND TITLE ____________________
Please Print

ADDRESS ____________________

CITY AND STATE ____________________
Zip

PRIMARY PROFESSIONAL DISCIPLINE: ____________

Second Class Postage
Paid at
Washington, D. C.