

## Arms Control: Impact Statements Called a "Farce" and a "Mockery"

Late last year Congress passed legislation that was supposed to bring about significant change in the process by which decisions are made to launch or deploy major weapons systems. Among other provisions, it required that the Executive Branch submit an "arms control impact" statement every time a government agency submits a legislative or budgetary proposal to Congress seeking support for an important weapons system. Such statements were meant to analyze the effect that a weapons program might have on arms control and disarmament policy and negotiations.

The statements were expected to have several salutary effects on decision-making. The very process of preparing them was supposed to force the Defense Department and other elements of the Executive Branch to pay attention to the arms control implications of a weapons program before committing themselves heavily to it. The process was also designed to give the Arms Control and Disarmament Agency (ACDA), a traditionally puny subunit of the State Department, greater voice in deliberations about new weapons. And the statements themselves were supposed to provide Congress with enough information to make wise decisions on proposed military programs.

No one claimed that the new process would bring an end to the arms race or usher in a new era of peace. But proponents of the impact statements were cautiously hopeful that they might revolutionize military decision-making in much the same way that environmental impact statements have revolutionized decision-making on projects affecting the environment. "Congress finally has a handle on the Pentagon weapons programs," exulted one architect of the legislation.

That was before the first round of impact statements had been fully digested. Now that the first year's process has been completed, key backers of the legislation in the Senate and House are apoplectic over what some consider a deliberate effort by the Executive Branch to sabotage the value of the impact statements. Senator Hubert H. Humphrey (D-Minn.) and Representative Clement

J. Zablocki (D-Wis.), the two chief sponsors of the legislation, said they are "appalled" at the superficial quality of the statements submitted in "flagrant disregard" of the law. Representative Les Aspin (D-Wis.), a prominent critic of the military, charged that the Ford Administration "is making a mockery" of the process by submitting "totally useless" and "absurdly superficial" impact statements. And the Senate Foreign Relations Committee has pronounced all the statements submitted this year "unacceptable" and has urged that they be redone.

### Delays and Evasions

As viewed from Capitol Hill, the entire process this year has been thwarted by repeated delays and evasions.

First, there was the timing of this year's submissions. The impact statements were not sent to Congress until 9 August, well after Congress had already authorized the defense budget for fiscal year 1977 and just before final votes were due on military appropriations. That was far too late for the statements to serve any useful function during congressional debate on the military budget. Some congressmen were willing to excuse the delay on the grounds that the legislation requiring the impact statements had not been passed until late in the budget preparation cycle and that there were bound to be snags in attempting to start a new analytical process. But Humphrey charged that the Defense Department was deliberately "dragging its feet."

Then, there was the small number of statements submitted—only 16 in all, 11 of which came from the Defense Department and five from the Energy Research and Development Administration (ERDA), which fabricates nuclear warheads.\* Again, many congressmen were willing to accept the notion that there could not be an impact statement on every major program because of the time

constraints in this first year. But 16 was far fewer than many had expected, particularly since some Administration officials had publicly stated that at least 25 impact statements were being prepared. The smaller number that finally materialized led some congressmen to grumble privately that the other statements were suppressed. Whatever the case, the Arms Control Association, a private organization, noted that there were no statements filed for "some very important programs," including, among others, the Army's new binary nerve gas program, high-energy laser programs, and the advanced technology program for ballistic missile defense.

Another cause for grumbling was that the statements, when they arrived, were classified, making it virtually impossible for experts in the universities and think tanks to analyze them, and making it difficult for Congress itself to incorporate the statements into hearings and debates. The law did not specify whether the statements should be classified or unclassified, but it was widely assumed that there would at least be unclassified versions that could serve as a focus for debate. After persistent needling by Aspin, the Pentagon provided unclassified versions, some of which were identical to the classified versions, thus confirming suspicions that classification had been unjustified in the first place. No unclassified versions of the five ERDA statements have yet been released.

But what angered key congressmen more than anything else was the sketchy quality of the statements submitted. They were amazingly brief. Only one of the Defense Department's statements is longer than a page and it barely spills over to the top four lines of a second page. Moreover, about half of each Pentagon statement is simply a factual description of the program, repeating for the most part information already provided to Congress in budget proposals. The "impact" of the various weapons programs is dismissed in a few sentences which seldom discuss any of the real arms control issues involved.

Consider, for example, the separate statements filed for the Navy's sea-launched cruise missile and the Air Force's air-launched cruise missile. These weapons, which are under devel-

\*The statements submitted by the Defense Department cover the Trident submarine and missile system, the air-launched cruise missile, the sea-launched cruise missile, the B-1 bomber, the Mark 12A warhead, CAPTOR antisubmarine mines, improved guidance for the Minuteman missile, the XM 753 nuclear artillery shell, the maneuvering reentry vehicle known as MaRV, the M-X advanced ICBM technology program, and advanced technology development for the Pershing II missile. The statements submitted by ERDA cover the W-76/Mark 4 Trident missile warhead, the B-77 high-yield strategic bomb, the W-78 Mark 12A warhead, the W-79 8-inch nuclear artillery shell, and the warhead for the cruise missile/advanced short range attack missile (SRAM).

opment, are designed to fly subsonically at very low altitudes and to be virtually undetectable. The strategic versions are expected to deliver nuclear warheads to distant targets with high accuracy. They will also be relatively cheap, allowing for a vast increase in the number of deliverable warheads. The new missile raises a host of arms control issues, ranging from such broad questions as whether development of the weapons is apt to accelerate the arms race to such narrow questions as whether it would be possible under an arms control agreement to verify how many cruise missiles were deployed by each side.

What do the impact statements say about these weapons? Each contains only two sentences concerning the arms control implications of the missiles. They state, in full: "Cruise missiles as a class are not limited by the SALT I Agreement; they are, however, under active consideration in the SALT II negotiations. The [cruise missile] development program requested in the current budget will proceed with full cognizance of any agreement reached in SALT II." And that's it. Not even a cursory mention of what the arms control issues might be.

The statements on the other programs are equally uninformative. An analysis prepared by Charles R. Gellner of the Library of Congress' Congressional Research Service concluded: "It is difficult to understand how the short, spare and superficial impact statements which have recently been forwarded can be of much assistance to Congress. . . ." The law passed last year requires "a complete statement analyzing the impact" of weapons programs "on arms control and disarmament policy and negotiations." A House committee report anticipated that the statements would be "comprehensive, complete and substantive enough for Congress to exercise independent appraisals." Yet, Mr. Gellner observed, the statements are hardly complete, they contain no meaningful analysis, they are "bereft" of policy discussion, and they barely mention negotiations without analyzing how the weapons will affect those negotiations.

"The reports are a farce," declared Aspin. . . . "Unless the Administration makes drastic revisions in the reports before next year, it will have perpetrated an incredible hoax on Congress and on the public."

Who is responsible for emasculating the statements is unclear, partly because there are so many hands involved in the process. The statements are initially

drafted by the agencies that sponsor the weapons, then sent to the ACDA for suggestions, then to the National Security Council for review; ultimately, after various interagency groups have tried to resolve conflicts, they are returned to the sponsoring agency for transmission to Congress. According to sources in both Congress and the Executive Branch, the arms control agency wanted fuller statements that discussed the broad implications of weapons systems. But the bureaucratic infighting was won by people in the Defense Department and the National Security Council who preferred brief statements with a narrow focus. Some congressional sources blame the arms control agency for giving up too easily.

#### Ford Aide Gets Angry Letter

Humphrey and Zablocki, the two key sponsors of the legislation, fired off an angry letter on 16 September to Lt. Gen. Brent Scowcroft, President Ford's assistant for national security, charging that the initial statements do not meet the requirements of the law. "We are frankly appalled at the statements," they wrote. "Statements were prepared for only a small portion of the programs to which the legislation applies. . . . They dealt only at the shallowest level with impact on arms control and disarmament negotiations and they do not deal at all with impact on policy." The two legislators asked Scowcroft to analyze the process as it was carried out this year and to suggest changes. Meanwhile, the ranking members of the Senate Foreign Relations Committee—Senators John Sparkman (D-Ala.) and Clifford P. Case (R-N.J.)—wrote letters to the Defense Department and ERDA contending that the statements submitted did not comply with the law and requesting that more "comprehensive" statements be submitted promptly.

The Pentagon seemed unperturbed by the senatorial agitation. A brief statement issued by the Pentagon press office asserted that the statements "were prepared in accordance with the specific requirements" of the legislation. It added that the statements, "although brief," were "carefully developed and phrased to provide succinct descriptions of the programs concerned so that a reader could quickly grasp the nature and purpose of each program and any implications it might have in regard to established arms control policy and negotiating positions."

Howard Meyers, an official of the arms control agency involved in the im-

pact statement process, also downplayed the seeming defects in the statements. Although he acknowledged that his agency would have preferred "somewhat fuller analyses," he described the first year as "a learning process" in which "everyone honestly tried to follow the intent of the law" while operating under severe time constraints. He also suggested that, while the statements themselves were "awfully terse," they were preceded by extensive analysis in the Executive Branch, thereby ensuring that arms control issues were in fact addressed even if those issues are not discussed in detail in the impact statements. The process, he judged, worked "tolerably well."

The terseness of the arms control impact statements is reminiscent of the brevity of some of the initial environmental impact statements filed by federal agencies under the National Environmental Policy Act. In the case of the environmental statements, a barrage of lawsuits and judicial decisions soon forced the agencies to prepare detailed statements discussing the likely impact of a project and possible alternative courses of action. But no such litigation is possible in the arms control area. The law that requires the impact statements explicitly provides that "no court shall have any jurisdiction" to review the statements. This clause was inserted at the insistence of congressional "hawks" who feared that lawsuits might be filed to block military programs whose impact statements were deemed deficient.

#### What Congress Can Do

Congressional staffers are now pondering how best to force the Executive Branch to submit more meaningful analyses. The initial step was the request that the 16 statements submitted so far be withdrawn and replaced with more comprehensive analyses. If that request is ignored, then Congress has the option under the law of demanding an opinion on the weapons systems from the director of the arms control agency, either in writing or in testimony. If it is really true, as some say, that ACDA has already prepared more detailed impact reports as part of the bureaucratic infighting, then Congress might conceivably be able to extract the substance of those analyses from the director himself. That approach might or might not satisfy congressional needs. But angry legislators are searching for some way to ensure that the superficiality of the statements filed this year does not become a precedent for submissions in future years.—PHILIP M. BOFFEY