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the graphite-moderated design (4) that exacerbated the Chernobyl disaster and should not be operated at all.

All the major nuclear materials production facilities are now closed, thus bringing the nation to a historic turning point; either we can proceed with the DOE plan to rebuild facilities and continue the arms race for another 30 or 40 years, or we can keep the facilities shut and negotiate with the Soviets for a mutual halt to all additional nuclear weapons production.

As safety and health questions have grown, local political struggles have developed near the sites. Citizen groups are actively engaged in public education and organizing near Hanford, Idaho Falls, Rocky Flats, Pantex, Fernald, Oak Ridge, Savannah River and elsewhere. On the national level, a substantial group of peace, environmental and safe-energy groups has come together to press for a permanent shut-down of dangerous, expensive and redundant military fuel plants.

The Soviet Union is thought by experts to be in a similar situation, burdened with military reactors at least as obsolete and dangerous as our own. (5) There exist, then, a rare opportunity to end nuclear fuel production on both sides, while still maintaining mutual nuclear deterrence at lower levels. In the words of the Rev. William Sloane Coffin, Jr., in a recent statement, "President Bush has a chance to turn a temporary necessity into a permanent virtue."

Text of Resolution

WHEREAS, the Illinois Conference of the United Church of Christ, in congruence with its understanding of biblical teaching on stewardship and protection of the environment, has on numerous occasions called for the slowing and reversing of the nuclear arms race, and

WHEREAS, the U.S. Department of Energy presently operates 27 plants and laboratories in 12 states, which together produce the fuel elements essential to nuclear explosions, and

WHEREAS, all the major nuclear materials production facilities are now closed, for a variety of safety and health reasons, resulting in a de facto moratorium in the manufacture of such fuel elements as plutonium, uranium and tritium, and

WHEREAS, the Intermediate Nuclear Forces (INF) agreement, and the ongoing Strategic Arms Reduction Talks (START), envision declining stockpiles of nuclear weapons on both sides, with a concomitant lessening of nuclear fuel requirements, and

WHEREAS, the Department of Energy has requested \$81 billion dollars over the next 20 years for the purpose of cleaning up and rebuilding production facilities, while competent outside sources have estimated the total cost at \$150 billion or more, and

WHEREAS, there is still no facility available for the safe, long term disposal of radioactive waste that would flow from a new generation of military production plants;

THEREFORE, BE IT RESOLVED, the 17th General Synod of the United Church of Christ calls on the United States Government to support the following propositions:

1. No additional production of plutonium, highly enriched uranium or tritium, and no construction of new nuclear

weapons production reactors or the special Isotope Separation facility.

2. Seek a mutual U.S. - Soviet moratorium on the production of nuclear weapons materials.
3. Fund a thorough clean-up of all nuclear production facilities under rigorous environmental guidelines.
4. Conduct an independent long-term health and safety study of all workers and communities affected by radiation releases at DOE facilities.
5. Provide economic adjustment assistance for displaced workers and for nearby communities affected by a permanent shut-down of all nuclear weapons production facilities.

BE IT FURTHER RESOLVED, the 17th General Synod calls for the distribution of this resolution to the President of the United States and all representatives to Congress.

Footnotes:

- (1) New York Times, Oct. 6, 1988, Page 1: "Disclosures about problems at the enormous Government complex began unfolding last Friday, when two Congressional committees were told that a number of serious reactor accidents had been kept secret for as long as 31 years."
- (2) "Rocky Flats - the Arms Plant That Shouldn't be There." Washington Post National Weekly Edition, 12/26/88 - 1/1/89.
- (3) Mr. James Edwards, U.S. Secretary of Energy, 1981-82, quoted from an article in The Chicago Tribune, Feb. 24, 1989: "The problems at Savannah River are the direct and inevitable result of reactors that are approaching the end of their original design lifetimes. They were built almost 40 years ago . . ."
- (4) "Deadly Defense," published 1988 by Radioactive Waste Campaign, 652 Broadway, New York, NY 10012.
- (5) Nuclear Control Institute, 1000 Connecticut Ave., NW, Washington, DC 20036 - press release Dec. 20, 1988, quoting an assessment of Soviet capabilities prepared by the Los Alamos National Laboratory: "Soviet military production reactors are old, obsolete and unsafe. They will be shut down soon anyway."

Financial Implications: Subject to availability of funds.

9. RESOLUTION "UNITED STATES OVERT AND COVERT MILITARY INTERVENTION"

The next recommendation of Committee 18 brought before the 17th General Synod, Resolution "United States Overt and Covert Military Intervention," was introduced without changes to the original text. Mr. Kear moved and it was

89-GS-42 VOTED: The 17th General Synod adopts the Resolution "United States Overt and Covert Military Intervention."

UNITED STATES OVERT AND COVERT MILITARY INTERVENTION

Background

The 15th General Synod of the United Church of Christ declared the United Church of Christ to be a Just Peace Church recognizing the interrelation of friendship, justice and common security from violence and affirming its opposition to the institution of war. That identification requires that we examine

the various ways that our government wages war, both overt and covert, in an effort ultimately to eliminate the institution of war.

Under the system of checks and balances provided for in the Constitution, the authority for the war-making power is divided between the executive and the legislative branches. The President has the power to conduct war through the implementation of foreign policy and as the Commander-in-Chief of the armed forces (Article II, Section 2). However, only Congress has the power to declare war (Article I, Section 8).

Thus, decisions about U.S. military intervention inherently overlap responsibilities of both executive and legislative branches.

Declared wars have been the exception rather than the rule throughout U.S. history. Of 200 instances where the United States used military force abroad in situations of conflict to protect or promote U.S. interests, only five were formally declared wars. Where no war is formally declared, the President has been able to act without the Congressional influence or scrutiny envisioned by the framers of the Constitution.

There was little call to redress this imbalance in the Constitutional checks and balances until the country found itself involved for many years in an undeclared and unpopular war in Vietnam. Congress then sought to reassert its power to decide when the United States should become involved in a war and when troops could be used without a formal Congressional declaration of war.

The War Powers Resolution (Public Law 93-148) became law in November 1973 when the Congress overrode a Presidential veto of it. The purpose of the Resolution was to "fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities . . ."

To do this, the Resolution requires the President to consult with Congress before and after introducing troops into such hostile situations. If armed forces are put into these situations, the President must submit a written report within 48 hours giving the circumstances and estimated scope and duration of the involvement (Section 4). After 60 days, if Congress has not declared war or passed a joint resolution authorizing the use of U.S. armed forces, the President is required to end the intervention and pull out the troops (Section 5).

Since its passage in 1973, nineteen reports regarding the use of U.S. forces in hostilities have been submitted to Congress, some of them citing the War Powers Resolution. However, no reports have been submitted pursuant to Section 4 as required by the law.

With the reflagging of the Kuwaiti oil tankers in the Persian Gulf in the summer of 1987, the debate surrounding the War Powers Resolution intensified. President Reagan refused to comply with the terms of the Resolution because he stated that the circumstances in the Persian Gulf did not require compliance with its reporting requirements. As Congress debated reaction to U.S. policy in the Gulf, the focus shifted more and more to the effectiveness of the Resolution and possible amendments to the Resolution.

Attempts to amend the War Powers Resolution have taken a variety of forms. There are those who believe that the Reso-

lution is unconstitutional and unduly limits the President's flexibility in determining foreign policy (including each President who has been elected since its passage in 1973). There are those who believe that it needs to be strengthened to assure that Congress has an effective voice in the use of U.S. forces in conflict abroad. During the 100th Congress, the most serious attempt to modify the War Powers Resolution was a bill which many considered to be a weakening of the Resolution. It would have changed the "burden of proof" so that instead of the President having to withdraw troops after ninety days unless Congress approved, the troops would stay unless Congress passed a joint resolution disapproving and requiring their withdrawal. This would have substantially weakened the Resolution by adding a provision which the Congress had debated and rejected when the original Resolution was passed in 1973.

In addition to the government's overt actions in waging war through direct military intervention, the government also intervenes in other countries through the use of covert operations. Covert operations are usually military interventions in other countries which, because of their covert nature, lack accountability and for which the government denies responsibility.

The 1947 National Security Act first codified the idea of covert operations. It specifically established the National Security Council and the Central Intelligence Agency (CIA). It also provided the vehicle through which covert operations have been performed and funded since that time. The section which provides for the duties of the CIA includes a catch-all phrase allowing for "performing such other functions . . . affecting the national security as the National Security Council may from time to time direct." Since that time the United States has engaged in covert operations all over the world, most frequently in the Third World and usually in the "fight against communism." In 1976, "The New York Times" reported that the Senate Select Committee on Intelligence Activities "found the CIA has conducted some 900 major sensitive covert projects plus 'several thousand' small projects since 1961."

The National Security Council's initial definition of covert operations, contained in the 1948 National Security Council Directive 10/2, was:

" . . . all activities which are conducted or sponsored by this government against hostile foreign states or groups or in support of friendly states or groups, but which are so planned and executed that any U.S. government responsibility for them is not evident to unauthorized persons and that if uncovered the U.S. can plausibly disclaim any responsibility for them."

The Directive continues to define covert operations:

"Such operations shall include any covert activities related to: propaganda; economic warfare; preventative direct action, including sabotage, anti-sabotage, demolition, and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas, and refugees liberation groups and support of indigenous anti-communist elements in threatened countries of the free world."

In the 1970's, the Senate created the Select Committee to Study Government Operations to determine "the extent, if any, to which illegal, improper, or unethical activities were engaged

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in." Instead of enhancing national security as has been claimed, the Church Committee (as it was known for its Chairman, Frank Church) found that covert operations actually "have eroded the processes of open democratic society."

As a reaction to widespread abuses by the intelligence community in covert operations and the Church Committee report, the United Church of Christ at the 10th General Synod passed a resolution:

"... urg[ing] the Congress of the United States limit the activities of the Central Intelligence Agency to the gathering and evaluation of information, and that covert paramilitary action and interference with the political affairs of any nation [be] specifically prohibited."

The General Synod also requested:

"... the President and the Congress to prepare legislation through which the intelligence gathering activities of the Central Intelligence Agency and other federal agencies may be brought to close scrutiny and governance within democratic and constitutional principles."

Since the 10th General Synod resolution it has become clear that calling for limitations on the CIA alone is not enough. Other parties, governmental agencies and their surrogates also participate in covert operations and must be subject to similar limitations.

Covert operations, often extended in time and intensity, are actually covert wars, such as is currently being undertaken by the United States in Central America. During the Reagan Administration, covert operations and covert wars became a more central feature of U.S. foreign policy particularly in situations of civil unrest or revolution such as Kampuchea, Afghanistan, Angola, Nicaragua and Ethiopia. They most often have been justified by citing the threat of a communist takeover or communist intervention, usually in a Third World country. The most recent and blatant example of this occurred in the Iran/contra affair.

Covert operations and covert war violate both international law and basic democratic principles. They are not governed by the standards of decency that restrain overt military action, like the Geneva Convention. Brutalization and terrorization of civilians are a regular feature of covert warfare. In addition, these operations violate the principles of self-determination and non-intervention upon which international relations are based.

Covert operations and covert wars also violate the United States Constitution by: 1) allowing U.S. governmental departments and agencies to wage war without a formal declaration by the Congress as required by Article I, Section 8; 2) violating the Constitutional provision that all treaties shall be "the Supreme Law of the Land" (Article VI). Covert operations are often conducted against nations with whom the United States has normal diplomatic relations or treaty obligations, and 3) violating the provision that all monies must be appropriated and overseen by Congress and are subject to public accounting (Article II, Section 9). Funds for covert operations are hidden in the federal budget without specific line-item identification, if covered by the budget at all. Evidence has shown that in some instances money for covert operations is raised through other channels including the illegal sale of munitions and drugs without any consultation with Congress.

Perhaps of most concern is that covert operations and covert wars are based on lies. Their very purpose, as defined by the 1948 National Security Council Directive, is to conduct activities for which the U.S. government can deny responsibility. Thus it becomes the policy of the U.S. government to lie not only to its "enemies" against whom the covert operations are conducted and to its allies to protect the secrecy, but also to its own citizens.

Text of the Resolution

WHEREAS, the Bible reminds us that Christ "is our peace, who . . .

- has broken down the dividing wall of hostility" (Eph.2:14) and warns us that
- "war shall rise among [our] people" (Hos.10:13) because we have
- trusted more in the implements of war than the tools of peace, and

WHEREAS, throughout the Bible all are held accountable for their deeds: "I am coming . . . to repay everyone for what he [or she] has done" (Rev.22:12) and "[You] do not know how to do right. . . Therefore . . . your strongholds shall be plundered" (Am.3:10-11), and

WHEREAS, the Bible calls us to be "workers in the truth" (3 Jn.1:8) and never to "bear false witness" (Ex.20:16), and

WHEREAS, the 15th General Synod of the United Church of Christ recognized that "A Just Peace is a basic gift of God and is the force and vision moving human history," and

WHEREAS, the 15th General Synod in its Pronouncement "Affirming the United Church of Christ as a Just Peace Church" did "affirm that war must be eliminated as an instrument of national policy . . ." and

WHEREAS, the 15th General Synod in the same Pronouncement did "affirm the development of new policies of common security, using . . . non-violent strategies [and] unilateral initiatives to lessen tensions," and

WHEREAS, the 10th General Synod "urge[d] that the Congress of the United States limit the activities of the Central Intelligence Agency to the gathering and evaluation of information, and that covert action and interference with the political affairs of any nation [be] specifically prohibited," and

WHEREAS, the President of the United States and the Congress are required to uphold the laws of the land and are bound by oath to support the Constitution, and

WHEREAS, the United States government on November 7, 1973 did enact Public Law 93-148, the War Powers Resolution, "to fulfill the intent of the framers of the Constitution of the United States," and

WHEREAS, the War Powers Resolution states that "The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations;" and

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WHEREAS, Section 4 of the War Powers Resolution requires that "[i]n the absence of a declaration of war, in any case in which United States Armed Forces are introduced . . . the President shall submit within 48 hours" a report to Congress regarding the circumstances and authority for such introduction and the estimated scope and duration of involvement, and

WHEREAS, Section 5 of the War Powers Resolution requires the President to terminate the use of United States Armed Forces in hostilities unless the Congress authorizes the use of such forces within sixty days, and

WHEREAS, since enactment of the War Powers Resolution, United States Armed Forces have been introduced into hostilities on at least nineteen occasions but the President has never submitted a report "pursuant to section 4(a)(1)" of the War Powers Resolution, thus avoiding the intent of the War Powers Resolution to require congressional authority for the maintenance of United States Armed Forces in such situations after a period of sixty days, and

WHEREAS, United States military intervention into the affairs of other nations and peoples also occurs in a covert manner without the direct involvement of United States Armed Forces and thereby not subject to the provisions of the War Powers Resolution, and

WHEREAS, covert operations or "special activities" of the United States intelligence community are defined by the government in Executive Order 12333 as "activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly," and

WHEREAS, National Security Council Directive 10/2 stated that covert operations include ". . . propaganda; economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition, and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas, and refugee liberation groups and support of indigenous anti-communist elements in threatened countries of the free world," and

WHEREAS, covert operations and covert war are conducted without declaration by proper authority, without regard to the rule of law, without international accountability, without any code of conduct, and without regard for principles of self-determination of peoples and nations, and

WHEREAS, covert operations and covert war subvert and violate the United States Constitution in that they allow violence and war to be waged without proper congressional authorization (as mandated by Article I), allow funding for such operations without appropriation or proper oversight by Congress (as stipulated in Article II), and, in some cases, undermine Article VI by violating treaties which are already established as "supreme Law of the Land," and

WHEREAS, covert operations and covert war include activities designed to avoid personal and governmental accountability, thus allowing parts of the government or their surrogates to deny responsibility for these actions and to operate outside of the law;

THEREFORE, BE IT RESOLVED, the 17th General Synod of the United Church of Christ:

1. supports the intent of the War Powers Resolution, Public Law 93-148, for proper United States governmental authorization and oversight in the event United States Armed Forces are introduced into a situation of war or possible involvement in hostilities;
2. urges the President of the United States to abide fully by the provisions of the War Powers Resolution;
3. urges the Congress to invoke the provisions of the War Powers Resolution if the President fails to abide by this law;
4. urges the Congress to carry out the full authority given to it by the War Powers Resolution and the Constitution, to support revisions which would protect these constitutional powers and strengthen congressional oversight of the use of United States Armed Forces in hostilities, and to oppose changes which would in any way diminish this authority or function;
5. urges the United States government and other governments of the world to terminate all covert operations and covert war;
6. urges the President of the United States to cease all covert operations or covert war conducted by any agent or surrogate of the United States government, unless Congress has declared war or is physically unable to meet as a result of an armed attack upon the United States;
7. urges the Congress to prohibit any United States governmental department or agency from engaging in covert operations or covert war and to limit the activities of the intelligence community to the gathering of information, unless Congress has declared war or is physically unable to meet as a result of an armed attack upon the United States. Such departments and agencies include but are not limited to: the Central Intelligence Agency; the National Security Agency; the Federal Bureau of Investigation; the Bureau of Intelligence and Research of the Department of State; the Defense Intelligence Agency; the intelligence elements of the Army, Navy, Air Force, and Marine Corps; the staff element of the Director of Central Intelligence; the National Reconnaissance Office of the Department of Defense; other offices within the Departments of Defense, State, Treasury, and Energy for the collection of intelligence; the Drug Enforcement Agency, and the National Security Council;
8. calls upon the President of the United Church of Christ, the Office for Church in Society, and the United Church Board for World Ministries to: communicate this resolution to the President of the United States, the United States Congress, the General Secretary of the Soviet Union, and the Secretary General of the United Nations; inform and educate the United Church of Christ regarding the principles contained in this resolution, and advocate public policy positions commensurate with this resolution.

Financial Implications: Subject to the availability of funds.

10. RESOLUTION "A CALL TO THE GENERAL SYNOD TO WORK TOWARD THE GOAL OF ELIMINATING SHORT-RANGE NUCLEAR FORCES IN EUROPE"

Mr. Kear reported the work of Committee 18 on the Resolution "A Call to the General Synod to Work Toward the Goal of Eliminating Short-Range Nuclear Forces in Europe." The last paragraph was deleted and the call stated in the last sentence was changed to be upon the President of the United Church of Christ.