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The US and No First Use: Preemption Trumps Deterrence?

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During the 40 years of the Cold War, from the late 1940s to the fall of the Berlin Wall in 1989, the twin pillars of deterrence and containment provided the foundation for US nuclear strategy. Even though the US never formally adopted a policy of No First Use of nuclear weapons, most Americans likely believed that the US would not be the first to use nuclear weapons in a conflict.

There were, of course, explicit exceptions to a reliance on retaliatory deterrence. The first involved the US and NATO declaring their intention to possibly use nuclear weapons against a conventional attack from the East, which policy continues to this day, despite the fact that the USSR and Warsaw Pact no longer exist. The second major exception entailed a possible nuclear response to a biological or chemical weapons attack made by a non-nuclear weapons state, as was obliquely made clear to Saddam Hussein during the Persian Gulf War.¹ Nonetheless, perceptions were common that US nuclear policy emphasized retaliatory rather than first-strike capabilities.

With the arrival of the Bush administration in 2001, and with the September 11 terror attacks having greatly altered perceptions of threats to US homeland security, the continued primacy of deterrence and containment are being increasingly challenged. For most senior officials in the Bush administration, and for many others in the security community, it is an article of faith that, as with the 1972 ABM Treaty, deterrence and containment are outmoded Cold War concepts that have lost much of their previous relevance as foundations for America's security policy.

The first indication of this thinking appeared in the Pentagon announcement on January 9, 2002, and subsequent news reports, of the administration's Nuclear Posture Review (NPR). Though never published in full, analysis and commentary about the NPR have focused on what seems to be a greater willingness to initiate the use of nuclear weapons, especially if needed to prevent the use of weapons of mass destruction against the United States. As outlined in the Pentagon briefing by J.D.

Crouch, Assistant Secretary of Defense for International Security Policy, the United States would seek “credible non-nuclear and nuclear response options” and a “second-to-none nuclear capability” tailored to a new security environment characterized by proliferating weapons of mass destruction to both states and non-state groups.²

While there was little public evidence that the NPR explicitly called for the first use of nuclear weapons, reports that countries such as Iran, Iraq, Libya, Syria and North Korea were mentioned by name as possible targets of US nuclear weapons sparked contentious debates about whether US policy was headed towards developing new, nuclear war-fighting capabilities. Adding fuel to the fire was the President’s State of the Union Address on January 29, 2002, where he categorized Iraq, Iran and North Korea (and the terror groups these countries support) as a new “axis of evil” and warned that he would take all necessary action to prevent them from threatening the US with weapons of mass destruction. During these months there was also, of course, the continuous drumbeat from the administration of preparations for military preemption against Iraq to prevent Saddam Hussein from fully developing and using weapons of mass destruction.

There was then the greatly complicating factor of North Korean officials admitting, in early October 2002, that Pyongyang had continued its nuclear weapons program, focusing on highly enriched uranium, in violation of the 1994 Agreed Framework to halt such work in return for increased foreign assistance, including delivery of two civilian nuclear power plants.³

Finally, the Bush administration made clear its continued opposition to the Comprehensive Test Ban Treaty, declaring it would not forward the Treaty to the US Senate for ratification. Although the President declared that the US would continue to observe the CTBT, for the time being, he made it clear that the US would not hesitate to resume testing (including presumably, of low-yield, earth penetrating nuclear weapons being explored for their value in preemptive strikes) should he deem it in the nation’s interest.

On June 1, 2002, in a speech at West Point, President Bush more fully articulated the need for robust options for military preemption, should it be necessary, to prevent attacks from either states or terror groups using weapons of mass destruction. Amplifying this theme, administration officials emphasized conventional military technologies being developed as part of a Joint Stealth Task Force that could launch “no warning” preemptive raids on suspected nuclear, biological and chemical weapons facilities. In addition, however, officials also spoke of the utility of using nuclear weapons, especially against biological weapons where the extreme heat of a nuclear blast could vaporize toxic biological agents.⁴ And there continued to be

administration interest in the development of new, low-yield nuclear weapons (including in the sub-kiloton range) that could be used with earth-penetrating missiles to destroy underground command and control bunkers and hidden facilities used for developing or storing weapons of mass destruction.

These various strands elevating preemption to a more prominent role in American defense strategy came together in the President's National Security Strategy (NSS) report that was made public on September 20, 2002. The NSS document is a wide ranging exposition of US foreign policy objectives, covering a host of policy initiatives from third world development aid and increased funding to stem the AIDS pandemic to support for fledgling democracies and global cooperation in law enforcement, customs, banking and intelligence in combating international terrorism.⁵ The relevant section of the report regarding preemption is Chapter V, entitled "Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction." The very title of the chapter is clear about the new emphasis on preemption; the United States will act to prevent potential foes, whether states or terrorist groups, from even threatening to use, much less using, weapons of mass destruction. As spelled out in Chapter V, the strategy rests on three fundamental components: proactive counter-proliferation efforts (including counterforce capabilities), strengthened nonproliferation efforts, and effective responses to the effects of WMD use.

This theme, that it will be too late if the US waits until a potential foe has delivered a weapon of mass destruction against the US, its allies, or its friends, has been repeated continuously by administration officials. In delivering the Walter Wriston Lecture at the Waldorf Astoria in New York on October 1, 2002, National Security Advisor Condoleezza Rice summed up administration policy when she said:

"...some threats are so potentially catastrophic – arrive with so little warning, by means that are untraceable – that they cannot be contained. Extremists who seem to view suicide as a sacrament are unlikely to ever be deterred. And new technology requires new thinking about when a threat actually is 'imminent'. So as a matter of common sense, the United States must be prepared for action, when necessary, *before threats have fully materialized.*"⁶ [emphasis added]

While allowing that deterrence and containment "can and will continue to be employed where appropriate," Rice maintained that "preemption is not a new concept" and that "the United States has long affirmed the right to anticipatory self-defense – from the Cuban Missile Crisis in 1962 to the crisis on the Korean Peninsula in 1994."

It must also be noted that Rice and other administration officials readily concede that preemption (other Bush officials use the term ‘defensive intervention’) carries with it great risks, militarily and diplomatically, and is to be employed sparingly and selectively. As noted in the President’s National Security Strategy, “the United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression.”⁷

Preemption and Nuclear Weapons

What are the implications of this increased emphasis on preemption and ‘proactive counterproliferation efforts’ to protect US security against attacks by nuclear weapons (or biological or chemical weapons), for the possible first use of nuclear weapons by the United States?

First, bear in mind that preemption doctrines being developed focus most heavily on advanced conventional weapons, stealth technologies, and new advances in communications, surveillance, and information technologies. Should the United States decide to attack, without warning, either a nation-state or terrorist group that is on the verge of either acquiring a nuclear weapon, or using it, the preference will be to use conventional weapons. As noted, the Pentagon’s “Joint Stealth Task Force” is pulling together those elements of the armed forces, including radar-evading aircraft, cruise missiles, reconnaissance and attack drones, and Special Operations troops, that could be used to pinpoint and destroy WMD capabilities before they could be used.⁸

That being said, there are worrisome elements of the preemption doctrine, and the capabilities being developed to implement it, that raise the possibility of first use of nuclear weapons by the United States.

One has to do with US research on new types of nuclear weapons, for possible use with earth penetrating missiles against hardened, underground WMD facilities or command bunkers. According to Stephen M. Younger, director of the Pentagon’s Defense Threat Reduction Agency, “We do not want to cross the nuclear threshold unless it is an example of extreme national emergency,” but there are bunkers “so incredibly hard... that they do require high-yield nuclear weapons.” Younger has noted that new, low-yield nuclear weapons could also be used in certain situations, but if used against WMD and especially biological weapons facilities, they run the risk of spreading biological agents across the countryside.⁹

There was also, of course, substantial attention to new roles for nuclear weapons in the *Nuclear Posture Review*, at least in those portions of the report made public.

First, the report notes that the Department of Energy's National Nuclear Security Administration (NNSA) will undertake several new initiatives, including:¹⁰

- Possible modifications to existing weapons to provide additional yield flexibility in the stockpile;
- Improved earth penetrating weapons (EPWs) to counter the increased use by potential adversaries of hardened and deeply buried facilities; and
- Warheads that reduce collateral damage.

The *Nuclear Posture Review* also mandates that NNSA take steps to give the United States the capability to resume nuclear testing to 'well below the Congressionally-mandated one year' time frame. As stated in the NPR, NNSA will augment and train new personnel, replace key underground-test-unique components, modernize nuclear test diagnostic capabilities, and conduct additional field experiments, including subcritical experiments.¹¹ All of these steps, of course, call into question the Bush administration's intentions for adhering to the Comprehensive Test Ban Treaty, whose demise would in turn jeopardize the entire non-proliferation regime.

The desire of many in the Bush administration to break free of the constraints of the Comprehensive Test Ban Treaty is symbolized by current research and development of nuclear earth penetrating weapons. Following the announcement of the *Nuclear Posture Review* in January 2002, the Bush administration requested \$15.5 million for a Dept. of Energy program that would study the feasibility of nuclear bunker busters. The only weapon currently in the nuclear inventory capable of such a mission is the B61-11 warhead, which likely can only penetrate some twenty feet into the earth. As new designs are developed for weapons that might penetrate up to one hundred feet or more, pressures will increase to conduct operational tests. As NNSA director Gen. John Gordon told a US Senate committee in February 2002, "I cannot tell you, for certain, that we would ever not need to test. I just simply cannot do that."¹²

Other missions being discussed for first use of nuclear weapons include destroying the nuclear weapons infrastructure of a country such as North Korea that is on the verge or acquiring, or has acquired, nuclear weapons. Scenarios developed in 1998 by the US Air Force for destroying North Korean Scud missiles, in the event the North had already invaded South Korea and then threatened to use Scuds with biological or chemical warheads, recognized the difficulty of pinpointing the mobile Scuds accurately enough to destroy them. In addition, it is thought that North Korea could launch Scud missiles while these are still in underground launching sites. This need to target Scuds in hardened, underground launch sites, and the pressure to destroy the Scuds given the few minutes flight time to targets in South Korea, must certainly be

one of the preemptive options being considered should the US feel it necessary to use nuclear weapons first. ¹³

Preemption and No First Use

An increase in the range of nuclear weapons options being explored by the Bush administration, and a greater emphasis on preemption (whether conventional or nuclear) should deterrence fail to contain threats against the United States, all but eliminates any consideration of No First Use policies within official Washington. As John Rhinelandt notes in his paper for this workshop, and as the above discussion of operational preemption capabilities makes clear, “the calculated ambiguity of potential use has now been explicitly replaced by the explicit threats of the Bush administration in its Nuclear Posture Review to develop new nuclear weapons and to use them in various instances.”¹⁴

Among the American public, whatever grassroots sentiment for the US adopting a declared NFU policy that might have existed in the 1980s or later has now been overwhelmed by post-September 11 security concerns. The dominant focus of the Bush administration and the media on international terrorism in general and the WMD threat posed by Saddam Hussein in particular has overshadowed all other nuclear weapons and international security issues. The October 2002 revelation that North Korea was pursuing a nuclear weapons capability, based on highly enriched uranium, in violation of the 1994 Agreed Framework, only served to make any discussion of NFU even less relevant in terms of American politics.

While the above components of a new US strategy of preemption are sensitive issues in their own right, and deserve the widest possible debate, it is important to remember that preexisting obstacles remain to any adoption of a NFU policy. As noted at the beginning of the paper, changes would be needed to NATO nuclear weapons policy and the threat of nuclear use in response to biological and chemical attacks for the US to formally adopt a comprehensive No First Use policy. For all these reasons, not to mention the overall security proclivities of the current administration, the United States is not likely to adopt NFU anytime soon.

Endnotes

1. There is a third exception, having to do with using nuclear weapons against a non-nuclear weapon state that has conducted aggression in alliance with a nuclear weapons power, but this exception is part of the NPT process and was originally stated in 1978 and reaffirmed by all the major nuclear weapons powers (save China) in 1995 during the NPT review conference.

2. The *Nuclear Posture Review*, mandated by Congress, was delivered by the Bush Administration to Congress on December 31, 2001 and was announced at a Pentagon press briefing on January 9, 2002. The report has not been made public, but portions have been leaked to the press, and substantial excerpts can be found at the following website: www.globalsecurity.org/wmd/library/policy/dod/npr.htm.
3. Peter Slevin and Karen DeYoung, "North Korea Admits Having Secret Nuclear Arms," *Washington Post*, October 17, 2002.
4. See Thomas E. Ricks and Vernon Loeb, "Bush Developing Military Policy of Striking First," *Washington Post*, June 10, 2002.
5. *The National Security Strategy of the United States of America* (Washington, DC: White House, Office of the Press Secretary, September 2002).
6. Dr. Condoleezza Rice, The Walter Wriston Lecture of the Manhattan Institute, October 1, 2002, New York (Washington, DC: White House, Office of the Press Secretary, October 1, 2002).
7. *The National Security Strategy of the United States of America*, p. 15.
8. Ricks and Loeb, "Bush Developing Military Policy of Striking First," *Washington Post*.
9. Quoted in Ricks and Loeb, "Bush Developing Military Policy of Striking First," *Washington Post*
10. *Nuclear Posture Review*, pp. 34-35 (as quoted on www.globalsecurity.org website, see note 2).
11. *Nuclear Posture Review*, pp. 35-36 (as quoted on www.globalsecurity.org website, see note 2).
12. Quoted in *Nuclear Bunker Busters: Unusable, Costly, and Dangerous*, Center for Arms Control and Non-Proliferation (Washington, DC: April 12, 2002).
13. See Hans. M. Kristensen, "Preemptive Posturing: What happened to deterrence," *Bulletin of the Atomic Scientists*, September/October 2002, pp. 54-59.
14. John Rhinelander, "No First Use – Its Time is Not Foreseeable, Whatever its Form," paper prepared for the Pugwash Workshop, *No First Use of Nuclear Weapons*, London, 15-17 November 2002.