

POLICY CONSIDERATIONS IN USING NUCLEAR WEAPONS

STEPHEN J. HADLEY*

In this address, I will discuss the role of nuclear weapons in U.S. security policy. While I will focus on the future, I want to begin by noting a few things about the past. There are two serious misconceptions reflected in the public debate on the role of nuclear weapons.

The first misconception is that nothing has changed with respect to U.S. nuclear policy and the structure of its nuclear arsenal since the end of the Cold War. In reality, important developments did occur during the Bush administration at the end of the Cold War.

For example, there was a major change in national strategy that dramatically reduced the role of nuclear weapons in our deterrent policy. In July 1990, NATO heads of government first called nuclear weapons “weapons of last resort.”¹

In addition to this change in policy, a shift in the deployment of nuclear weapons occurred during the Bush administration. On 27 September 1991 President Bush announced that he would withdraw from the field and would destroy the vast majority of U.S. theater nuclear weapons including nuclear artillery, short-range nuclear ballistic missiles, and naval tactical nuclear cruise missiles and bombs. On 5 October 1991 President Gorbachev announced that the Soviet Union would take comparable action.²

At the same time, President Bush took all U.S. strategic nuclear bombers off alert status. In other words, the bombers would no longer sit on airstrips, loaded with nuclear bombs, ready to take off at a moment’s notice.³ President Gorbachev announced that the mobile Soviet SS-24 Inter-Continental Ballistic Missile (ICBM) would be confined to garrison, a permanently defined military post, and would

*Stephen Hadley is a partner at the law firm of Shea & Gardner in Washington, D.C. and former Assistant Secretary of Defense for International Security Policy.

1. See Thom Shanker, *A Peaceful German Offering*, CHI. TRIB., July 15, 1990, at 5.

2. See Serge Schmemmann, *Gorbachev Matches U.S. on Nuclear Cuts and Goes Further on Strategic Warheads*, N.Y. TIMES, Oct. 6, 1991, at 1.

3. See Patrick E. Tyler, *Bush’s Arms Plan*, N.Y. TIMES, Sept. 29, 1991, at A11.

no longer operate over the Soviet railroad network.⁴

President Bush also called for the Soviet Union and the United States to cooperate in reviewing the command and control procedures that protect against an accidental or unauthorized launch of their respective nuclear weapons.⁵ In the fall of 1992, the United States completed a review of its own forces, and took a number of measures to increase safety and control over its nuclear systems.⁶

Finally, on 3 January 1993, Russia and the United States signed the START II treaty, which, when fully implemented, will reduce the levels of deployed strategic nuclear weapons to between 3,000 and 3,500 per side.⁷ These reductions will eliminate the threat from the most destabilizing element of those forces—multiple-warhead land-based ICBMs, such as the SS-18.⁸ Together START I and START II will reduce the number of strategic nuclear weapons on both sides by about seventy-five percent from Cold War levels.⁹

Major changes have been made in U.S. nuclear strategy and force posture. Although further adjustments may be made, it is simply untrue to suggest that we currently encounter the same nuclear strategy and force posture as during the Cold War.

The second serious misconception in the recent public debate is that reliance on nuclear weapons as part of the U.S. national defense strategy is “irresponsible” and “immoral.” This suggestion is misguided because from the beginning, the purpose of nuclear weapons was to deter war and prevent loss of life. In fact, nuclear weapons were intended to deter not only nuclear war, but the kind of massive conventional wars of World War I and World War II. Ironically, it was precisely the enormous and terrifying destructive power of nu-

4. See *Gorbachev's Remarks on Arms Cuts*, N.Y. TIMES, Oct. 6, 1991, at A12.

5. See *Address to the Nation on Reducing United States and Soviet Nuclear Weapons*, 29 WKLY. COMP. PRES. DOC. 1348 (1991).

6. See generally Office of Assistant Secretary of Defense (Public Affairs), Remarks Prepared for Delivery by Secretary of Defense William J. Perry to the Henry L. Stimson Center (1994) (on file with the *Duke Journal of Comparative & International Law*); Office of Assistant Secretary of Defense (Public Affairs), DOD Review Recommends Reduction in Nuclear Force 3 (1994) (on file with the *Duke Journal of Comparative & International Law*); Office of Assistant Secretary of Defense (Public Affairs), Press Conference with Secretary of Defense William J. Perry 9 (Sept. 22, 1994) (on file with the *Duke Journal of Comparative & International Law*).

7. See Dunbar Lockwood, *Strategic Nuclear Forces Under START II*, ARMS CONTROL TODAY, Dec. 1992, at 10-14.

8. See *id.*

9. See generally Saul Friedman, *New N-Arms Cuts; U.S., Russia Agree to Slash Arsenal 70%*, NEWSDAY, June 17, 1992, at 5, available in LEXIS, News Library, Arcnws File.

clear weapons—the basis for their alleged “irresponsibility” or “immorality”—that made them so effective in this role.

Even critics must acknowledge that the security arrangements developed after World War II, largely dependent upon nuclear weapons, were successful in giving us a Europe that has been free for fifty years from the major warfare that twice afflicted the continent in the first half of this century. Under the protection of nuclear deterrence, Europe has pursued a policy of economic and political integration that has put to rest age-old antagonisms and centuries of conflict between countries such as France and Germany. Nuclear deterrence also helped to hold off a Communist Soviet Union until the internal contradictions of that regime brought it down. In summary, “morality” must be judged in part by its effects, and if judged by these results, nuclear deterrence was a highly moral and responsible national security policy.

I mention this ancient history for two reasons. First, to say that a security policy based on nuclear weapons was “irresponsible” and “immoral” from the outset is to accuse the United States government of pursuing a policy that was irresponsible and immoral. Such a serious and false accusation against a democratic government destroys public confidence in our institutions and our leaders. Second, there are many men and women, both military and civilian, who for over five decades have devoted their professional lives to building, deploying, and integrating nuclear forces into a successful deterrence strategy. At the same time, these individuals successfully manage the nuclear weapons and their attendant safety and security risks. These men and women make a significant contribution to our nation, and they deserve better than the suggestion that they are somehow complicitous in an immoral or irresponsible policy.

So much for the past. What about the future? Why do we need nuclear weapons in the post-Cold War world? What is wrong with “zero nukes” anyway?

In answering this question, we need to focus on the motivation behind the question: what are we trying to achieve? If the motivation is to eliminate nuclear weapons because they are somehow “immoral” or “irresponsible,” then the effort is wrong-headed and dangerous. However, if the motivation is to enhance the national security of both the United States and its allies, then the issue is whether eliminating nuclear weapons will achieve this result. The resolution to this issue is problematic.

We must acknowledge that the goal of no nuclear weapons is

unachievable; nuclear weapons cannot be eliminated. Even if all nuclear weapons were destroyed today, the possibility of their reappearing in a crisis will cast a shadow over the national security policy of every nation, and over international politics. Nuclear weapons can be reproduced and deployed without detection in a relatively short time. In short, the genie is out of the bottle; nuclear weapons cannot be un-invented.

Nations acquire nuclear weapons because they either fear their neighbors or want to coerce them. In a world of virtually no deployed nuclear weapons, the possession of a handful of these weapons will transform a country such as Iran, Iraq, or Libya not just into a regional player, but into a global power. Indeed, the fewer nuclear weapons actually deployed in the world, the greater the incentive for nations and terrorist groups to acquire them.

Further, as the Iraq situation has shown, our ability to detect, much less prevent, the clandestine acquisition of nuclear weapons is exceedingly suspect. We learned in the Gulf War that Iraq was much further along in the development of nuclear weapons than the world community ever contemplated.¹⁰ Moreover, the United Nations' most intrusive inspection regime since the dawn of the nuclear age has been unable to guarantee that all vestiges of Iraq's nuclear weapons program and the associated delivery systems, have been eliminated.¹¹ Thus, because we cannot be confident that the world will ever be, to use the phrase of some in the recent debate, permanently "devoid of nuclear weapons,"¹² some nations, such as the United States, must continue to possess them to deter their acquisition or use by others.

It is often an unstated premise in the current debate that if nuclear weapons are needed at all, they are needed only to deter the nuclear weapons of others. I am not sure this unstated premise is true. As General Horner pointed out, this is not why we got into the nuclear business. In fact, one of the lessons other countries have drawn from the Gulf War is that no nation should even consider a confrontation with the United States military without having a

10. See Michele E. Martin, *The Changing Role of the United Nations: Halting Nuclear Proliferation in Iraq*, 10 DICK. J. INT'L L. 485, 502 (1992), citing WASH. POST, Oct. 13, 1991, at A1, col. 1.

11. See *Iraq Retains "Theoretical Capability" for Nuclear Weapons: IAEA*, Agence France Presse, Apr. 15, 1996, available in 1996 WL 3838628.

12. *U.S.-Disarmament: Top General Calls for Weapon's Elimination*, Inter Press Service, Dec. 4, 1996, at 1, available in LEXIS, News Library, Curnws File (quoting Ret. U.S. Air Force Gen. George Lee Butler, former head of U.S. Strategic Air Command).

weapon of mass destruction at its disposal, be it nuclear, chemical, or biological. They drew this lesson after observing the overwhelming conventional non-nuclear military capability that General Horner and others so visibly demonstrated on the Gulf War battlefield.

A number of commentators have pointed out that during the Gulf War the United States never made serious preparations to use nuclear weapons in response to a potential Iraqi chemical or biological weapons threat.¹³ Though those who argue that a U.S. president would never order the use of nuclear weapons in response to a chemical or biological weapons attack may be correct, uncertainty on this point contributed to the Iraqi decision not to use these weapons against U.S. forces. While other considerations were present, a National Defense University study, based on interviews with U.S. policymakers and information from Iraqi defectors, indicates uncertainty about whether the United States would use nuclear weapons contributed to deterring Saddam Hussein from using chemical and biological weapons.¹⁴ The question in this world of biological and chemical weapons proliferation, especially where such proliferation has proven difficult to control, is whether we need to retain the option of using nuclear weapons for deterrence purposes.

This does not mean that we cannot make substantial and reciprocal reductions in the number of deployed nuclear weapons. But to enhance the peace and security of the United States and its allies, we must concurrently make substantial progress in a number of other areas. For example, we must improve our current measures to verify nuclear weapon deactivation and disposal, and our ability to prevent and protect against undetected cheating in a world of radically few nuclear weapons. We must make progress in resolving the underlying security concerns and regional tensions that cause countries to seek nuclear weapons. We need more extensive and intrusive verification and inspection regimes for all weapons of mass destruction. Export control regimes must be more stringent and must have real sanctions for violators. In addition, it is imperative to have an international political consensus and a firm legal foundation that would

13. See William M. Arkin, *Calculated Ambiguity: Nuclear Weapons and the Gulf War*, WASH. Q., Autumn 1996, at 3, 10.

14. See National Defense University Center for Counterproliferation Research, *Deterring and Defending Against Nuclear, Biological, and Chemical Weapons: The Lessons of the Persian Gulf War*, (Nov. 7, 1996) (unpublished study, on file with the *Duke Journal of Comparative & International Law*). See also *Strategic Assessment 1996: Elements of U.S. Power* (visited Dec. 1, 1997) <<http://www.ndu.edu/ndu/inss/sa96/sa96ch16.htm#subhead3>>; LEONARD A. COLE, *THE ELEVENTH PLAGUE* 124-29 (1997).

support military action to eliminate or disrupt covert weapons of mass destruction and efforts to acquire them. We need a counter-proliferation program to give us the military capability to carry out such action, as well as enhanced passive defense measures for our troops if they should come up against an enemy that is armed with chemical or biological weapons. Finally, we should deploy active defenses that can counter the means of delivering these weapons whether by ballistic missiles, cruise missiles, or some other means.

This is a big agenda. It will require significant expenditures in addition to the substantial cost of eliminating nuclear weapons. But this is the agenda we must pursue to move toward a world of radically few nuclear weapons, or even to contemplate eliminating them. The real division in the current nuclear debate is between those who demand the instant elimination of all nuclear weapons and those of us who say, "Wait a minute. We have a lot of hard work to do first." It is an issue of priority and timing. If we are going to even consider radically reducing the number of deployed nuclear weapons, then we have to put a lot of effort into the goals mentioned above. Moving to a world of radically fewer nuclear weapons is less an issue of aspiration than an issue of perspiration. We must put our efforts into implementing an agenda that would permit such reductions in a way that enhances, rather than diminishes, our security.