

March 16, 1961

Memorandum Concerning a Suggestion of Leo Goodman

by Leo Szilard

Leo Goodman recently suggested (oral communication) that the apparent falling off of the ratio of boys to girls at birth with the increasing age of the parents, might be due to the combined effect of two phenomena which may both be assumed to exist.

The first one would consist in a strong preference which people might have for boys and, accordingly, parents might be much more inclined to have an additional child if all their previous children were girls. The second one would be the presence of a small percentage of families in the population for whom the a priori probability for a child to be a boy is very different from  $1/2$ .

It seems to me that the presence of such families in the population could be substantiated if it were possible to show that a certain proportion of the women in the population carry a recessive sex linked lethal. If 1.6% of the women were to fall into this category, and if people were to have two children without regard to sex and would have a third child only if the previous children were girls, then the boys to girls ratio would be 0.8% lower for the third child than for the first child. The difference of the boy to girl ratio would be even greater between the last child and the first child if people were to have three children without regard to sex and would have a fourth child only if the previous children were girls.

The assumption that 1.6% of the women carry a sex linked recessive lethal might be substantiated on the basis of the known spontaneous mutation rates. In these circumstances, it seems to me that we must now, first of all, look for evidence showing that there is, in fact, some such strong preference for boys as we have assumed above.

If such a strong preference did, indeed, operate, then it should manifest itself strongly in the dependence of the ratio of boys to girls on the number of siblings. If we disregard the last child and determine the ratio of boys to girls among the rest of the siblings, this ratio should fall rapidly with increasing number of siblings.

The purpose of this memorandum is to raise the question whether there are any birth data available which would permit us to determine the dependence of the sex ratio on the number of siblings.

The End

March 17, 1961

MEMO TO L. SZILARD

This is a recapitulation of the description I gave you last week in Washington of the results that Horiuchi and I have obtained with the temperature sensitive mutant, strain E103.

This strain exhibits the novel feature of being "inducible" at low temperatures and "constitutive" at higher temperatures. Expressed in units based on a fully induced cell having an enzymatic level of two, we find that in the absence of inducer this strain has an activity of 0.01 at 14<sup>0</sup>, of 0.15 at 37<sup>0</sup>, and of 0.9 at 43.8<sup>0</sup>. We believe that the enzyme present is uniformly distributed in the population since very low concentrations of inducer (10<sup>-6</sup>M IPTG) maintain this strain where much higher concentrations are needed with the wild type strain. In the presence of inducer about the same level is observed at all three temperatures.

This constitutive character probably results from a mutation at the *i* locus since it is recessive to *i*<sup>+</sup> in appropriate F lac diploids. This was shown by deriving an F<sup>-</sup> strain from E103, which like E103 is constitutive at higher temperatures. Upon contact with an F<sup>+</sup> strain carrying F lac (Fi<sup>+</sup>o<sup>+</sup>z<sup>+</sup>y<sup>+</sup>), a "diploid" is formed which is inducible at all temperatures.

Two kinds of temperature transfer experiments have been performed. In the first type illustrated in Figure 1, bacteria growing at one temperature are suddenly switched to another. Here bacteria growing at 14<sup>0</sup> are transferred to 45<sup>0</sup> or 37<sup>0</sup>. Note that after a slight delay, the rate of enzyme synthesis rises quickly.

At the point indicated by the red arrow the bacteria were returned to 14°. After return to 14°, the bacteria continued to make enzyme for some time before the rate falls to the low level, normally observed at 14°. The 37° sample returns sooner to the normal 14° value.

A second type of temperature transfer experiment is illustrated in Figure 2. Here an aliquot of bacteria growing at 14° was washed and placed in phosphate buffer where it could not grow. These bacteria were heated at 45° for forty minutes and then returned to the normal growth medium where they were grown again at 14°. It can be seen that enzyme is made at a high rate for almost one doubling, after which the rate falls toward the low value normally observed at 14°.

We also have made some measurements of the time required to heat the bacteria at 45° to destroy the heat-labile substance. We found that heating for times longer than fifteen minutes gives no further effect. Moreover, six minutes of heating was sufficient to give what appears to be about half destruction.

To test whether the presumed substance being destroyed by heating is a protein, bacteria grown at 14° were transferred to buffer (with 5-methyl tryptophan) and heated as in Figure 2 for thirty minutes at 45°. These bacteria were then incubated at 14° in medium containing 5-methyl tryptophan to inhibit protein synthesis. After various times the bacteria are transferred to medium without 5-methyl tryptophan and incubated again at 14°. If the 5-methyl tryptophan treatment results in no enzyme production after removal of the inhibitor, then it would be concluded that

the heat labile substance is not a protein. When the experiment was performed, it was found that during the first thirty hours (which would correspond to about one generation in normal medium) the optical density almost doubles; and such thirty hour treated bacteria do form some enzyme. When the 5-methyl tryptophan treatment is extended to seventy-two hours, there is not much further increase in turbidity; but this length of treatment does prevent subsequent enzyme production. Thus, we are inclined to conclude that the heat labile agent is not a protein.

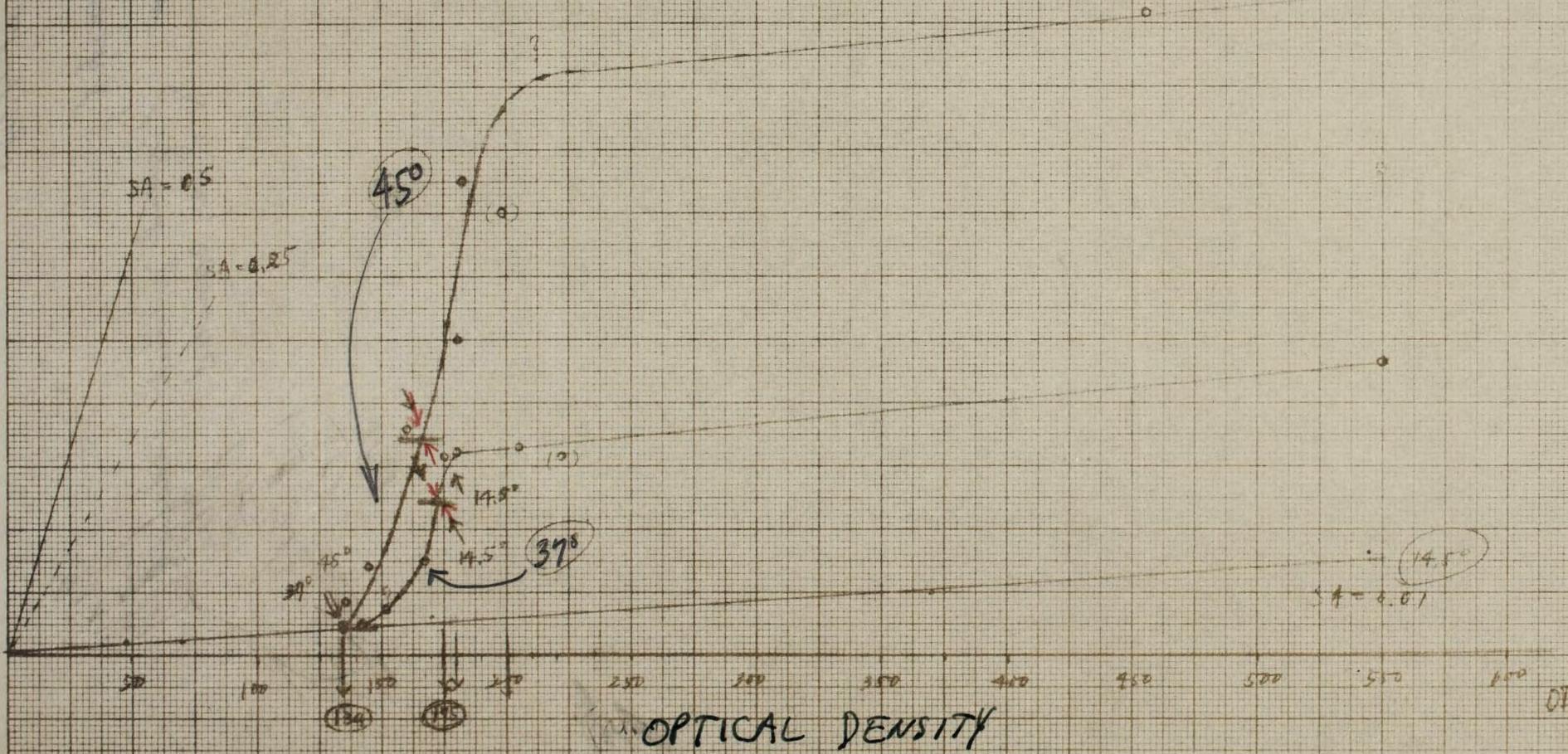
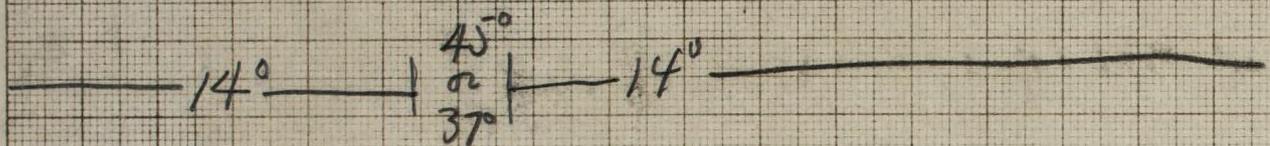
Unfortunately, it has been impossible to perform the experiment you suggested. i.e. To see whether the strain has difficulty growing on galactose or related sugars at  $44^{\circ}$ , for stupid reasons. We will try soon. Incidentally, I may have mentioned that this strain grows extremely slowly at temperatures above  $44^{\circ}$ . When attempts are made to grow it at  $44.5^{\circ}$ . Selection of a mutant strain able to grow much more rapidly at  $44.5^{\circ}$  occurs. Curiously, these strains no longer exhibit the relationship between temperature and enzyme level shown by the parent strain. They are inducible at all temperatures.

FIGURE 1

$\mu$  g  
 O.D. per path length

$\beta$ -Galactosidase activity

E 103



OPTICAL DENSITY

OP<sub>350</sub>

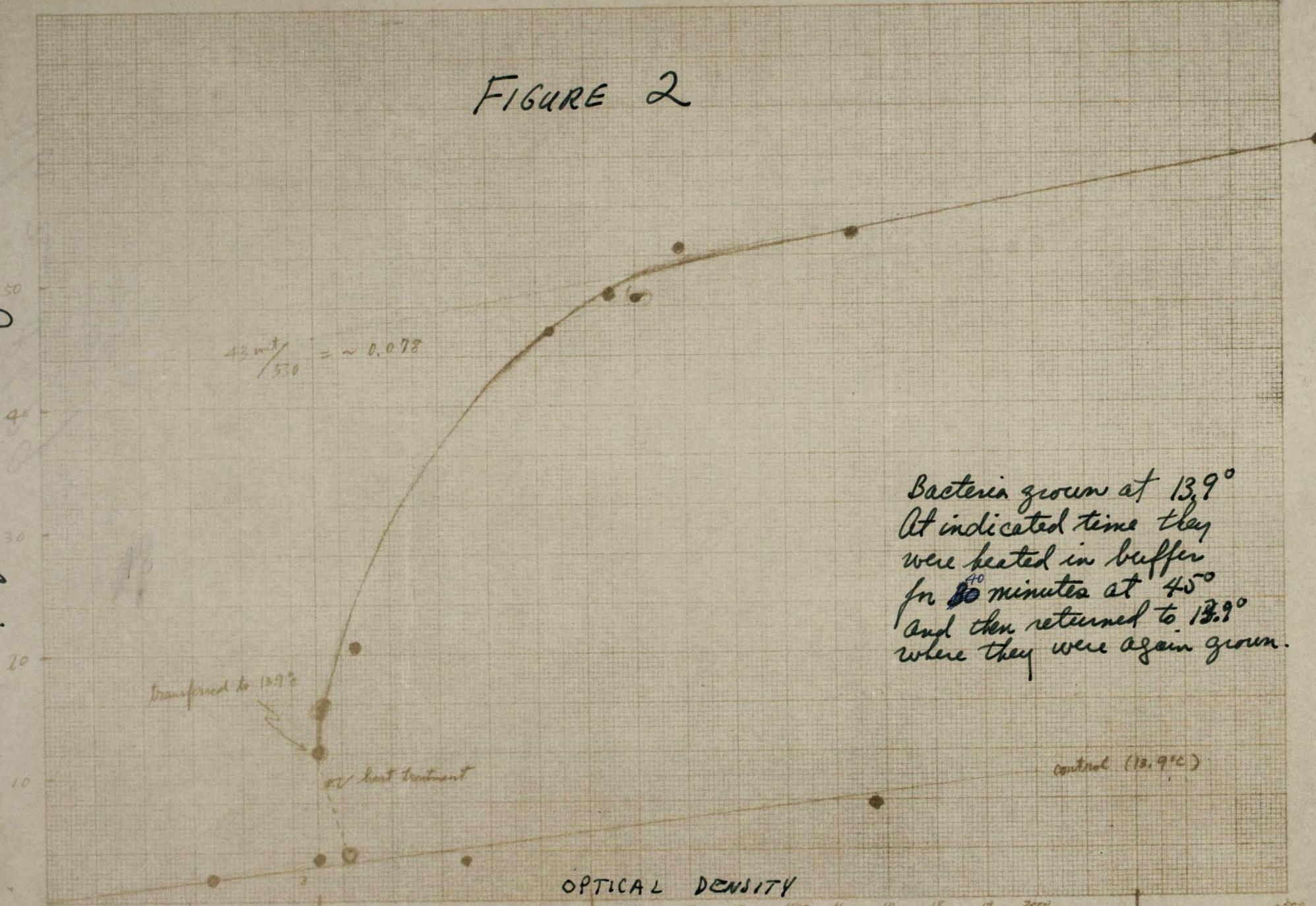
Does E103 grow on gal at 43of

Balkinise induction in constet

Flac of E103 into  $x-z$   $\left\{ \begin{array}{l} \text{Ziland predicts indoubt} \\ \text{I say constet.} \end{array} \right.$

FIGURE 2

β-galactosidase activity



Bacteria grown at 13.9°  
 At indicated time they  
 were heated in buffer  
 for 10 minutes at 45°  
 and then returned to 13.9°  
 where they were again grown.

OPTICAL DENSITY

RED SCALE IS NUMBER OF DOUBLINGS SINCE HEATING

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1892

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Return Address:

May 10, 1961

Leo Szilard  
Hotel Dupont Plaza  
Washington 6, D. C.

MEMORANDUM \*

From: Leo Szilard

Reply by June 5th is requested

To: Dr.

For the second time in my life I find myself drafting a petition to the President. The first petition was directed at President Truman and asked the President to rule -- on the basis of moral considerations -- against the dropping of atomic bombs on the cities of Japan.

The Germans may have been the first to bomb cities and to kill thousands of men, women and children, and early in the war they destroyed Rotterdam in order to force the speedy surrender of Holland. But as long as Germany was the only manifest offender, this type of warfare was generally regarded as an atrocity and an anomaly which would not be expected to recur if the war ended with the defeat of Germany. Subsequently Britain and America made this kind of warfare "respectable" by adopting it in the later phases of the war and by dropping an atomic bomb on Hiroshima and Nagasaki at the end of the war.

Hiroshima made it impossible for America to assume the moral leadership after the war and effectively to press for the elimination of atomic bombs from the nation's armaments. Thus the planning for the strategic bombing of cities became standard operational practice soon after the last war ended.

At the present time the Administration is creating the impression that henceforth America may intervene in civil wars whenever this is necessary in order to prevent the establishment, or stabilization, of a Government that looks to the Soviet Union or China, rather than to America, for economic assistance and military protection. There

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\* This Memorandum is sent individually to members of the National Academy of Sciences, but its circulation is limited to the members of the Astronomy, Physics, Psychology, Botany, Zoology and Anatomy, Physiology, Pathology and Microbiology, as well as Biochemistry Sections

is no assurance that America would abide in such cases by the restraints imposed upon her by the United Nations Charter.

We transgressed the Charter when we engineered the unsuccessful invasion of Cuba by Cuban exiles. Still we were able to claim in this instance that we had exercised a measure of restraint because we had refrained from intervening with our own troops. But much of what we may have gained by this restraint we gave away soon thereafter by hinting that we might move into Cuba with our own troops if the other Latin American nations failed to cooperate with us in squashing Castro. Such intervention in Cuba with our own troops would be, of course, a flagrant violation of the United Nations Charter.

We would not be the first nation to try to settle a political issue by means of a direct military intervention in violation of the Charter. But hitherto people have generally looked upon such intervention as an evil which must be resisted, and in the past such violations were condemned by the great majority of the nations.

Should we, in the months to come, persist in threatening to intervene in civil wars in violation of the Charter, then we would thereby render military intervention of this sort "respectable" and in the years to come they might become standard operational practice.

Our recent role in the unsuccessful invasion of Cuba by Cuban exiles was placed in the proper perspective in a letter to the editor written by W. Friedmann, Professor of Law and Director, International Legal Research, Columbia University, printed in the May 1st issue of the New York Times. The text of this letter is attached.

As far as the Cuban issue is concerned, I personally rather share the views expressed in a statement drafted by members of the Harvard Faculty, which was printed as an advertisement in the May 10th issue of the New York Times.

Another aspect of the issue that concerns us here is stressed by Walter Lippmann in a column which is printed in the May 9th issue of the New York Herald Tribune. The relevant text of his column is attached also.

We scientists represent an insignificant fraction of the voters. But if we were to feel that the policies pursued by our Government are morally not justifiable, it would inevitably affect what we may or may not feel impelled to do. And what some of us may or may not do might very well have a major effect on the nation's future.

This being the case, the President is entitled to know whether or not the policies of his Administration offend our moral sensibilities, and I propose to transmit to the President your response to this memorandum and attached petition, provided I receive it by June 5th.

I have advised the President of the action I am taking and I am attaching a copy of the letter which I wrote to him.

\* \* \*

My request to you is as follows:

- (a) If you agree with the thoughts expressed in the attached petition, sign it, fasten it at the edges with scotch tape or staples, and mail it to me;
- (b) If you prefer to write a letter to the President that you draft yourself, do so and either send me the signed original for transmittal, or else mail me a carbon copy of your letter;
- (c) If you are opposed to the views expressed in the attached petition, or if you are opposed to the purposes which it is meant to serve, write "Opposed" across the face of the petition, seal it at the edges, and mail it to me;
- (d) If you wish to abstain in this matter, write "Abstain" across the face of the petition, seal it at the edges and mail it to me.

- THE END -

C O P Y

May 10, 1961

President John F. Kennedy  
The White House  
Washington 25, D. C.

Dear Mr. President:

I am convinced that the next phase of the so-called atomic stalemate, which is now rapidly approaching, will be inherently unstable and may explode in our face the first time we get into a conflict with Russia in which major national interests are involved. Therefore, I believe it is imperative that we reach a meeting of the minds with the Russians on either how to live with the bomb or else how to get rid of the bomb. So far we have not been doing either.

On October 5th of last year I had an extended conversation with Chairman Khrushchev in New York from which I had gained an insight into the kind of approach to which the Russians might respond with respect to either of these two issues. I thought that what I had learned was important enough to ask you to see me in November before you took office, and it was with deep regret that I learned that this was not possible.

Private conversations which I had in Moscow last December lead me to doubt that the Russians would be very receptive at the present time to any discussions on controlled arms limitations. I believe that the attitude of the Russians in this regard might change but only if we were first to examine jointly with them the issues involved in general disarmament and would then jointly reach the conclusion either that general disarmament is not desirable, or else that it is desirable but not feasible.

Most Americans do not know at all whether they would want to have general disarmament, even if it were feasible. I personally am convinced

that we shall make no progress towards general disarmament unless we first reach a meeting of the minds with the Russians on how one would secure the peace in a disarmed world.

Recently I moved to Washington in order to discover if I might be of some use in connection with the problem that the bomb poses to the world. Because I found nobody who appeared to know how the peace may be secured in a disarmed world, I decided to concentrate on this issue.

I was in the process of preparing a memorandum which analyzes what may and what may not be possible in this regard when I was stopped in my tracks by the invasion of Cuba by Cuban exiles.

I am deeply disturbed by what appears to be the present attitude of your Administration towards our obligations under the United Nations Charter. How many of my colleagues share my misgivings I do not know, but I am writing individually to other members of the National Academy of Sciences, and I shall take the liberty to transmit to you the responses which reach me by June 5th. A copy of the memorandum which I am mailing to my colleagues is attached.

Yours very truly,

Leo Szilard  
Hotel Dupont Plaza  
Washington 6, D. C.

## FOREIGN AFFAIRS

### Lemmings vs. Air-borne Arks

By C. L. Sulzberger

PARIS, May 7 -- It almost seems as if there is some mystical race between man's resolve to destroy this world and his efforts to find lodgment on another planet.

On one hand, we find the heroic but still tentative voyages of Gagarin and Shepard. These are the first precursors of that celestial Noah's ark which, some inevitable day, will wobble into space and seek to perpetuate humanity on distant spheres.

On the other hand, the earth-bound remnants drive on adamantly, foolish as Scandinavian lemmings, toward what they apparently would make their doom. No one is qualified to prophesy the outcome of this contest between our constructive and destructive genius. Yet at least we can measure the march to terrestrial catastrophe.

The great powers are paralyzed by suspicion in their efforts to negotiate a halt to the nuclear weapons race. With evident reason we attribute this to Soviet blind stubbornness. Nevertheless, if continued, it will insure that the means for such terrestrial catastrophe are at hand for almost everyone.

Simultaneously the opposing blocs inch ever more terrifyingly up against each other's borders. Far from disengaging, they are increasingly engaging. Let us regard two trends.

The first is the prospect of sending American troops to South Vietnam and perhaps to Thailand -- as a consequence of the Laos collapse. The second is Castro's announcement that Cuba is now "Socialist." Consider these together.

President Kennedy thinks of stationing U.S. soldiers in Southeast Asia because of the Laotian breakdown of SEATO defense machinery. Clearly we wish to check the possibility that Communist dry rot may spread to neighboring lands.

SEATO Article Four specifies that "aggression by means of armed attack" will be met by alliance action. Yet armed aggression from North Vietnam, logistically supported by Russia, wasn't truly met because the Laotians themselves showed they simply couldn't care less.

Laos was never in SEATO. But it is unilaterally guaranteed protection under a special protocol applied to treaty Article Four. The points to be considered now are these: Must we put in troops or else risk losing Southeast Asia? And if we must, how will we ever get them out again?

Furthermore, how will China accept the presence of such forces, evidently with nuclear equipment, close to its southern border? Peiping contends that war is inevitable and even seems to relish the ghastly thought. The implications are too obvious to warrant further comment. But how is all this related to Castro's Cuba?

Here we must turn back the pages to a year ago when Marshal Malinovsky announced an arrogant new Soviet doctrine. He said Russian missiles, presumably with atomic tips, would be launched against the home base of any aircraft intruding over Socialist territory.

The key word is Socialist, which, of course, means Communist in Moscow's lexicon. Malinovsky said he had issued orders for such missile protection not only of Russian but of Socialist territory; and he didn't mean Sweden.

Now Castro proclaims that his is a Socialist state. Clearly this infers the kind of Socialism Khrushchev admires and Malinovsky boasts he will defend by holocaust. So Cuba now qualifies for the same kind of unilateral Warsaw Pact protection that Laos qualified for from SEATO.

This ought not to be taken to mean that necessarily and immutably, should aircraft intrude over Socialist Cuban skies from Guatemala or the United States, rockets would automatically whizz. But it also doesn't necessarily and immutably mean they wouldn't.

The world is again edging closer to war. And it is edging closer to total, not brush-fire, war. The hopes that, with skill and wisdom, both sides could begin to extricate themselves and establish at least a brush-fire peace, are dimming.

Therefore, the conceited atavist, concerned with man's general destiny, should pray that everyone will invest increasingly in endeavors to conquer space.

For if there is human logic --a dubious assumption-- it is only after telemetric signals have been received from some air-borne ark, announcing its safe arrival elsewhere in the universe with a cargo containing both male and female of the species; then and only then should the two great coalitions set about grimly honoring each and all their earthly commitments.

The New York Times, Monday, May 8, 1961.

#### LETTERS TO THE TIMES

##### The Kennedy Doctrine Policy Implications of President's Statement Are Examined

TO THE EDITOR OF THE NEW YORK TIMES:

The deeper implications of the Kennedy doctrine go far beyond Cuba. Only superficially can it be taken as a revival of the long-discarded Wilson doctrine that only democratically constituted governments can count on recognition by the United States. The present world is further than ever from the Wilsonian dream of democracy, and the withholding or withdrawal of recognition from all but democratically constituted governments would affect the majority of states, including many of this country's allies and friends.

The real meaning of the Kennedy statement is the affirmation of the supremacy of national interests and spheres of influence over the moral and legal restraints imposed by international law. This may be the result of a grim appraisal of the rapidly worsening international situation, and admission that only force, strategy and logistics can henceforth count in the struggle between the great power blocs. It may mean that America, no more than Russia or China, will tolerate in its own sphere of power a type of government that it distrusts. But the implications of such a doctrine should be realized.

The Communist powers have never been hampered in the use of force, which they can justify with the dialectics of revolution. But for at least half a century the United States has believed itself, and led the world to believe, in its image as a nation that will only fight, individually or collectively, against aggression, and in defense of international law. While often limiting freedom of action, this has given strength to the United States posture in international relations, among allies and neutrals. To sacrifice it would be a decision of grave and revolutionary importance.

##### Comparison With Hungary

Unilateral intervention designed to destroy by force a regime deemed hostile and dangerous to the United States would be on a par with Khrushchev's intervention in Hungary, suppressing a revolution whose success would undoubtedly have threatened the security of the Soviet regime, at least to the same degree as Castro's Cuba threatens

the security of the United States.

The Castro regime, however tyrannical, is not a puppet government. It came to power by a successful revolution, then acclaimed by most Americans. It will be far more difficult, if not impossible, for the United States henceforth to condemn Russians or Chinese for the actions in Hungary and Tibet, or the Franco-British intervention in Suez.

The Kennedy statement may signify a new and grimmer phase in United States policy, and the abandonment of its leadership in the fight for the rule of law in international affairs. It may be that the world situation justifies such a drastic reorientation, which may lead to the formation of tightly controlled superstates holding each other at bay. At least the implications of such a change should be clearly understood.

W. Friedmann,  
Professor of Law and Director, In-  
ternational Legal Research, Co-  
lumbia University.  
New York, April 25, 1961.

The New York Times, Monday, May 1, 1961.

TODAY AND TOMORROW

To Ourselves Be True

By Walter Lippmann

We have been forced to ask ourselves recently how a free and open society can compete with a totalitarian state. This is a crucial question. Can our Western society survive and flourish if it remains true to its own faith and principles? Or must it abandon them in order to fight fire with fire?

\* \* \*

There are those who believe that in Cuba the attempt to fight fire with fire would have succeeded if only the President had been more ruthless and had had no scruples about using American forces. I think they are wrong. I think that success for the Cuban adventure was impossible. In a free society like ours a policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. It is not possible for a free and open society to organize successfully a spectacular conspiracy.

The United States, like every other government, must employ secret agents. But the United States cannot successfully conduct large secret conspiracies. It is impossible to keep them secret. It is impossible for everybody concerned, beginning with the President himself, to be sufficiently ruthless and unscrupulous. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy. The ultimate reason why the Cuban affair was incompetent is that it was out of character, like a cow that tried to fly or a fish that tried to walk.

It follows that in the great struggle with Communism, we must find our strength by developing and applying our own principles, not in abandoning them. Before anyone tells me that this is sissy, I should like to say why I believe it, especially after listening carefully and at some lengths to Mr. Khrushchev I am very certain that we shall have the answer to Mr. Khrushchev if, but only if, we stop being fascinated by the cloak and dagger business and, being true to ourselves, take our own principles seriously.

\* \* \*

## TODAY AND TOMORROW

### Post-Mortem on Cuba

By Walter Lippmann

Though it is late, it is, let us hope, not too late to find our way back to the highway from which we have strayed.

To do this there will have to be a certain inquiry, which only the President can conduct, followed by a frank and convincing explanation of how so colossal a mistake was made.

The question is how the President decided to approve this venture which was, as the event has shown, so greatly misconceived. As I understand it, and contrary to the general impression, there was no serious expectation that the landing of the exiles would be followed immediately by a political uprising against Castro. The object of the landing was to establish a beachhead for a civil war against Castro, and no plans seem to have been made, no thought seems to have been given, to what we would do then, what the rest of Latin America would do then, what the Soviet Union would do, while the civil war was being fought.

Bad as has been the consequences of the failure, they are probably less bad than would have been the indecisive partial success which was the best that could conceivably have been achieved. For in order to support the rebellion in Cuba we would have had to continue to violate not only our treaties with the other American states but also our own laws which prohibit the preparation of foreign military expeditions in the United States.

\* \* \*

My own inquiries as to how the misjudgment was made lead me to believe that the President was not protected by the New Hands -- Bundy, Rostow, Schlesinger and Rusk -- against the bad advice of the Old Hands, Bissell and Dulles of the C. I. A., Lemnitzer and Burke of the Joint Chiefs of Staff, and Berle of the State Department. There is no doubt that the plans had been drawn up and the preparations made during the preceding administration. There is no doubt that the President insisted upon modifying these plans to avoid, as he thought and hoped, any appearance of direct involvement of the United States Armed Forces. Though much has been said that this proviso ruined the plan, there is no doubt also that the Chiefs of Staff and the C. I. A. advised the President to proceed nevertheless.

I believe an inquiry will show that the Secretary of State, although he had his misgivings, approved the plan. Contrary to much that has been said, I believe it to be true that Stevenson and Bowles were excluded from the deliberations which preceded the fatal decision.

Furthermore, the record will show, I believe, that the one man who participated in the deliberations and pleaded with the President not to approve the plan was Sen. Fulbright. He foresaw what would happen, he warned the President that the right policy was not to attempt to oust Castro but to contain him while we worked constructively in Latin America. Sen. Fulbright was the only wise man in the lot.

\* \* \*

When there is a disaster of this kind -- as for example the British disaster at Suez -- the mistake can be purged and confidence can be restored only by the resignation of the key figures who had the primary responsibility and by candid talk which offers the promise that the mistake will not be repeated.

In the immediate wake of the disaster the President took the position that he would accept all the blame and that nobody else was to be held responsible. This was generous. It was brave, and in the sense that the Chief Executive must stand by those under him, it was right. But it is not the whole story. Under our system of government, unlike the

British system, the Chief Executive who makes a great mistake does not and cannot resign. Therefore, if there is to be accountability in our government, the President must hold responsible those whose constitutional or statutory duty it is to advise him.

All this is a painful business, even for a hardened newspaper writer. But the stakes are very high and the national interest is that the truth be found and that justice be done. For there is at stake the confidence of our own people and of our friends throughout the world.

New York Herald Tribune, Tuesday, May 2, 1961.

June 6, 1961

Memorandum

From: Leo Szilard

To: The President of the United States

The attached petition was signed between the 10th of May and June 5th, and sent to me for transmittal to you by 56 members of the National Academy of Sciences. I am holding the signed originals until I am instructed by you to what agency to send them. The names of those who signed are as follows:

Edgar Anderson  
Missouri Botanical Garden  
2315 Tower Grove Avenue  
St. Louis 10, Missouri

Edwin Bennett Astwood  
New England Center Hospital  
Harrison Avenue and Bennet Street  
Boston 11, Massachusetts

Horace Welcome Babcock  
Mount Wilson and Palomar Observatories  
813 Santa Barbara Street  
Pasadena 4, California

Kenneth Tompkins Bainbridge  
Department of Physics  
Harvard University  
Cambridge 38, Massachusetts

Eric Glendinning Ball  
Department of Biological Chemistry  
Harvard Medical School  
25 Shattuck Street  
Boston 15, Massachusetts

George William Bartelmez  
224 Agnes Avenue  
Missoula, Montana

Raymond Thayer Birge  
University of California  
Berkeley 4, California

Felix Bloch  
Department of Physics  
Stanford University  
Stanford, California

David Mahlon Bonner  
Department of Microbiology  
Yale University  
310 Cedar Street  
New Haven 11, Connecticut

Royal Alexander Brink  
Department of Genetics  
University of Wisconsin  
Madison 6, Wisconsin

Robert Bigham Brode  
Department of Physics  
University of California  
Berkeley 4, California

Robert Kyle Burns  
Department of Embryology  
Carnegie Institution of  
Washington  
Wolfe and Madison Streets  
Baltimore 5, Maryland

Herbert Edmund Carter  
Department of Chemistry  
University of Illinois  
Urbana, Illinois

Edward Uhler Condon  
Department of Physics  
Washington University  
St. Louis 30, Missouri

Gilbert Dalldorf  
Sloan-Kettering Institute for  
Cancer Research  
145 Boston Post Road  
Rye, New York

Max Delbruck  
Kerckhoff Laboratories of Biology  
California Institute of Technology  
Pasadena 4, California

Leslie Clarence Dunn  
Department of Zoology  
Columbia University  
New York 27, N. Y.

Michael Heidelberger  
Institute of Microbiology  
Rutgers, The State University  
New Brunswick, New Jersey

Karl Ferdinand Herzfeld  
Department of Physics  
Catholic University of America  
Washington 17, D. C.

Ernest Ropiequet Hilgard  
Department of Psychology  
Stanford University  
Stanford, California

Johannes Holtfreter  
Biological Laboratories  
University of Rochester  
Rochester 3, N. Y.

Edwin Crawford Kemble  
Physics Laboratories  
Harvard University  
Cambridge 38, Massachusetts

Charles Kittel  
Department of Physics  
University of California  
Berkeley 4, California

Gerard Peter Kuiper  
University of Arizona  
Tucson, Arizona

Michael I. Lerner  
Department of Genetics  
University of California  
Berkeley 4, California

Salvador Edward Luria  
Department of Biology  
Massachusetts Institute of  
Technology  
Cambridge 39, Massachusetts

Maria Goeppert Mayer  
School of Science and Engineering  
University of California  
La Jolla, California

William Frederick Meggers  
2904 Brandywine Street N. W.  
Washington 8, D. C.

Karl Friederich Meyer  
George Williams Hooper Foundation  
University of California Medical  
Center  
San Francisco 22, California

Alfred Ezra Mirsky  
Rockefeller Institute  
New York 21, N. Y.

Hermann Joseph Muller  
Zoology Department  
Indiana University  
Bloomington, Indiana

Alfred Newton Richards  
Rugby Road  
Bryn Mawr, Pennsylvania

Oscar Riddle  
Route 4  
Plant City, Florida

Alfred Sherwood Romer  
Museum of Comparative Zoology  
Harvard College  
Oxford Street  
Cambridge 38, Massachusetts

Bruno Benedetto Rossi  
Room 26-569  
Department of Physics  
Massachusetts Institute of Technology  
Cambridge 39, Massachusetts

Karl Sax  
Department of Botany  
Josiah Willard Gibbs Research  
Laboratory  
Yale University  
New Haven, Connecticut

Leonard Isaac Schiff  
Department of Physics  
Stanford University  
Stanford, California

Martin Schwarzschild  
Princeton University Observatory  
14 Prospect Avenue  
Princeton, New Jersey

Harlow Shapley  
Sharon Cross Road  
Peterboro, New Hampshire

Burrhus Frederic Skinner  
Memorial Hall  
Harvard University  
Cambridge 38, Massachusetts

Tracy Morton Sonneborn  
220 Jordan Hall  
Indiana University  
Bloomington, Indiana

Lyman Spitzer, Jr.  
Princeton University Observatory  
14 Prospect Avenue  
Princeton, New Jersey

William Howard Stein  
Rockefeller Institute  
New York 21, N. Y.

Lyman Spitzer, Jr.  
Princeton University Observatory  
14 Prospect Avenue  
Princeton, New Jersey

William Howard Stein  
Rockefeller Institute  
New York 21, N. Y.

Wilson Stuart Stone  
Genetics Foundation  
University of Texas  
Austin 12, Texas

Edward Lawrie Tatum  
Rockefeller Institute  
New York 21, N. Y.

Cornelis Bernardus Van Niel  
Hopkins Marine Station of  
Stanford University  
Pacific Grove, California

Maurice Bolks Visscher  
Department of Physiology  
University of Minnesota  
Minneapolis 14, Minnesota

George Wald  
The Biological Laboratories  
Harvard University  
16 Divinity Avenue  
Cambridge 38, Massachusetts

Victor Frederick Weisskopf  
Department of Physics  
Massachusetts Institute of  
Technology  
Cambridge 39, Massachusetts

Frits Warmolt Went  
Missouri Botanical Garden  
2315 Tower Grove Avenue  
St. Louis 10, Missouri

Robley Cook Williams  
Virus Laboratory  
University of California  
Berkeley 4, California

Benjamin Harrison Willier  
Department of Biology  
Johns Hopkins University  
Baltimore 18, Maryland

Olin Chaddock Wilson  
Mount Wilson and Palomar Observatories  
813 Santa Barbara Street  
Pasadena, California

Oskar Wintersteiner  
Squibb Institute for Medical Research  
New Brunswick, New Jersey

Sewall Green Wright  
Department of Genetics  
University of Wisconsin  
Madison 6, Wisconsin

Frederik William Houlder Zachariassen  
Division of the Physical Sciences  
University of Chicago  
Chicago 37, Illinois

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These petitions were sent to me in response to a communication I sent on May 10th to the members 8 out of 14 section of the National Academy of Sciences. As of July 1960 the membership of these 8 sections was 366, slightly more than half of the total membership of 615.

A letter by Theodore Thomas Puck, Department of Biophysics, University of Colorado Medical Center, Denver 20, Colorado, addressed to you and sent to me for transmittal is attached to this memorandum.

THE END

July 7, 1961

Memorandum from Leo Szilard

To: Adrian Fisher  
William C. Foster  
Henry Kissinger  
John J. McCloy  
Jerome Wiesner

It is an intriguing problem what we may say to the Russians and the world on the issue of disarmament when international negotiations reopen on this issue.

Since we are obviously not in a position at this time to make any commitments on the issue of disarmament, I have tried to draft a statement which would entail no commitments on our part but which would define a road along which we would be prepared to move step by step towards general and complete disarmament.

Please note that my draft contains no reference to an International Security Force of sufficient military power to overcome any nation or group of nations which threatens or uses military force against any other nation.

Even if we had general disarmament it would still be impossible to set up an International Security Force of sufficient military power to coerce both America and Russia except if such a Force were equipped with nuclear bombs and were to operate with the threat of using such bombs against nations that may threaten the peace.

If we were to tie our willingness of considering general and complete disarmament to the acceptance of such a Force, the Russians would feel that we have flatly gone on the record against general and complete disarmament, for we would have tied our acceptance of such disarmament to a condition which the Russians are convinced -- rightly or wrongly -- we ourselves would not accept.

An International Security Force equipped with nuclear bombs is the trivial solution of the world security problem, but it is not an acceptable solution. It is by no means the only answer to the question of how peace may be secured in a disarmed world. To

July 7, 1961

my mind there may be other more practicable solutions to this problem, provided the Russians would accept what may be reasonably demanded from them in this regard. I propose to spell this out in detail in another memorandum. I should perhaps add at this point, however, that those who believe that Russia under Khrushchev closely resembles Germany under Hitler -- a view which I do not hold -- will in the end be forced to conclude that general and virtually complete disarmament will not be acceptable to them even if the Russians were to accept everything that may be reasonable demanded from them.

The End

Enc: 1  
S:D

July 18, 1961.

6/111

MEMORANDUM:

From: Leo Szilard

To: Adrian Fisher  
William C. Foster  
Henry Kissinger  
John J. McCloy  
Jerome Wiesner

*Can*

This memorandum deals with the problem of how peace may be secured if there is general disarmament and if disarmament is virtually complete. We may assume that virtual<sup>ly</sup> complete disarmament would mean the elimination from the national ~~arms~~ <sup>armament</sup> of all atomic weapons, all other heavy mobile weapons such as heavy tanks, guns, etc., as well as the dissolution of all standing armies, navies, and air forces, etc.

In such a virtually disarmed world machine guns will presumably still be available in essentially unlimited quantities and might be freely transported legally or illegally across national boundaries. Thus armies equipped with machine guns could spring up, so to speak, overnight.

The security of the Soviet Union, the United States, and the Peoples' Republic of China would not be directly threatened by such improvised armies, for the forces maintained in these countries for purposes of internal security, even though they may not be equipped with anything heavier than machine guns and perhaps light tanks, could be bolstered by militia, and <sup>They</sup> should be capable of repelling an attack by an improvised army equipped with machine guns.

These three nations would presumably also remain strong enough to extend military protection to their neighbors. But it would no longer be possible for America to extend military protection against Russia to nations located in the geographical proximity of Russia, or for Russia to extend similar protection to countries geographically located close to America, etc. Since today America is committed to the defense of countries lying in the geographical proximity of Russia and China, she can accept general and complete disarmament only if she can extricate herself from her existing commitments. In order to make it possible for America to do this it might be necessary to devise political settlements which she can accept without loss of prestige and without doing serious damage to the vital interests of the other countries involved.

A Letter to the Editor placed into the Congressional Record by Senator Sherman Cooper on July 5, 1961, which deals with the Berlin issue illustrates -- by way of example -- the possibility of a political settlement in Europe which would not involve the loss of prestige for any of the nations involved. The text of this letter (which I wrote about a year ago) is as follows:

~~(From the Bulletin of Atomic Scientists, May, 1960) The Berlin Crisis.~~

"Dear Sir: Whether in the so-called atomic stalemate America and Russia may succeed in avoiding the war which neither of them want, will depend on a number of factors which are involved. It

seems certain, however, that the stability of the stalemate would be enhanced if the great powers were to reach an understanding on the necessity of freezing the map for an extended period of time. It might be somewhat difficult to freeze the map as it stands at present, because it includes a number of arbitrary arrangements which were meant to be temporary, and perhaps it would be easier to freeze the map after certain readjustments have been made.

"Those readjustments which may at present be negotiable are of necessity rather modest ones, but they might represent a first step in the right direction. Let us take the Berlin issue, for instance. Russia once proposed that there be established a loose federation between the West German state and the East German state. I suppose this would mean the setting up of a Federal Council with an equal number of delegates from West Germany and East Germany. Presumably, the delegates from East Germany would represent the Government of the East German state, whereas the delegates from the West German state might either represent the Government of the West German state, or else they might be elected, by the Bundestag perhaps, or directly by the citizens of West Germany. Presumably, the ground rules of the Council would provide that it would take action only with the concurrence of 75 percent of the delegates. This rule would insure that action taken by the Council had the support of the majority of the delegates of both the West German state and the East German state.

"There are enough issues on which the interests of West Germany and East Germany coincide to keep such a Federal Council busy and effective for many years to come -- in spite of the severe restrictions imposed by the ground rules.

"We may assume that, if such a loose federation between the two German States were established, there would be no bar to the migration of Germans within the federation. In order to keep migration to West Germany within tolerable limits, the government of East Germany would have to eliminate those restrictions which have in the past caused their people to flee to West Germany. Even so, there would probably be some migration to West Germany, at least initially, because the standard of living there is higher. In the case of a major economic recession in West Germany, however, migration would probably be reversed.

"If we accept the thesis -- as I believe we should -- that, at some future time, such a federal council may be set up as a first step toward unifying Germany, then it would appear reasonable to propose that we resolve the current Berlin crisis along the following lines:

"Let East Germany shift its capital from East Berlin to Dresden, and West Germany shift its capital from Bonn to Munich. Let us then set up East Berlin and West Berlin, each as a free city with a government of its own and, in addition, establish a council of Berlin, in which half of the delegates would represent East Berlin and the other half, West Berlin.

"If such an arrangement were adopted, we would have made a constructive use of the current Berlin crisis, because the arrangement would enable us to find out how this type of federation would actually work, and Berlin might set the pattern for a subsequent federation of the East German State and the West German State.

"About 2 years ago, I spent several months in West Berlin. There was no telephone communication between East Berlin and West Berlin at that time. People could freely cross over from one half of the city to the other, but taxicabs could not cross the dividing line. There was good theater both in East Berlin and West Berlin, and people crossed the line in order to go to the theater. It was very difficult, however, to find out in West Berlin what was playing in the theaters of East Berlin, because the West Berlin papers did not carry this information and there were no posters on display. I imagine the situation in East Berlin was quite similar.

"Once the two Berlins cease to be pawns in the cold war, Berlin could again become a great cultural center; its theaters and concert halls might once more attract visitors from all over the world, as they did for a short time between the two world wars. The council of the two free cities, even though they could take action only with the concurrence of 75 percent of the delegates, should be able to adopt a number of non-political measures which would enhance the welfare of the people of Berlin and would make both East Berlin and West Berlin a far more attractive place to live than they are today.

"If the current Berlin crisis were resolved along these lines, then when Germany is ultimately united, it might end up having Munich as its capital rather than Berlin. This might be just as well, however, for the thought of Berlin as capital of Germany is something of a nightmare to those who find it difficult to forget the past."

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Before dealing with the question to what extent and in what sense small countries located in the geographical proximity of America, Russia and China, might remain secure from military intervention on the part of their powerful neighbor, we shall first address ourselves to a series of other questions.

If the world were disarmed today down to machine guns, we would have a rather unstable situation in a number of disturbed areas of the world where political tensions are acute. Improvised armies equipped with machine guns could spring up, so to speak, overnight in such disturbed areas and if a nation were attacked by its neighbor it might appeal to America or Russia for help. In such circumstances America and Russia might be tempted to rearm and to intervene on opposite sides. Clearly it is necessary to devise means for securing the peace in disturbed areas of this sort.

Peace might be secured one way or another by maintaining an international armed force in every such disturbed region. It is well to keep in mind however, that the main purpose of disarmament

is to abolish war, if this purpose is to be achieved then the armed forces maintained in the disturbed region must not be armies that would resort to war against an offending nation of the region but rather they need to be police forces. A regional force must be organized in such a fashion that it should have both the power and the ability to arrest individuals in general, *as well as* ~~and~~ officials of an offending national government in particular. ~~and~~ We may envisage that each such regional police force would be a standing professional force.

Assuming that the nations of the region are disarmed down to machine guns, *then* the regional police force need not be equipped with any weapons heavier than light tanks, in order to be able to restrain the national police force from attempting to protect individuals *against* ~~from~~ arrest by the regional police.

How should these regional forces be controlled? A centrally controlled world police force with the Secretary General of the United Nations as Commander-in-Chief, would not be acceptable to Russia in the circumstances which prevail today, and it might not be acceptable to America in the circumstances which might prevail a few years hence. It might well be that as long as we think in terms of a single, centrally controlled, world police force, none of the control mechanisms that might be devised would prove to be acceptable to both America and Russia.

Perhaps instead of thinking of a centrally controlled police force we ought to think in terms of setting up a separate regional force for each disturbed region. Each such regional force could then be controlled by a different commission, composed of repre-

representatives of between five to seven nations, which are preferably not drawn from the region itself. Such regional police forces could operate under the auspices of the United Nations, in which case each region's commission would be appointed with the majority vote of the Security Council, including the concurring votes of the permanent members. Alternatively, the regional police forces could operate under the auspices of an International Disarmament Administration that would be set up and the different slates of nations which make up the commission for the different regions would then be appointed by a majority of the High Council of the Disarmament Administration with the concurring votes of the permanent members. We may envisage that America, Russia and China would be permanent members of the High Council.

I <sup>do not</sup> believe that not very much would be gained were the great powers merely to agree to set up regional forces in all disturbed areas, with a different commission in charge of each regional force. Rather, it would be necessary for the powers to enter into negotiations with each other, at an early date, in order to discover as soon as possible whether they would be able to select different slates of nations for the different regional commissions, without seriously risking a veto <sup>when</sup> ~~if~~ the slates came up for approval before the Security Council or the High Council of the Disarmament Administration.

As a first step, America and Russia might explore in informal discussions whether they could select slates for all the disturbed

regions of the world and agree that neither of them would veto these particular slates. Obviously, there is room for quid pro quo in a negotiation of this sort. Even if Russia did not particularly like a slate favored by the United States for the region of Central America, she might agree not to veto that slate provided America would not veto a slate which Russia favors, say the slate for the region of the Middle East.

That these regions <sup>might</sup> ~~may~~ become a sphere of influence for one or the other of the great powers cannot be excluded with absolute certainty, but this danger could be minimized by prudent selection of the slates of nations for the various regions. Thus, for instance, if the slate for the region of Central America were to consist of Canada, Australia, Uruguay, Denmark and Austria, this would not mean that Central America would be within America's sphere of influence, but it would mean that Central America would not be within the sphere of influence by the Soviet Union.

The commissions in charge of the various regions would be undoubtedly pledged to refrain from intervening in the internal affairs of any nation of the region but the possibility that they <sup>intervene</sup> might ~~do so~~ could not be excluded with certainty. If <sup>a</sup> ~~the~~ regional force, in the course of fulfilling their proper and legitimate functions were impelled, ~~for instance~~, to arrest the leading members of the government of an offending nation, then depending on circumstances, the regional commission might be forced to take over the government of that nation, for a shorter or longer period of

time. I do not believe that it would be possible to devise a workable, foolproof legal or political system which could entirely exclude an abuse of power on the part of the commission of the region (under any such circumstances). But it may be possible to devise various means through which such an abuse of power could be discouraged.

Thus for instance, a regional court of justice may sit in permanence in each region where a regional police force operates and habeas corpus proceedings might then be instituted on behalf of any individual before such a court. The fact that such a court could not itself enforce its rulings would set a limit to the protection that it may be able to extend to the citizens of the nations, located in the region.

We may envisage at this point that the operations of the regional police forces would be financed through dues paid by all nations, who participate in the disarmament agreement, to each commission in charge of the region. We may further envisage that there would be provided financial inducements for an individual citizen of such a nation to pay his dues directly to one or the other of the regional commissions rather than indirectly (through paying a special tax to his own government) and that <sup>as well as</sup> the nations ~~and~~ the individual citizens involved would, within certain limits, be free to shift <sub>h</sub> their dues from one regional commission to another.

Each regional commission could under such a system receive a financial contribution towards the operating cost of the regional force, in an amount that would lie <sup>say</sup> between 80 percent and 120 percent of that cost. If a given regional commission, and the corresponding regional police force, operates to the satisfaction of the governments of most nations as well as their citizens, it should be able to count on receiving 120 percent of the operating expenses, i.e., the commission should be able to count on making a profit, in the amount of 20 percent of the operating expenses.

In contrast to this, if the governments of many nations or their citizens were to hold that the commission of a given region abuses the power with which it is invested they might divert their dues to other regions ~~to the extent that~~ <sup>and</sup> the dues received by the commission of such a region <sup>c</sup> would fall to 80 percent of the operating expenses of the regional force. Thus if many people were to hold that the commission in charge of a given region abuses the power with which it is invested, that commission would suffer a financial loss.

Under the system described above, the financial loss would be limited to 20 percent of the operating costs of the regional police and it would not be possible to cut off completely the financial support of the regional police force even if a substantial majority of nations, and their citizens, were to disapprove of the conduct of that regional force.

Any regional commission could of course always be replaced, provided it were possible to select another slate of nations which could command a majority vote in the High Council with the concurring votes of the permanent members. Accordingly, if a commission for a region were to abuse its power it would or would not be possible to replace it, depending on whether the permanent members were to act in concert to this end or were to disagree with each other.

The system of control of the regional police forces outlined above is aimed at securing peace with justice, but it takes into account that peace with justice may not be obtainable in every case and that we may have to choose between peace and justice. The system of control outlined above favors peace over justice, in cases where these two requirements cannot be reconciled.

Prior to Second World War, it would have been possible to argue, when faced with such a choice, in favor of justice rather than peace. But faced with such a choice these days, a strong argument can be made in favor of the opposite choice.

As far as the disturbed areas of the world are concerned, agreement among the powers on the selection of the commissions which control the various regional police forces would in a sense be tantamount to a political settlement among the powers.

This method of securing the peace would, however, not be practicable in an area like Europe <sup>for instance</sup> because it would not be

practicable there to maintain a regional police force strong enough to restrain the national police of say Germany or France from protecting individuals against being arrested by the regional police.

It is probably true that in order to secure the peace in an area like Europe it would be necessary to have political settlements that would leave no nation in Europe strongly motivated by its vital national interests to resort to force. If there is an adequate political settlement in Europe, even though it might not satisfy fully all major national aspirations, the nations in Europe might be restrained from resorting to force because they would greatly benefit from disarmament and they would know that if there were a resort to force, this would put an end to disarmament.

The problem posed by the nations of Europe is posed even more sharply by the United States, Soviet Union, and the Peoples' Republic of China.

At the end of the last war the great powers were faced with the task of setting up some machinery that would secure the peace. It was generally believed that it would be impossible to devise any machinery that would be capable of securing the peace ~~even~~ if one of the great powers refused to cooperate to this end. Therefore, those who drafted the Charter of the United Nations set themselves the limited objective to set up machinery which would be capable of protecting the smaller nations only as long

as the great powers cooperate to this end. In order to preclude a head-on collision between the United Nations and one of the great powers, the great powers were given permanent seats on the Security Council, carrying the right to veto.

Attempts to use the machinery of the United Nations for purposes other than for which it was intended, have weakened this organization, but nevertheless it is probably true even today, that given great power cooperation, it could effectively restrain the smaller nations from resorting to force against each other.

It is my contention that if the world were disarmed it would still be possible to set up machinery for protecting the smaller nations against each other. But what machinery could be established that would protect a small nation against an adjacent big power?, *such as the Soviet Union, the U.S. or China.*

Assuming for the moment that there is no such machinery in operation, one may then ask in what sense could the countries lying in the geographical proximity of the Soviet Union, China or the United States be secure from a military intervention on the part of their big neighbors? The answer is that these countries could be secure in the sense that in a disarmed world China, Russia or the United States would not be impelled to intervene by any considerations of security. Knowing that they cannot look for military protection to any geographically distant

nation, it is likely that the countries located adjacent to one of these three giants would readjust their behavior and would try and lessen the incentives for a military intervention on the part of their powerful neighbor. Clearly, Finland is in no danger of a military intervention from Russia today, nor is Mexico in danger of a military intervention from the United States, but this is so only because Finland and Mexico refrain from any actions that might provoke such a military intervention.

~~I personally believe that in a disarmed world it might be possible to secure the peace, as far as the great powers are concerned, on the basis of a system of incentives even in the absence of any substantial fear of sanctions on the part of the great powers.~~

Because disarmament, once it is established, would prove to be of very great benefit to the great powers, they might be restrained from resorting to force, for fear that this would bring disarmament to an end.

Would this be enough of a restraint or would it be necessary to go further? And how much further would it be possible to go?

In discussing the securing of peace in a disarmed world one hears frequently the demand that there shall be set up an International Security Force of sufficient military power to overcome any nation or group of nations which attempts to use military force against any other nation.

I believe the time has come to grab this bull by the horns and look it in the eyes:

It is my contention that it would be physically, economically, and politically impossible to create and maintain a force that would have such military power except if that force were equipped with atomic bombs. *It is further my contention that if such a force were equipped with nuclear weapons then* there would be no politically acceptable solution to the issue of how that force should be controlled.

Is there, then, any way in which nations like America, Russia or China could be restrained in a disarmed world from resorting to force?

It is my contention that if these great powers were willing to be restrained it would be possible to set up a system that would exert a measure of restraint that might be sufficient in a conflict in which a minor or perhaps even a substantial national interest is involved. But even if America, Russia and China were willing to go very far in this direction ~~they~~ <sup>it</sup> would ~~still~~ <sup>still be</sup> find it impossible to devise a practicable system of military or economic sanctions that would effectively restrain any one of them in a conflict involving a very major national interest, or the very existence of the nation.

Accepting this limitation, we may now examine what kind of restraints might be possible, assuming that America, China and Russia would be willing to institutionalize such restraints.

After the Second World War an abortive attempt was made to define crimes against peace and to hold individual Germans and

and Japanese who committed such crimes responsible for their actions.

A system in which only individuals can be brought to justice whose nation is defeated in war would hardly exert much restraining influence, for no nation starts a war if it considers it likely to lose that war. But let us suppose now, for the sake of argument, that the nations, including America, Russia and China, were to set up a World Court by treaty and were to define by treaty a set of laws applicable to individuals and broad enough to cover the advocating of a war or invasion, violating the United Nations Charter, or the provisions of the disarmament agreement. To what extent, and in what sense could such a legal system exercise restraint, <sup>say</sup> on American citizens, if the United States were, for instance, tempted to improvise an army equipped with machine guns, and to invade Mexico, in order to unseat a legally elected ~~and constituted~~ Communist government?

Presumably the possibility of such an invasion would be publicly debated in the American newspapers, with some editorial writers in favor of such an action and others opposed to it. Presumably the issue would also be debated in the high councils of the United States Government, with occasional leaks to the press, disclosing the stand that the Secretary of State and various advisors to the President were taking on the issue. Could the World Court step in at this point and summon into its presence some of the individuals involved where they would stand accused of a Crime against Peace?

The Court would be in no position to arrest Americans who may be summoned to appear in Court and who may refuse to appear, ~~as long as~~ such individuals ~~would~~ enjoy the protection of the American police (or other American security forces) and in a crisis, when America ~~may~~ seriously contemplate <sup>invading</sup> Mexico, such protection would be likely to be forthcoming.

It is my contention that the only way to make the Court effective in such a contingency is to empower the Court to impose the death penalty for failure to appear in Court, when summoned. ~~As we shall presently see,~~ such a death penalty imposed by the Court might not be meaningless even if there were considerable doubt whether it could ever be executed.

In the Middle Ages when the Catholic Church had no power to execute a death sentence, ~~it~~ still <sup>it</sup> could and did pronounce death sentences by outlawing certain individuals. Anyone could kill such an outlaw and be absolved by the Church.

The World Court passing the death sentence <sup>on</sup> American citizens in general, or officials of the American government in particular, for non-appearance in Court, might not be in a position to execute the sentence but it would remove the moral inhibition that normally protects their lives. Further, the Court could deputize any and all American citizens to try and execute the sentence.

An American citizen killing <sup>an "outlaw"</sup> ~~the condemned man~~ could not be legally tried for murder in any <sup>an</sup> American court, inasmuch as the

treaty setting up the World Court would be the law of the land. This does not mean that an American citizen executing the judgment of the World Court would be likely to escape alive; he might be lynched by a mob, or be killed by the police "while attempting to escape".

In addition to "relying" on American citizens thus deputized, the World Court could employ perhaps 500 to 1000 marshals. These "international marshals" could be drawn from all nations. It would be the duty of the marshals to try to execute the death sentences imposed by the Court. Because they might ~~have to~~ risk their lives in ~~an attempt~~ <sup>attempting</sup> to do so, it would be necessary to assure their families a ~~very~~ high financial compensation in case they come to harm, in the course of performing their duties. ~~Accordingly~~ <sup>Advisedly</sup> ~~It would be advisable for~~ <sup>dingly</sup> <sup>^</sup> the marshals ~~would have to~~ reside with their families outside of their country of origin.

America could, and presumably would, provide bodyguards for those Americans who are under death sentence of the Court and it is difficult to predict how often, if ever, such a death sentence by the World Court could be carried out. But Americans tempted to commit a Crime against Peace might be restrained by the fear that if they are summoned before the World Court, refuse to appear and are condemned to death, then from thereon, they would have to be accompanied by a bodyguard, no matter where they may go.

It need be no serious handicap for a government official to be accompanied by a bodyguard if he goes to attend a meeting

of the National Security Council. But officials are human beings and a bodyguard would be a serious encumbrance in their private life even while holding office. It would be an even worse encumbrance when they cease to hold office.

In these circumstances the restraints which such a World Court would exert might be quite powerful -- even if heads of states and prime ministers were exempt from judgments passed by the ~~World~~ Court -- as perhaps they should be.

If a head of the state or a prime minister could be condemned to death by the World Court, for not appearing in Court, and were subsequently killed, this would perhaps unduly weaken the prevailing strong moral inhibitions against political assassinations. In the absence of such a moral inhibition, England and France could have arranged to eliminate Nasser without having to resort to an armed attack against Egypt, and the C.I.A. could have arranged for the elimination of Castro without having to mount an invasion of Cuba by Cuban exiles.

Thus a case could be made for exempting heads of state and prime ministers from any death sentences that may be passed by the World Court on two grounds: On the ground that moral inhibition against political assassination of heads of state or prime ministers must not be weakened, and on the ground that America, Russia and China would be more likely to enter into a treaty setting up a World Court, and adequately defining Crimes against Peace, if heads of state and prime ministers were exempt from the jurisdiction of such a Court.

It is my contention that the possibilities of restraining America, China or Russia in a disarmed world are severely limited and the legal system here described might very well represent the practicable limit to which these powers might ~~conceivably~~ <sup>be willing to</sup> go.

THE END

HOTEL  
DUPONT  
PLAZA

DUPONT CIRCLE AND NEW HAMPSHIRE AVENUE N. W., WASHINGTON 6, D. C.

HUdson 3-6000

September 25, 1961

MEMORANDUM FROM: Leo Szilard

TO: Richard Gardner  
John McNaughton  
John Rubel  
Jerome Wiesner  
George Kistiaskowsky  
Charles Townes  
Carl Kaysen

Enclosed is a tentative memorandum dated September 21, 1961, relating to a subject that I have discussed with you. It describes the need of making it possible for a small number of scientists and scholars, who are functioning as consultants to the Government, to devote their full time to the study of the problems upon which they are advising the Government.

Recently I met Shep Stone at Stowe, Vermont, and mentioned to him the matter briefly. Henry Kissinger, who was in on this conversation, said that he would see Stone soon, and discuss the matter with him further. I have sent copies of the memorandum to Stone, Kissinger and John J. McCloy.

Since I wrote the memorandum it has been suggested by Carl Kaysen that it might be more reasonable to think in terms of twenty fellowships rather than ten. On this basis I would estimate an average cost of \$40,000 per fellow per year, i.e., a total of about \$800,000 per year.

Any comments that you might care to make would be appreciated. In particular, I should be very grateful if you were to indicate - tentatively - the names of three men whom you personally believe would be suitable candidates for holding a fellowship and state where they might be plugged in as consultants to the Government. This would help to give all of us an idea of the kind of men who ought to be considered.

The End

Memorandum from Leo Szilard, Hotel Dupont Plaza, Washington 6, D. C.

To:

Thomas K. Finletter  
Harlan Cleveland  
Walter Rostow  
Harry Rowen  
Henry Kissinger  
Senator Humphrey

My reason for writing this memorandum is a statement which Jacques Soustelle issued, a few days ago when he left France and went into exile.

Soustelle is one of the most intelligent politicians of France. I happen to know that when he was forced to resign from the cabinet he made up his mind that he would join the right wing forces if they take over in France, picturing himself in the role of a man who would counsel moderation and who might prevent the establishment of an all-out Fascist regime. The action which he has now taken might well mean that he believes that such a take-over may take place within the foreseeable future.

A take-over by the French army would be likely to lead to the establishment of a Fascist regime in France and it is impossible to predict how this would affect France-German relationships and the future of Europe. In the circumstances it would seem prudent to take measures, at this time, which would permit the Government, in a contingency, to draw on American troops, stationed in Europe under NATO command, and to thus defend, if need be, the established Government

