

## WESTERN STATES LEGAL FOUNDATION INFORMATION BRIEF

*60 Years After the U.S. Atomic Bombings of Hiroshima and Nagasaki . . .*

# War is Peace, Arms Racing is Disarmament

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The Nuclear Non-Proliferation Treaty (NPT) entered into force thirty-five years ago. At that time, pursuant to Article VI of the treaty, the United States, along with the Soviet Union and the United Kingdom, promised to negotiate in good faith towards both the early cessation of the arms race and the elimination of their nuclear arsenals. Nonetheless, for almost two decades, the nuclear superpowers expanded their arsenals by many thousands of nuclear weapons, and developed an array of new ways of delivering them from the air, land, and sea. By the late 1980's, there were approximately 70,000 nuclear weapons on earth, with more than 24,000 in the U.S. arsenal. The United States also possessed the most powerful and technologically advanced conventional forces.

Yet, in a statement on U.S. Implementation of Article VI and the Future of Nuclear Disarmament presented on May 20, 2005, at the recent NPT Review Conference at the United Nations in New York, Ambassador Jackie Sanders proclaimed: “[B]y any measure,” United States actions over the past 20 years have established an enviable record of Article VI compliance.”

The approach now taken by the United States towards its own disarmament obligations asks us to look only backward, towards those immense Cold War stockpiles. It expects us to accept the possession and constant modernization of thousands of nuclear weapons for many decades to come as consistent with progress towards disarmament. But this backward looking approach fails to address the nuclear dangers we are facing in the 21st century, including the normalization of still very large nuclear arsenals, efforts to modernize nuclear weapons, nuclear weapons states outside the NPT, and – perhaps most dangerous – the integration of nuclear weapons into global warfighting systems that are taking a quantum leap in complexity.

There is the possibility in the long run of a bewildering array of interlocking arms races, and if these systems are used against each other by several states with high tech arsenals, of a fog of war that increases the danger of a slide into nuclear catastrophe.

The current U.S. nuclear stockpile is estimated at over 10,000 warheads. Of these, approximately 5,300 are operational, including 4,350 strategic and 780 nonstrategic warheads. Almost 5,000 additional warheads are retained in a “responsive reserve” status or on inactive status, with their tritium removed. It is believed that 480 operational U.S. nuclear bombs are deployed at eight bases in six NATO countries, for delivery by U.S. and NATO bombers.

The United States asks us only to look at the numbers, and to measure progress mainly by a partial descent from the heights of insanity that the Cold War arsenals represented. They ask us to accept as “enviable” the “achievements” of the Strategic Offensive Reductions Treaty, (SORT), which requires only that the United States and Russia reduce *deployed strategic* nuclear arsenals to between 1700 and 2200 warheads and bombs by 2012. Thousands more will be kept in various states of storage and readiness. There is no requirement that a single bomb, warhead, or delivery system be destroyed. There are no transparency or verification mechanisms and no milestones for reductions prior to 2012, when the treaty expires. There will also be unspecified numbers of non-strategic nuclear weapons, which may grow more diverse in capabilities and intended missions.

The United States insists that disarmament progress has been more than sufficient, and that the key issue facing the NPT parties is efforts by non-nuclear weapons states, particularly Iran and North Korea, to acquire nuclear weapons.

Yet the United States plans to acquire strategic weapons and delivery systems with *new* capabilities. These efforts aim to exploit advances in a wide range of missile, computing, and space sensing technologies that allow either conventional or nuclear weapons to be delivered over great distances with increasing accuracy. While claiming that it is reducing reliance on nuclear weapons, it appears that the U.S. military planners are seeking to replace nuclear weapons with more accurate, powerful conventional weapons where possible, while expanding the capabilities of its nuclear weapons to destroy targets that conventional weapons cannot.

These efforts include:

- Modification of existing nuclear warheads to achieve additional capabilities.
- Retooling of the nuclear weapons research, design, and production infrastructure to allow maintenance of a downsized nuclear arsenal still numbering in the thousands of weapons for many decades to come, while enabling the production of new nuclear weapons for the “post-Cold War” missions envisioned by military planners.
- Exploration of a different paradigm for nuclear weapons design, production, and certification, called the “reliable replacement warhead” program.
- Revamping systems used to plan and execute nuclear strikes.
- Modernizing ballistic missiles and other nuclear delivery systems, and beginning development of a new generation of systems to replace existing ones in coming decades.
- Developing a “Global Strike” capability that will allow the delivery of either conventional or nuclear weapons anywhere on earth in a few hours or less.

There is no way to predict exactly what mix of nuclear weapons and other high-tech “global strike” technologies the United States will develop. Near term military spending priorities may shift towards

non-strategic forces if the United States attempts to sustain military occupations for long periods of time. It is clear, however, that the U.S. intends to retain a large and constantly modernized nuclear arsenal for the foreseeable future.

By taking the position that nuclear weapons are acceptable tools of warfare that it will use to achieve a variety of goals, the U.S. has severely undermined the NPT’s status as partial codification of an emerging global norm against nuclear weapons possession and use. The implication that the selective use of nuclear weapons in ordinary warfare is lawful and legitimate signifies acceptance of the end of nuclear non-proliferation as a normative and legal enterprise.

2005 marks the passage of 60 years since the U.S. atomic bombings of Hiroshima and Nagasaki. The survivors of atomic warfare are dying off, and with them the living memory of what cannot be imagined, of what nuclear weapons really are and can do. They leave behind a world ruled by people who appear to have lost all understanding of the immediacy of the danger that nuclear weapons at every moment represent. Each one can generate a horror that will echo down through generations. Together they can end everything. There are no new arguments and no magical formulas that will save us from ourselves. We must recapture the simple, true urgency of the time before the realities of nuclear warfare could be obfuscated, denied, and forgotten. As Lewis Mumford wrote in 1946:

***“You cannot talk like sane men around a peace table while the atomic bomb itself is ticking beneath it. Do not treat the atomic bomb as a weapon of offense; do not treat it as an instrument of the police. Treat the bomb for what it is: the visible insanity of a civilization that has ceased to worship life and obey the laws of life.”***

***War is Peace, Arms Racing is Disarmament, The Non-Proliferation Treaty and the U.S. Quest for Global Military Dominance***, a Special Report by Western States Legal Foundation, May 2005, is available at: <http://www.wslfweb.org/docs/warisppeace.pdf>

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