

# Don't let the president start a nuclear war!

Legislation pending in Congress would prohibit a president from using the armed forces “to conduct a first-use nuclear strike unless such strike is conducted pursuant to a declaration of war by Congress that expressly authorized such strike.”

It is in the form of twin bills, **H.R. 669** in the House of Representatives and the identically worded **S. 200** in the Senate.

The measure defines “first-use nuclear strike” as “an attack using nuclear weapons against an enemy that is conducted without the President determining that the enemy has first launched a nuclear strike against the United States or an ally of the United States.”

It has flaws: It lets him bomb if he errs or lies that an enemy “has launched a nuclear strike,” even on an “ally.” But it might inhibit arbitrary bomb-dropping, and it’s the only bill in Congress raising the issue of executive use of nuclear weapons.

On Jan. 24, 2017, Rep. Ted Lieu of the 33<sup>rd</sup> Congressional District of California (Los Angeles) introduced the legislation in the House of Representatives and Senator Edward J. Markey of Massachusetts did so in the Senate.

The twin bills (see more excerpts below) were referred to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, respectively. There they rest.

## **An obstacle to passage — and how you can help**

*Problem:* Lieu and Markey are Democrats. They have 37 and 8 cosponsors, respectively, but only one is a Republican (just Rep. Walter B. Jones, 3<sup>rd</sup> CD of North Carolina, as of 6/9/17).

The 115<sup>th</sup> Congress is GOP-controlled, so unless either bill gets more support from members in that party, the measure won’t pass. The starting of a nuclear war should not be a partisan issue. Such a war would quickly annihilate Republicans and Democrats alike.

*If you have a Republican representative or senator, ask him or her to be a cosponsor. Or if you know people in GOP congressional districts or states, encourage them to ask.*

## **A constitutional issue**

The measure says, in part, under “Findings and Declaration of Policy”:

“The Constitution gives Congress the sole power to declare war.... The framers ... understood that the monumental decision to go to war ... must be made by the representatives of the people and not by a single person.... Nuclear weapons have the capability to instantly kill millions of people ... [and] risk retaliatory nuclear strikes.... A first-use nuclear strike ... a major act of war ... conducted absent a declaration of war would violate the Constitution.”

(See *Congress.gov* for the full text and much more info.)