

ground-based anti-ballistic missile sites (later reduced to one). The treaty was not the joint commitment to “mutual assured destruction” that critics imagined, Bohlen argues, but a recognition that invulnerability was impossible.

SALT II negotiations soon commenced, and President Jimmy Carter signed an agreement in 1979. But the Soviet invasion of Afghanistan later that year made ratification impossible. The demise of SALT II marked the end of “serious arms-control negotiations for many years,” Bohlen writes. Yet there were “modest gains in transparency and predictability,” and regular dialogue “served to reinforce the reality of deterrence.”

President Ronald Reagan, at heart, “found the whole idea of mutual deterrence morally repugnant,” Bohlen says. At Reykjavik in October 1986, “the nuclear disarmer in Reagan was swept along” by Soviet leader Mikhail Gorbachev—until, at the summit’s eleventh hour, their “breathhtaking” arms reduction proposals fell apart because Reagan would not surrender his Strategic Defense

Initiative, the plan for a global shield against nuclear weapons.

The START (Strategic Arms Reduction Talks) treaties of the early 1990s achieved arms control goals the United States had been pursuing for almost two decades, but by then, “the threat to which these goals responded was ceasing to exist,” Bohlen notes. Even so, the treaties were “indispensable instruments” for managing the end of the Cold War in an orderly fashion. (The U.S. strategic nuclear arsenal now contains 2,200 warheads.)

Today, when the top priority is keeping weapons of mass destruction out of the hands of rogue states and terrorists, arms control is no longer at center stage. Yet it still has a modest but important role, rooted in multilateral pacts such as the Nuclear Non-Proliferation Treaty (1968). Bohlen concludes: “Defining rules about what is broadly acceptable to the international community remains essential to defining the kind of international order we wish to maintain.”

How the UN Can Recover

“Agora: The Future Implications of the Iraq Conflict,” with articles by Todd F. Buchwald and others, in *American Journal of International Law* (July 2003), American Society of International Law, 2223 Massachusetts Ave., N.W., Washington, D.C. 20008.

Is the United Nations Charter a dead letter thanks to the U.S.-led war in Iraq and the new U.S. doctrine of preventive war?

That, in a nutshell, is the question that the editors of *American Journal of International Law* put to a dozen symposium contributors. The nine closely argued legal articles that resulted follow different paths, but all lead to some version of a negative answer.

John Yoo, former U.S. deputy assistant attorney general (1991–93), is one of several contributors who argue that the Bush administration acted in accord with international law in taking up arms against Iraq. But he says that Iraq was a “unique case,” because UN Security Council resolutions dating back to the 1991 Gulf War provided a legal basis for action. In the new world of terrorists, rogue states, and weapons of mass destruction, the luxury of time is absent, and

new rules will be needed.

Richard A. Falk, a professor of law and international organization at Columbia University, rejects such arguments. There’s a conflict, he says, and it’s not the UN Charter system that needs to be fixed, but rather U.S. foreign policy. Miriam Sapiro, a National Security Council official during the Clinton years, argues that the new U.S. doctrine of preventive war enunciated in September 2002 is a challenge to existing international law, and she thinks the Bush administration could and should quietly narrow its scope.

Jane E. Stromseth, a professor of law at Georgetown University Law Center, argues that the United States and other nations must work to adapt the UN Charter to the new threat of terrorism. The charter’s “core,” which proscribes wars of territorial expansion and conquest, remains sound, she says. And like

the U.S. Constitution, the charter has proved “a living document” that can adjust to new circumstances, as happened when the Security Council pointedly refused to condemn NATO’s 1999 “humanitarian” war in Kosovo, though it had been waged without explicit UN authorization.

To address the potential threat of terrorists armed with weapons of mass destruction, the Security Council will need to update the concept of “anticipatory self-defense,” Stromseth argues. But the new U.S. doctrine of preventive war goes too far and “has the potential to be destabilizing.”

The United States, she writes, “has a stake in

maintaining rules governing the use of force that can both protect American security and help to mobilize allies against those who challenge the agreed rules.”

The “harder issue,” in Stromseth’s view, will be how to enable the Security Council to enforce its own mandates. For several years before the war, “the council lacked collective spine on Iraq.” One way to begin revitalizing the body, she suggests, would be to appoint longer-term temporary members on the basis of the substantive contributions they would make to UN efforts, including peacekeeping and other enforcement mechanisms, as well as protection of human rights.

JFK’s Secret Formula for Vietnam

“Exit Strategy” by James K. Galbraith, in *Boston Review* (Oct.–Nov. 2003), E53-407, Massachusetts Institute of Technology, Cambridge, Mass. 02139.

“Let us continue,” President Lyndon B. Johnson urged after the assassination of John F. Kennedy on November 22, 1963. Most historians have agreed that in gradually escalating U.S. involvement in the Vietnam War, Johnson did what Kennedy would have done. They dismiss the contrary view as wishful hindsight by JFK admirers. But Galbraith, who holds a chair in government and business relations at the University of Texas’s Lyndon B. Johnson School of Public Affairs, believes that the tide of scholarly opinion may be shifting in response to documentary evidence that Kennedy had secretly committed the United States to a phased withdrawal from South Vietnam.

The documents are not new, and neither is the debate. In *Kennedy’s Wars* (2000), historian Lawrence Freedman maintains that JFK’s plan for a withdrawal from Vietnam after the 1964 presidential election was “less of a definite decision than a working assumption, based on a hope for stability rather than an expectation of chaos.” Kennedy, in short, was keeping his options open. But Galbraith (whose father, John Kenneth Galbraith, was a JFK adviser) makes the case afresh for the other side.

On October 2, 1963, JFK received a report from Secretary of Defense Robert S. McNamara and General Maxwell Taylor, chairman of the Joint Chiefs of Staff (JCS), urging withdrawal of 1,000 of the 17,000 mili-

tary advisers then in Vietnam by the end of the year, and completion of a phased withdrawal of the rest by the end of 1965.

Kennedy had the recommendation publicly announced, and three days later secretly decided to withdraw the 1,000 advisers by December, but to have it done in a routine way, not raising the matter formally with South Vietnamese president Ngo Dinh Diem. That shows that the decision “was not a ruse or pressure tactic to win reforms from Diem” as some historians have claimed, according to Galbraith. Then, on October 11, the White House issued National Security Action Memorandum (NSAM) 263, secretly ordering implementation of the October 2 recommendations, including full withdrawal by the end of 1965.

JCS documents released in 1998 show “that Kennedy was well aware of the evidence that South Vietnam was, in fact, losing the war,” says Galbraith. But the withdrawal he’d decided on “was unconditional, and did not depend on military progress or lack of it.”

On November 1, Diem and his brother, Ngo Dinh Nhu, were killed in a coup that Kennedy had quietly encouraged, not expecting Diem’s death. Galbraith says the affair was symptomatic of a Kennedy White House that was “fractious, disorganized, preoccupied with American politics, ignorant of the forces it