



Nuclear Issues for the California Legislature

Even though many decisions about nuclear weapons are made in Washington, DC rather than Sacramento, legislation taking a stance on issues or policies can still be very important in changing national and even international decisions on nuclear issues. This memo offers an overview of past state-level initiatives in California to reduce nuclear risks and identifies future steps the California legislature could take to further reduce nuclear risks.

Examples of past legislation and other efforts to reduce nuclear risks

The nuclear freeze movement was a grassroots movement in the early 1980s that advocated for a freeze on the testing, production, and deployment of nuclear weapons in the United States. The Freeze was endorsed by 275 city governments, 12 state legislatures (including California), and voters in nine out of ten states where it was placed on the ballot in 1982. None of these states or cities had the authority to stop the production or deployment of nuclear weapons on their own. However, these endorsements changed national politics: the Freeze became part of the Democratic Party platform in 1984 and (combined with other factors) led the Reagan administration to initiate arms control with Russia in the START I and Intermediate Range Nuclear Forces treaties. Such state-level resolutions and legislation can have a real impact on changing national policy over time.

In 2018, the California Legislature passed joint resolution AJR-33, which expressed support for the 2017 Treaty on the Prohibition of Nuclear Weapons. This international treaty banned the development, testing, production, possession, stockpiling, and use of nuclear weapons. Fifty-four countries have ratified the treaty, but no country that possesses nuclear weapons has joined. Under the Trump administration, the United States was one of the leading opponents of the treaty, so this California resolution was a significant signal of support.



AJR-33 was the first state-level resolution in support of the Treaty on the Prohibition of Nuclear Weapons in the United States, but it has since led to similar bills being introduced in other state legislatures. State legislatures in Oregon, Maine and New Jersey have followed with their own resolutions in support of the treaty, as have cities and towns in many states. Arcata, Berkeley, Carlsbad, Davis, Eureka, LA, Ojai, San Francisco, Santa Barbara, and Santa Monica have all passed city resolutions in support of this treaty. And AJR-33 had international impact as well, prompting cities and states in other countries---including Paris, France---to pass similar resolutions.

AJR 33 also called on federal leaders to spearhead global efforts to prevent nuclear war by committing to no first use of nuclear weapons, ending the President's sole authority to launch a nuclear attack, taking U.S. nuclear weapons off hair-trigger alert, and pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

To further reduce the risks of nuclear war, in 2018 the legislature also passed joint resolution AJR 30, which expressed support for the Congressional Restricting First Use of Nuclear Weapons Act of 2017. This Congressional legislation (which has been introduced by Representative Ted Lieu in each subsequent Congress) would forbid the president from launching nuclear weapons first (i.e., without first being attacked with nuclear weapons by another country) unless they had a Congressional Declaration of War authorizing them to do so. AJR-30 is similar to some of the calls in AJR-33, but is connected to specific legislation that a California representative has introduced in Congress.

On AJR-30, national groups like Women's Action for New Directions pointed to California as "leading the way toward a safer, more sane United States nuclear policy" and saying that "California is the first, but it will not be the only state to send this message to Congress... [they] look forward to other states joining California and uniting against nuclear war." Legislation passed in California on national issues sends an important signal to other states that California is a leader on these important issues

Options for future legislation (note: these are illustrative examples, rather than endorsement of any specific legislation)

The California legislature could ban or require voter approval of nuclear testing in California, as the state of Colorado did. The Colorado Detonation of Nuclear Devices amendment was a 1974 state constitutional amendment that required any nuclear testing or any nuclear detonations at all in Colorado to be approved by voters in advance. Nuclear weapons were never tested in Colorado, but nuclear explosive devices were used in Colorado in 1969 and 1973 to release natural gas. This was a complete failure economically and raised considerable concern in Colorado about the environmental and health impacts. The Denotation of Nuclear Devices amendment was a response to these concerns. Nuclear weapons testing has never occurred or been seriously proposed to take place in California. But given that the United States has never ratified the 1996 Comprehensive Nuclear Test Ban Treaty (which bans all nuclear explosive tests), such legislation would send a strong signal in support of banning nuclear testing---something that can have horrible and long-lasting environmental and health effects---something clearly seen in the Southwest and Pacific Islands.



Earlier in 2021, Maryland Senator Chris Van Hollen and STATE Representative Joe Courtney introduced in Congress the Nuclear SLCM Ban Act, which would prohibit development and deployment of the new nuclear-armed sea-launched cruise missile and its associated nuclear warhead. The argument behind it is that not only would these weapons be unnecessary and costly, but they would distract from submarines' other military missions, and that they would raise the risk of nuclear war as the tactical nuclear warheads intended for this program would be relatively low-yield. The concern is that low-yield nuclear weapons---ones that have a relatively smaller yield, or impact---lower the threshold for using nuclear weapons and in doing so, raise the risk of nuclear war. This is another issue that the California legislature could take a stance on in a resolution.

The California legislature could pass a bill in support of a diplomatic approach to preventing Iran from acquiring nuclear weapons. In the leadup to the Joint Comprehensive Plan Of Action (the JCPOA or 'Iran deal') in 2015, there was little state-level engagement in support of diplomacy. State-level legislation expressing support for diplomacy could have significantly helped build the case further at the national level. The Biden Administration is currently trying to re-enter the JCPOA. Regardless of the outcome, a bill of support for diplomacy in next year's legislative session could help sustain support for diplomacy.

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