

DISCUSSION

ARYEH NEIER, MODERATOR: I will now give members of the panel just a moment to engage each other, if they choose to do so, and then I am going to give Mr. Diamond an opportunity to respond to the comments that have been made about his paper.

RENEE PARSONS: Rather than respond to any one particular thing that has been said, I would like to say generally that the discussion is so wide ranging, that there are so many issues out there and so many "what ifs" that maybe we should start thinking about forming the issues in more concrete terms so that we can have a profitable discussion about nuclear power and civil liberties.

The presumption here is that there are issues to be debated and discussed. Three things come to mind. First, although we seem to be operating under a presumption that there is a common base of facts, we really are not. Some say civil liberties infringements have occurred. Others deny it. We have talked about surveillance and the collection of information. I think that there really is no common base of fact. More needs to be found out about whether and what kind of civil liberties infringements are occurring. I do not think we really know the extent of the problem. The second issue that I think we ought to consider is that, assuming civil liberties infringements are taking place, are those infringements really necessary to protect nuclear reactors? The third question is if the safeguards are not adequate now, what can be done to make them adequate with only a minimal effect on civil liberties?

ARYEH NEIER: I would like to point out that tomorrow we will have specific discussion of the civil liberties implications of an emergency. There will also be a panel discussing the question Mr. Bradford touched on that is, whether public utilities are subject to constitutional safeguards. Any other comments by members of the panel?

RENEE PARSONS: I would like to respond to the point made by both Commissioner Bradford and Mr. Charnoff that nuclear power does not pose a special threat to civil liberties. Nuclear power is very different from traditional energy sources. If you hold a lump of coal in your hand, you cannot do much damage with it. If you have some spent fuel rods, however, you can create some very serious problems. Furthermore, you simply cannot separate the plutonium issues from the rest of the nuclear problem. It is disappointing that the myth that there is a peaceful atom is still around. A peaceful atom never did exist.

GERALD CHARNOFF: The only response I have is that I would not want to hold a few spent fuel rods in my hand and I do not think any sophisticated terrorist would like to either.

ARYEH NEIER: Mr. Diamond, would you like to respond?

STUART DIAMOND: I have a few things to say, although I could not possibly respond to all of the things that have been said.

The debate on nuclear power has produced a lot of misleading information on both sides. I want to respond to the comment Mr. Charnoff just made that spent fuel was so deadly that no terrorist would handle it. Why do the covers of nuclear industry magazines show someone holding all those nuclear waste pellets? Just because it does not immediately burn your hands off does not mean the waste is not extremely deadly. No, there that has been all sorts of misinformation like that on both sides.

I was very interested to hear Mr. Charnoff's reference to the rhetoric. But his comments do not reflect on the substance of the rhetoric, only on the fact that it is rhetoric.

I personally think that nuclear power is terrific technology. I think that it has been poorly managed, that the people who have managed it have done a terrible job. Just compare this country's reactor program as a whole with France's. Just consider the management of reactor construction programs in this country. The question of management is what needs to be talked about here, management of technology and management of civil liberties.

I would like to briefly mention the problem of infiltration. What I tried to do in the paper I wrote was not to discuss whether or not I was in favor of infiltration but to describe a phenomenon that has been going on for twenty years. One would assume that the people who know something about it would do something to stop it, or at least do more than is being done. I do not know how widespread industry surveillance is. It is not the kind of thing that would be advertised by a utility. Therefore, more must be going on than I know about.

When people protest on utility property over matters of public policy and are arrested when utilities spend rate-payers' money to spy on rate-payers, when utilities mismanage their own surveillance, there are civil liberties issues raised that you cannot ignore. You cannot say that someone pointing out these problems is merely engaged in anti-nuclear rhetoric. You have got to deal with the issues and the concerns about civil liberties.

I will conclude and leave you with some questions to consider. We have a problem of poor management. We have a problem in determining what should be secret, and what should not be secret. For example we were not told about the Utah leukemia deaths in the 50's and 60's. We have a problem in determining what information should be collected, and what should not be collected. After the Three Mile Island accident the nuclear industry said, "You know, we should have asked a lot more of these 'what if' questions before." That is one of the things that the Institute for Nuclear Power Operations and all of the other industry groups are very proud of now, that they are asking a lot of those "what if" questions. I think it is a good idea to do that because it can help you to set policy.

I have some questions that you can answer now or just consider. As a citizen, I would ask: What is an acceptable level of surveillance? We all seem to agree that the surveillance at airports is acceptable. What is an acceptable level of surveillance by utility companies? How far should my utility company be allowed to go in collecting information about me with rate-payers' funds? I would want to know how much of the rate base should be budgeted for the collection of information on a wide variety of subjects involving rate payers. Should it be one half of one percent or one tenth of one percent or what? I think those are the kind of questions that have not been answered.

As someone who was at Three Mile Island and who watched people being sent to the zone of evacuation, I would want to think about all of these questions before an even worse situation arose, where someone got a hold of some dangerous material. Civil liberties questions would arise even if you were not sure that the material was dangerous. The public could panic over a few inflammatory newspaper stories. Those are the kinds of issues involved and the kinds of "what if" questions that we cannot escape from. As President Reagan said last night, "You can run, but you can't hide."

