

## Trident: Lawsuit Challenges the Navy's Billion-Dollar Baby

The heavy military spending of the past few decades in the United States has, as one knows, encouraged many states and regions to compete for the defense dollar. The decision to open an air base or other defense facility near a particular town has usually been the occasion for celebration down at the chamber of commerce and city hall. Conversely, the decision to close a base, shipyard, or other installation has been a cause of protest and dismay on the part of local political and business leaders.

But times change, if slowly, and evidence of a distinctly questioning attitude toward plans for a major new military installation can be found in the Puget Sound region where the Navy has intended to start work this fall on a \$500 million base for the controversial Trident missile submarine. An apparently universal sentiment there is that Trident must pay its way, that local governments must be able to get federal "impact" aid for whatever additional public services and facilities are required because of the Trident base.

Many people, conscious of the boom-and-bust effect of transient military projects in other places, are actually opposed to Trident. Although a scientifically conducted local poll has indicated that the base project is favored by most of the people in the region who have made up their minds about it, one would have concluded otherwise from the 2-day public hearing held by the Navy near the Trident base site this past April. The great majority of speakers made it plain that they regard Trident as an unwelcome intrusion, especially when the value of this weapon to the national defense is disputed by a number of persons and national groups knowledgeable about military matters.

A local group called Concerned about Trident is even suing the Department of Defense and the Navy. As viewed by the plaintiffs, the suit would, if successful, establish the precedent that the Pentagon cannot avoid full

compliance with the National Environmental Policy Act (NEPA) just because its projects wear a national security label.

Although it is a long shot, the suit is a serious and carefully planned venture. In addition to several local groups, the plaintiffs include two major national environmental groups, the Wilderness Society and Friends of the Earth, and also an economist of national repute, Walter W. Heller, chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson. (Heller, a professor at the University of Minnesota, owns a vacation home near the Trident base site.) The attorney leading the suit is David Sive of New York, one of the earliest and most prominent practitioners of environmental law.

The Navy plans, initially, to build ten Trident submarines. Each Trident, with its missiles and support facilities, will cost more than \$1 billion and will be nearly twice the size of the Polaris-Poseidon submarine. All ten will be assigned to the Pacific Ocean, with the first to go on station in 1978. The Tridents will, under plans already approved by Congress, be based at a new

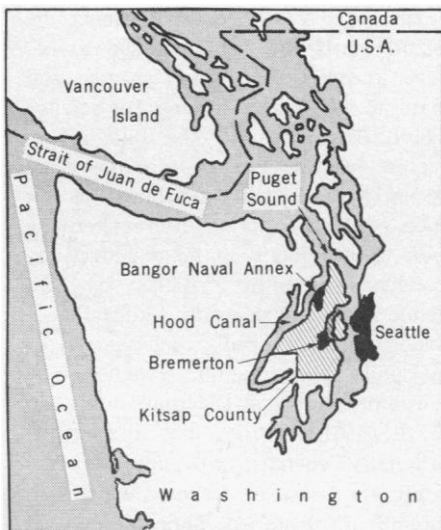
facility to be built at the Navy's existing Bangor Annex on the Hood Canal, a strikingly scenic natural waterway that lies between the Kitsap and Olympic peninsulas.

Kitsap County, the home of the proposed new facility, is only lightly developed and remains semirural. The only sizable community is Bremerton, which, with a population of about 36,000, has slightly more than a third of all residents of the county. The Puget Sound Naval Shipyard in Bremerton, having a work force of about 10,000, is the county's largest employer and is its economic mainstay.

An exceptional advantage offered by Kitsap County to its residents is an outstanding quality of life, especially for people who want no part of big city congestion and bad air and who revel in Kitsap's beautiful combination of evergreen forests, pristine waterways, and views of the snow-capped peaks of the Olympic Mountains. And, as it happens, no place in Kitsap County is considered more scenic, or more desirable for a home or retreat, than Hood Canal, where the Trident base is to extend along 4 miles of waterfront.

Judged from an environmental viewpoint, the prospect of the Trident base has given rise to objections as to both its direct and collateral effects. As for the former, there is the fear that construction and operation of the base would harm Hood Canal.

The Trident shore facilities would be confined to the existing 8527-acre Bangor Annex (during its 30-year history the annex has been a torpedo station, ammunition depot, and Polaris missile facility) and would not require use of land not already owned by the Navy. On the other hand, the large and elaborate Trident pier facilities would detract somewhat from the scenic beauty of the Hood Canal and possibly disturb its ecology. More important, the possibility of a nuclear accident causing radiological contamination of the canal worries some because they believe that the contamination would long persist. The canal is several hundred feet deeper along its interior reaches than at its entrance, with the result that there is relatively little flushing of the deeper waters. The Navy regards the possibility of a nuclear accident as extremely remote, but it is nevertheless true that at least seven of its nuclear submarines have been involved in collisions, groundings, or other accidents, including the disastrous loss of the *Thresher* and the *Scorpion*.



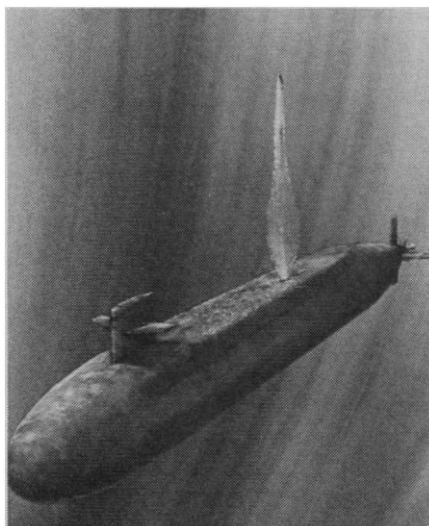
The Trident base is to be at the Bangor Annex on the Hood Canal.

Another objection—and perhaps the one most widely voiced—is that the coming of the Trident base would bring about a sudden and substantial increase in Kitsap County's population and a loss of the county's semirural character. The labor force required to build the Trident base is expected to peak at about 3600 workers, with most of them coming from other places and requiring temporary housing. A more serious concern is the fact that some 8000 new military and civilian personnel will be required to operate the base. Counting the families of the Trident personnel and allowing for a multiplier effect as new trade and service activities are generated, Kitsap County will have, by the Navy's reckoning, a total of 27,000 new people by 1981 as a result of the opening of the Trident base. This figure is questioned by many, and some estimates go as high as 55,000 or more.

Acting at the insistence of Washington state and local officials, Congress is now on the point of approving amendments to this year's military construction bill which would provide Trident impact funds to supplement regular federal aid for classrooms, roads, and other public facilities and services. This aid provision is similar to one enacted in 1971 and 1972 affording communities in Montana and North Dakota special impact funds to help pay for facilities and services needed because of the Safeguard antiballistic missile project.

Work on the Safeguard project in Montana was stopped after the Strategic Arms Limitation Talks (SALT) of 1972. And, as many people in the Puget Sound area know, the Trident project also could well be used as a "bargaining chip" for SALT. Administration officials have sometimes left the impression that Trident is indeed primarily a bargaining chip, although at other times this new weapon system has been touted as vital to the U.S. nuclear deterrent.

Although the Polaris-Poseidon system is widely regarded as the most valuable part of the deterrent, the case for the Trident system never has been made to the satisfaction of many members of Congress interested in slowing the arms race and stabilizing the strategic balance between the United States and the Soviet Union (*Science*, 20 April 1973). As a much larger submarine, Trident will carry missiles of longer range than those on the Polaris-Poseidon submarines today. It will be able to patrol a larger ocean



The Trident, as shown in Navy sketch.

area without moving beyond range of its assigned targets.

This advantage might be of major importance if the state of the art in antisubmarine warfare were such as to threaten the Polaris-Poseidon fleet as an effective deterrent system. Yet that system remains invulnerable. For this reason, organizations such as the Center for Defense Information and the Federation of American Scientists view as self-serving and unwise the Pentagon's arguments for spending at least \$13 billion for nothing better than an incremental improvement in the missile submarine fleet.

#### Pentagon Lobbying

In 1972, Congress responded to intense Pentagon lobbying and the overtures of President Nixon, who had just returned from arms reduction talks at the Moscow summit, by making the initial authorization for the Trident procurement. But it did so over the opposition of the Senate Armed Services R & D Subcommittee. The subcommittee favored procurement of only the 4500-mile-range Trident I missile which could be used in the Poseidon submarine.

The lawsuit by Concerned about Trident *et al.* alleges that the Department of Defense and the Navy did not follow the decision-making processes required by NEPA in several of its major decisions—those to develop Trident, to dedicate a special site for this new submarine rather than modify and use existing facilities, and to establish that site at the Bangor Annex. NEPA calls for an exploration of alternative courses of action, together with their possible environmental consequences,

at an early stage in the decision-making.

The Navy's impact statements (the six volumes weigh 21 pounds) do not discuss the military rationale for the Trident system. They are confined essentially to the question of why, from an environmental standpoint, the Bangor Annex is acceptable and is preferable to other sites considered on the Atlantic and Pacific coasts.

A potential obstacle to successful prosecution of the lawsuit is the fact that executive privilege may be invoked to frustrate attempts at obtaining non-classified papers bearing on Trident decision-making. The plaintiffs will, however, have going for them the 1971 decision by the U.S. Circuit Court of Appeals for the District of Columbia to the effect that nonclassified papers pertaining to a nuclear test on Amchitka Island in the Aleutians had to be made available to the Committee for Nuclear Responsibility, Inc.

(This ruling lost all practical significance in the Amchitka case because the Supreme Court, by a four to three vote, refused to delay the test long enough for the plaintiffs to press their suit; but it may have established a significant precedent for the Trident case.)

If the plaintiffs can show that the government was strongly influenced by such nonmilitary considerations as a desire to make new work available to defense contractors—General Dynamics, General Electric, and Lockheed hold the major Trident contracts—they will probably have a better chance of obtaining a favorable court ruling. Any judge can be expected to be cautious about becoming involved in large questions of national security policy.

As one measure of the seriousness with which the Trident lawsuit is regarded in the state of Washington, the two Washington senators—Henry M. Jackson and Warren G. Magnuson—and Kitsap County's congressman, Floyd V. Hicks, have joined in a statement saying that the suit raises issues that deserve judicial review. All three of these legislators have voted for Trident in the past, but none are trying to claim credit for bringing Trident to Puget Sound. As for Senator Jackson, his attitude toward the lawsuit is no doubt influenced by the circumstance that he is the "father" of NEPA as well as by the fact that many of his constituents question the wisdom of the Trident project.—LUTHER J. CARTER

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