No First Use of Nuclear Weapons: An Option for U.S. Nuclear Weapons Policy?

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In July 2016, reports in U.S. newspapers indicated the Obama Administration considered adopting a declaratory policy stating that the United States would not be the first to use nuclear weapons in conflict. Subsequent reports, however, indicated that the United States was unlikely to adopt this particular change in U.S. declaratory policy before the end of the Obama Administration because both military and civilian officials in the Administration oppose the declaration of a "no first use" policy. The press reported that, during deliberations on the policy change, Pentagon officials argued that current ambiguity provides the President with options in a crisis. For example, Admiral Haney, the Commander in Chief of Strategic Command, noted that the shift could undermine deterrence and stability in an uncertain security environment. The reports stated that Secretary of State Kerry and Secretary of Defense Carter also raised concerns about the possibility that a "no first use" policy could undermine the confidence and security of U.S. allies. The press reported that several U.S. allies also weighed in against the change in policy. Some in the U.S. Congress, like Senator Dianne Feinstein, argued that the only moral use for U.S. nuclear weapons is as a deterrent to their use. Others, including Representative Mac Thornberry and a number of Republican Senators, argued that changes in U.S. nuclear policy could lead to a more dangerous world by undermining nuclear deterrence and "shattering the trust" of U.S. allies.

Nevertheless, these reports have ignited debates, both within the U.S. expert community and in international circles, about the benefits and risks of this policy, known as a "no first use" pledge. The absence of a "no first use" pledge dates back to the Cold War when the U.S. sought to deter a Soviet attack on the United States and its allies in Europe. While some nuclear weapons states, like China and India, have stated that they would not be the first to use nuclear weapons in a conflict, the United States has not done so. In recent years, the United States has modified its policy to reduce the apparent role of nuclear weapons, but has still not declared that it would not use them first. U.S. officials have repeatedly stated that the United States could, under certain circumstances, use nuclear weapons first in a conflict, even if the adversary had not yet used nuclear weapons against the United States or U.S. allies.

Current Nuclear Declaratory Policy

In written summaries of its nuclear policy, the United States has pledged to refrain from using nuclear weapons against most non-nuclear weapon states. It has not, however, ruled out their first use in all cases; nor has it specified the circumstances under which it would use them. This approach, known as "calculated ambiguity," addressed U.S. concerns during the Cold War, when the United States and NATO faced numerically-superior Soviet and Warsaw Pact conventional forces in Europe. At the time, the United States not only developed plans to use nuclear weapons on the battlefield to disrupt or defeat attacking tanks and troops, but it also hoped that the risk of a nuclear response would deter the Soviet Union from initiating a conventional attack. This is not because the United States believed it could defeat the Soviet Union in a nuclear war, but because it hoped the Soviet Union would know that the use of these weapons would likely escalate to all-out nuclear war, with both sides suffering massive destruction.

In policy reviews conducted since the end of the Cold War, U.S. officials have occasionally considered adopting a "no first use" pledge, but the policy has remained largely unchanged. The Obama Administration offered the current formula for U.S. declaratory policy in the 2010 Nuclear Posture Review Report, when it stated that "The fundamental

role of U.S. nuclear weapons … is to deter nuclear attack on the United States, our allies, and partners." According to the report, the United States "would only consider the use of nuclear weapons in extreme circumstances" and *would not* threaten or use nuclear weapons, under any circumstances, "against non-nuclear weapons states that are party to the Nuclear Nonproliferation Treaty and in compliance with their nuclear non-proliferation obligations." For states not covered by this assurance, the Administration was not prepared to state that the "sole purpose" of U.S. nuclear weapons is to deter nuclear attack because it could envision "a narrow range of contingencies" where nuclear weapons might play a role in deterring conventional, chemical or biological attacks.

"No First Use" or Not?

The absence of a "no first use" pledge in U.S. declaratory policy is less about the perceived need to employ these weapons first in a conflict than it is about the view that the threat of nuclear escalation can serve as a deterrent to large-scale conventional war or the use of chemical and biological weapons. Supporters of the current policy argue that removing the threat of nuclear escalation could embolden countries like North Korea, China, or Russia, who might believe that they could overwhelm U.S. allies in their regions and take advantage of local or regional conventional advantages before the United States or its allies could respond. In such a scenario, some argue, the "no first use" pledge would not only undermine deterrence, but could also increase the risk that a conventional war could escalate and involve nuclear weapons use. Moreover, because the United States has pledged to use all means necessary, including nuclear weapons, to defend allies in Europe and Asia, some argue that this change in U.S. declaratory policy could undermine allies' confidence in the U.S. commitment to their defense and possibly spur them to acquire their own nuclear weapons. As a result, in this view, a "no first use" policy could undermine U.S. nuclear nonproliferation goals.

Others, however, disagree with the idea that the threatened first use of nuclear weapons is needed to strengthen deterrence and support U.S. allies. Some assert that there is no evidence that the threat of nuclear escalation can deter conventional war and they note that U.S. conventional forces would be sufficient to fight and win any war where an adversary had not used nuclear weapons. Others fear that U.S. nuclear first-use might spark a nuclear response and lead to a much larger, more destructive nuclear exchange. Moreover, some argue that a "no first use" policy would not undermine the U.S. commitment to its allies because those states have faith in U.S. conventional forces for their defense, as well as knowledge of the United States would respond with nuclear weapons following a nuclear attack on them. As a result, they conclude that the possible first use of nuclear weapons is not only unnecessary, but also might turn conventional war into a nuclear catastrophe. They also argue that "no first use" would support U.S. nonproliferation goals by demonstrating that the United States accepted a limited role for its nuclear force.

Those who support current U.S. policy do not necessarily disagree with the view that the United States could fight and win almost any conflict without resorting to the use of nuclear weapons. They note, however, that such conflicts could be prolonged and extremely destructive. Therefore, they argue, the United States should seek to deter these conflicts from starting, even if it could eventually prevail with conventional weapons. They note that the risk of nuclear escalation could affect an adversary's calculus in a way that the threat of eventual conventional defeat could not. They also note that U.S. allies, who would bear the brunt of the destruction in a conventional conflict, might be unwilling to accept a U.S. commitment to their defense if it allowed a prolonged conflict to continue without the threat of nuclear retaliation.

Beyond debating the role of nuclear weapons in deterring conventional conflict, analysts have also debated whether a change in declaratory policy would lead to broader changes in U.S. nuclear employment policy and force structure. Analysts who favor the adoption of a no-first-use policy often indicate that a change in U.S. declaratory policy could lead to changes in U.S. military planning, and, eventually, affect the numbers, types, and posture of U.S. nuclear weapons. Some argue that U.S. nuclear forces are still sized and operated in a way that is similar to the Cold War, with large numbers of weapons on alert, postured to launch promptly upon warning of a Soviet attack. They contend that United States could change this posture, and eliminate perceived risks of accidental launch, if it no longer planned to launch nuclear weapons first, or promptly, at the start of a conflict. They argue, further, that the United States could eliminate some forces, like land-based missiles, that would only be useful in a first strike because they would be vulnerable to attack if they were not launched promptly at the start of a conflict. As a result, they link support

for a no first use policy to the view that the United States could deter nuclear attacks with a smaller force of sea-based weapons that could survive a first strike and retaliate after the attack.

It is not clear, however, that a change in U.S. declaratory policy would necessarily lead to changes in U.S. war plans and force structure. U.S. plans for the use of U.S. nuclear weapons likely do not distinguish between plans designed to be used if the United States launched nuclear weapons first and those that would be used in a second, retaliatory strike. While some plans might not include weapons that would be destroyed in large-scale attack on U.S. forces, most focus on providing the President with options for placing weapons on targets. The decision about "when to employ the plan" is left up to President; it is not baked into the option.

In addition, it is not clear whether or how much a change in U.S. declaratory policy would affect perceptions of the U.S. willingness to use nuclear weapons in a crisis. The United States, in the declaratory policy outlined in the 2010 Nuclear Posture Review, already insists that it "would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners." This formula likely allows for only a small number of scenarios where the United States might use nuclear weapons first, and certainly does not imply that the United States would consider the first use of nuclear weapons in most, or even many circumstances. The President would likely seek any and all possible non-nuclear responses before ordering the use of nuclear weapons. As long as military and political leaders are aware of the horrific effects of nuclear weapons and the international outrage that would follow their use, the barrier to crossing the nuclear threshold would likely remain prohibitively high, regardless of what the United States says about when it will use nuclear weapons. Moreover, even if the United States limited itself to responding with nuclear weapons only after a nuclear attack, a nuclear-armed adversary considering a significant conventional or chemical attack against a U.S. ally might not believe that it was free from the threat of a U.S. nuclear response.

Hence, it's possible that a change in U.S. declaratory policy, and the adoption of a no first use pledge, would do little to change the current U.S. nuclear posture. Regardless of what the United States says in its declaratory policy, U.S. military plans are likely to include a range of options for nuclear use in extreme circumstances. Moreover, the United States is likely to reach for a nuclear weapon only in the most extreme circumstances, when other weapons might prove incapable of achieving the necessary military effects. If U.S. capabilities do not change, allies would likely remain confident in the U.S. commitment to their defense and adversaries would remain uncertain about whether their attack could invite a nuclear response, regardless of the words wrapped around the U.S. posture.

Notes

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