

PREFACE

To redirect the awesome force that had devastated Hiroshima and Nagasaki some eight years before, President Eisenhower in 1953 inaugurated the Atoms for Peace program, heralding a source of electricity "too cheap to meter." However, the current status of commercial nuclear power stands in stark contrast to earlier predictions. The costs of nuclear power, both economic and non-economic, have received increased attention, as Americans vigorously debate whether to halt or to slow the development of commercial nuclear power.

The economic costs associated with the nuclear fuel cycle have paralyzed the industry. Capital costs have soared, and the financial markets have been reluctant to underwrite them. Furthermore, previously hidden costs at the end of the nuclear fuel cycle have arisen, especially the costs of decommissioning aged reactors and of disposing of nuclear wastes. Consequently, no new nuclear reactors have been ordered since 1978. In 1981 alone, scheduled construction of six nuclear power plants was canceled. And in January of this year the financially beleaguered Washington Public Power Supply System was forced to abandon two nuclear plants that had already cost ratepayers over two billion dollars.

The non-economic costs of nuclear power include health and safety risks and civil liberties abuses. The memory of the nation's worst nuclear accident at Three Mile Island on March 28, 1979, still haunts the industry and its regulators. The mishap at the Ginna nuclear power plant in New York last February added new substance to the specter of a serious nuclear accident. And workers in the uranium mining, milling, and fabrication industries suffer from disabling and sometimes fatal occupational diseases.

Broadly understood, the purpose of this Symposium, which was held on September 25 and 26, 1981, was to contribute to the scholarly debate on the costs of nuclear power. More specifically, its purpose was to explore the civil liberties costs of nuclear power. Its participants are noted academics, civil libertarians, and nuclear industry representatives, critics, and regulators.

This Symposium was jointly sponsored by the *New York University Review of Law and Social Change* and the Committee for Public Justice, a national civil liberties organization based in New York City. Established in 1970 to provide a citizens' watch to protect against threats to the Bill of Rights, the Committee has devoted considerable resources to numerous activities, including curbing FBI and CIA abuses through the development and passage of legislative charters for the intelligence agencies; studying secrecy and its effects on governmental decision making; investigating prison conditions; and examining abuses of the grand jury system. Among its other ongoing activities, the Committee publishes *Justice Department Watch*, a series of periodic reports on the United States Department of Justice.

The two-day Symposium was structured to illuminate the context and character of the civil liberties costs associated with nuclear power. During the Symposium, authors first presented their papers; they were followed by respondents' presentations and open discussion. The panel on state action and the closing address were followed by open discussion without presentations by respondents.

Both the *Review* and the Committee wish to express special thanks to Dean Norman Redlich for his unfailing support of this Symposium, to Aryeh Neier for graciously serving as moderator of the proceedings, and to the following donors, without whose financial assistance this Symposium would not have been possible: the Arthur Garfield Hays Civil Liberties Program of the New York University School of Law, The Field Foundation, the Fund for Tomorrow, The Max and Anna Levinson Foundation, the Youth Project, and several private individuals.

CECIL E. MORRIS, JR.