

Reagan's radical offer to scrap American missiles in Europe may not be such a harebrained scheme.

ZEROING IN ON PEACE

President Reagan's "zero option" arms-control initiative, which he outlined last fall in Reykjavik and is pursuing in negotiations possibly leading up to another summit, has drawn harsh criticism from many quarters. But it may in fact represent America's best chance for an effective, stable, and secure arms policy. The proposal, more aptly termed the "nearer-to-zero" option, holds that in negotiations over nuclear weapons, the United States should try to reduce the number and variety of U.S. and Soviet launchers and warheads to a level sufficient to guard against irresponsible acts and cheating but not large enough to launch a first strike. In Europe, this means elimination of at least intermediate- and short-range nuclear missiles.

The nearer-to-zero initiative combines the attributes any successful policy must have: operational viability and political feasibility. Instead of the usual strong policies without support or weak policies not worth supporting, the president's proposed weapons reduction offers the chance to mobilize great public support

by Aaron Wildavsky

behind an effective arms policy.

As things stand now, many opinion leaders and a substantial portion of the general public in the United States and Western Europe believe that their governments have overreacted to the Soviet threat and have in fact been the aggressors in the arms race. Decrying this attitude as nonsense has not helped. By seizing the high moral ground, by taking the lead in seeking massive reductions of nuclear weapons, the U.S. government can rally public support around a credible foreign policy. If the Soviet Union goes along, Western security will be increased, because the possibility of a surprise nuclear attack will be much reduced. If the Soviets refuse, the necessity of maintaining nuclear defenses should become more apparent.

All the more pity, therefore, that political elites at home and abroad have rejected out of hand this creative foreign-policy synthesis. From Sen. Sam Nunn

in Washington to Chancellor Helmut Kohl in Bonn (until political pressure forced a change in policy), from James Schlesinger in *Foreign Affairs* to Owen Harries in *The National Interest*, the critics agree that the process of decision-making at Reykjavik was flawed, even ignorant, and that the policy is foolish, even dangerous. What they mean, I think, is that the president went beyond the bounds of establishment thinking on defense policy. The question is whether this radical departure from conventional modes of Western policy on defense is a good thing.

By far the most serious danger facing the United States—and, with us, the world's democracies—is a Soviet nuclear attack. Those who "know" such an attack is impossible claim to know something that is impossible to know. The Soviets, they argue, wouldn't initiate a first strike because it might not be effective enough to preclude a retaliatory

response. But to their mantra—"uncertainty creates security"—I would add an intuitively stronger rival: uncertainty cannot create certainty. And a nuclear attack is the one catastrophe from which there may be no recovery. Therefore the overriding objective of American foreign and defense policy must be to prevent such an attack.

Wouldn't that objective put America's allies at risk of a Soviet invasion? On the contrary, the survival of the United States constitutes the indispensable guarantee of the survival and the liberty of democratic nations. For the Soviet Union to attack nations that cannot rival it and to leave standing the only nation that could—the United States—would be the height of irrationality. Better to behave peacefully. But if not, then zapping America first is the only rational Soviet strategy.

It follows that fears of a Soviet nuclear strike or massive invasion of Western Europe are much exaggerated. As long as America is free, Europe is safe. Hence, the most important aim of both American and European defense and foreign policy should be to protect the United States from nuclear attack. And the best way to do that is not to build up ground forces—though marginal increases might boost morale by showing determination—but for the British and French to maintain and expand their independent nuclear deterrents.

Instead of a futile death sting—"we'll punish you before we die"—British and French nuclear forces must be made capable of destroying Soviet long-range missiles, thereby decreasing the Soviet Union's ability to make war on the United States. And if the USSR cannot do that, the point is, there is less reason for it to attack the United States in the first place. Thus, there is no reason whatsoever for the Soviet Union to attack Western Europe. That is why having Europeans join in defense of the United States is the best way of defending their own countries.

Two additional considerations—China and crisis instability—make a Soviet conventional attack even less likely. The instant the USSR invaded Western Europe, the People's Republic of China would conclude that it was next and, consequently, would drop everything and mobilize its conventional and nuclear forces. Long fearful of the Chinese, the Soviets would then conclude it was safer to take them out before they could attack. Im-

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mediately, the Soviet leadership would face what it has promised itself to avoid—a two-front war. The only way to avoid such a war is not to start it in the first place.

But that is not all. Even if the United States did not respond to a Soviet conventional attack on Europe with the promised preemptive nuclear strike, crisis instability—mutual fear that the other side will attack first, leading to a nuclear war—would inevitably result. Viewing the Soviet main-force attack as the prelude to a first strike against America, U.S. leaders would be tempted to gain the advantage of hitting "the hardest with the mostest." Fearing exactly that, the Soviet leadership would be tempted to attack the United States before the United States could attack the USSR.

Again, the logic of the situation is inexorable. If (a big if) the Soviet Union is going to attack Western Europe or, for that matter, China, it will be better off attacking America first rather than risking attack by the United States. And if the USSR subdues the United States, it does not need to attack Europe, which will have to capitulate.

Current wisdom has it that the Soviet Union has been dissuaded from employing its conventional superiority to subjugate Western Europe because it fears the unacceptable damage of the nuclear war that would result. Take nuclear weapons away from Europe, the argument goes, and nothing will stop the Soviets from imposing their will.

But we have just seen that fear of nuclear war with the United States will still keep the Soviets out of Western Europe. Even if the nearer-to-zero option were adopted by both sides, launching a conventional attack on Western Europe would still be foolish. Agreements to keep to very low levels of nuclear weapons could not survive under such conditions. The ability of the United States to resume nuclear production—to outrace the Soviets, as it were—would make the hit-America-first doc-

trine prevail: Better no attack, but if there is one, attack America first.

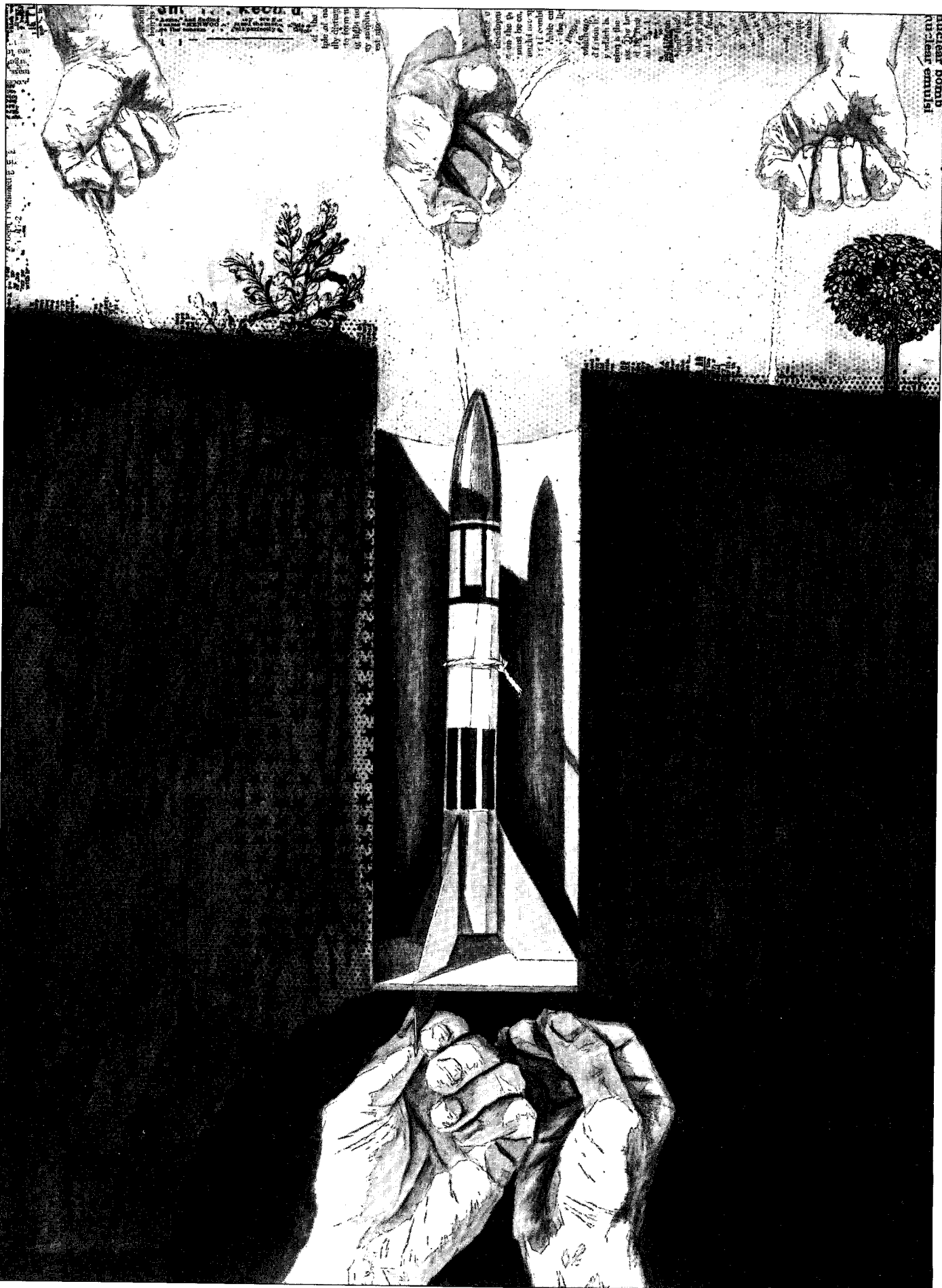
The critics of Reykjavik span so broad a spectrum, I think, because they fear their own governments. One side fears President Reagan's intransigence or his foolishness, and the other side the inability of weak democratic governments to resist the siren call of an implausible peace. Both are mistaken.

Inability to declare victory, when it has in fact been achieved, is a prime sign of this Western malady. Former Chancellor Helmut Schmidt, the Carter and Reagan administrations, and European leaders who put their governments on the line by countering the unwarranted deployment of Soviet medium-range nuclear missiles—not with empty verbiage but with American Pershing missiles—deserve praise. Since the Soviet missiles can reach only Western Europe, while the Pershings can reach the Soviet Union, it isn't surprising that Western resolve eventually persuaded the Soviets to give up this self-inflicted wound.

Had they not believed that an internally divided West would capitulate to this nuclear blackmail, the Soviets never would have emplaced these missiles in the beginning. Now they offer to take their missiles out if we will do the same. Instead of warranted self-congratulation in the West, however, we hear that giving in to our demands is a ploy to leave the Soviets with advantages in conventional forces. Clever of the Soviets, isn't it, to discomfit us by capitulation?

Were there no Soviet intermediate-range missiles facing Western Europe, would anyone suggest that U.S. Pershings now be put there to redress whatever imbalance exists in conventional forces? No, it is far better to keep pressuring the Soviet Union to reduce those conventional forces. For even if a Soviet conventional attack is unlikely, the very size of Soviet forces, with no obvious purposes other than attack, creates the appearance of threat. The fewer the forces, the less the perceived threat. Rather than build up Western conventional forces—though that remains possible—the better tack would be to negotiate a build-down of Soviet forces.

Some critics of the nearer-to-zero option argue that since the Soviet Union is closer to Western Europe than is the United States, the USSR can more easily



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offset the capabilities it would give up by withdrawing its missiles. So what? The situation would be no different from the status quo before the Pershings were deployed.

The real problem concerns missiles that the great powers can shoot at one another. Eliminating intermediate-range missiles as a prelude to pushing for reducing intercontinental missiles closer to zero is worth a lot more in terms of American safety—and therefore European defense—than losing a small advantage that neither we nor the Europeans are ever likely to use.

The history of arms control as conventionally conceived has been unfortunate, fraught with treaty violations and old weapons replaced with more dangerous new ones. What makes me think that the nearer-to-zero option will be better?

Obviously, as the Reykjavik principles state, massive inspection has to be part of any accord. This means inspection not only from satellites but from low-flying planes and from the ground. While there would be mutual discomfort at secrets betrayed, open societies should better be able to withstand massive inspection than closed ones.

It is true that the Soviet Union could hide missiles in its vast country. But hiding intermediate-range missiles that could only attack Western Europe and not the United States would be of little value, while discovery of those hidden missiles would create great problems for the USSR. And hiding enough heavy intercontinental ballistic missiles (say 100 to 200) to launch a first strike against the United States would be extremely difficult. These missiles would have to be kept in repair. They would have to be coordinated by reliable communications. Doing all this while avoiding detection—whose possible consequences include a war or a genuine arms race that the Soviets might well lose—would not be easy.

But subterfuge is worrisome. All the more reason to agree to the elimination of intermediate- and short-range nuclear weapons in Europe so we can gain essential experience with tough, on-site verification. If the Soviets will not agree to such inspection or if experience shows that the requirements aren't tough enough, there will be time to bargain for better before the all-important long-

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range strategic weapons are dealt with.

There is no way of knowing what lies behind Secretary Mikhail Gorbachev's recent overtures on nuclear weapons. The best way of finding out is to raise the ante toward the nearer-to-zero option, always insisting on inspection to open up our countries to each other and, indeed, to the international community, for all have a stake in stability at low levels of force. If Mr. Gorbachev wants *glasnost*, let's give him the extra-large international size.

The aim of a nearer-to-zero option, to repeat, would be to leave each side with a number, weight, and composition of nuclear warheads and delivery systems sufficiently large to deter "crazy states" and cheating but not large enough to launch a preemptive strike. When levels of armaments are high and numerous and complex, discovering who has what compared to whom and keeping them to their word is difficult. By greatly reducing the number and type of weapons, the nearer-to-zero option offers a way out of this difficulty. Nearer-to-zero also offers the prospect of unifying the United States.

The critical condition on the home front is the wafer-thin support for the use of armed force, especially within American elite opinion but among the general public as well. The signs are clear: immense effort cannot raise trivial sums for Central America; the slightest suggestion of force, as in the Persian Gulf, raises exaggerated fears. While the armed forces are presumably prepared, technically, to fight two-and-a-half conventional wars, it is doubtful whether public support exists for even a tiny war that would last several months and incur modest casualties. Aside from asking why the United States is paying for so much more force than it is prepared to use, we must realize that obtaining domestic support for foreign pol-

icy ought to be the first, not the last, consideration. The nearer-to-zero option does just that.

As numbers and types of nuclear weapons decline, the Strategic Defense Initiative would become more important and more feasible, both militarily and politically. Though parts of SDI might be less necessary—because there are fewer launchers and warheads to guard against—other parts would become more essential as guarantors against the possibility that a few crazies or hidden Soviet missiles can overwhelm us. And SDI itself is more likely to rally public support when tied to a popular policy of arms reductions.

In reacting to Reykjavik's near-zero defense policy, soft-liners should ask whether their distrust of President Reagan has blinded them to a policy they would have leapt at had it been introduced by someone of their camp. Hard-liners should wonder whether they have for too long separated tough-sounding postures from politically as well as militarily viable policies. It is one thing to design a tough policy; it is another to get that policy accepted by succeeding administrations and public opinion. The nearer-to-zero option is neither softer nor harder than existing policy. It is merely more in tune with current conditions because it reduces international risk while increasing domestic support.

At the end of the Second World War, the United States engaged in a serious debate over the extent of its involvement in the international arena. The outcome was by no means foreordained. When Sen. Arthur Vandenberg, the isolationist Republican chairman of the Foreign Relations Committee, made a speech in which a few sentences suggested greater involvement, the press and the Truman administration praised the suggestion, eventually leading Vandenberg to change his foreign-policy views. No one chastised him for inconsistency or asked how well prepared he was. Spear carriers, mere technicians who have memorized missilery, are a dime a dozen. But people who can help change a nation's direction are of great value. In the same spirit, we the people should embrace this opportunity to create a nearer-to-zero policy around which most of us can rally. □

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By Warren Salomon

"You Are Hereby Summoned..."

The title of this article is taken from the language of a summons the IRS can use to compel your appearance to give testimony or to produce your books, records, papers, and other data. The information they're looking for can be about your own taxes, or someone else's.

The power to issue summonses is given by Congress to the IRS for "the purpose of ascertaining the correctness of any return, making a return where none has been made," and so on. It's all spelled out in sections 7602 through 7610 of the Internal Revenue Code.

The summons power is broad and sweeping, subject only to occasional lip-service to the Fourth and Fifth amendments and a handful of other limitations: the IRS can't already have the material sought; the material must be reasonably related to the subject under investigation; it must be relevant to a determination of civil tax liability; the proper procedures must be followed; and you usually can't be examined more than once for any tax year.

That gives the feds a lot of room to roam around. They can even issue "John Doe" summonses, which don't name the taxpayer under investigation and are often used to sniff out members of barter exchanges and other tax evasion schemes.

When a case has been referred to the Justice Department for criminal prosecution, the IRS can't use summonses. Instead, it uses grand jury subpoenas. But until the formal decision is made to prosecute, the IRS thugs can freely use summonses—which are far more convenient for them.

I've seen IRS agents walking around with preprinted, gummed pads of summonses. Whenever they feel like it (in some cases their supervisor has to give prior approval) they whip out a pad, slip in some carbon paper, and fill the thing out, writing in your name and the documents they want you to turn over. By this appallingly simple process, the full might of the federal government is aimed right at you.

So it's important to understand how



much power the feds have and how few your rights are when they set their collective minds to move against you.

Anyone who has records relating to your tax liability can be compelled to deliver them to the feds. Banks, brokerage firms, accountants, and others are routinely plundered for information.

If certain third-party recordkeepers (like banks) have been given a summons as a part of your tax investigation, the IRS usually has to give you notice—but not if it's a "John Doe" investigation and they don't know who you are yet, and not if (unknown to you) the feds get a prior court ruling that giving you notice might cause you to conceal, destroy, or alter your records, or bribe or intimidate witnesses, or actually flee. If you're one of the lucky ones who do get notice of a third-party summons, you have 20 days to challenge it; after that, you'll be in court for an enforcement action.

If you yourself get a summons about your taxes, you have 10 days to show up with the summoned material at the appointed time and place, where you can present your defenses to the summons. Some defenses that might work are: the IRS already has the information; the material is not relevant to the purpose for which the summons was issued; the IRS has already decided (alas!) to bring a criminal prosecution; or you don't have the papers. Also, if the summons is served on your attorney, it may

violate your attorney-client privilege if he hands over the documents. (There is no federally recognized accountant-client privilege, so don't leave sensitive records with your CPA.)

If the feds don't like your excuses (they won't) and if you still refuse to comply with the summons, they'll bring an enforcement action against you. There will be a hearing in federal court, which is quite routine. The IRS agent gives his well-rehearsed reasons for wanting the material, and then the burden shifts to you. You present your reasons for non-compliance, and then the judge rules—on the spot, usually. If he rules against you and you still don't comply, you'll be arrested, the same as if you were in contempt of any other court order.

Now then, young freedom fighter, what records exist that might be summoned by the IRS and used against you? You read REASON, so you probably already know that records of your accounts at U.S. banks and brokerage firms are virtually public documents. But what about other records? You may not realize it, but you've been creating evidence of your activities (and income) all over the place.

Here are a few targets of third-party summonses that the IRS has successfully coerced to give out information about citizens—a hint of the sources that can be tapped to learn about you: stores you shop at (do you buy expensive gifts?); telephone company records (with whom do you talk?); records of your customers (do they jibe with yours?); casinos that give you credit (hi, big spender!); credit card company records (remember that info you gave them when you applied for those cards?); hospital records (how busy are you, doc?); airline records (do you travel a lot?); charities (did you contribute overvalued property?); telephone answering services (think about that one!); and tax-return preparers (but of course!).

Isn't life grand in the land of the free?

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