

Lawyer's role in Nuclear Arms Control

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Recent months have seen a marked, if not dramatic, increase in interest and attention with regard to the subject of nuclear war. Much of that interest and attention to date has focused on the medical and physical consequences of a nuclear war. This is a healthy sign, for it means that we are overcoming the "psychological numbing" which often prevents us from accepting and confronting the reality of the nuclear weapons threat.

Although a critical first step, talking about the horrors of nuclear war is not enough. Soon focus must shift to the inevitable question, "What can be done?" And it is in response to that question that lawyers should have the most to say and the most to contribute, for we are at bottom experts in conflict resolution.

There are signs that lawyers are beginning to respond to this challenge. The Lawyers Alliance for Nuclear Arms Control, a national, non-profit, non-partisan organization based in Boston, is attracting hundreds of new members per month who wish to educate themselves about nuclear arms issues and take part in programs to develop concrete proposals for reducing the nuclear arms race. While the views of our members differ on many issues, we share a commitment to nuclear arms control and a determination to work toward the goal of reducing the potential for nuclear war. There can be no doubt that nuclear war would mean the end of civilization as we know it, and an end to the law, institutions and constitutional framework which we, as law-

yers, are sworn to defend and uphold.

But what special contribution can members of the legal community make to reducing the likelihood of nuclear war? The answer is direct and stems from the basic nature of the legal system as an alternative to conflict resolution by force.

The only hope for preventing nuclear war is to apply legal processes to resolve the conflicts between the superpowers and to accommodate the needs of other nations. All too often, substantive progress in limiting the proliferation of nuclear weapons is frustrated because there are inadequate processes in place to isolate and define issues, and to bring the necessary parties together for negotiation. While reliance on military might and the threat of force to maintain world peace is increasing rapidly in the 1980's, the use of negotiation and other legal processes to resolve differences and achieve common objectives has been given a relatively low priority.

Several steps must be taken in order to reverse these priorities.

Prevailing assumptions regarding nuclear weapons development and strategy must be identified and critically examined. Fact must be distinguished from speculation. The common interests of the superpowers, as well as compatible differences, must be explored. The objectives

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that have led to military policies must be reevaluated. Processes must be established to facilitate substantive progress.

Members of the legal community routinely use the skills necessary to accomplish these tasks in isolating and analyzing legal issues, drawing contracts, advocating a client's position, or negotiating settlements. Members of the legal profession are not automatically experts in the field of nuclear arms control. But by training, experience and, perhaps, inclination, we are in a particularly good position to contribute creatively and effectively to the resolution of the most important problem of our time. As members of society, we also have a responsibility to family, self and future generations to confront, rather than avoid, the nuclear arms threat.

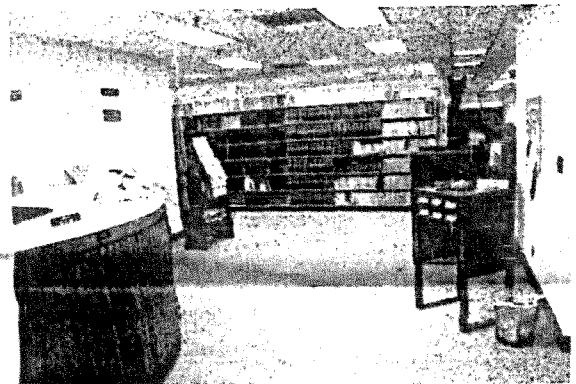
A specific example of how lawyers could apply their talents to this subject might be helpful. Consider the question of how the superpowers could back away from a nuclear conflict. On the one hand, plans for carrying out military actions are established well in advance of a crisis. The chain

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of command is in place. Missiles are programmed to reach their targets. In short, the plans and institutions for nuclear war exist and are ready to be used. On the other hand, there are only vague notions of how to systematically de-escalate a nuclear crisis. But contingency plans could be made now for convening meetings of military or political leaders at designated places, alternative treaties for de-escalation and stabilization could be drafted, agreements could be reached on confidence-building measures to reduce misinterpretations of intent. All good lawyers are prepared to tell a judge the specific relief requested and how it can be provided; as these examples demonstrate, the same preparation and creativity could be profitably applied in numerous aspects of nuclear arms control.

The Lawyers Alliance is dedicated to educating lawyers about these possibilities and making best use of their ideas and energies. Interested persons can obtain further information by writing to LANAC at Suite 719, 14 Beacon Street, Boston, MA 02108 or by calling (617) 227-0118.

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