

1 SENATE JOINT MEMORIAL 47

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 EXPRESSING THE RESOLVE OF THE NEW MEXICO LEGISLATURE THAT
12 MANUFACTURE OF NEW NUCLEAR WEAPONS IN NEW MEXICO SHOULD BE
13 PROHIBITED.

14
15 WHEREAS, the federal department of energy is proposing
16 that New Mexico be a site for a new and consolidated facility
17 to develop and manufacture new nuclear weapons; and

18 WHEREAS, the department of energy plans to complete this
19 complex by 2030 and to call the proposed nuclear weapons
20 complex "Complex 2030"; and

21 WHEREAS, this proposed nuclear weapons facility violates
22 Article VI of the nuclear non-proliferation treaty and violates
23 the intent of the treaty, which was signed and ratified by the
24 United States and entered into force in 1970; and

25 WHEREAS, the nuclear non-proliferation treaty declares in

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1 the preamble the signers' "... intention to achieve at the
2 earliest possible date the cessation of the nuclear arms race
3 and to undertake effective measures in the direction of nuclear
4 disarmament... Desiring to further the easing of international
5 tension and the strengthening of trust between states in order
6 to facilitate the cessation of the manufacture of nuclear
7 weapons, the liquidation of all their existing stockpiles and
8 the elimination from national arsenals of nuclear weapons and
9 the means of their delivery pursuant to a treaty on general and
10 complete disarmament under strict and effective international
11 control..."; and

12 WHEREAS, Article VI of the United States constitution
13 states that, "all Treaties made, or which shall be made, under
14 the Authority of the United States, shall be the supreme Law of
15 the Land"; and

16 WHEREAS, the advisory opinion of the international court
17 of justice has decided unanimously that each state is obliged
18 to bring to a close negotiations leading to nuclear disarmament
19 and begin the process of complete nuclear disarmament, and that
20 there exists an obligation to abide by Article VI of the
21 nuclear non-proliferation treaty to "pursue negotiations in
22 good faith and on effective measures relating to cessation of
23 the nuclear arms race at an early date and to nuclear
24 disarmament, and on a treaty on general and complete
25 disarmament under strict and effective international control";

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1 and

2 WHEREAS, the intent to produce new nuclear bomb pits
3 violates Article VI of the United States constitution, the
4 nuclear non-proliferation treaty and the advisory opinion of
5 the international court of justice; and

6 WHEREAS, President George W. Bush, on March 7, 2005,
7 called "the nuclear non-proliferation treaty... a key legal
8 barrier to nuclear weapons proliferation and... a critical
9 contribution to international security," and stated that "the
10 United States is firmly committed to its obligations under the
11 NPT"; and

12 WHEREAS, United Nations security council resolution 1540
13 calls upon all states "to promote the universal adoption and
14 full implementation, and where necessary, strengthening of
15 multilateral treaties to which they are parties, whose aim is
16 to prevent the proliferation of nuclear, biological or chemical
17 weapons"; and

18 WHEREAS, sustained leadership from the United States is
19 essential to implement existing legal and political commitments
20 established by the nuclear non-proliferation treaty and to
21 realize a more effective global nuclear non-proliferation
22 system; and

23 WHEREAS, despite the department of energy's argument that
24 nuclear deterrence is a necessary policy for the United States
25 to ensure the peace, the United States has been involved in at

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1 least eighteen wars, namely in Korea, Guatemala, Cuba,
2 Indonesia, Congo, Peru, Laos, Vietnam, Cambodia, Lebanon,
3 Grenada, Libya, El Salvador, Nicaragua, Panama, Bosnia,
4 Afghanistan and Iraq since the development of the first nuclear
5 weapons; and

6 WHEREAS, senior nuclear scientists concur that the
7 existing nuclear stockpile is not degrading, which means that
8 the twenty-three thousand nuclear pits in the current nuclear
9 arsenal will be reliable for another eighty to one hundred
10 years or more and the need to rebuild the stockpile by creating
11 replacement warheads is unnecessary and is severely
12 overburdening the taxpayer; and

13 WHEREAS, the department of energy could enable New Mexico
14 to become a leader in efforts to create a more secure state,
15 nation and world by: 1) insisting upon the massive cleanup of
16 the areas contaminated by the nuclear industry; 2) supporting
17 research in the remediation of radioactive wastes; 3) finding
18 the means to make reparations to those communities whose soil,
19 air and water have been contaminated; 4) dismantling the
20 stockpile without replacing the warheads; 5) presenting a clear
21 plan for consolidating and maintaining the security of the
22 extremely toxic and dangerous nuclear weapons materials in the
23 inventory in perpetuity; and 6) investing in the development of
24 renewable energy technologies and other endeavors that promote
25 sustainability and affirm life for the generation who will be

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1 bearing children after 2030 in New Mexico and the world; and

2 WHEREAS, the governing body of the state of New Mexico
3 stands for a society that takes responsibility for the welfare
4 of its future generations;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that, in accordance with the United States
7 constitution, the department of energy and any other government
8 agency or nonprofit or for-profit corporation be requested to
9 not to plan, construct or operate any facilities in the state
10 of New Mexico to develop, produce or manufacture any new
11 plutonium pits or any other components of nuclear weapons; and

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 transmitted to the governor, to members of the appropriate
14 interim legislature committee and to members of the New Mexico
15 congressional delegation.

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