



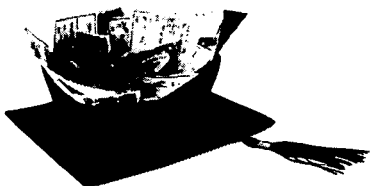
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least two to three years. Nor would reducing Japanese imports put anyone back to work. Almost all of the layoffs have been in plants designed to produce big cars. The demand for big cars isn't likely to grow enough to justify rehiring many of those workers, regardless of what the government does. Unemployed auto workers will be rehired only when there is enough small-car capacity to employ them. Reducing imports will not make the Big Three expand their small-car production any faster; they already are retooling as quickly as they can. In fact, reducing the competition from abroad would reduce their incentives to retool rapidly.

So that leaves only pure retaliation as the rationale for erecting trade barriers to Japanese cars. But retaliation for what? No one seriously thinks the Japanese are "dumping" their cars (selling at below cost or below domestic prices in Japan) here, or else the Big Three would have filed antidumping suits already. Nor should all the talk about Japan's own supposed protectionism be taken seriously. We place a 2.9 percent tariff on imported cars; the Japanese, no tariff at all. And there is no persuasive evidence that the Japanese government tries to discourage imports by cumbersome safety and emission standards. On one occasion, it even granted importers a three-year exemption from emission standards. At worst, the regulations apply to all automakers equally—just like those in the United States, which haven't prevented the Japanese from doing business here. The real obstacle to American success in Japan is that the market is too small to allow economies of scale in production. The U.S. market, by contrast, is the world's biggest, which enables the Japanese to make cars specifically for American standards and tastes.

Punishing the Japanese auto makers for their success here would be costly and dangerous: costly to consumers because it would limit choices and raise prices, costly to the Big Three and the auto workers because it might well ignite a trade war that would foreclose the possibility of expanding sales of American cars overseas. These costs—at both levels—will not be offset by any compensating benefits, since in this case protectionism won't even achieve the ostensible purposes of increasing the sales of the Big Three and providing additional new jobs for unemployed auto workers. To punish the Japanese for their success would hurt us a lot more than it would hurt them.

POLITICS

BARTON J. BERNSTEIN

Misguided missile

THE NATIONAL DEBATE over the MX missile drags on, but out around Cedar City, Utah, they know what they think. Says Dixie Leavitt, who owns an insurance company, "If the MX were to fold up and go away, everyone here would breathe a sigh of relief." A few hundred miles across the desert, in Pioche, Nevada, opinion is just as fixed, if more resigned. Around Pioche they believe they're going to get the MX no matter how much they object. "What the hell do you expect?" asked gas station owner Art Hartley recently. "Eighty-seven percent of Nevada is federal land to start with. What the individual thinks isn't going to change their minds."

In Cedar City and Pioche the MX weighs heavily on people's minds; it is little desert communities like these that will have to live next door to the mobile missile system if it comes, with its 15,000 miles of roads and railways and its 4,600 launching silos.

But there is ample reason for all of us to be concerned. The MX will cost somewhere between \$34 billion and \$80 billion, a considerable outlay these days. We must also live with the policy consequences of the MX, for it is likely to have a profound impact on not only the thinking of the American military but the Soviets too.

The argument for the MX is based on the assumption that America's land-based ICBMs will soon be vulnerable to a Soviet first strike. Therefore the United States needs a new missile to replace its Minuteman missiles. In 1979, the Carter administration made its decision: the construction of 200 MX missiles, each with ten very powerful and very accu-

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rate warheads, giving the United States a capacity to destroy most Soviet land-based missiles. Each MX will be deployed in a so-called horizontal-dash or "racetrack" course with twenty-three silos; this would create 4600 potential targets to siphon off enemy warheads which, in most cases, would be directed against empty silos.

This raises at least three sets of questions: Are America's land-based ICBMs likely to be destroyed in the event of a Soviet first strike, and, if so, what is the strategic significance of that situation? Is the MX a reasonable response to that concern? Should the MX be deployed in the elaborate "racetrack" pattern, or are there better ways of deploying this missile or an alternative weapon?

Pentagon analysts claim that the Soviets have greatly improved the accuracy of their missiles: It is now within about 1030 feet, and by 1985, when the MX might first be available, that accuracy will be within about 730 feet. Such estimates measure CEP (circular error probable), the radius of a circle within which half the Soviet weapons fall. (Often, however, laymen forget that the CEP number means that the other half of the weapons fall outside that radius, and thus the average accuracy is likely to be worse than the CEP.)

ACTUALLY, THESE PENTAGON reports of greatly increased accuracy—of 1030 and 730 feet—are suspect for at least two separate sets of reasons. They are calculated from Soviet test flights, conducted under ideal conditions; it is unlikely that this accuracy can be duplicated under war conditions, when shock waves of early exploding warheads will interfere with the flight patterns of later arriving weapons and when haste and poor coordination may also create errors. In addition, these numbers are unofficial, off-the-record estimates; given the bias of Pentagon and intelligence sources, which have generally exaggerated Soviet prowess, the actual numbers may be somewhat higher and the Soviet missiles less accurate. Accuracy is critical, for halving the CEP more than doubles the likelihood of a "kill."

But even if we waive all these serious criticisms and postulate that the 1000 American Minuteman missiles are vulnerable in a Soviet first strike, what is the strategic significance of that situation? After all, the land-based ICBMs are only one part of an elaborate strategic triad that also involves bombers and submarine-launched ballistic missiles

(SLBMs). Even if the land-based ICBMs are all vulnerable, the Soviets would have to be suicidal to attack these ICBMs unless they could also be sure of destroying the bombers and SLBMs. Otherwise, the United States could retaliate with its bombers and SLBMs, which now constitute about 70 percent of the warheads of the American arsenal. Even in the best-coordinated attack, the Soviets could not destroy most bombers or more

destructive power, great accuracy, and the ten warheads are necessary, according to defenders of the MX, because it must be able to destroy many of the 1400 Soviet ICBMs and thus have the counter-silo capacity attributed to the large Soviet SS-18 missiles. Otherwise, their argument runs, the Soviets would be able to destroy our land-based missile force in a first strike but we would not be able to destroy theirs in a first strike.

Even if our land-based ICBMs are vulnerable, the USSR would have to be suicidal to attack.

than one-third of the submarines (those in port). In view of the probable warning time of a Soviet missile attack, many of the bombers could be deployed to retaliate against the Soviets; and submarines at sea are very hard to track and thus virtually invulnerable. Unless we assume that the Soviets are suicidal, they are unlikely to launch a first strike against the Minuteman missiles and risk massive retaliation by submarines and bombers. In that sense, the basic deterrence of the system of "mutual assured destruction" will still operate—even if all of America's land ICBMs are vulnerable (they are not) to a Soviet first strike.

Some supporters of the MX have argued that America's Minuteman vulnerability might lead to the following kind of scenario: A Soviet first strike would destroy many of the Minutemen, and the United States, lacking the will, would not retaliate, for that would provoke another Soviet attack killing more than 100 million Americans. Instead, Washington would surrender. This peculiar "worst possible" scenario rests upon the assumption that America will not retaliate with nuclear weapons if it is attacked—an assumption that is both unproved and contrary to the stated operating assumptions of all postwar presidents and their top defense advisers.

Is the new MX a reasonable solution to the alleged vulnerability of Minuteman missiles? Put differently, why build a more accurate and more powerful ICBM with ten warheads? It would weigh about 95 tons, would carry ten large (335 kiloton) warheads, and be twice as accurate as the Minuteman III. (The Minuteman III has a CEP of 730 feet and the MX's would be about 300 feet.) That

What is often unmentioned is that roughly 75 percent of the Soviet nuclear force is in land-based missiles, according to SALT negotiators, and thus American ability to knock out these strategic military targets—what is called counterforce capacity—should seem especially threatening to the Soviets. Compared to the United States, the Soviets rely less upon their bombers and their submarines, which are noisier than ours and easier to locate. In view of the liabilities of a massive, coordinated first strike by either side against the other, not all the Soviet land-based ICBMs would be destroyed. But a very high percentage could be. That dangerous prospect might compel the Soviets to adopt a "launch on warning" strategy, which increases the likelihood of accidental nuclear war, or, under unusual and very unlikely circumstances, to move toward a preemptive first strike.

The fundamental point is not simply that America does not need a counterforce or near-counterforce capacity, but that it is very dangerous to have one because of the Soviets' greater emphasis on land ICBMs.

THE ARGUMENT OF MINUTEMAN vulnerability—itself an overstated case—has generated a sense that America needs a new missile. Yet, curiously, if the Minuteman is vulnerable, it is not because of the missile's qualities but because of its basing system. Hence, the proposed "racetrack," a shell game with twenty-three silos and one missile, which means 4600 silos for the 200 missiles. Since the Soviets under SALT II might have about 1260 land-based missiles with 6200 warheads by 1985, the American aim is to

create many empty targets to decoy the Soviet weapons.

The racetrack system, however, with its 4600 silos, might encourage the Soviets to build more missiles and warheads to oppose our counterforce capability. Under SALT II, due to expire in 1985 if it is passed, the Soviets would have about 6200 land-based ICBM warheads. That number could not guarantee a high level of kills against the racetrack system's silos. But Senate ratification of SALT II looks less likely every day. If the treaty is junked, the Soviets might decide to add enough firepower to jeopardize the MX. The CIA recently estimated that each of the USSR's SS-18 missiles could carry up to thirty warheads; many analysts think that without SALT II, the MX system could soon become vulnerable to a surprise strike. (The Air Force Chief of Staff responds to this argument by suggesting that we could build additional MX launchers, or perhaps deploy an antiballistic missile to protect the system. But there are already enough problems finding a place to put the MX system at its current size, and an antiballistic missile—in addition to violating the 1972 anti-ABM treaty with Moscow—would be insanely expensive.)

Even assuming passage of SALT II, the MX would remain vulnerable. Much of the system would not be available until about 1988–90; by then, the Soviets

saying \$34 billion, but that does not allow for double-digit inflation or cost overruns, and the General Accounting Office recently estimated \$57 billion, not including the cost of nuclear warheads. The system will require about 12,000 miles of heavy road (about one-fourth the size of the federal highway system), 3,000 miles of rail, more cement than the industry can provide without badly shorting other construction, and more water than the key states (Nevada and Utah) can comfortably provide. Moreover, despite Pentagon claims that the entire system will close off only about twenty-five square miles (for the silos) to public access, private estimates suggest that the closed-off area might run to 5,000 square miles.

On February 8, the four senators from Nevada and Utah asked Carter to direct his advisers "to take a comprehensive new look at alternative basing modes . . . as quickly as possible." They want a cheaper arrangement, one that would be less time-consuming to construct and less disruptive to the environment. At the time, a member of the National Security Council and an air force official both said that no revisions were planned, that the forty-seven valleys of east-central Nevada and west-central Utah were the best sites for the MX, and the racetrack was the best arrangement. Under fierce pressure from these states,

off billions of gallons? What will happen when 100,000 people (workers and their families) flood into an area now populated by only 50,000? And what will happen five to eight years later when they leave?

TAKE, FOR EXAMPLE, ELY, in White Pine County, Nevada; population 5700. The whole county's annual budget is \$1.6 million and it could need \$465,000 to plan for the impact of the MX. The school population might quadruple, which would require, among other buildings, a new high school, costing about \$10 million. The four physicians would have to be increased to about twenty, and the forty-four bed hospital to about two hundred. Who will pay for the expansion?

Few believe the air force's promises that only about twenty-five square miles will be closed off to the population for the missile silos. A cynical air force executive, though plumping publicly for the racetrack system, chuckled privately over the federal government's claims that the areas near the racetracks would be open to the public for picnics. "Someone could go broke with the hot-dog concession," he sneered. It seems unlikely that ordinary citizens would be allowed near the racetrack courses; the dangers of sabotaging a missile or learning its location (among twenty-three silos) would be too great.

In Lincoln County, Nevada, 84 percent of the polled residents opposed the MX, but, cynically, 96 percent said that the air force would disregard their opposition. How can you defeat Washington, they asked. Nevada's Governor Robert List, a critic of the air force plan, hopes to block the scheme or compel important concessions. "Nevadans are not going to take kindly to the air force coming in and taking over our precious water reserves," List said. "I can't over-emphasize the potential, irrevocable impact of the MX system on Nevada and Utah. Utah Governor Scott Matheson has stressed the threat to scarce water resources in his state and the willingness of the Pentagon to override local and regional concerns, as evidenced by its plan to give local governments less than two months to respond to the air force's draft environmental impact statement. "It's outrageous. I won't tell you the other words," said Matheson. "Thirty or sixty days to respond to an environmental impact statement that has taken months and months and months for them to put together," List complained.

What will happen after twenty or thirty

Despite the general patriotism in Nevada and Utah, opposition to the MX has been intense there.

could easily build between 10,000 and 12,000 warheads. It would probably cost the Soviets less to add warheads than it would cost the United States to add silos or more MXs. Of course, a SALT III agreement might conceivably restrict the number of Soviet land-based ICBM warheads to 6,200, but imagine the difficulty of the United States persuading the Soviets of the need for such a restriction so that the United States could protect its MX system, with its countersilo capacity. Why should the Soviets accede to such a self-serving American argument?

The basing arrangement is very expensive and threatens to disrupt the areas where the racetracks are likely to be located. The MX may cost as much as \$80 billion. The Pentagon has been

however, in late March the air force promised to consider Texas and New Mexico as possible sites for the MX.

To try to sell the program to residents of Utah and Nevada, a team from the air force has been attending public meetings in the two states to try to allay fears and to stress the advantages of the likely economic boom. What surprised them has been the intensity and magnitude of the opposition, despite the general patriotism in these states, the belief that the MX is necessary, and the desire of some to benefit from the new workers and large payrolls.

Many residents fear an ecological disaster and the destruction of their way of life. What will happen to scarce water supplies for cattle and other present needs, they ask, if the MX project siphons

ty years (the estimated span of strategic usefulness) when the MX system is decommissioned? Will the roads, railroad track, and concrete shelters be dismantled? Or, as Governor List fears, will the air force leave "rusting old leftover rattletrap facilities out there blowing in the wind?" At a time when some citizens of Utah and Nevada already mistrust the federal government in the belief that they were unwitting victims of nuclear testing, the MX controversy has stirred new resentment.

The MX plan has also come in the middle of what has been called the "Sagebrush Rebellion," the effort by western states to regain control of 700 million acres of land owned by the feder-

We could build cheaper, less disruptive, and less provocative systems than the MX racetrack.

al government. The seat of the rebellion is Nevada, where the state legislature is challenging federal control of 50 million acres of land. The legislature argues that Nevada and other western states were compelled to give up the land as a condition for statehood and thus they did not enter the Union on an equal basis with the eastern states.

Without referring to the "Sagebrush Rebellion," Assistant Secretary of the Air Force Joe Meis acknowledges that "a number of questions have been raised for which we do not yet have answers." He and other air force officials have been saying that the federal government will pay for much of the additional expense created by the MX system, but their promises are vague and the cost is likely to be quite high. Robert N. Broadbent, a commissioner in Clark County, Nevada, pointed out that his county cannot even collect an overdue sewer bill of \$140,000 from the nearby air force base nor gain payment for \$800,000 for the air force's share of a water treatment plant. "If the air force cannot pay its measly \$1 million sewer bill," he asked, "how can we believe any of their promises on this MX program?"

The air force insists that America needs the MX. "The concept is sound," said Assistant Secretary Meis, "the risks

are low, and we expect to complete the program."

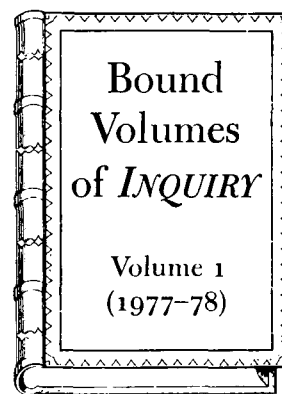
What will happen when the already unhappy citizens of the designated area in Utah and Nevada learn that the concept is not sound and the risks are not low? After all, they will also be amid the targets for enemy weapons if nuclear war should erupt. They will be part of the "sponge," to use the Pentagon's luckless phrase, that will absorb enemy warheads.

IF THERE IS A NEED TO supplement or replace the Minuteman force with a less vulnerable deterrent, there are cheaper, less provocative, and less disruptive solutions than deploying 200 MXs in a racetrack system. Why not, as some scientists have suggested, deploy small submarines, each with two missiles, in ocean areas near the North American continent, areas protected by the United States Navy. They could be deployed by the mid or late 1980s. Their proximity to the United States would solve various command difficulties. They could be staffed by small crews of about twenty and sent out for about a month at a time, so that most of them would be at sea at any given moment. The area a few hundred miles off the continent is so large (400,000 square miles) that it would be very difficult for the enemy to find these subs, and they would constitute a virtually invulnerable deterrent. The missiles on the subs could be fitted with multiple independently targeted reentry vehicles (MIRVs); these would be less accurate than the land-based MX, and thus they would not pose a counterforce threat to the Soviet ICBMs. In short, this submarine system would buttress mutual assured destruction but would not be provocative.

Such a solution, to be acceptable, would have to meet both the strategic and the political needs of the administration. It does seem to meet the strategic needs—with one possible exception. Some administration proponents of the MX claim that it has another strategic function: It is designed to make the Soviet ICBMs vulnerable and thereby push the Soviets in the direction of stressing SLBMs. Certainly the present system of mutual assured destruction would be improved if both the Soviets and the United States relied less on vulnerable land-based systems. But there is something bizarre about the United States developing and deploying the MX in order to force the Soviets to improve their own missiles.

Well before the 1979 dispute about the Soviet brigade in Cuba and the Soviet armed entry into Afghanistan, President Carter had announced that he would develop the MX missile. Why? Probably he wanted to assuage "hawk" fears that America was falling behind in the nuclear arms race; the MX seemed essential to win needed votes for SALT II in the Senate. The MX, which administration spokesmen had derided earlier as too costly and too dangerous, became part of the price for SALT II. Now, when it appears that SALT II is doomed (at least during this election year), there is a new stated rationale for the weapon: America needs the missile because of Soviet belligerence. The strategic analysis undergirding that conclusion is dubious. But Carter feels that he cannot get reelected unless he builds greater nuclear strength. Will his political rivals at home settle for a safer deterrent, one without a counterforce capacity? Or, believing that Soviet missiles threaten America's missiles and thus that America needs a counterforce capacity, will leading GOP contenders insist upon the MX? If they do, whatever the strategic drawbacks of the MX, it will become a politically necessary component of Jimmy Carter's defense system. □

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MICHAEL BARBER

First Amendment meltdown

THE FACT THAT IT WAS Judge John C. Dowling who was about to rule, down at the Dauphin County Courthouse in Harrisburg, Pennsylvania, added to the tension lingering in the air. Dowling was flamboyant, colorful—he often quoted Shakespeare during trials—and well-known for harsh decisions in criminal hearings. (Defense attorneys variously refer to him as “Black Jack” or “Maximum John.”)

But on Monday, February 4, Maximum John fooled us. He quoted not Shakespeare but Justice William O. Douglas in rebuffing the first major attempt of the decade at censorship.

For a change, it wasn't the federal government asking for a restraining order to block publication. Metropolitan Edison Company, which runs the Three Mile Island nuclear power plant, was setting itself up as the grand arbiter of national security. Met-Ed wanted to stop a story about to appear in *The Guide*, a muckraking Harrisburg weekly.

It seems *Guide* reporter Robert Kapler used a fictitious name and address to get himself hired as a security guard at Three Mile Island. A cursory background check would have exposed him, but none was conducted. Instead, Kapler found he had free run of the place—with no supervision. To prove it, he smuggled in a camera, waltzed into the brain center of the crippled Unit 2 reactor, and snapped pictures. When plant officials found out, they went to court to keep the story out of print.

Judge Dowling was probably able to understand the sheer embarrassment that the nuclear utility—still reeling

from the fiasco last spring and subsequent disclosures of other violations—felt. But what he had trouble grasping was how Met-Ed, a private corporation, could be talking about national security.

In fact, Dowling asked point blank: If the issue is national security, where is the federal government in the form of the Nuclear Regulatory Commission? “I don't know,” admitted Met-Ed attorney R. Stephen Shibla.

Later, when challenged by Judge Dowling to explain exactly which national security matters were at stake, Met-Ed attorneys were not much more persuasive. They called the article a “significant, serious, grave security threat.”

“But you're asking me to restrain his mind,” Dowling said. “Isn't this the very thing that the First Amendment is about, protecting the public interest in a free and open debate? Do you think you have demonstrated a national security problem here today?”

Met-Ed: “We don't know, but the potential should not be lightly dismissed...”

Dowling: “What do you want me to say? That he should not publish anything with respect to national security? There are two interpretations [of national security] here—Met-Ed's and his.”

MET-ED'S INTERPRETATION was certainly not strengthened by a glut of evidence that the NRC itself had released more information about nuclear power plant security than Kapler could have learned in a year. Two comprehensive manuals, available in the NRC document room at the state library in Harrisburg, detail how to overcome every conceivable barrier system in nuclear power plant security. Moreover, a study of Three Mile Island commissioned by the NRC revealed fifteen different ways to



sabotage the plant; many of these required no explosives or other equipment—simply the flip of a switch or the twist of a valve. The study is available to the public.

Three Mile Island officials also admitted that security guard candidates at the plant begin learning about sensitive

security areas and procedures even before they get their physical exams—so anyone who washes out on either the physical or later written exams walks away with the same knowledge Kapler had gathered.

And of course there was testimony about the aftermath of the accident last spring—in which Jimmy Carter, trailed by numerous television cameramen and press photographers, toured the crippled reactor. Those pictures were beamed around the world for anyone to take a look at.

Oddly enough, Met-Ed attorneys made only the most fleeting references to the Atomic Energy Act. That was the amazingly broad law that the federal government used to hold up publication of an issue of *The Progressive* magazine for weeks. It prohibits the communication of practically anything at all relating to the production of nuclear energy, whether in government files or not. All such data is “classified at birth,” and however ridiculous the law may seem, the U.S. Justice Department found a judge who would issue an injunction under it. The *Guide*'s defense team waited throughout the hearing for Met-Ed to drag out the heavy artillery in the form of arguments based on *The Progressive* case and the Atomic Energy Act, but it never happened. (The folks at *The Progressive* were probably surprised too; they had already written us a cheery letter welcoming us to “the club.” Some club.)

In the end, it was all too much for Judge Dowling. He said Metropolitan Edison's arguments were “totally eclipsed by the First Amendment.”

“The national security interests here involved I find to be vague, conjectural, potential; and furthermore, there is an abundance of testimony that the defendants occupy no unique position with respect to the information obtained. To sanction a prior restraint there must be abundant proof of inevitable, immediate, direct, and irreparable harm to the interests of the United States, and this the plaintiff has not shown...”

“Publication is at many times inconvenient, disruptive, annoying, damaging, but the experience of our founding fathers, an experience which has been reinforced throughout our history, supports the view that the press must be left free to publish news, whatever the source, without censorship, injunction, or prior restraint. Without an informed and free press, there can not be an enlightened citizenry to protect the values of democratic government.” We had won, and the presses rolled. □

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