

1 SENATE MEMORIAL 113

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO ENACT  
12 LEGISLATION TO CREATE A SYSTEM OF CHECKS AND BALANCES IN  
13 DECISIONS TO USE NUCLEAR WEAPONS EXCEPTING IN RETALIATION TO AN  
14 ATTACK ON THE UNITED STATES OR ITS ALLIES.

15  
16 WHEREAS, Article 1, Section 8 of the United States  
17 constitution authorizes congress "to declare War, grant Letters  
18 of Marque and Reprisal, and make Rules concerning Captures on  
19 Land and Water"; and

20 WHEREAS, Article 2, Section 2 of the United States  
21 constitution establishes the president as the "Commander in  
22 Chief of the Army and Navy of the United States, and of the  
23 Militia of the several States, when called into the actual  
24 Service of the United States"; and

25 WHEREAS, the constitutional division of authority

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1 envisioned that in most, if not all, cases, congress would  
2 decide when and where the United States would engage in armed  
3 conflict and the president would decide how to prosecute that  
4 decision; and

5 WHEREAS, with the establishment of permanent armed forces  
6 with detachments increasingly spread across the world, the  
7 practical ability to decide when and where the United States  
8 would enter into armed conflict shifted to the president; and

9 WHEREAS, on July 16, 1945, the nature and consequences of  
10 using the most powerful of weapons of armed conflict changed as  
11 the United States conducted the first successful test of a  
12 nuclear weapon; and

13 WHEREAS, after the test, the leader of the United States'  
14 nuclear weapons development program, J. Robert Oppenheimer,  
15 characterized the scope of this change by saying, "Now I am  
16 become Death, the destroyer of worlds"; and

17 WHEREAS, on August 6, 1945, the first use of a nuclear  
18 weapon on Hiroshima, Japan, is estimated to have resulted in  
19 the deaths of between ninety thousand and one hundred sixty-six  
20 thousand people; and

21 WHEREAS, the increasing destructiveness of available  
22 nuclear weaponry was publicly recognized by United States  
23 President Dwight D. Eisenhower on December 8, 1953 in a speech  
24 to the United Nations in which he confirmed that the then-  
25 current atomic weapons were more than twenty-five times as

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1 powerful as the bomb that had destroyed Hiroshima and that  
2 hydrogen bombs were even more powerful by orders of magnitude;  
3 and

4 WHEREAS, President Eisenhower declared that "the United  
5 States pledges before you – and therefore before the world –  
6 its determination to help solve the fearful atomic dilemma...";  
7 and

8 WHEREAS, On July 29, 1957, the United States ratified the  
9 establishment of the international atomic energy agency as a  
10 part of its commitment to the containment of nuclear weaponry;  
11 and

12 WHEREAS, with the United States as a leading sponsor, on  
13 June 12, 1968, the United Nations general assembly proposed the  
14 treaty on the non-proliferation of nuclear weapons to establish  
15 international commitment to avert the danger of nuclear war;  
16 and

17 WHEREAS, on March 5, 1970, the treaty on the non-  
18 proliferation of nuclear weapons came into effect upon  
19 ratification by the United States, the United Kingdom, the  
20 Soviet Union and forty other countries; and

21 WHEREAS, one hundred ninety-one countries are now  
22 signatories to the treaty on the non-proliferation of nuclear  
23 weapons; and

24 WHEREAS, the United States has established a "sole  
25 authority" methodology wherein the authority to use, or refrain

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1 from using, nuclear weapons resides in one person – the  
2 president; and

3 WHEREAS, a report by the union of concerned scientists  
4 indicates that use of the sole authority model adopted by the  
5 United States is prevalent within the eight other countries  
6 that are known, or believed, to have nuclear weapons; and

7 WHEREAS, the safety of the sole authority model for the  
8 use of nuclear weapons is suspect, as it is continuously  
9 dependent on the infallibility of just one individual human to  
10 avoid a mistaken or unjustifiable use of nuclear weapons; and

11 WHEREAS, because most nuclear states have used the promise  
12 of immediate nuclear retaliation as a deterrent to attack, a  
13 single mistaken use of a nuclear weapon could result in  
14 millions of fatalities and injuries as well as catastrophic  
15 environmental and economic damage;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
17 OF NEW MEXICO that the United States should once again take a  
18 leading role in preventing the inadvertent, mistaken or  
19 unjustifiable use of nuclear weapons; and

20 BE IT FURTHER RESOLVED that the New Mexico congressional  
21 delegation be requested to work to enact legislation that would  
22 establish a system of checks and balances on the authority to  
23 use nuclear weapons; provided that the president would retain  
24 sole authority for the use of nuclear weapons in retaliation to  
25 an attack upon the United States or its allies; and

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