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A Net Assessment of “No First Use” and “Sole Purpose” Nuclear Policies

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NATIONAL INSTITUTE FOR PUBLIC POLICY

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“No First Use” and “Sole Purpose”
Nuclear Policies**

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Executive Summary

U.S. nuclear declaratory policy, and the weapons that support it, hold both promise for allies and peril for adversaries as the bedrock of the U.S. defense strategy, so any changes to the policy will be of interest worldwide. Then-candidate for President Joseph Biden signaled in a 2020 article for *Foreign Affairs* that it is his wish to change the current U.S. nuclear policy of “calculated ambiguity” concerning when the United States would consider employing nuclear weapons, to a “sole purpose” policy. The sole purpose of the U.S. nuclear arsenal, under this policy, would be restricted to deterrence, and if necessary, response to an adversary’s *nuclear* attack – the United States would reject the threat or employment of nuclear weapons against strategic non-nuclear threats. This policy is very similar in content and intent to the policy the Obama administration reportedly considered, and rejected, twice: nuclear “no first use.” Given the long-standing U.S. nuclear declaratory policy of calculated ambiguity, the apparent fervor with which allies objected to the proposed change, and the ongoing Biden administration’s review of U.S. nuclear policies, it is worth examining in depth the history and prospects of nuclear no first use and sole purpose policies.

This *Occasional Paper* conducts a net assessment of the potential benefits and costs to U.S., allied, and partner security should the United States adopt a nuclear no first use or sole purpose policy. It begins by differentiating between a nuclear no first use and a sole purpose policy, with the former strictly limiting the United States to employing nuclear weapons only in response to a nuclear attack, while the latter – if written in a particular manner – makes the same restriction, but potentially allows for a preemptive nuclear strike against an imminent nuclear threat. Depending on how they are stated, these policies

can have a narrow range of differences, but they are united in their purpose of reducing the salience of nuclear weapons to only a potential nuclear conflict.

U.S. officials, on a bipartisan basis over decades, have rejected these policies in favor of the current policy, calculated ambiguity. This policy attempts to signal to a potential adversary U.S. intent clearly enough to highlight “red lines,” or situations in which the United States may consider employing nuclear weapons, while it refrains from telegraphing the timing, type, and size of a response an opponent should expect should it choose not to be deterred. The policy of calculated ambiguity is flexible in its application and presentation, allowing policymakers the freedom of action to convey the optimal mix of diplomacy and deterrence based on the unique situation they face. The policy of calculated ambiguity contributes to deterrence by forcing an adversary to essentially gamble twice when contemplating an attack: first, that the United States will not respond with nuclear weapons, and second, that the planned attack will accomplish its objectives against U.S. and allied conventional forces. In addition, even an imprecise deterrent threat of nuclear first use can contribute to deterrence because an adversary may find it sufficiently credible to be deterred, even if the United States did not necessarily consider it the preferred course of action. Allies and partners greatly value the policy of calculated ambiguity for the same reasons, and all the more so given their relatively close geographic distance from revisionist states with nuclear and strategic non-nuclear capabilities that pose an existential threat to their continued survival. Even though U.S. conventional forces are in general unmatched in the world today, they often are overmatched locally and still require long lead times to organize and deploy across the oceans to defend allies and partners that may be under attack, thus requiring the U.S. policy of extended nuclear deterrence that assures allies and partners

the United States is committed to their security even under the most extreme circumstances.

Proponents of nuclear no first use and sole purpose policies respond, however, that the policy of calculated ambiguity can be needlessly open-ended and dangerously escalatory. They believe there are generally six benefits that the United States would gain from adopting a nuclear no first use or sole purpose policy. First, if adversaries were reassured that if they stayed below the threshold of nuclear use, they would not need to fear a U.S. nuclear first employment—they would then have no reason to preemptively launch their nuclear weapons in a crisis or conflict. Second, these policies could bring about a general reduction in tensions between states as they perceive the non-aggressive intent in each other's policies. Third, a nuclear no first use or sole purpose policy would advance nonproliferation and nuclear disarmament efforts as states would rally behind the United States devaluing the currency of nuclear weapons as an example for others. Fourth, these policies would foreclose an unthinkable and escalatory option, nuclear first use, which would always be the worst possible option in every scenario. Fifth, signaling to adversaries that the United States will not employ nuclear weapons unless they do so first will encourage the conflict to remain at the conventional level, an area of strength for the United States. Sixth, these policies would relax the requirements for nuclear deterrence and assurance, which, proponents contend, should logically lead the United States to reduce its nuclear forces either unilaterally or in concert with others.

The surest way to evaluate whether the proponents of nuclear no first use and sole purpose policies are likely to be correct in recommending a change to U.S. nuclear policy is to evaluate whether other states who have, or currently have, no first use policies obtained the same benefits described above. This *Occasional Paper* examines four cases:

the Soviet nuclear no first use policy, the Chinese nuclear no first use policy, the Indian nuclear no first use policy, and the Soviet chemical no first use policy. After assessing the content, context, and credibility of each no first use policy, this paper demonstrates that each state which held or currently holds a no first use policy has not benefited from it in the ways that advocates predict they should, thus making their promotion of the supposed benefits of a U.S. no first use or sole purpose policy historically unfounded. Importantly, opponents do not view the nuclear no first use policies of states like China and India as credible, even though their relatively small and de-alerted nuclear arsenals, and history of declaring a no first use policy, are ideally suited—in theory—to project a credible signal to adversaries that they need not worry about nuclear first use. If a policy of nuclear no first use does not benefit those states ideally poised to reap the purported benefits, then there appears to be essentially no chance the United States would benefit given its much larger nuclear arsenal and historical aversion to a nuclear no first use policy.

There are a number of a reasons why state leaders have not adopted nuclear no first use policies and do not view their opponents' nuclear no first use or sole purpose policies as credible. The first and most obvious reason is that state leaders have often lied or misled others about their intentions through declaratory policy in the past. Other reasons include the fact that there can be significant military advantages to insincerely expressing a nuclear no first use policy only to break it later for maximum strategic gain. In addition, if adopted, a U.S. nuclear no first use or sole purpose policy would limit the freedom of action for policymakers and remove a potentially critical threat to deter major conflict. Finally, U.S. allies and partners are uniquely threatened by nuclear and strategic non-nuclear threats; should the United States adopt these policies over the objections of its allies and partners, it could cause

extreme harm to existing alliances while simultaneously discouraging those who were considering entering into a partnership with the United States.

U.S. policymakers considering whether to support the policies of nuclear no first use and sole purpose should understand that the theoretical benefits of these policies are just that, theoretical – the historical record does not support any other interpretation. While the proponents of these policies are well-intentioned in seeking to reduce nuclear risks, the policies of nuclear no first use and sole purpose are a beautiful mirage offering benefits that have proven illusory, while the policies' prospective costs remain dangerously real.

Introduction

The U.S. nuclear arsenal serves as the foundation for American national defense strategy and supports a network of alliances and partnerships that span the globe, so any significant change to U.S. nuclear policy will necessarily have far-reaching implications not only for American defense policy, but also the defense policies of potential adversaries, allies, and partners. While U.S. nuclear declaratory policy—encompassing those announced policies relating to the purposes and principles of employment of nuclear weapons—has remained fairly consistent throughout the Cold War and post-Cold War eras, some senior U.S. government officials including President Biden are actively considering shifting policies. In a 2020 *Foreign Affairs* article, then-candidate for President Biden states, “As I said in 2017, I believe that the sole purpose of the U.S. nuclear arsenal should be deterring—and, if necessary, retaliating against—a nuclear attack. As president, I will work to put that belief into practice, in consultation with the U.S. military and U.S. allies.”¹ The United States has never adopted a “sole purpose” or nuclear “no first use” (NFU) policy, although the Obama administration reportedly considered and subsequently rejected these policies twice. Now, however, the Biden administration appears to be considering these potential changes to long-standing U.S. nuclear policy, which itself makes this topic worthy of study, but all the more so given the implications for allies and potential adversaries alike.

¹ Joseph R. Biden Jr., “Why America Must Lead Again,” *Foreign Affairs*, March/April 2020, available at <https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>.

The author would like to thank Keith Payne for his comments on the content and form of this *Occasional Paper*; his keen insights aided everything from the largest ideas to the smallest of details; and Dave Trachtenberg and Michaela Dodge for their invaluable comments and suggestions that certainly made this *Occasional Paper* better.

While analysts in the nuclear weapons policy community regularly comment on the relative merits and demerits of the policies of nuclear no first use and sole purpose, there have been relatively few reports or journal articles devoted to a comprehensive study of these policies and their history. One notable exception is the Congressionally-mandated Institute for Defense Analyses report, *No-First Use of Nuclear Weapons: A Policy Assessment*, authored by William A. Chambers, Caroline R. Milne, Rhiannon T. Hutton, and Heather W. Williams.² The authors utilize case studies of states that have in the past, or currently hold, nuclear no first use policies – which they then use to assess whether the possible security gains for the United States of such a policy offset the possible security risks. This paper utilizes the same set of case studies – the Soviet nuclear no first use policy from 1982-1993, the current Chinese nuclear no first use policy, and the current Indian nuclear no first use policy – but adds a fourth case, that of the Soviet Union’s no first use policy regarding chemical weapons, as a further check on the credibility of declaratory policy involving weapons of mass destruction. This paper is also unique in its contribution to the debate through its comparison of what proponents say the benefits of a nuclear no first use policy are, and whether those states that implemented or currently implement nuclear no first use policies are in fact reaping those purported benefits.

² William A. Chambers, Caroline R. Milne, Rhiannon T. Hutton, and Heather W. Williams, *No-First Use of Nuclear Weapons: A Policy Assessment* (Alexandria, VA: Institute for Defense Analyses, January 2021), available at <https://www.ida.org/-/media/feature/publications/n/no/no-first-use-of-nuclear-weapons-a-policy-assessment/p-20513.ashx>.

A Note on Selecting Case Studies for No First Use

Before and after North Korea's nuclear weapons test in October 2006, state media issued statements declaring North Korea would "never use nuclear weapons first."³ Yet, North Korean officials' numerous nuclear first strike threats since then have called their commitment to this apparent no first use policy into question, if it was ever widely believed in the first place. Given the paucity of evidence for North Korea's nuclear doctrine and officials' motivations, this study will not consider North Korea's nuclear no first use policy as one of its case studies – although it is another example of how quickly stated policy can change and the ambiguities that creates.

In addition, China and Russia have agreed to a bilateral nuclear no first use policy as stated in their *Treaty of Good-Neighborliness and Friendly Cooperation Between the People's Republic of China and the Russian Federation*, signed July 16, 2001.⁴ There is almost no open-source information, however, on whether and how much officials in either state believe the other side will abide by the pledge. While this paper examines a number of factors that indicate both states are wary of purely rhetorical commitments, there is simply not enough evidence to conduct a proper case study of the Sino-Russian nuclear no first use pledge.

The first section of this paper differentiates between the policies of nuclear no first use and sole purpose and explains why such distinctions could be important. The paper then examines the reasons why the United States has

³ As cited in, Terence Roehrig, "North Korea's Nuclear Weapons Program: Motivations, Strategy, and Doctrine," chapter in Toshi Yoshihara and James R. Holmes, *Strategy in the Second Nuclear Age: Power, Ambition, and the Ultimate Weapon* (Washington, D.C.: Georgetown University Press, 2012), p. 92.

⁴ Jiang Zemin and Vladimir Putin, "Treaty of Good-Neighborliness and Friendly Cooperation Between the People's Republic of China and the Russian Federation," *Ministry of Foreign Affairs of the People's Republic of China*, July 24, 2001, available at https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t15771.shtml.

retained its long-standing nuclear declaratory policy of calculated ambiguity and consistently refrained from adopting the policies of nuclear no first use and sole purpose. The paper then moves to outline the purported benefits that proponents of nuclear no first use and sole purpose policies believe will accrue if the United States adopts these policies. To test the likelihood of the United States gaining such benefits, this paper then examines whether the other states that have declared, or currently declare, nuclear no first use or sole purpose policies have in fact reaped the benefits that proponents indicate they should. The paper then concludes by examining the factors behind why states have generally not believed the no first use policies of their opponents, and why that remains the case in the United States as it considers adopting a policy of nuclear no first use or sole purpose.

Defining and Differentiating Between Nuclear No First Use and Sole Purpose Policies

Of all official U.S. declaratory policy, nuclear declaratory policy perhaps deserves the most scrutiny, since the words, and definitions of those words, can have outsized influence on the policies and actions that potential adversaries, allies, and partners may take in the future. In addition, U.S. nuclear declaratory policy shapes and influences the posture and procurement of weapons, regional conventional strategies, diplomatic initiatives, and a host of other government functions. Thus, U.S. nuclear declaratory policy is directed at both friendly and hostile foreign governments as well as domestic audiences. These multiple audiences create a number of potentially competing interests that policymakers must navigate, such as creating a declaratory policy that is general enough to allow for

freedom of action in unforeseen circumstances, while specific enough to reliably convey U.S. “red lines” and the potential consequences for crossing them.

Current U.S. nuclear declaratory policy contains five basic elements: an explanation of the circumstances surrounding *when* the United States may consider employing nuclear weapons, against *whom*, at *what* level, *why* (for what purpose), and *how* nuclear weapons may be employed. The element of *where* the United States could employ nuclear weapons is often left unstated in official U.S. policy, but U.S. officials may consider making it explicit either publicly or privately during a crisis or conflict if considered prudent. U.S. officials can adjust each element of U.S. nuclear declaratory policy to either increase ambiguity or specificity, depending on what perceptions they may want to foster for the potential adversary.

The 2018 *Nuclear Posture Review* (NPR) utilizes the 2010 NPR’s nuclear declaratory policy nearly word-for-word, with the exception being an elucidation of some examples of the “extreme circumstances” in which the United States may consider employing nuclear weapons. The 2018 NPR’s version of U.S. nuclear declaratory policy is worth quoting in full:

The United States would only consider the employment of nuclear weapons in extreme circumstances to defend the vital interests of the United States, its allies, and partners. Extreme circumstances could include significant non-nuclear strategic attacks. Significant non-nuclear strategic attacks include, but are not limited to, attacks on the U.S., allied, or partner civilian population or infrastructure, and attacks on U.S. or allied nuclear forces, their command and control, or warning and attack assessment capabilities.

The United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.

Given the potential of significant non-nuclear strategic attacks, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of non-nuclear strategic attack technologies and U.S. capabilities to counter that threat.⁵

This section of U.S. nuclear declaratory policy presents the *who* (anyone not party to the Nuclear Non-Proliferation Treaty and not in compliance with their nuclear non-proliferation obligations), *what* (the employment of nuclear weapons), *when* (in response to nuclear and strategic non-nuclear attacks) and *why* (to defend the vital interests of the United States, its allies, and partners). The 2018 NPR further describes the *why*, and introduces the elements *how* and at *what* level, when it states, "If deterrence fails, the initiation and conduct of nuclear operations would adhere to the law of armed conflict and the Uniform Code of Military Justice. The United States will strive to end any conflict and restore deterrence at the lowest level of damage possible for the United States, allies, and partners, and minimize civilian damage to the extent possible consistent with achieving objectives."⁶ *Why* the United States may consider employing nuclear weapons receives further clarification (to restore deterrence and minimize damage while achieving objectives), as well as *how* and at *what* level

⁵ U.S. Department of Defense, *Nuclear Posture Review* (Washington, D.C.: Department of Defense, February 2018), p. 21, available at <https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF>.

⁶ *Ibid.*, p. 23.

(in accordance with the law of armed conflict and the Uniform Code of Military Justice).

Nuclear no first use and sole purpose declarations can contain or exclude the same elements of *who, what, when, where, why, and how*—depending on how the policies are formulated and what is left unstated. Although the United States has never adopted a sole purpose declaration, analysts generally recognize a common formulation to the effect of: “The sole purpose of the U.S. nuclear arsenal is to deter—and if needed, respond to—a nuclear attack.”⁷ Proponents of this formulation believe that it properly emphasizes the “response” element of nuclear declaratory policy, implicitly excluding the possibility of U.S. nuclear first use. In this manner, proponents of a sole purpose policy wish to emphasize that nuclear weapons are so powerful, and the consequences of their employment are so potentially destructive, that the United States should only ever consider employing them in response to an adversary’s nuclear attack. In short, nuclear weapons are meant to deter nuclear weapon employment, while non-nuclear forces deter and respond to all other types of attack, including non-nuclear strategic attack like chemical or biological weapons or massive conventional attacks.

Analysts generally consider a nuclear no first use pledge, on the other hand, to be a more restrictive commitment than a sole purpose policy. In its most simple formulation, a nuclear no first use pledge would require that the United States never use a nuclear weapon first, not even if it detects an imminent attack—and logically it may require the United States to confirm nuclear detonations on its homeland or forces before it can respond in kind. While more restrictive than a sole purpose policy, there are still some ambiguities that policymakers can choose to address or leave unaddressed, such as, what constitutes nuclear

⁷ This formulation conforms to President Biden’s stated preference in his *Foreign Affairs* article.

“first use?” Would an adversary’s nuclear test count? What about a “demonstration shot” over the open ocean? Is a U.S. nuclear launch under attack tactic allowed or must the United States wait to confirm nuclear detonations?

Some proponents of a nuclear no first use policy believe there is too much ambiguity in a sole purpose policy, enough to essentially allow the U.S. president to employ nuclear weapons first even if that was not their original “purpose.” A nuclear no first use policy, however, places the emphasis of the policy more explicitly against employment, rather than sidestepping the issue by only discussing “purpose.”

Regrettably, analysts in the field of nuclear policy have yet to form a consensus on whether the two policies are close enough to being the same for the distinction to be meaningless, or far enough apart to create a meaningful difference. Many analysts and former officials use both terms interchangeably, whereas others draw distinctions between the two policies, but agree that their ultimate goal is the same: to reduce reliance on nuclear weapons by restricting the scenarios in which U.S. officials may consider employing them. The 2009 Evans-Kawaguchi report, *Eliminating Nuclear Threats*, for example, recommends states adopt a sole purpose policy rather than a nuclear no first use policy because they are “essentially the same idea” and there is too much cynicism and disbelief concerning previous and current nuclear no first use policies.⁸ In this example, it appears the authors are playing with semantics to avoid association with policies that they acknowledge other states do not view as credible. Others, such as Steve

⁸ Gareth Evans and Yoriko Kawaguchi, co-chairs, *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers* (Canberra, Australia: International Commission on Nuclear Non-Proliferation and Disarmament, 2009), p. 173, available at http://www.icnnd.org/reference/reports/ent/pdf/ICNND_Report-EliminatingNuclearThreats.pdf.

Fetter and Jon Wolfsthal, call the two policies “essentially equivalent... because if the only purpose of nuclear weapons is to deter the use of nuclear weapons by others, then there is no reason to use or threaten to use nuclear weapons first.”⁹

In addition, some former senior Obama administration officials reportedly disagree and believe that under a sole purpose policy, the United States may still be allowed to employ nuclear weapons first if there are clear indications of an adversary’s imminent nuclear attack.¹⁰ According to this view, the real restriction for this policy would be that the United States would not employ nuclear weapons in response to massive adversary use of chemical weapons, biological weapons, or a conventional attack against the United States, its allies, or its partners, among other strategic non-nuclear kinds of attack. A sole purpose policy, according to this view, would only become equivalent to a nuclear no first use policy if it included words to the effect of the Biden formulation: “... the sole purpose of the U.S. nuclear arsenal should be deterring—and, if necessary, retaliating against—a nuclear attack”—which would seem to imply the United States could only employ nuclear weapons once it has confirmed it is under nuclear attack (not simply seeing the preparations for one).

Recently, analysts Ankit Panda and Vipin Narang provided a window into the public debate with their article that helpfully parses the differences between a nuclear no first use policy and a sole purpose policy by framing the question of policy in terms of a statement of use or employment (NFU) versus a statement of purpose (sole purpose). They believe that this distinction can be

⁹ Steve Fetter and Jon Wolfsthal, “No First Use and Credible Deterrence,” *Journal for Peace and Nuclear Disarmament*, Vol. 1, No. 1 (2018), pp. 6-7.

¹⁰ Anna Péczeli, “Best Options for the Nuclear Posture Review,” *Strategic Studies Quarterly*, Vol. 11, No. 3 (Fall 2017), pp. 79-80.

meaningful, depending on how a sole purpose policy is written. If, as they explain, the policy is “The sole purpose of the U.S. nuclear arsenal is to deter—and, if necessary, retaliate against—a nuclear attack on the United States and its allies,” then it would be substantially similar to a nuclear no first use policy. Narang and Panda, however, then state:

By declaring simply that “the sole purpose of U.S. nuclear weapons is to deter nuclear attack on the United States, our allies, and partners,” the United States can meaningfully de-emphasize the role of nuclear weapons in its security strategy without undermining the robustness of its extended deterrence commitments. It is not a no-first-use declaration—and allies would have a harder time believing or arguing that it is—but it declares and states the reality that the United States currently possesses nuclear weapons solely—not primarily or fundamentally, but solely—to broadly deter nuclear attack on itself and its allies. And it leaves just enough ambiguity about how the United States may do so and against what threats to avoid eroding primary or extended deterrence.¹¹

Setting aside for the moment that it is not “reality” that the United States only retains nuclear weapons to deter nuclear attack, as the 2018 *Nuclear Posture Review* clearly demonstrates in its section on nuclear weapon roles, the claim that declarations of purpose can function differently than declarations of use or employment deserves further scrutiny.

¹¹ Ankit Panda and Vipin Narang, “Sole Purpose is not No First Use: Nuclear Weapons and Declaratory Policy,” *War on the Rocks*, February 22, 2021, available at <https://warontherocks.com/2021/02/sole-purpose-is-not-no-first-use-nuclear-weapons-and-declaratory-policy/>.

In one sense, it is true that declarations of purpose are not necessarily the same as declarations of use—one could imagine declaring that one is buying a shotgun for the sole purpose of defending the family from burglars, but upon arriving home, discovers a wild animal attacking his pets and shoots it with the shotgun. In this case, the sole purpose of the shotgun was, at the time of purchase, to defend the family from intruders, but due to unforeseen circumstances, it was employed for a different purpose. If the gun seller forced the buyer to list all possible uses of the shotgun, then the resulting statement would look vastly different than the original sole purpose statement.

This example demonstrates the difficulty of implementing a sole purpose statement regarding nuclear weapons. The gun owner can honestly say that the gun's sole purpose, at the time of purchase, was defense against human intruders; in the same manner, a state's leader can honestly say that nuclear weapons' sole purpose is to deter, but unforeseen extreme circumstances led to a different usage, such as ceasing an adversary's massive use of chemical weapons against an ally.

Yet, it is very likely when government officials discuss with each other, and especially with allies, the purpose of U.S. nuclear weapons, they will in fact be elaborating on their utility—the ability to be used or employed for a specific purpose. So, while a theoretical linguistic line can be drawn between a declaration of purpose and a declaration of use, in common language, it is a distinction without a difference. The purpose of an object and the use of an object are concepts that are so tightly linked that it seems very unlikely that allies and adversaries would perceive a distinction between a sole purpose declaration and a nuclear no first use declaration. As Panda and Narang admit, states like Russia, China, and North Korea would most likely never believe the United States, no matter its declaratory policy; and, when combined with the fact

that allies have reportedly objected to U.S. considerations of a nuclear no first use policy on the basis of being against restricting the circumstances in which the United States would consider employing nuclear weapons (the goal of both policies), then there seems to be little reason to try to draw a distinction.

In short, when trying to determine whether there is a distinction between nuclear no first use and sole purpose policies, it is best to state clearly the purpose of the policy. If the policy's purpose is to restrict the circumstances in which the United States considers employing nuclear weapons to exclude massive conventional attack, chemical attack, biological attack, or preempting an adversary's imminent nuclear attack, then the nuclear no first use and sole purpose policies are exactly the same. In this instance, if the Biden administration adopted such a sole purpose declaration, it would be copying the Evans-Kawaguchi model and trading a baggage-laden policy term (no first use) for the more acceptable euphemism of a sole purpose policy. If, on the other hand, the Biden administration's purpose in adopting a sole purpose policy is to exclude the above scenarios but retain the option of nuclear preemption against an imminent adversary nuclear attack, then a sole purpose policy would have a meaningful difference—if only in an extremely narrow range of scenarios—to a nuclear no first use policy.

Summary

Any important U.S. policy deserves to be crafted to minimize the risk of misperceptions, and on this point, we should bear in mind the words credited to Lord Balfour, former U.K. Prime Minister and Foreign Secretary, "I am told people complain that I am given to drawing fine distinctions. I am. High policy depends upon fine distinctions: and, if people find they cannot understand

them, they should entrust their affairs to those who do.”¹² Depending on how they are crafted then, there can be fine distinctions—important to adversaries and allies alike—between the policies of nuclear no first use and sole purpose. Both have the same goal of restricting the scenarios in which a U.S. president and defense leadership would consider employing nuclear weapons. Where they differ is that a sole purpose policy could theoretically allow for nuclear preemption against an imminent adversary nuclear attack, while a nuclear no first use policy would exclude such a possibility.

Reasons For Current U.S. Nuclear Declaratory Policy

U.S. nuclear declaratory policy evolved during the Cold War in large part due to shifting threat perceptions and the military technology available—but, since at least President Nixon’s National Security Decision Memorandum 242, issued in 1974, the United States has been planning for how to respond to both massive nuclear attacks as well as more limited attacks such as the “extreme circumstances” spelled out in the 2018 NPR.¹³ As the Cold War progressed through the 1970s, U.S. officials broadened their focus to include deterring limited nuclear strikes, massive conventional conflict, and chemical and biological warfare. Proponents of nuclear no first use and sole purpose policies thus concentrated their primary efforts on promoting these policies as ways to reduce reliance on nuclear weapons at

¹² Arthur Balfour, as quoted in C.A.W. Manning, *The Nature of International Society* (London: London School of Economics, 1962), p. 64.

¹³ Richard Nixon, “National Security Decision Memorandum 242,” *Nixon Library*, January 17, 1974, available at https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nsdm/nsdm_242.pdf.

the levels of conflict below full-scale nuclear exchanges. Yet, since the end of the Cold War, all Democratic and Republican administrations have chosen to retain the current U.S. policy of calculated ambiguity as it applies to nuclear employment—neither fully articulating nor withholding all information on the circumstances in which the United States would contemplate employing nuclear weapons.

Calculated Ambiguity and Contributions to Deterrence

U.S. officials since at least the end of the Cold War have stated that a policy of calculated ambiguity can aid deterrence of nuclear and strategic non-nuclear attack by being purposefully vague as to under what precise circumstances the United States would contemplate employing nuclear weapons. This policy attempts to blend the deterrent effect of uncertainty with the deterrent effect of rhetorical boundaries, or “red lines.” The policy of calculated ambiguity occupies a middle ground between providing the potential adversary with no clues as to U.S. intentions and telegraphing U.S. intentions and capabilities for each eventuality.

Calculated ambiguity, as U.S. policy, thus attempts to combine the best of both worlds by leaving open the possibility of nuclear weapons employment while not committing U.S. officials to any particular size or kind of attack. By recognizing the explicit possibility of nuclear employment, while not revealing its relative likelihood, U.S. officials utilize calculated ambiguity to promote a specific kind of deterrence message in the mind of potential adversaries: the likelihood and consequences of U.S. nuclear employment are both uncertain and high enough to make the possible gains of an attack not worth pursuing. The U.S. policy of calculated ambiguity is thus meant to

invite the potential adversary to imagine a realistic scenario in which the United States has the will and capability to employ nuclear weapons to such an extent as to make the adversary's war aims appear too costly.

In this sense, an imprecise threat of nuclear first use can aid deterrence by broadening the range of scenarios in which an adversary must consider the possibility of a devastating U.S. nuclear response. Even if U.S. officials internally do not view actual first nuclear use to be the preferred course of action, the adversary cannot be sure U.S. officials will come to that conclusion, and that resulting uncertainty can aid in deterring the attack. An ambiguous deterrent threat thus allows deterrence to "work" in more potential scenarios than a precise deterrent threat—and, importantly, the former does not preclude the latter. In short, U.S. policy seeks to make clear to an adversary that its response to a strategic attack is certain, but the particulars about that response are uncertain and potentially so costly that the adversary should choose to be deterred.

Additionally, the policy of calculated ambiguity presents not only another decision point where an adversary's pre-conflict plans and predictions could be proven wrong, but a decision point where they can be proven catastrophically wrong. As the scholar Richard Betts stated regarding the possibility of adopting a no first use policy during the Cold War, "As opposed to the old Massive Retaliation rationale, the Soviets must gamble *twice*: first that NATO will not retaliate with first-use of nuclear weapons in some fashion that prevents Soviet victory at an acceptable price; second, that NATO's conventional forces will fail."¹⁴ Thus, the U.S. strategy of calculated ambiguity can impose an additional component

¹⁴ Emphasis in original. Richard K. Betts, "Compound Deterrence vs. No-First Use: What's Wrong is What's Right," *Orbis*, Vol. 28, No. 4 (Winter 1985), p. 707.

of uncertainty into the adversary's plans for achieving victory, perhaps to such a degree—in combination with other factors—that the adversary refrains from attacking in the first place.

Calculated Ambiguity and Crisis Stability

One benefit of the policy of calculated ambiguity for crisis stability, that is, preventing or minimizing the conditions under which deterrence could fail, is that U.S. officials do not need to restate current policy in a crisis or conflict if they do not view such an explicit restatement as likely to have the desired deterrent effect. The policy can sit in the background as a reminder to potential adversaries that they can never perfectly predict U.S. intentions in every contingency. If U.S. officials believe that explicitly stating the possibility of nuclear employment might inflame a crisis or perhaps provoke the adversary's leadership, then they can refrain from repeating the policy publicly. With a policy of no first use or sole purpose, however, if U.S. officials up to the president change their mind and decide that a public or private expression of the possibility of U.S. first nuclear employment would be the least bad option in a major crisis or conflict, the sudden change of policy may worsen the situation in ways that a simple "reminder" of existing policy would not have. If, for example, during a conventional conflict with an adversary that was contemplating mass employment of chemical weapons, a U.S. leadership operating under a nuclear no first use policy decided as a last-ditch effort to threaten nuclear employment to deter chemical attack, then it will become more difficult to explain to the adversary later why U.S. policy is holding firm in one area while it changed in another. That is, if the United States breaks its own pledge to never threaten nuclear first use, an adversary will likely be even less inclined to believe U.S.

pledges and policies later in a conflict, such as during cease-fire negotiations.

Additionally, a policy of calculated ambiguity allows for U.S. nuclear forces to be kept at high levels of readiness, and in some cases, on alert to deter large-scale nuclear attack. Under a policy of nuclear no first use or sole purpose, proponents would likely demand that U.S. intercontinental ballistic missiles (ICBMs) be taken off their current day-to-day alert to more credibly signal to potential adversaries that the United States is committed to its policy of not employing nuclear weapons first. During a crisis or conflict, however, the U.S. president would face the competing priorities of maintaining the survivability of the U.S. nuclear arsenal by raising the alert level, and, on the other hand, not seeking to escalate a crisis by unintentionally signaling a nuclear first use. Some may interpret the United States re-alerting its nuclear forces to increase their survivability during a crisis to be either in contravention of its no first use or sole purpose policy, or at the very least, not in keeping with the intentions of those policies. By keeping portions of the U.S. nuclear force on alert, however, the United States can signal its capability and will to employ nuclear weapons in defense of its vital interests without the risks that a “race to re-alert” might entail due to adhering to a nuclear no first use or sole purpose policy.

Perhaps most importantly for deterrence, the policy of calculated ambiguity is flexible in its application, whether it is stated or unstated, clarified or left ambiguous. In short, a policy of calculated ambiguity provides U.S. leadership the most options to achieve the best outcome, both for diplomacy and deterrence. As a crisis or conflict unfolds, U.S. officials can easily adopt more specific declaratory policy as the diplomatic and deterrence requirements change—however, changing from a more restrictive policy, like nuclear no first use, to threatening the possibility of first

use can more easily be misinterpreted. As the Congressionally-mandated and bipartisan U.S. *Strategic Posture Commission* (Perry-Schlesinger Commission) stated, “Calculated ambiguity may not be wise in every instance, as deterrence in crisis may be better served by being explicit. But calculated ambiguity creates uncertainty in the mind of a potential aggressor about just how the United States might respond to an act of aggression, and this ought to reinforce restraint and caution on the part of that potential aggressor. The threat to impose unacceptable consequences on an aggressor by any means of U.S. choosing remains credible.”¹⁵

Calculated Ambiguity and the Assurance of Allies

The policy of calculated ambiguity remains popular among U.S. allies and partners for many of the same reasons it has remained U.S. policy across Democratic and Republican administrations. First, allies and partners value the flexibility provided by a policy of calculated ambiguity, which does not commit them to any particular course of action before the dynamics of a crisis or conflict are fully known—ultimately providing another option to allow diplomacy and deterrence to have an effect. Second, allies and partners are the closest geographically to many of the nuclear and strategic non-nuclear threats that may compel the United States to consider threatening nuclear first use for deterrence. During the Cold War, such a scenario typically involved a massive Soviet conventional attack that NATO could only hope to stop with the early first use of

¹⁵ Congressional Commission on the Strategic Posture of the United States, William J. Perry (Chairman) and James R. Schlesinger (Vice-chairman), *America's Strategic Posture* (Washington, D.C.: United States Institute of Peace Press, 2009), p. 36, available at https://www.usip.org/sites/default/files/America's_Strategic_Posture_Auth_Ed.pdf.

nuclear weapons to deny the Soviet Union a victory. Today, such a scenario could hypothetically involve the United States consulting with South Korea and Japan on nuclear employment to prevent or terminate large-scale North Korean chemical weapons use.

It is important to note in this regard the role that geography plays in U.S. nuclear declaratory policy—a factor that few government or non-government analysts have fully examined. Blessed with two large oceans on the east and west, and friendly neighbors to the north and south, the United States has leveraged its political and economic ties to form alliances and partnerships around the world, mainly through its formidable naval capabilities. States in Europe and Asia have found friendship with the United States to be mutually beneficial both economically and militarily as they face hostile hegemonic powers on their respective continents. To reinforce its commitments to the security of its allies and partners, the United States developed a system of military bases overseas where it could land troops and weapons in the event of a crisis or conflict.

Thus, given the relative isolation from its allies and partners, the United States developed military declaratory policies that essentially promised to come to their aid in case of an adversary's aggression, but mobilizing and transporting immense numbers of U.S. conventional forces, both personnel and weapons, would take a great deal of time—time that may not necessarily be available if the situation was severe for an ally or partner.

Therefore, the United States, allies, and partners have valued keeping the option open of nuclear first use as one way to minimize the problem of the prolonged time it takes to mobilize and transport overwhelming conventional forces from the U.S. homeland to the spot of a crisis or conflict. As the late strategist Colin Gray wrote towards the end of the Cold War, "Because of the geographical

asymmetry between the superpowers and given the interests most likely to be at immediate stake in a conflict, the principal burden of decision regarding nuclear escalation is likely to be borne by NATO and the United States.”¹⁶ In other words, given the aggressive nature of states like China, Russia, and North Korea, and given the geographic proximity of U.S. allies close to those states, and the large distance between the United States and those allies, the decision about the need to employ nuclear weapons first will likely weigh more heavily on the United States and its allies. U.S. officials view all of these factors as increasing the importance of calculated ambiguity and the weapon systems and policies that make it credible to allies, partners, and potential adversaries.

U.S. officials have only rarely ever considered dropping the policy of calculated ambiguity in favor of a policy of nuclear no first use or sole purpose, in no small part because allies and partners have consistently favored the status quo. The Obama administration reportedly considered adopting a no first use or sole purpose policy twice, once at the beginning of the administration around 2010, when it was writing its *Nuclear Posture Review*, and once toward the end of the administration in 2016, as President Obama was close to leaving office.¹⁷ Multiple Obama administration senior officials have recounted how allied officials expressed their profound opposition to such a change in U.S. nuclear declaratory policy. For example, Gary Samore, White House Coordinator for Arms Control and Weapons of Mass

¹⁶ Colin S. Gray, “The Strategic Implications of the Nuclear Balance and Arms Control,” chapter in, Richard F. Staar, ed., *Arms Control: Myth Versus Reality* (Stanford, CA: Hoover Institution Press, 1984), p. 28.

¹⁷ Josh Rogin, “U.S. Allies Unite to Block Obama’s ‘Nuclear Legacy,’” *The Washington Post*, August 14, 2016, available at https://www.washingtonpost.com/opinions/global-opinions/allies-unite-to-block-an-obama-legacy/2016/08/14/cdb8d8e4-60b9-11e6-8e45-477372e89d78_story.html.

Destruction, Proliferation, and Terrorism, stated, “So we wanted to make sure that our allies knew that our new negative security assurance would not jeopardize our commitment to their security. And for the same reason, we are obviously not prepared to do ‘no first use’ or ‘sole purpose’ because that could raise questions about our commitment to use the full range of our military forces to protect friends.”¹⁸ Or, as Robert Einhorn, Special Advisor for Nonproliferation and Arms Control at the Department of State, said at a rollout event for the 2010 NPR, “In our discussions with allies and friends around the world – and we had many frequent contacts with those friends – they indicated to us that such a radical shift [sole purpose] in [sic] U.S. approach could be unsettling to them.”¹⁹ Indeed, subsequent investigation by academic researchers and extensive interviews with Japanese officials revealed that Japanese leaders were “relieved” that the 2010 NPR did not issue a nuclear no first use or sole purpose policy.²⁰

Later, in 2016, the Obama administration revisited the issue of perhaps issuing a nuclear no first use policy. Jon Wolfsthal, who at the time was the Senior Director for Arms Control and Nonproliferation at the National Security Council, recounts how leaders in the U.S. Department of Defense were opposed to such a change because of concerns

¹⁸ Gary Samore, as quoted in, “International Perspectives on the Nuclear Posture Review,” *Carnegie Endowment for International Peace*, April 22, 2010, available at <https://carnegieendowment.org/files/0422carnegie-samore.pdf>.

¹⁹ Robert J. Einhorn, as quoted in, “DoD’s Nuclear Posture Review Rollout Briefing,” *Defense.gov*, April 7, 2010, available at https://dod.defense.gov/Portals/1/features/defenseReviews/NPR/PC_4-7-10_Nuclear_Posture_Review.pdf.

²⁰ Ralph A. Cossa and Brad Glosserman, “Extended Deterrence and Disarmament: Japan and the New US Nuclear Posture,” *Nonproliferation Review*, Vol. 18, No. 1 (2011), pp. 131-132.

about its effects on U.S. allies Japan and South Korea.²¹ When news about how the Obama administration was considering a nuclear no first use policy leaked to the press, Wolfsthal recalls:

... we got a call from [Japanese] Prime Minister Abe's office objecting to no-first-use adoption... We had visits from Japanese officials. And it had almost nothing to do with North Korea and it had almost everything to do with China, the idea that somehow if we were to adopt no-first-use, it would be seen by China as reducing our commitment to Japan, and therefore it would reduce Japanese security. And when we made the argument that it is not credible for the United States to threaten the use of nuclear weapons first against China and that eliminating that would make our retaliatory threat much more credible, that was not an argument that was convincing to the Japanese government.²²

Contemporaneous reporting indicates that it was not only Japanese officials that objected to changing U.S. nuclear declaratory policy, but officials from the United Kingdom, France, Germany, and South Korea also voiced their concerns to U.S. officials.²³

The twice-considered and twice-rejected switch to a nuclear no first use or sole purpose policy under President

²¹ Tomoko Kurokawa, "Determinants of the Nuclear Policy Options in the Obama Administration: An Interview with Jon Wolfsthal," *Journal for Peace and Nuclear Disarmament*, Vol. 1, No. 2 (2018), p. 500.

²² *Ibid.*, p. 503.

²³ Rogin, "U.S. Allies Unite to Block Obama's 'Nuclear Legacy,'" *op. cit.*; and, Paul Sonne, Gordon Lubold, and Carol E. Lee, "'No First Use' Nuclear Policy Proposal Assailed by U.S. Cabinet Officials, Allies," *The Wall Street Journal*, August 12, 2016, available at <https://www.wsj.com/articles/no-first-use-nuclear-policy-proposal-assailed-by-u-s-cabinet-officials-allies-1471042014>.

Obama was not the only time that allies have voiced strong opposition to the United States considering changing its nuclear declaratory policy. For example, David Owen, the former U.K. Secretary of State for Foreign Affairs, stated that in the late 1970s the United States, under President Jimmy Carter, "... got very close to making a no first-use declaration which [U.K. Prime Minister] Jim Callaghan and I got very anxious about."²⁴ In 1979, however, as President Carter recounts in his memoirs, after discussing with his senior defense officials whether to adopt a nuclear no first use policy, he decided against it stating, "In Europe, the superiority of Soviet conventional forces now required the threat of our nuclear forces to deter aggression. I did not want to encourage an attack by promising the Soviets that a European war would be fought on their terms."²⁵

In another instance involving the United Kingdom, U.S. President George H. W. Bush spoke at a heads of state meeting of the NATO alliance and proposed declaratory policy that would make nuclear weapons the "weapons of last resort" for the alliance. He envisioned this declaratory policy signaling to potential adversaries and allies alike that NATO was reducing its reliance on nuclear weapons due to the vastly diminished Soviet threat, while retaining the necessary flexibility for future contingencies. Even given the change in threat, and the possibility that it could be a long-lasting change in the threat environment, President Bush still cautioned:

²⁴ David Owen, as quoted in, "War and Peace in the Nuclear Age; Zero Hour; Interview with David Owen, 1987," *GBH Archives*, October 13, 1987, available at https://openvault.wgbh.org/catalog/V_A44BCE09B6A44731A104406F24CCDD9D.

²⁵ Jimmy Carter, *Keeping Faith* (Fayetteville, AR: The University of Arkansas Press, 1995), p. 192.

... so the phrase "last resort", in our view, leaves a lot of room for specific elaboration of a new force posture and employment guidelines. It, of course, protects first use. But this term also signals a change in emphasis, moving away from reliance on using nuclear weapons soon after a conflict has begun... I am still strongly opposed to adopting a doctrine of no first use of nuclear weapons, but "last resort" keeps this flexibility that will leave any possible aggressor uncertain about the risks of escalation, if he is thinking about starting a conventional war. This uncertainty has helped keep the peace in Europe for nearly half a century.²⁶

U.K. Prime Minister Margaret Thatcher spoke just after President Bush and reiterated her support for refraining from a nuclear no first use policy for NATO, stating: "I entirely agree with President Bush that there must be no, we must never say, 'no first use' of nuclear weapons because that would expose Europe, once again, to a conventional war. A potential aggressor would know that he can get a very very long way, indeed perhaps the whole way because we would never use our nuclear weapons and if we were ever to say 'no first use', we would remove the flexibility and gravely weaken the deterrent effect of nuclear weapons."²⁷

One final benefit regarding allies and the U.S. policy of calculated ambiguity is that it maintains long-standing

²⁶ George H. W. Bush, as quoted in, NATO, *Verbatim Record of the North Atlantic Council Meeting with the Participation of the Heads of State and Government* (Brussels, Belgium: NATO, July 5, 1990), p. 11, available at https://archives.nato.int/uploads/r/null/2/1/217013/C-VR_90_36-PART1_ENG_NHQP1644626.pdf.

²⁷ Emphasis in original. Margaret Thatcher, as quoted in, NATO, *Verbatim Record of the North Atlantic Council Meeting with the Participation of the Heads of State and Government*, op. cit., pp. 15-16.

consensus within the NATO alliance on nuclear declaratory policy, especially with the United Kingdom (which uses the term “deliberate ambiguity”) and France, which both have their own independent nuclear arsenals. Achieving consensus in NATO is already difficult on some sensitive issues, but it would be more difficult if key members of the alliance had nuclear declaratory policies in direct contradiction of one another. Such a fracture would be a self-inflicted wound that would accomplish a long-standing Russian goal of weakening the NATO alliance. As Brad Roberts, former Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy, wrote recently, “The United States’ adoption of NFU would also put the US at odds with its two nuclear-armed allies—the UK and France—and with the NATO tradition of calculated ambiguity. This would reinforce Russia’s expectation of Western disagreement and disarray in a time of burgeoning crisis, which could encourage risk-taking by Russian leaders.”²⁸

²⁸ Brad Roberts, “Debating Nuclear No-first-use, Again” *Survival*, Vol. 61, No. 3 (2019), p. 49.

Allies, Nuclear No First Use, and Ethnocentrism

In 1979, the eminent scholar Ken Booth wrote an influential book, titled *Strategy and Ethnocentrism*, that examined the mostly harmful effects of strategists throughout history examining issues without being cognizant of their own ethnocentric biases and tendencies. He argued that if strategists do not understand their own cultural influences, and especially the cultural influences of an opponent or ally, then strategists cannot provide accurate assessments. He stated, "The lack of empathy has meant an absence of an intimate understanding of the feelings, thoughts, and motives of others: this has prevented an accurate forecasting of likely responses."²⁹ He then stated, "Strategic opinion in the West has been based overwhelmingly on the assumption that doctrine as it has evolved in the United States has been both right and best... When dealing with such a backward and secretive opponent [the Soviet Union], the typical US strategist would argue that it is necessary to try and 'educate' the other nation in the finer points of the subject..."³⁰ Regrettably, some proponents of nuclear no first use policies have lapsed into this way of thinking when discussing U.S. allies specifically.

For instance: "... US allies should see a declaration of no first use as an expression of this country's [U.S.] confidence in the capabilities of its conventional forces to deter or defeat any nonnuclear threat from a state adversary... And, if US allies are thinking clearly, they will conclude that the US pledge to come to their defense if they are attacked is actually more believable by all concerned if it is based on defending them with conventional rather than nuclear forces."³¹ As another example, Steve Fetter and Jon Wolfsthal state, "A key challenge for those who support no first use is working with and helping allies understand in concrete terms that such a step would enhance the credibility of

²⁹ Ken Booth, *Strategy and Ethnocentrism* (New York: Holmes & Meier Publishers Inc., 1979), p. 40.

³⁰ *Ibid.*, p. 41.

³¹ John P. Holdren, "The Overwhelming Case for No First Use," *Bulletin of the Atomic Scientists*, Vol. 76, No. 1 (2020), p. 5.

US commitments to their security.”³² They go on to bemoan how allies had repeated back U.S. “dogma,” as if it was not sincerely held: “Unfortunately, that NPR [1994]—and the two that followed—rejected no first use, largely due to concerns expressed by allies who had been told by US officials for decades that the US nuclear arsenal was the foundation of their security. That thinking and dogma was slow to change.”³³ Then-President of Ploughshares Fund, Joe Cirincione, even went so far as to call allies who opposed the United States adopting a nuclear no first use policy “nervous nellies.”³⁴

These ethnocentric statements lack the required level of understanding concerning U.S. allies’ threat perceptions and motivations to recognize why they oppose a shift in U.S. nuclear declaratory policy. Strategists on all sides of the debate must, as Booth advocates, gain a better understanding of allies and their strategic culture if they are going to properly, and accurately, assess the costs and benefits of the United States adopting a nuclear no first use policy.

Strategic Non-Nuclear Threats Remain

While U.S. officials rarely discuss publicly the specific scenarios in which they believe a president may consider employing nuclear weapons, the typical formulation includes massive conventional, chemical or biological weapons attacks, or attacks on nuclear command, control, and communication (NC3) assets.³⁵ One reason the United

³² Fetter and Wolfsthal, “No First Use and Credible Deterrence,” op. cit., p. 104.

³³ Ibid., p. 106.

³⁴ Joe Cirincione, as quoted in, Rogin, “U.S. Allies Unite to Block Obama’s ‘Nuclear Legacy,’” op. cit.

³⁵ See U.S. Department of Defense, *Nuclear Posture Review*, 2018, op. cit., p. 21.; and, U.S. Department of Defense, *Nuclear Posture Review Report* (Washington, D.C.: Department of Defense, 2010), p. 15, available at https://dod.defense.gov/Portals/1/features/defenseReviews/NPR/2010_Nuclear_Posture_Review_Report.pdf.

States has retained its policy of calculated ambiguity is because these types of threats remain even after the Cold War. Conventionally, for instance, the Russian military cannot match the combined potential conventional force capabilities of NATO—yet NATO forces are often spread out and Russia retains local conventional superiority at its borders with NATO, creating the possibility of an attempted *fait accompli*. Chinese conventional forces also pose an immediate possible threat to U.S. allies in the region—U.S. officials in particular may wish to keep the option open of implicitly or explicitly threatening nuclear first use in case of a forcible Chinese “re-unification” effort against Taiwan.

Although many hoped that chemical weapons would become relics of the Cold War after it ended in 1991, states such as Syria, Russia, and North Korea have used them in recent years to devastating effect. North Korea, for example, employed VX nerve agent to assassinate Kim Jong Nam, Kim Jong Un’s half-brother, and the U.S. government believes Pyongyang maintains a sizable chemical weapons stockpile, “... with up to several thousand metric tons of CW agents and the capability to produce nerve, blister, blood, and choking agents.”³⁶ A recent U.S. Army *Techniques Publication* estimates that North Korea possesses up to 20 different types of chemical weapons and states that it, “... possibly has weaponized anthrax or smallpox that could be mounted on missiles for use against South Korean, U.S., or Japanese targets in the region. One of the most recent defectors, who was a KPAGF [Korean People’s Army Ground Forces] soldier, had been vaccinated against

³⁶ Scott Berrier, “Statement for the Record: Worldwide Threat Assessment,” *DIA.mil*, April 29, 2021, available at <https://www.dia.mil/News/Speeches-and-Testimonies/Article-View/Article/2590462/statement-for-the-record-worldwide-threat-assessment/>.

anthrax.”³⁷ The same report goes on to state that North Korean doctrine calls for a two-front war, and within that, “The first front would consist of a massive conventional assault across the DMZ [de-militarized zone], using substantial firepower and chemical attacks on selected forward-position targets to isolate Seoul before moving farther south. Additionally, ballistic missile strikes—including missiles with chemical warheads—could hit South Korean and U.S. air bases, ports, and C2, communications, computers, intelligence, surveillance, and reconnaissance assets throughout South Korea and in Japan.”³⁸

North Korea, however, is not the only state that could employ chemical weapons on the battlefield—as one U.S. official recently testified, “We have serious concerns about Russia’s chemical weapons program and the threat it poses to U.S. and Allied forces.”³⁹ The U.S. State Department has also concluded that Russia, “... retains an undeclared chemical weapons program,” and has concerns that “Russia’s pharmaceutical-based agents (PBAs) program is for offensive purposes.”⁴⁰ Due to Russia’s employment of

³⁷ U.S. Army, *North Korean Tactics* (Washington, D.C.: Headquarters of the Army, July 24, 2020), p. 1-11, available at https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30043-ATP_7-100.2-000-WEB-2.pdf.

³⁸ Loc cit.

³⁹ Theresa M. Whelan, *Statement of Ms. Theresa M. Whelan, Principal Deputy Assistant Secretary of Defense for Homeland Defense and Global Security* (Washington, D.C.: House Armed Services Committee, February 11, 2020), p. 3, available at <https://www.congress.gov/116/meeting/house/110440/witnesses/HHRG-116-AS26-Bio-WhelanT-20200211.pdf>.

⁴⁰ U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (Washington, D.C.: Department of State, April 2021), p. 16, available at <https://www.state.gov/wp-content/uploads/2021/04/2021-Condition-10-c-Report.pdf>.

chemical weapons in the United Kingdom in 2018, and against one of its own citizens in 2020, the U.S. State Department designated a number of Russian scientific institutes as contributors to Russia's offensive chemical weapons program.⁴¹

China also appears to have at least the foundations for a chemical weapons program. As the Director for the Defense Intelligence Agency (DIA) testified recently:

China probably has the technical expertise to weaponize chemical and biological agents and numerous conventional weapons systems that could be adapted to deliver these agents. China has consistently claimed that it has never researched, produced, or possessed biological weapons. However, China has engaged in potential dual-use biological activities and maintains sufficient biotechnology infrastructure to produce some biological agents or toxins on a large scale... China's chemical infrastructure is sufficient to research, develop, and procure some chemical agents on a large scale.⁴²

Similarly, the U.S. State Department concluded that it could not certify China was in compliance with its obligations under the Chemical Weapons Convention (CWC) due to its research, specifically into PBAs: "Scientists at a Chinese military institute have expressed interest in military applications of PBAs and are engaged in research involving

⁴¹ U.S. Department of State, "U.S. Sanctions and Other Measures Imposed on Russia in Response to Russia's Use of Chemical Weapons," *State.gov*, March 2, 2021, available at <https://www.state.gov/u-s-sanctions-and-other-measures-imposed-on-russia-in-response-to-russias-use-of-chemical-weapons/>.

⁴² Berrier, "Statement for the Record: Worldwide Threat Assessment," op. cit.

the synthesis, characterization, and testing of PBAs with potential dual-use applications. In addition, available information on studies conducted at Chinese military medical institutions indicates that researchers identify, test and characterize diverse families of potent toxins – which raises questions about the intended purposes of the work conducted by the researchers.”⁴³

Closely associated with chemical weapons, the United States has increasingly raised the question of future advances in biological weapons. As a U.S. Joint Chiefs of Staff report notes, “New techniques to edit and modify the genome may allow scientists to harness organisms or biological systems as weapons or to perform engineering tasks typically impractical with conventional methods.”⁴⁴ A recent NATO report on future scientific discoveries that could impact the alliance examined the potential for adversaries to exploit synthetic biology. It states:

New pathogens, novel biological agents or chemical agents, with explicitly engineered and targeted effects (e.g. increased virulence, physical, neurological or physiological impact, genetic susceptibility, etc.), will potentially increase casualties, reduce combat effectiveness and present a strategic challenge to Alliance societies as a whole. The impact of unknown biological agents will challenge the capacity of medical and logistics systems to cope, while countermeasures themselves

⁴³ U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, op. cit., p. 11.

⁴⁴ U.S. Joint Chiefs of Staff, *Joint Operating Environment 2035* (Washington, D.C.: Joint Chiefs of Staff, July 14, 2016), p. 16. available at https://www.jcs.mil/Portals/36/Documents/Doctrine/concepts/joe_2035_july16.pdf?ver=2017-12-28-162059-917.

may present significant health and safety challenges.⁴⁵

Regarding PBAs, the report states, “These may be used explicitly to disrupt to [sic] Alliance operations or destabilise alliance societies through targeted psycho-social effects.”⁴⁶ Given the societal disruption that the COVID-19 virus caused worldwide, it is conceivable that U.S. officials will wish to retain the option of nuclear first use to deter or respond to an adversary’s future biological weapon employment—a position that at least one former senior Obama administration defense official, Under Secretary of Defense for Policy James Miller, has taken in favor of retaining the current U.S. nuclear declaratory policy.⁴⁷

Finally, the 2018 NPR added illustrative examples to U.S. nuclear declaratory policy to further clarify what the United States meant when it used the term “non-nuclear strategic attacks” to describe when it may consider employing nuclear weapons. One of the illustrative examples was “... attacks on U.S. or allied nuclear forces, their command and control, or warning and attack assessment capabilities.”⁴⁸ Although there has been little further official public discussion of this scenario, it may be in response to likely growing Chinese and Russian counter-space capabilities, such as jamming, electronic warfare, directed energy, ground-launched kinetic kill vehicles, and

⁴⁵ NATO Science and Technology Organization, *Science & Technology Trends 2020-2040* (Brussels, Belgium: NATO, March 2020), p. 101, available at https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/190422-ST_Tech_Trends_Report_2020-2040.pdf.

⁴⁶ Loc cit.

⁴⁷ James N. Miller, “No to No First Use – For Now,” *Bulletin of the Atomic Scientists*, Vol. 76, No. 1 (2020), p. 10.

⁴⁸ U.S. Department of Defense, *Nuclear Posture Review*, op. cit., p. 21.

on-orbit technologies.⁴⁹ The DIA has written, for example, that "... PLA [People's Liberation Army] writings suggest that reconnaissance, communications, navigation, and early warning satellites could be among the targets of attacks designed to 'blind and deafen the enemy.'"⁵⁰ The DIA also notes that Russia has a similar doctrine for its counterspace capabilities.⁵¹

Given the range and severity of these strategic non-nuclear threats, and especially their unpredictable future variants, it is clear from current U.S. declaratory policy that officials believe adopting a nuclear no first use policy would, as the late strategist Michael Quinlan stated, "... then have had the perverse effect of lowering the nuclear threshold—the point where a defender being overrun at nonnuclear levels of combat must choose between nuclear action and defeat."⁵² The testimony of General Bernard Rogers, then-Commander in Chief of European Command in the 1980s, is worth quoting in full on this point:

In essence, a no-first-use doctrine would make it appear that NATO would rather accept a conventional defeat than resort to nuclear weapons. This fundamental truth cannot be finessed by advocating that NATO build up its conventional forces before making a no-first-use declaration. Even with such a build-up, we could never guarantee the success of our non-nuclear defense. A

⁴⁹ Defense Intelligence Agency, *Challenges to Security in Space* (Washington, D.C.: Defense Intelligence Agency, 2019), pp. 20-21, 28-29, available at https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Space_Threat_V14_020119_sm.pdf.

⁵⁰ *Ibid.*, p. 14.

⁵¹ *Ibid.*, p. 24.

⁵² Michael Quinlan, *Thinking About Nuclear Weapons: Principles, Problems, Prospects* (New York: Oxford University Press, 2009), p. 103.

no-first-use doctrine would weaken our deterrence of a conventional conflict which eventually might, and probably would, go nuclear.

The answer to preventing nuclear war is not a no-first-use declaration. We cannot create an artificial firebreak between conventional and nuclear war where a natural one does not exist. Between nuclear powers, such a firebreak is unenforceable, immune to lofty statements and peacetime declarations of "no-first-use." Between nuclear powers the flames of any major conventional conflict would burn too intensely to allow us to have faith in the existence of any such firebreak. The only durable and meaningful firebreak is the one between peace and any kind of war. This we achieve by resisting the allure of shortcuts in favor of the harder, but wiser, challenges to increase our deterrence of all types of aggression.⁵³

In addition, a nuclear no first use policy would remove one final option to prevent war, that is, *threatening* nuclear first use as a way to deter the conflict altogether. Granted, nobody can say with certainty how an opponent will react to such a threat, but it would be imprudent to dismiss the possibility out of hand that it could contribute to deterring a conflict.

The U.S. policy of calculated ambiguity and leaving open the option for nuclear first use in a set of limited, extreme circumstances, is flexible enough to adapt to unexpected events in an unfolding crisis or conflict – thus allowing U.S., allied, and partners' leadership a range of options to best promote the desired mixture of diplomacy

⁵³ Bernard W. Rogers, "Prepared Statement of Gen. Bernard W. Rogers," contained in, U.S. Senate, Committee on Armed Services, *National Security Strategy* (Washington, D.C.: GPO, March 25, 1987), p. 937.

and deterrence. Nuclear no first use and sole purpose policy proponents, however, believe that it is precisely this freedom of action that might prompt an adversary's preemptive attack. Instead, they recommend a nuclear no first use or sole purpose policy as a way to reassure adversaries that they will not face a nuclear attack unless they themselves employ a nuclear weapon – thus, in theory, reinforcing deterrence.

Traditionally, U.S. government officials have rejected this line of thinking and retained a policy of calculated ambiguity, but it is worth seriously examining the supposed benefits that proponents believe a nuclear no first use or sole purpose policy could bring, with an eye towards whether other states with the same policies have attained the promised benefits.

Purported Benefits of Nuclear No First Use and Sole Purpose Policies

Proponents of nuclear no first use and sole purpose policies have been quite explicit about the myriad of benefits that they assert these policies would provide. As with nearly all matters of major defense policy, history offers the best available guide as to whether a U.S. nuclear no first use policy or sole purpose policy would in fact work as intended. Before, however, examining the historical record in the next section, this section will focus on describing in detail – using the words of the proponents themselves – the political, military, and diplomatic benefits ascribed to the policies of nuclear no first use and sole purpose. Proponents of no first use and sole purpose policies are not monolithic, and each may not agree with every purported benefit listed in this section. Some proponents, for example, may admit that adversaries could never be sure that the United States would adhere to its nuclear no first use policy under all circumstances, but claim, nevertheless, that the

nonproliferation benefits of such a declaration would outweigh its non-effect on adversaries. Others may disagree and believe that if a nuclear no first use policy is not believed by an adversary—the policy’s primary audience—then it is not worth issuing, given the potential angst it could cause allies.

This section will, therefore, not attempt to reconcile all of these emphases, but rather build a comprehensive profile of the major arguments in favor of these policies—the only way to accurately assess in the next section whether these benefits have accrued to nuclear no first use policy holders in the past. This section will describe each of the major purported benefits (which occasionally take the form of a criticism of the policy of calculated ambiguity, thus the benefit would be in eliminating the policy) and then support that description with representative quotes from proponents themselves.

Reduces Ambiguity that Could Promote Preemption

One major purported benefit that proponents of nuclear no first use and sole purpose policies advance is the effect the policies might have on a U.S. adversary during a crisis or conflict. The basic logic of the argument is that if the United States made a credible declaration that it would not employ nuclear weapons under any circumstances, except in response to an adversary’s nuclear weapon employment, then the adversary would be reassured and not take any steps to preemptively attack the United States, or its allies and partners, with nuclear weapons. In short, if the United States retained its policy of keeping the option of first use open under extreme circumstances, then an adversary may believe a U.S. nuclear strike is highly likely and thus employ its nuclear arsenal either in an attempt to limit damage or as a last act of retribution. U.S. adoption of a nuclear no first use or sole purpose policy would therefore produce greater

crisis stability, lessen the chance of unnecessary escalation, and decrease the possibility of potentially destabilizing misperceptions.

The primary critical assumption underlying this purported benefit is that adversaries will not only believe the U.S. nuclear no first use or sole purpose policy, but that even in crises and conventional conflict the United States will continue to adhere to its policy. If, for example, an adversary doubted a U.S. nuclear no first use or sole purpose policy, then the purported benefits of greater crisis stability, less chance for misperception, etc., collapse.

Some examples of this line of argument, or parts thereof, include:

- “Among other advantages, a clear US no-first-use policy would reduce the risk of Russian or Chinese nuclear miscalculation during a crisis by alleviating concerns about a devastating US nuclear first-strike. Such risks could grow in the future as Washington develops cyber offensive capabilities that can confuse nuclear command and control systems, as well as new strike capabilities and strategic ballistic missile interceptors that Russia and China believe may degrade their nuclear retaliatory potential.”⁵⁴
- “In fact, maintaining the threat of first use, coupled with continued US improvements to its nuclear, advanced conventional strike, missile defense, and cyber capabilities, could prompt China to rethink the merits of its own no-first-use policy and retaliatory strategic nuclear posture. This would undermine the regional security situation and

⁵⁴ Kingston Reif and Daryl G. Kimball, “Rethink Oldthink on No First Use,” *TheBulletin.org*, August 29, 2016, available at <https://thebulletin.org/2016/08/rethink-oldthink-on-no-first-use/>.

increase the risks of early Chinese use of nuclear weapons in a crisis.”⁵⁵

- “A clear U.S. no-first-use policy would reduce the risk of nuclear miscalculation by nuclear-armed adversaries by alleviating concerns about a devastating U.S. nuclear first-strike, especially during a crisis.”⁵⁶
- “A no-first-use policy also counteracts crisis instability in that it reduces the pressure on decision makers to ‘use or lose’ their nuclear weapons. Thus where a first-use posture can heighten the dangers of a crisis between nuclear adversaries, a no-first-use posture can help to defuse them.”⁵⁷
- “First, in a severe crisis (perhaps in the context of an ongoing conventional war), intense apprehensions about a U.S. first strike could prompt an opponent to take dangerous measures to increase the survivability of its forces and help ensure nuclear retaliation, such as adopting a launch-on-warning posture, rapidly dispersing forces, raising alert levels and mating warheads to missiles, or pre-delegating launch authority to field commanders... Second, in the midst of an intense crisis, an adversary’s trepidations about a U.S. first strike could create incentives for signaling and brinkmanship that increase the chances of miscommunication and nuclear escalation....

⁵⁵ Reif and Kimball, “Rethink Oldthink on No First Use,” op. cit.

⁵⁶ Daryl G. Kimball, “Taking First-Use of Nukes Off the Table: Good for the United States and the World,” *War on the Rocks*, July 14, 2016, available at <https://warontherocks.com/2016/07/taking-first-use-of-nukes-off-the-table-good-for-the-united-states-and-the-world/>.

⁵⁷ Ramesh Thakur, “Why Obama should Declare a No-First-Use Policy for Nuclear Weapons,” *TheBulletin.org*, August 19, 2016, available at <https://thebulletin.org/2016/08/why-obama-should-declare-a-no-first-use-policy-for-nuclear-weapons/>.

Whereas in the logic of crisis instability outlined above the use of nuclear weapons occurs through accident or miscommunication, extreme concerns about a U.S. nuclear first strike might also prompt a state to deliberately use nuclear weapons first.”⁵⁸

- “A credible NFU policy will help decrease an opponent’s trepidations about a U.S. first strike, thereby decreasing the possibility that nuclear weapons are used accidentally, inadvertently, or deliberately in a severe crisis.”⁵⁹
- “In the case of smaller nuclear states like North Korea, U.S. threats to ‘go nuclear’ first might be seen as credible because North Korea lacks the ability to destroy all of the United States in retaliation. But threats to ‘go nuclear’ first may make Kim Jong Un more, not less, likely to rely on rapid nuclear launch decisions because of the possible vulnerability of his country’s nuclear forces and leadership to nuclear strike. First-use threats in the Korean context, in which America continues to have massive conventional advantages, actually increase the likelihood of North Korea launching a nuclear weapon first.”⁶⁰
- “There is a net advantage to the United States to transform this tacit understanding [of not using nuclear weapons in conflict] into a formal agreement. A formal treaty would strengthen present practice by spelling out the risk for the

⁵⁸ Michael S. Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” *International Security*, Vol. 35, No. 2 (Fall 2010), pp. 37-38.

⁵⁹ *Ibid.*, p. 39.

⁶⁰ Jon B. Wolfsthal, “Nuclear First-Use is Dangerous and Unnecessary,” *Texas National Security Review*, July 2, 2019, available at <https://tnsr.org/roundtable/policy-roundtable-nuclear-first-use-and-presidential-authority/#essay3>.

decision-maker. It would increase confidence on both sides that nuclear war was neither imminent nor inevitable. This confidence could help to dampen the pre-emptive urge.”⁶¹

- “But beyond reducing those dangers, ruling out first use would also bring myriad benefits. To start, it would reduce the risk of a first strike against us during global crises. Leaders of other countries would be calmed by the knowledge that the United States viewed its own weapons as deterrents to nuclear warfare, not as tools of aggression.”⁶²

Defuses Tension

Closely related to the argument about reducing the risk of deterrence instability, some proponents of nuclear no first use and sole purpose policies believe that the United States should adopt these policies as a way to signal U.S. goodwill and improve bilateral and multilateral relations. Should the United States adopt these policies, in theory, other states will recognize that the United States does not have aggressive intentions and can therefore work more effectively to avoid crises and conflicts. The main barrier to more peaceful relations, according to this line of thinking, is either misperception (thinking the adversary is more aggressive than it is) or lack of communication.

Again, however, the primary critical assumption in this argument is that adversaries will believe the United States,

⁶¹ M. H. Halperin, *A Proposal for a Ban on the Use of Nuclear Weapons* (Washington, D.C.: Institute for Defense Analyses, October 6, 1961), p. iv, available at <http://ucf.digital.flvc.org/islandora/object/ucf%3A5053>.

⁶² James E. Cartwright and Bruce G. Blair, “End the First-Use Policy for Nuclear Weapons,” *The New York Times*, August 14, 2016, available at <https://www.nytimes.com/2016/08/15/opinion/end-the-first-use-policy-for-nuclear-weapons.html/>.

not just initially or during peacetime, but even in the most stressful crises and conflicts. This argument also assumes that other states will recognize that improved relations in one area with the United States should naturally improve relations in other areas, which is certainly not always the case.

Some examples of this line of argument, or parts thereof, include:

- “Eliminating the ambiguity by adopting the sole purpose [sic] might not provide a huge security bonus, but it would have a positive security impact. Russia likely would not follow, at least not in the near term. However, the change could help defuse the current situation, in which both Washington and Moscow believe that the other seeks to lower the nuclear threshold and thus is adjusting its own nuclear policy accordingly. It is not in the U.S. interest that the Russians believe America might go nuclear first and develop (or further develop) a posture to beat Washington to the nuclear punch. That fosters conditions that could be very dangerous in a conventional crisis or conflict and make nuclear use more likely.”⁶³
- “Adoption of the sole purpose [sic] could open the path to a strategic security dialogue with Beijing that has eluded Washington for years. It would raise the political costs to China of abandoning its no first use posture. A change in American policy might even help avoid the development of a U.S.-China nuclear

⁶³ Steven Pifer, “Nuclear Weapons: It’s Time for Sole Purpose,” *The National Interest*, September 15, 2020, available at <https://nationalinterest.org/feature/nuclear-weapons-it%E2%80%99s-time-sole-purpose-168968>.

standoff somewhat similar to that between Washington and Moscow during the Cold War.”⁶⁴

- “... an NFU declaration might also provide an incentive to other nuclear powers to revise their nuclear policies. Although changes in U.S. declaratory policy might not affect North Korean and Iranian nuclear decisions, there is some evidence suggesting that changes in U.S. nuclear policy can influence other nuclear states. India, for example, revised its nuclear policy in January 2003 to include the option to use nuclear weapons in response to CW or BW attacks, apparently in an effort to more closely align its policies with the United States and other nuclear powers.”⁶⁵
- “This would mean that the United States would rely on nuclear weapons only to deter nuclear attacks. Adopting this approach would involve more than ‘cheap talk,’ for it would require meaningful doctrinal and operational changes. Specifically, it would allow the United States to adopt a less threatening nuclear posture. It would eliminate first-strike postures, preemptive capabilities, and other types of destabilizing warfighting strategies. It would emphasize restraint in targeting, launch-on-warning, alert levels of deployed systems, procurement, and modernization plans. In other words, it would help shape the physical qualities of nuclear forces in a way that renders them unsuitable for missions other than deterrence of nuclear attacks. Implementing these steps would significantly reduce the risk of accidental, unauthorized, mistaken, or preemptive use. The

⁶⁴ Pifer, “Nuclear Weapons: It’s Time for Sole Purpose,” *op. cit.*

⁶⁵ Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” *op. cit.*, p. 41.

removal of threats of a nuclear first strike would also strengthen strategic and crisis stability.”⁶⁶

- “But a policy of no-first-use, with its accompaniment of a reduced requirement for new [NATO] Allied nuclear systems, should allow a considerable reduction in fear of all sorts.”⁶⁷

Demonstrates Commitment to Nuclear Disarmament and Nonproliferation

Another major purported benefit to the United States adopting a nuclear no first use or sole purpose policy would be to attain a more effective leadership role in the international nonproliferation and nuclear disarmament community. According to proponents, such policies would signal to others that if the United States can reduce the roles and missions of its nuclear weapons, and do so with no negative effect on its security, then it can persuade others to do the same. If other states perceive the United States as not sufficiently committed to advancing nuclear disarmament, then they may be less willing to work with the United States on its nonproliferation activities. Should the United States adopt a nuclear no first use or sole purpose policy, however, it could contribute to rebuilding U.S. moral standing and produce more cooperation from others, perhaps in an effort to pressure the remaining holdouts who fail to adopt such policies.

In addition, according to proponents, if the United States issued a nuclear no first use or sole purpose policy,

⁶⁶ Nina Tannenwald, “It’s Time for a U.S. No-First-Use Nuclear Policy,” *Texas National Security Review*, July 2, 2019, available at <https://tnsr.org/roundtable/policy-roundtable-nuclear-first-use-and-presidential-authority/#essay2>.

⁶⁷ McGeorge Bundy, George F. Kennan, Robert S. McNamara, and Gerard Smith, “Nuclear Weapons and the Atlantic Alliance,” *Foreign Affairs*, Vol. 60, No. 4 (Spring, 1982), p. 765.

then it would send a signal to other states that may wish to acquire nuclear weapons that those weapons are perhaps not as valuable, militarily or politically, as they imagine. If the United States demonstrates that it does not view its nuclear weapons as relevant in multiple dangerous scenarios, then others may be either persuaded or pressured into thinking the same, thus lowering the overall salience and perhaps number of nuclear weapons in the world.

There are four major assumptions underlying this purported benefit. First, and most importantly, that ill-defined future gains in nonproliferation will more than offset the much more apparent (and immediate) damage to U.S. alliances, and the possible resulting increased chance for nuclear proliferation among allies and partners who perceive an increased need for security gains. Second, that there is a set of states, large enough to make a significant difference in nonproliferation outcomes, whose support of U.S. nonproliferation efforts hinges on changes in U.S. declaratory policy and resulting posture changes. In short, they must believe that the benefits of withholding support for U.S. nonproliferation efforts outweighs the negative consequences of a weaker political, military, and economic effort against proliferators. Third, that other states will view a change in U.S. nuclear declaratory policy, and perhaps successive changes in U.S. nuclear posture, as a credible signal of U.S. intent. Fourth, that other states will be satisfied enough with U.S. efforts in these areas – that is, not demanding even more radical changes – and then begin cooperating with the United States.

Some examples of this line of argument, or parts thereof, include:

- “Declaring a policy and posture of no first use of nuclear weapons offers the most conspicuous opportunity not yet taken for the United States to devalue the currency of nuclear weapons in world affairs... Doing so would bring multiple benefits.

Notably, it would immediately raise the global credibility of the US stance against nuclear proliferation. It would reduce the incentives of potential adversaries that don't have nuclear weapons to acquire them."⁶⁸

- "When the country with the most capable conventional forces the world has ever seen insists that it nonetheless needs nuclear weapons to deter and respond to nonnuclear attacks, it is logically conceding, to any country that fears or professes to fear attack by another, the right to acquire its own nuclear weapons to deter or respond to such attacks."⁶⁹
- "US and Japanese opposition to no first use weakens nonproliferation. The United States and its allies are by far the strongest military alliance in the world. The United States alone spends four times more than China and 10 times more than Russia on defense; the US and its allies together account for over 70 percent of world military spending, over four times more than all adversaries and potential adversaries combined. Because Japan is an island nation, it is easier [sic] defend than was Germany during the Cold War. If Japan believes that the United States must resort to the first-use or threat of first-use of nuclear weapons to defend it against a nonnuclear attack, what message does this send to all other countries—particularly those that are not US allies?"⁷⁰
- "A shift to no first use would also help the United States put the spotlight on states, particularly

⁶⁸ Holdren, "The Overwhelming Case for No First Use," *op. cit.*, p. 3.

⁶⁹ *Ibid.*, p. 4.

⁷⁰ Fetter and Wolfsthal, "No First Use and Credible Deterrence," *op. cit.*, p. 109.

Pakistan and Russia, that threaten to use nuclear weapons in response to a major conventional military attack.”⁷¹

- “Were Washington to set a more restrained example by taking a firm stand against first-use policies, such a scenario [Pakistani first use of tactical nukes against India] would be less likely to develop.”⁷²
- “... we believe a no-first-use policy could catalyze multilateral negotiations to reduce nuclear arms, discourage nonnuclear states from developing them and reinforce the Nuclear Nonproliferation Treaty.”⁷³
- “For nonnuclear NPT member states, especially members of the Nonaligned Movement, NFU would satisfy a long-standing desire for the United States to show a tangible commitment to Article 6 of the NPT, which commits the five declared nuclear weapons states under the treaty to ‘pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.’ Several nonnuclear NPT states have said that a reduction in the role of nuclear weapons in U.S. security policy such as NFU, rather than simple reductions in the number of weapons in the U.S. arsenal, would be a clear and convincing demonstration of the U.S. commitment to eventual disarmament. These states have often based their lack of support for U.S.-led multilateral nonproliferation initiatives, including support for sanctions against proliferant regimes at

⁷¹ Reif and Kimball, “Rethink Oldthink on No First Use,” *op. cit.*

⁷² Thakur, “Why Obama should declare a no-first-use policy for nuclear weapons,” *op. cit.*

⁷³ Cartwright and Blair, “End the First-Use Policy for Nuclear Weapons,” *op. cit.*

the UN Security Council, on the grounds that the United States has not done enough to fulfill its Article 6 obligations.”⁷⁴

- “It is worth remembering that all parties agreed to include a statement in the final consensus document at the 2000 NPT Review Conference calling for ‘a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.’ A no-first-use declaration would help address that concern.”⁷⁵
- “... adopting an NFU policy would help address humanitarian concerns and reduce the salience of nuclear weapons. Likewise, it would ‘be more consistent with the long-term goal of global nuclear disarmament and would better contribute to US nuclear non-proliferation objectives.’”⁷⁶
- “A U.S. NFU stance would make it harder for others to maintain first-use doctrines and would enable the United States to take more effective collective action—militarily, politically, and economically—should a state ever cross the nuclear threshold. It would also put the United States and NATO, as well as America’s East Asian allies, in a stronger position to politically challenge states that maintain first-use postures, and to seek engagement in order to reduce the risks of nuclear use.”⁷⁷

⁷⁴ Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” *op. cit.*, p. 42.

⁷⁵ Scott D. Sagan, “The Case for No First Use,” *Survival*, Vol. 51, No. 3 (June-July 2009), p. 173.

⁷⁶ Tannenwald, “It’s Time for a U.S. No-First-Use Nuclear Policy,” *op. cit.*

⁷⁷ Wolfsthal, “Nuclear First-Use is Dangerous and Unnecessary,” *op. cit.*

Forecloses an Unthinkable and Escalatory Option

Proponents of nuclear no first use and sole purpose policies also believe that limiting U.S. options in a crisis or conflict can be beneficial, both as a restriction on – what they believe to be – the “worst possible” option (nuclear first use) for the United States, and as a limitation on the military options that an adversary would consider. Proponents of this type of argument believe that there are no possible U.S., allied, or partners’ (or combination thereof) interests that would outweigh the costs of U.S. nuclear first use, or threat of first use, in a crisis or conflict. One should note, however, that proponents of this particular argument often conflate “first use” with the deterrence threat of first use. They attempt to link the purportedly always least-desirable decision to employ nuclear weapons first with the conclusion that the United States should therefore not keep the nuclear first use option open as a deterrence threat.

However, one can logically believe that the United States should not employ nuclear weapons first, and yet still wish to retain the threat of it for deterrence purposes. In all of the publications examined for this report, none of the proponents for no first use and sole purpose policies acknowledge this possibility. Instead, they often conflate the obvious potential consequences of first use with the deterrence threat of first use, as if the distinction between threat and actual employment is a without difference. That position, of course, is manifestly faulty. The United States has long made deterrence threats that would likely have unacceptable consequences for the United States if they were executed in the expectation that such threats would help preclude war altogether. The point here is that a first-use deterrence threat option, which with the policy of calculated ambiguity can be implicit or explicit, may be valuable for preventing conflict independent of whether actual nuclear first use is considered prudent on the

occasion; these are separate considerations that should not be conflated. Yet, by the logic of their proposed policies, U.S. officials could not even issue a *deterrent threat* of nuclear first use – no matter how perilous a situation had become.

There are two major underlying assumptions to this argument. First, it assumes that U.S. leaders will either not wish to, or will find it difficult to renege on their pledge even under extreme circumstances. Second, and even more critical, proponents believe that not only can they envision every scenario in which a U.S. president may consider employing nuclear weapons, but they can also imagine the surrounding circumstances, the stakes, the state leaders involved, the capabilities in play, regional dynamics, public opinion support, and all other relevant factors – and they know that under no possible circumstances would it be in the U.S. interest to employ nuclear weapons first in a crisis or conflict.

Some examples of this line of argument, or parts thereof, include:

- “Adopting the sole purpose is a sensible step that would foreclose an option that no president has ever chosen... or ever would.”⁷⁸
- “Yet a fundamental tenet of deterrence theory, first articulated and popularized by Thomas Schelling, is that limiting one’s options can be beneficial for deterrence and strategic stability. By foreclosing the U.S. option to use nuclear weapons first, NFU would enhance crisis stability, bolster conventional deterrence, and provide the United States with renewed political legitimacy and leverage as the leader of the global nonproliferation regime.”⁷⁹

⁷⁸ Pifer, “Nuclear Weapons: It’s Time for Sole Purpose,” *op. cit.*

⁷⁹ Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” *op. cit.*, p. 47.

- “If deterrence fails despite such threats [of first use], a president will feel increased pressure to use nuclear weapons to maintain his or her domestic reputation and America’s international reputation for honouring commitments. In short, such threats do not just signal commitment, they create commitment.”⁸⁰
- “An unambiguous declaratory policy of no first use of nuclear weapons would reduce, but could not entirely eliminate, the calculation of a potential government contemplating the use of chemical or biological weapons that the United States might retaliate with nuclear weapons. In this sense it would likely have some negative impact on deterrence, though considerable residual ambiguity and deterrent effect would remain. A no-first-use declaratory policy would also, however, reduce, but not entirely eliminate, the likelihood that the United States would actually use nuclear weapons first, for the first time since 1945. Reasonable people can differ on how to assess these probabilities and how to value each of the outcomes, but a serious comparison of current and no-first-use doctrine should include a clear assessment of the severe consequences of both kinds of deterrence failure: the immediate consequences of a chemical or biological attack by an adversary, and the long-term consequences of potential nuclear retaliation in the event deterrence fails.”⁸¹
- “The establishment of an agreement, particularly a formal one, creates an additional cost if the rule is violated. Not only must each side calculate its costs and gains in using nuclear weapons, but it also must

⁸⁰ Sagan, “The Case for No First Use,” *op. cit.*, p. 170.

⁸¹ *Ibid.*, p. 171.

estimate the costs and gains in breaking an agreement in terms of establishing future agreements and in terms of its position in the eyes of its adversary, neutrals, and its allies. This may not be an overriding consideration but, in a close decision, it may be marginally crucial at least for the West.”⁸²

- “Suggesting that the United States might want or need to use nuclear weapons first in response to a conventional or some other nonnuclear threat undermines the credibility of our commitment to nuclear retaliation. It is not supported by the nature of the threat facing the alliance today, nor is it likely to in the future.”⁸³
- “It is far from certain that America must rely on nuclear weapons in such situations. Indeed, the scenarios identified by first-use advocates, while plausible, do not make a compelling case for a nuclear first-use policy and generally ignore its risks... A careful step-by-step review of these scenarios suggests that it is very hard, if not impossible, to imagine that the conditions would come about that would lead an American president to initiate a nuclear conflict, while it is easy to see how threatening first-use does more to increase the danger to America and its allies than to decrease it.”⁸⁴
- “Escalating a conflict by introducing the use of nuclear arms is a scary, if not terrifying, proposition. It entails opening a Pandora’s box of unpredictable

⁸² Halperin, *A Proposal for a Ban on the Use of Nuclear Weapons*, op. cit., p. 13.

⁸³ Fetter and Wolfsthal, “No First Use and Credible Deterrence,” op. cit., p. 109.

⁸⁴ Wolfsthal, “Nuclear First-Use is Dangerous and Unnecessary,” op. cit.

and potentially catastrophic consequences—especially when U.S. nuclear weapons would be used against a country that could strike back with its own nuclear arms.”⁸⁵

- “Given the prospect of nuclear escalation once any nuclear weapons are used, and the changes in conventional force balances over the past thirty years, the chance that an American president would choose to use nuclear weapons first is vanishingly small. In virtually every conceivable scenario, he or she would look for other options, since the likely nuclear retaliation for a first-use effort by the United States would inevitably turn a bad situation into something much worse.”⁸⁶
- “Using nuclear weapons first against Russia and China would endanger our and our allies’ very survival by encouraging full-scale retaliation.”⁸⁷
- “... threats of first use are dangerous. As Michael Gerson has argued, they undermine crisis stability in multiple ways. The large, highly accurate U.S. nuclear arsenal, along with missile defenses and new dual-use precision-strike weapons, may lead leaders in Russia and China to believe that the United States is capable of conducting a disarming first strike against them. Furthermore, the entanglement of nuclear and conventional weapons in deterrence strategies could inadvertently increase the chance of nuclear war, while new, smaller nuclear warheads, along with doctrines of ‘escalate to de-escalate’ appear to be lowering the threshold for nuclear use. In a crisis, Russian or Chinese

⁸⁵ Pifer, “Nuclear Weapons: It’s Time for Sole Purpose,” *op. cit.*

⁸⁶ *Loc cit.*

⁸⁷ Cartwright and Blair, “End the First-Use Policy for Nuclear Weapons,” *op. cit.*

leaders might come to believe that the United States might attempt a disarming strike, forcing them, in turn, to contemplate acting preemptively.”⁸⁸

- “... even in the very small number of scenarios where nuclear weapons might seem to be necessary—for example, knocking out North Korean mobile missiles or underground command centers—opening the Pandora’s box of nuclear use would likely lead to uncontrolled escalation. There is no scenario in which using nuclear weapons first can make a bad situation better. As James Doyle, a former staffer at Los Alamos National Laboratory, has argued, ‘It is folly to believe that the use of nuclear weapons could de-escalate a conflict.’”⁸⁹
- “Furthermore, if Russia were the aggressor against NATO, U.S. nuclear use would limit if not eliminate the ability of Washington to rally the global community to condemn and punish Russia for its actions. The world would not be concerned with Russia’s aggression and would instead focus on the United States crossing the nuclear threshold for the first time in more than 70 years. Moreover, some would see Russia’s inevitable retaliation as legitimate.”⁹⁰
- “It is time to recognize that no one has ever succeeded in advancing any persuasive reason to believe that any use of nuclear weapons, even on the smallest scale, could reliably be expected to remain limited. Every serious analysis and every military exercise, for over 25 years, has demonstrated that even the most restrained battlefield use would be

⁸⁸ Tannenwald, “It’s Time for a U.S. No-First-Use Nuclear Policy,” *op. cit.*

⁸⁹ *Loc cit.*

⁹⁰ Wolfsthal, “Nuclear First-Use is Dangerous and Unnecessary,” *op. cit.*

enormously destructive to civilian life and property. There is no way for anyone to have any confidence that such a nuclear action will not lead to further and more devastating exchanges. Any use of nuclear weapons in Europe, by the Alliance or against it, carries with it a high and inescapable risk of escalation into the general nuclear war which would bring ruin to all and victory to none.”⁹¹

Confers Greater Credibility on U.S. Conventional Capabilities than Nuclear Weapons

A follow-on argument in favor of nuclear no first use and sole purpose policies is that—since nuclear weapons employment could be dangerously escalatory—the United States should instead utilize its superior conventional forces to deter, and if necessary, respond to strategic non-nuclear attack. Some analysts even recommend the United States utilize conventional forces alone to respond to limited nuclear attacks in some situations.⁹² According to this line of thinking, it is the logical next step after declaring that the sole purpose of U.S. nuclear forces is to deter and if necessary, respond to nuclear attack to therefore utilize conventional forces to deter and respond to all scenarios short of an adversary’s nuclear employment. Such a shift in policy would, according to proponents, benefit the United States by lowering the risk of nuclear escalation, increasing

⁹¹ Bundy, Kennan, McNamara, and Smith, “Nuclear Weapons and the Atlantic Alliance,” op. cit., p. 757.

⁹² Adam Mount and Pranay Vaddi, *An Integrated Approach to Deterrence Posture* (Washington, D.C.: Federation of American Scientists, January 2020), p. 8, available at <https://fas.org/wp-content/uploads/2020/12/An-Integrated-Approach-to-Deterrence-Posture.pdf>.

the credibility of deterrent threats, and strengthening the taboo against nuclear employment.

One of the often-unstated assumptions for this line of argument is that an adversary's leadership would find the threat of a conventional U.S. response to be an effective deterrent, and particularly more credible than a nuclear threat. This speculative assumption is clearly up for debate. Another closely related, but as of yet unaddressed, point is that proponents imply that existing U.S. policy does not recognize the value of conventional deterrence. As stated above, the policy of calculated ambiguity only leaves open the option of a nuclear first use threat, it does not dismiss the threat of massive conventional response, and in fact incorporates it. Also, this purported benefit again assumes that an adversary leadership will believe the new U.S. nuclear declaratory policy and its willingness to support it even in extreme circumstances. Finally, proponents of this purported benefits often assume the adversary will allow the United States to fight a conflict in an area of the greatest U.S. strength – conventional forces – while at the same time not addressing the fact that U.S. conventional superiority may be a key driving factor for an adversary's nuclear employment in the first place.

Some examples of this line of argument, or parts thereof, include:

- "... as the world's sole conventional military superpower, the United States does not need nuclear weapons to deter or respond to any nonnuclear threats to itself or its allies."⁹³
- "If the threat to use nuclear weapons first is not necessary, it is less than fully credible."⁹⁴

⁹³ Fetter and Wolfsthal, "No First Use and Credible Deterrence," *op. cit.*, p. 104.

⁹⁴ *Ibid.*, p. 108.

- “While the use of an extremely virulent and deadly biological weapon agent might hypothetically lead to casualties as large or even larger than nuclear use, a nuclear response is not likely to be effective or necessary, and thus is unlikely to be effective as a deterrent.”⁹⁵
- “Today, the United States and its allies have the means to counter any realistic nonnuclear military threat with superior conventional military, economic, and alliance capabilities.”⁹⁶
- “To effectively deter or coerce US adversaries, the threat of US nuclear weapons use must be seen as credible. Given the devastating effects of nuclear weapons, conventional alternatives are far more practical, credible, and effective means to deter or respond to a potential conventional attacks, and even chemical or biological attack by state or non-state actors.”⁹⁷
- “Our nonnuclear strength, including economic and diplomatic power, our alliances, our conventional and cyber weaponry and our technological advantages, constitute a global military juggernaut unmatched in history. The United States simply does not need nuclear weapons to defend its own and its allies’ vital interests, as long as our adversaries refrain from their use.”⁹⁸
- “For the United States, deterrence of conventional aggression—the original justification for the threat of first use—is a Cold War relic. Whereas in the Cold

⁹⁵ Fetter and Wolfsthal, “No First Use and Credible Deterrence,” *op. cit.*, p. 109.

⁹⁶ Reif and Kimball, “Rethink Oldthink on No First Use,” *op. cit.*

⁹⁷ *Loc cit.*

⁹⁸ Cartwright and Blair, “End the First-Use Policy for Nuclear Weapons,” *op. cit.*

War strong arguments could be made that NATO's threat of nuclear escalation was necessary to bolster deterrence because of the perceived conventional imbalance in Europe, the situation today is reversed. Since the end of the Cold [War] [sic], the United States is the dominant conventional power."⁹⁹

- "The United States should not want to respond to the breaking of the taboo against the use of CW and BW by shattering an even bigger and longer-running taboo. A vigorous conventional bombing campaign provides the necessary means to impose severe costs without resorting to nuclear weapons, and sustained efforts to maintain conventional dominance should ensure that the United States would not be forced to accept defeat."¹⁰⁰
- "... a policy of calculated ambiguity is unnecessary. Today, there are very few missions that the United States could not accomplish with conventional weapons. Indeed, U.S. conventional capabilities are more than sufficient to deter and respond to anything but a nuclear attack. None of the United States' most likely adversaries—Russia, China, North Korea, and Iran—can hope to defeat the United States and its allies in a protracted non-nuclear conflict."¹⁰¹
- "The threat to use nuclear weapons in a local area will in one sense increase the cost to the enemy of the action. It will increase the likelihood that the local war will become general war and will increase the expected physical destruction which the enemy

⁹⁹ Gerson, "No First Use: The Next Step for U.S. Nuclear Policy," *op. cit.*, p. 18.

¹⁰⁰ *Ibid.*, p. 23.

¹⁰¹ Tannenwald, "It's Time for a U.S. No-First-Use Nuclear Policy," *op. cit.*

will suffer. On the other hand, precisely because it increases the shared costs and shared risks of general war, the threat to intervene with nuclear weapons may reduce the credibility of the threat. That is, if the enemy comes to believe that the only way in which one can intervene is by using nuclear weapons, then he may believe that it is less likely that one will intervene."¹⁰²

Halts the Arms Race and Allows U.S. Nuclear Reductions

The final major argument that proponents make for U.S. adoption of a nuclear no first use or sole purpose policy is that doing so would reduce the incentives for other states to build up their nuclear arsenals, which would in turn also provide a reinforcing incentive for the United States to reduce its nuclear forces numerically. In addition, some proponents believe that such policies should greatly restrict the missions the United States assigns its nuclear weapons, and with a smaller mission set, the United States would necessarily reduce its nuclear weapons arsenal. Proponents differ, perhaps only in emphasis though, on whether a U.S. nuclear no first use or sole purpose policy would be credible immediately or would require nuclear reductions to become credible to others.

One of the unstated assumptions in this line of thinking is that there is a direct relationship between the number of nuclear weapons a state has and how threatening it will appear to others—with the thought being, if the United States has fewer nuclear weapons, then other states will view U.S. intentions as potentially less aggressive, which then perhaps leads to a self-reinforcing cycle of nuclear

¹⁰² Halperin, *A Proposal for a Ban on the Use of Nuclear Weapons*, op. cit., p. 10.

weapon drawdowns. As with other purported benefits of nuclear no first use and sole purpose policies, this one also depends on adversaries believing the United States will retain its policy in even the most stressful circumstances of a crisis or conflict – which would allow them to reconsider their own deterrence requirements and perhaps allow force posture changes.

Some examples of this line of argument, or parts thereof, include:

- “It would also render unnecessary the continuous striving to develop and deploy nuclear capabilities that would make US nuclear first use against a nuclear-armed adversary advantageous and therefore credible. No longer striving for such advantage – which is very probably unattainable in any case – would reduce incentives for nuclear armed adversaries to seek to improve their own nuclear forces as a hedge against [sic] US gaining a first-use advantage.”¹⁰³
- “When the United States deploys nuclear weapons of types and in postures intended to make first-use credible, it not only incentivizes non-nuclear-armed potential adversaries to get their own nuclear weapons; it also incentivizes this country’s nuclear-armed potential foes to upgrade their nuclear forces to deny the United States any first-use advantage (or to gain such an advantage for themselves).”¹⁰⁴
- “It [a U.S. NFU policy] would also allow Russia and China to relax their nuclear postures, encourage Russia cut its arsenal further, and might encourage

¹⁰³ Holdren, “The Overwhelming Case for No First Use,” *op. cit.*, p. 3.

¹⁰⁴ *Ibid.*, p. 4.

China to stop building up its arsenal – all of which would reduce the threat to the U.S. homeland.”¹⁰⁵

- “If Washington would move in a similar direction, it would not only make its own arsenal safer (reduced alert levels, downgraded launch-on-warning deployments, etc.) but help reduce tensions in one of the most dangerous parts of the world. It might also have positive effects in terms of curtailing nuclear modernization and expansion plans, both in the United States and abroad, and create an international atmosphere more conducive to arms-control efforts.”¹⁰⁶
- “This would mean that the United States would rely on nuclear weapons only to deter nuclear attacks. Adopting this approach would involve more than ‘cheap talk,’ for it would require meaningful doctrinal and operational changes. Specifically, it would allow the United States to adopt a less threatening nuclear posture. It would eliminate first-strike postures, preemptive capabilities, and other types of destabilizing warfighting strategies. It would emphasize restraint in targeting, launch-on-warning, alert levels of deployed systems, procurement, and modernization plans. In other words, it would help shape the physical qualities of nuclear forces in a way that renders them unsuitable for missions other than deterrence of nuclear attacks. Implementing these steps would significantly reduce the risk of accidental, unauthorized, mistaken, or preemptive use. The

¹⁰⁵ Kimball, “Taking First-Use of Nukes Off the Table,” *op. cit.*

¹⁰⁶ Thakur, “Why Obama should declare a no-first-use policy for nuclear weapons,” *op. cit.*

removal of threats of a nuclear first strike would also strengthen strategic and crisis stability.”¹⁰⁷

- “If it was not accompanied by visible changes to force structure or plans, adversaries would doubt that U.S. policy had changed, limiting its benefits for strategic stability... A ‘sole function’ statement, in contrast, could have transformative effects on both force structure and operational planning. A nuclear arsenal that is not postured for warfighting might be significantly smaller, less diverse, and less expensive... Like other declaratory policy, sole purpose is consequential to the extent that it affects force structure and operational planning.”¹⁰⁸
- “The policy [NFU] would also reduce costs by gutting the rationale for retaining the large arsenal of land-based strategic missiles in silos across the Midwest and the tactical nuclear weapons deployed in Europe. Those missiles are mainly for first-use; they are a risky option for second-use because they are highly vulnerable to enemy attack. Eliminating these weapons entirely would be the best option.”¹⁰⁹

Summary

Proponents of a nuclear no first use or sole purpose policy generally promote these six benefits or reasons that the United States should adopt such a policy – it could: reduce ambiguity that could promote preemption; defuse tension

¹⁰⁷ Tannenwald, “It’s Time for a U.S. No-First-Use Nuclear Policy,” *op. cit.*

¹⁰⁸ Adam Mount, “Biden Must Be Clear About What Nuclear Weapons Are For,” *Foreign Policy*, May 12, 2021, available at <https://foreignpolicy.com/2021/05/12/biden-nuclear-weapons-review-sole-purpose/>.

¹⁰⁹ Cartwright and Blair, “End the First-Use Policy for Nuclear Weapons,” *op. cit.*

generally; demonstrate commitment to nonproliferation and nuclear disarmament; foreclose an unthinkable and escalatory option; promote deterrence with more credible conventional responses; and halt the arms race and allow U.S. nuclear reductions. Proponents may emphasize some reasons for adopting such a policy over others, but they tend to agree that the benefits will be a reduced chance for misunderstanding, the same (or better) deterrence effect, and improved conditions for nonproliferation and nuclear disarmament.

No First Use Policy in Practice – The Soviet Union, China, and India

A famous dictum applies to the U.S. consideration of a nuclear no first use or sole purpose policy, reputedly written by the German statesman Otto von Bismarck, “Fools pretend that one learns only at his own expense; I have always striven to learn at the expense of others.” The best guide therefore for U.S. officials who must decide whether they should adopt a nuclear no first use or sole purpose policy is the history of those states that have previously adopted, or currently have, a nuclear no first use policy. (No nuclear-armed state has adopted a sole purpose policy *per se*, though some could argue it is essentially identical to a nuclear no first use policy, as described in the first section of the report). The Soviet Union officially adopted a nuclear no first use policy in 1982 but abandoned it in 1993. China and India adopted their nuclear no first use declaratory policies in 1964 and 2003 respectively and maintain them through the present day. Given the relative paucity of nuclear no first use policy case studies in history, this paper also examines the case of the Soviet Union’s no first use policy on chemical weapons, a product of its ratification of the 1925 Geneva Protocol and customary international law,

as a way to further test whether pledges of no first use are credible in practice when applied beyond the realm of nuclear weapons.

Each case study examines three principal areas: 1) The content and context of the no first use pledge; 2) Whether the target audience (each state's respective adversary or adversaries) perceived the no first use pledge to be credible; and 3) Did the state issuing the no first use pledge gain the expected benefits that proponents now claim would be the result for the United States? Although the number of cases to study is relatively small, the cases presented here do involve an ideal mix of time periods, leadership types, target audiences, and other differences that help provide some assurance that the findings will be relevant to the United States as it considers a nuclear no first use policy.

The Soviet Union and its Nuclear No First Use Policy

Content and Context of the Nuclear No First Use Policy. The Soviet Union first began its sustained efforts proposing bilateral or multilateral initiatives for states to adopt a nuclear no first use policy in the mid- to late-1970s, but ultimately unilaterally adopted its own nuclear no first use policy in 1982. Soviet General Secretary Leonid Brezhnev's remarks on the occasion are worth quoting in full:

Guided by the desire to do everything in its power to lift the threat of nuclear devastation from the peoples and ultimately to exclude the very possibility of such devastation from the life of mankind, the Soviet state solemnly declares:

The Union of Soviet Socialist Republics assumes a commitment not to be the first to use nuclear weapons.

This commitment shall become effective at the moment it is proclaimed from the rostrum of the UN General Assembly.

Why is the Soviet Union taking this step in conditions in which the nuclear powers that belong to the NATO grouping, including the US, make no secret of the fact that their military doctrine not only does not exclude the possibility of the first use of nuclear weapons but, in point of fact, is built on this dangerous premise?

In adopting this decision, the Soviet Union proceeds from the indisputable fact, which plays a decisive role in the present international situation, that a nuclear war, should one begin, could mean the destruction of human civilization and perhaps the end of all life on earth.

Hence, it is the supreme duty of the leaders of states, conscious of their responsibility for the fate of the world, to exert every effort to see to it that nuclear weapons are never used.

The peoples of the world have the right to expect that the Soviet Union's decision will be followed by reciprocal steps on the part of the other nuclear states. If the other nuclear powers were to assume an equally clear and precise commitment not to be the first to use nuclear weapons, this would, in practice, be tantamount to a complete ban on the use of nuclear weapons, which is favored by the overwhelming majority of the world's countries.

Needless to say, the Soviet Union will continue to construct its policy with an eye to the conduct of the other nuclear powers, taking into account whether they heed the voice of reason and follow our good example or push the world downhill.

The Soviet Union's initiative also has the objective of raising the level of trust in relations among states. This is especially important in the present international situation, in which trust has been deeply undermined by the actions of those who are trying to upset the existing balance of forces, to achieve military superiority over the Soviet Union and its allies, and to scuttle the positive elements that the policy of detente brings.

...

Confident of the power of common sense and with faith in mankind's ability to avoid self-destruction and to ensure peace and progress for present and future generations, the Soviet Union assumes a commitment not to be the first to use nuclear weapons.¹¹⁰

Brezhnev stated that the reasons why the Soviet Union was adopting this policy was to reduce tension, reduce the likelihood of nuclear employment, and potentially avoid escalation. Interestingly, however, this nuclear no first use pledge discordantly also included a near-explicit threat

¹¹⁰ Emphasis added. Leonid Brezhnev, as quoted in, translation of *Pravda* and *Izvestia* articles, "USSR Pledges No First Use of Nuclear Arms," June 16, 1982, p. 1, as the articles appear in "Covering the UN Disarmament Session," *The Current Digest of the Soviet Press*, Vol. 34, No. 24, July 14, 1982, p. 2.

since Brezhnev essentially promised to revisit the policy if other states did not adopt an identical policy.

Historians, analysts, U.S. officials, and even former senior Soviet officials differ on the question of Soviet motivations, and sincerity, in adopting a nuclear no first use policy – although the great majority of the evidence points to it being a targeted misinformation campaign. On the side of those who believe the policy was mainly a propaganda ploy to sow division in the United States and NATO is the fact that Soviet leadership supported and exploited a number of pro-nuclear disarmament groups in Western Europe and the United States to attack Western arms control positions and increase support for Soviet arms control positions.¹¹¹ U.S. intelligence routinely identified Soviet active measures in the form of front groups, selective interviews, financial support, propaganda, and other overt and covert assistance to “peace movement” groups that Soviet leaders hoped would weaken public support for U.S. and NATO defense policies and weapons programs. Indeed, if some NATO states had begun to reciprocate Soviet calls for a NATO nuclear no first use policy, then the Soviets would have achieved a major foreign policy goal of weakening the NATO alliance’s unity on declaratory policy. Indeed, not only would such division within NATO weaken the alliance, but allied calls for nuclear no first use would have severely damaged U.S. extended deterrence efforts – perhaps the ultimate prize for a Soviet misinformation

¹¹¹ Central Intelligence Agency Directorate of Intelligence, *Worldwide Active Measures and Propaganda Alert [Redacted]* (Washington, D.C.: CIA, August 1986), originally Secret, now declassified, pp. 1-8, 31-34, available at <https://www.cia.gov/readingroom/docs/CIA-RDP87T00685R000300420003-8.pdf>.; and, Central Intelligence Agency Directorate of Intelligence, *Peace Groups and Leaders in INF Basing Countries [Redacted]* (Washington, D.C.: CIA, November 1982), originally Secret, now declassified, available at <https://www.cia.gov/readingroom/docs/CIA-RDP84B00049R001403510021-0.pdf>.

campaign. Soviet leaders, including Brezhnev, were well aware that the United States and NATO had resisted internal and external calls to adopt a nuclear no first use policy for decades, so Brezhnev's near-explicit threat to consider withdrawing the Soviet Union's no first use pledge unless Western states adopted the same pledge appears consistent with a self-serving desire to spread disunity in the alliance rather than a selfless desire to reduce nuclear risks.

On the other hand, there are indications in the historical record that Soviet political leaders pushed military officials to bring military doctrine in line with the stated nuclear no first use policy, or at least appear to do so, an effort the Soviet military resisted. In an early example of this dynamic, one Soviet official recalls that Soviet Minister of Defense Andrei Grechko "... believed in first strikes even though it violated our [Soviet] official military policy [*Voennaia Politika KPSS*] of not initiating nuclear strikes."¹¹² This may be a reference to a precursor policy to the no first use idea the Soviets floated in 1977 in Tula, Russia. Andrei Kokoshin, a senior Soviet official then serving in the Institute of the USA and Canada, stated in 1987, that then-Minister of Defense Ustinov had written an article in 1982 defending the policy change from apparent criticisms that appeared privately within the military.¹¹³ One Soviet

¹¹² Igor V. Illarinov as quoted in, "Summary of Interview: Subject: Gen.-Col. Igor' V. Illarinov," chapter in, John G. Hines, Ellis M. Mishulovich, and John F. Shull, *Soviet Intentions 1965-1985, Volume II Soviet Post-Cold War Testimonial Evidence* (McLean, VA: BDM Federal Inc., September 22, 1995), p. 84, available at <https://nsarchive2.gwu.edu/nukevault/ebb285/vol%20II%20Illariono.v.PDF>.

¹¹³ Andrei Kokoshin, as quoted in, "War and Peace in the Nuclear Age; Interview with Andrei Kokoshin, 1987 [1]," *GBH Archives*, December 18, 1987, available at https://openvault.wgbh.org/catalog/V_6776F31C2A1740B091F263472A3106D4.

military official, Col. Gen. N. F. Cherov, went so far as to say, "No, it [the NFU policy] was not only a political statement. This commitment has a serious influence on the military planning, on training of the troops, on the armed forces in general... we have stricken from all regulations and field manuals of the Soviet Army any mention of a first nuclear strike. Instead, we have put in these regulations and manuals statements to the effect, that the Soviet Union will never be the first to use nuclear weapons. We train in that spirit our enlisted men, officers, high-ranking commanding and staff officers."¹¹⁴

Cherov's comment, made during the Cold War, turned out to be either badly misinformed or, more likely, simply propaganda as subsequent post-Cold War revelations from East German military archives demonstrated that the Soviet military indeed retained and exercised the option to preemptively strike NATO targets with nuclear weapons. Numerous researchers who have examined records from these archives have commented on what they contain. For example, Lothar Rühl, an international correspondent for the German newspaper *Die Welt*, concluded, "Nuclear and chemical weapons would have been used in the assault on NATO forces in West Germany, even if NATO used conventional weapons only."¹¹⁵ Other scholars, such as Beatrice Heuser, found that Soviet plans and exercises were mostly based on the scenario of a NATO attack on the Warsaw Pact. After a few days NATO leaders would recognize that defeat was possible and would therefore ask for permission to employ nuclear weapons, at which point

¹¹⁴ N. F. Cherov, as quoted in, "War and Peace in the Nuclear Age; Interview with N. F. Chervov, 1987," *GBH Archives*, December 28, 1987, available at https://openvault.wgbh.org/catalog/V_822CAD23F912479EB143A4DEC23D30BC.

¹¹⁵ Lothar Rühl, "Offensive Defence in the Warsaw Pact," *Survival*, Vol. 33, No. 5 (September/October 1991), p. 442.

Warsaw Pact forces would detect NATO nuclear employment preparations and preemptively attack using their nuclear weapons first.¹¹⁶ Some researchers believe the very short “defensive” phase of resisting NATO attack in Soviet war plans was “cosmetic” cover for more offensive intentions.¹¹⁷

Another scholar, R. Craig Nation, believes that Warsaw Pact doctrine was crafted to retain its preemptive core nuclear strategy, but still appear to conform to political standards such as the no first use policy: “NATO doctrine called for nuclear first strikes as a last resort. Pact doctrine stressed the importance of pre-emption. Bizarre concepts such as the ‘meeting strike’ (*vstrechnyi udar*), according to which the two adversaries would be compelled to resort to nuclear strikes nearly simultaneously, were crafted to explain away the contradiction between official Soviet no-first-use doctrine and real operational planning.”¹¹⁸ He continues by noting that the Soviets had just begun deploying the SS-20 intermediate range ballistic missile in 1976, a missile well adapted and possibly designed for preemptive nuclear strikes, just before the 1977 Tula declaration proposing a no first use policy. “The WTO [Warsaw Treaty Organization] proposed a treaty on no first use later in the year, and in 1981 and 1982 the USSR promulgated a no first use doctrine – all with no discernable impact upon Soviet theater war planning.”¹¹⁹ Thus the evidence for whether Soviet political and military

¹¹⁶ Beatrice Heuser, “Warsaw Pact Military Doctrines in the 1970s and 1980s: Findings in the East German Archives,” *Comparative Strategy*, Vol. 12, No. 4 (1993), pp. 437-457.

¹¹⁷ *Ibid.*, p. 451.

¹¹⁸ R. Craig Nation, “Programming Armageddon: Warsaw Pact War Planning, 1969-1985,” chapter in, Leopoldo Nuti, *The Crisis of Détente in Europe: From Helsinki to Gorbachev, 1975-1985* (New York: Routledge, 2009), p. 128.

¹¹⁹ *Ibid.*, pp. 129-130.

leadership was truly committed to its nuclear no first use policy appears to show at the very least that Soviet political and military officials did not believe NATO's own "no first use of force" policy, wanted Western states to believe its nuclear no first use policy, and planned nuclear preemptive strikes in its exercises and war plans.

Credibility of the Soviet Nuclear No First Use Policy. To the extent there was any debate within the U.S. government about whether the United States could trust the Soviet nuclear no first use policy, it was a debate between those who said the Soviets would have major incentives to employ nuclear weapons first in a conflict and those who believed the Soviets would try to keep a conflict at the conventional level—not out of a desire to lower nuclear threats for humanity *per se*—but because they had significant conventional superiority over NATO and would prefer to win the war at the level of clear Soviet advantage rather than see the war escalate to nuclear use.

As explained by one of the U.S. government's top experts on the Soviet Union, and National Intelligence Officer for the USSR, Fritz Ermarth:

When it comes to nuclear operations of any real size and military consequence, the Soviets appear to believe in the virtues of the initiative, that is, in preemption, as much today as they have in the past. There is nothing in their No-First-Use position that fundamentally alters this. The Soviet declared doctrine of No-First-Use has clear political and propaganda purposes. As elaborated by Soviet military authorities such as Ustinov in July 1982, however, it also has some strategic content. It appears to say something about Soviet views of the desired scenario if there is a theater war. It seems also to express some degree of Soviet confidence

that the enemy's first use of nuclear weapons is unlikely to be disastrous for Soviet operations, or that later nuclear threats could be preempted if they looked really dangerous.¹²⁰

Overall, there was widespread doubt concerning the Soviet commitment to its new pledge, especially with whether the Soviets would abide by it even in the most extreme scenarios. The list of senior U.S. political, military, and diplomatic officials who outright rejected it as not credible, or who had serious doubts about it at the time, is lengthy, but worth reviewing in part because it sheds some light on why nuclear no first use pledges are regularly discounted by officials in the target state.

In testimony before the U.S. Congress, Secretary of Defense Caspar Weinberger, was asked if the United States had taken into account the Soviet nuclear no first use policy, to which he replied, "They [Soviets] have said that. They have also said most recently that they would freeze their deployment of SS-20's, and since they said that, they've deployed 50 more with three warheads each. They also said they would adhere to the no chemical use treaty, our evidence is that they have not adhered to that treaty. We don't have the kind of verifiability that we would need for specific things and accepting a general pledge that they don't plan a first use... Their history and their track record is [sic] not very good, sir."¹²¹ U.S. Secretary of State George Shultz likewise was skeptical, stating, "The Soviets are also

¹²⁰ Emphasis in original. Fritz W. Ermarth, *The Evolution of Soviet Military Doctrine* (Washington, D.C.: CIA, August 1985), pp. 8-9, available at <https://www.cia.gov/readingroom/docs/CIA-RDP87M00539R002203530027-5.pdf>.

¹²¹ Caspar Weinberger, as quoted in, U.S. House of Representatives, Committee on Armed Services, *Defense Department Authorization and Oversight Hearings on H.R. 2287 (H.A.S.C. 98-6)* (Washington, D.C.: GPO, 1983), p. 151.

practitioners of vague, superficially attractive proposals like non-use of force, no-first-use of nuclear weapons, or nuclear-free zones. The problem with such ideas is that they are a kind of escapism – evading the reality of the political problems that give rise to conflict. Peace will ultimately depend on solving the political problems, not on high-sounding declarations... Soviet calls for the non-use or threat of force look rather unimpressive against the background of events in Afghanistan or Poland.”¹²²

Other diplomats with longtime experience negotiating with the Soviets were likewise unpersuaded by the Soviet declaration. Eugene Rostow, for instance, the Director of the Arms Control and Disarmament Agency, stated at the United Nations, “In any event, the Soviet no-first-use pledge is unverifiable and unenforceable. Its credibility is belied by the nature of Soviet military doctrine and by the ominous Soviet buildup of massive land-based ballistic missiles, which present an obvious threat of first use.”¹²³ Richard Garwin, an eminent U.S. nuclear scientist, also stated, “We talked with the Soviet Union in bilateral discussions in great detail for many years beginning in 1981, with a lot of people in the nuclear weapons business on both sides. We were never persuaded by the Soviets’ No-First-Use statement. Since the collapse of the Soviet Union we know more about that, and we don’t think the Russians were ever really serious about No-First-Use, because they

¹²² George Shultz, *Arms Control, Strategic Stability, and Global Security* (Washington, D.C.: Department of State, October 14, 1985), Current Policy No. 750, p. 5, available at <https://www.reaganlibrary.gov/public/digitallibrary/smf/nsc-europeanandsovietaffairs/matlock/box-013/40-351-7452064-013-008-2018.pdf>.

¹²³ Eugene Rostow, as quoted in, *Verbatim Record of the 13th Meeting* (New York, The United Nations, October 27, 1982), p. 31, available at <https://undocs.org/pdf?symbol=en/A/C.1/37/PV.13>.

didn't put into place a posture that was consistent with No-First-Use..."¹²⁴

When Russia officially renounced its nuclear no first use policy in 1993, the Clinton administration even wrote a statement in response, stating, "The Russian Federation has abandoned the declared Soviet doctrine of 'no first use.' However, the United States and its allies never took the former Soviet declared doctrine as a serious indication of what [sic] the USSR might employ their nuclear weapons in case of war."¹²⁵

The widespread U.S. official rejection of the credibility of the Soviet nuclear no first use pledge raises the question of what benefits, if any, did the Soviet Union gain from its policy?

Did the Soviet Nuclear No First Use Policy Result in Purported Benefits? Contemporaneous testimony and writing reveal that U.S. defense officials, rightly, did not take seriously Soviet nuclear no first use claims. Thus, the Soviet Union did not obtain the benefit that proponents of a nuclear no first use policy believe would be a likely result: reduction of ambiguity about intentions during a crisis or conflict that could lead the target side possibly to preempt. As discussed earlier, for this purported benefit to have any utility in practice, the state to which the no first use policy is directed must not only believe it during peacetime, but even during the most stressful moments of a crisis or conflict—and perhaps even in the face of clear indications

¹²⁴ Richard Garwin, as quoted in, Robert Kazel, "H-Bomb Physicist, Richard Garwin, Predicts 'Probable' Destruction of a City by Nuclear Weapon," *Nuclear Age Peace Foundation*, November 8, 2012, available at <https://www.wagingpeace.org/h-bomb-physicist-richard-garwin-predicts-probable-destruction-of-a-city-by-nuclear-weapon/>.

¹²⁵ U.S. White House, "White House Press Guidance - 11:00 A.M. Friday, November 5, 1993... Change in Russian 'No-First-Use' Policy," *Clinton Library*, November 5, 1993, p. 87 of PDF, available at <https://catalog.archives.gov/id/34395667>.

that the adversary would benefit from going back on the pledge. There is little evidence that U.S. officials were close to finding the Soviet no first use pledge credible, so the Soviet Union did not benefit from its pledge in this sense.

Nor did the Soviet Union obtain another purported benefit of a nuclear no first use policy, a reduction in bilateral and multilateral tensions. From the late-1970s to the mid-1980s, the bilateral U.S.-Soviet relationship was at or near its lowest point since the Cuban Missile Crisis. A number of factors contributed to this overall decline, from the Soviet invasion of Afghanistan in 1979, to its violation of the Anti Ballistic Missile (ABM) Treaty with its radar at Krasnoyarsk, to its chemical weapon use in Afghanistan, the 1983 NATO exercise Able Archer, and the Soviet perception of U.S. President Reagan as a determined foe. The Soviet no first use pledge in 1982 led to no obvious thaw in relations, nor did it provide the pretext for more congenial arms control negotiations as the Soviet negotiating team withdrew from talks in 1983, after the United States deployed its intermediate-range missiles to Europe as a counter to Soviet intermediate-range weapons. Thus, the Soviet Union did not gain the purported benefit of a general reduction in bilateral or multilateral tensions that a nuclear no first use pledge should have brought.

Another benefit the Soviet Union's no first use pledge did not produce was an increase in international support for nonproliferation and general nuclear disarmament. Although the Intermediate Range Nuclear Forces (INF) Treaty and the Strategic Arms Reduction Treaty (START) were signed when the pledge was in effect, given the widespread doubt in Washington about Soviet credibility in its nuclear no first use pledge, it does not appear to have been even a minor contributor to those treaties being negotiated or signed. The Soviet Union was also in no position to advance the nonproliferation or disarmament mission given its continuing nuclear buildup and its

numerous violations of nuclear arms control treaties, plus the 1925 Geneva Protocol with its use of chemical weapons, as is discussed later.¹²⁶

The next two closely related purported benefits of a nuclear no first use pledge according to its proponents are the foreclosure of an unthinkable nuclear option and the promotion of conventional deterrence so as to keep a conflict from escalating to nuclear use. As explained earlier, Warsaw Pact plans clearly indicate that its leaders planned to employ nuclear weapons at the outset of what they anticipated would be a major war in Europe, that is, they had a strategy of nuclear preemption. Soviet conventional superiority at points led to the NATO alliance focusing on having a credible nuclear threat of first use to deny the Soviets a conventional victory. Thus, if the Soviet leaders did issue a no first use pledge with the intention of reducing its reliance on nuclear weapons and promoting its conventional capabilities, it did not necessarily lower the risk of nuclear war because NATO may not have been able to deny the Soviet Union victory in a purely conventional conflict and still meet its political objectives without employing nuclear weapons. From the available evidence then, it also appears quite clear that the Soviet's nuclear no first use pledge did not foreclose the option of nuclear first use.

Finally, the Soviet Union's nuclear no first use pledge did not produce the last purported benefit: ceasing the nuclear arms race and allowing for nuclear reductions. As discussed above, the pledge played no role in producing any arms control agreement and did not seem to have any effect on the continued modernization and growth of the Soviet nuclear arsenal, or the U.S. nuclear arsenal, in the five

¹²⁶ See, Arms Control and Disarmament Agency, *Soviet Noncompliance* (Washington, D.C.: ACDA, March, 1986) available at <http://insidethecoldwar.org/sites/default/files/documents/ACDA%20Report%20on%20Soviet%20Noncompliance.pdf>.

years after it was issued. In fact, the U.S. Department of Defense estimated that Soviet re-entry vehicles grew fairly steadily in the five years after its 1982 no first use pledge.¹²⁷ This growth in the Soviet nuclear arsenal was certainly a contributing factor in U.S. officials not believing the Soviet pledge as serious policy.

China and its Nuclear No First Use Policy

Content and Context of the Chinese Nuclear No First Use Policy. China conducted its first successful nuclear weapons test in 1964 and immediately issued a statement that read in part, “The Chinese Government hereby solemnly declares that China will never at any time and under any circumstances be the first to use nuclear weapons.”¹²⁸ Although it had strained relations with its fellow communist state, the Soviet Union, the statement makes clear that the Chinese government wished to place the blame for China needing to conduct its test on the “U.S. imperialists.” Thus, from the beginning, Chinese officials explained their nuclear arsenal as a tragic necessity until all the nations of the world came to an agreement to eliminate nuclear weapons entirely. Chinese pronouncements on its nuclear no first use policy have remained remarkably consistent since 1964—it has not since been revised formally, a point that Chinese diplomats frequently make.

Although projected to grow rapidly over the next decade, China’s nuclear arsenal remained very small

¹²⁷ U.S. Department of Defense, *Military Forces in Transition* (Washington, D.C.: Department of Defense, 1991), p. 44, available at https://archives.nato.int/uploads/r/null/1/3/137881/0300_Military_forces_in_transition_1991_ENG.pdf.

¹²⁸ “Statement of the Government of the People’s Republic of China,” *Wilson Center*, October 16, 1964, available at <https://digitalarchive.wilsoncenter.org/document/134359.pdf?v=b1e04ac05705>.

throughout the Cold War and then through the 1990s compared to the United States and the Soviet Union. For instance, in 2002, the U.S. government believed that China had about 20 ICBMs in its arsenal capable of reaching the United States.¹²⁹ Due to its relatively low nuclear warhead numbers and non-alert missile force, many analysts considered China's nuclear force posture to be consistent with its stated no first use policy – that is, since China's force was not optimized for a first strike, its nuclear no first use policy should have had far more credibility than the Soviet Union's.

Credibility of the Chinese Nuclear No First Use Policy. U.S. officials have rarely been asked publicly whether they believe China's nuclear no first use policy, but some recent examples indicate that there is significant mistrust of China's commitment to the policy in all circumstances. As U.S. Strategic Command Commander, ADM Charles A. Richard, said "... I think I could drive a truck through [the holes in] that no-first-use policy."¹³⁰ Or, as then-Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy, Robert Soofer stated plainly, "I don't believe China when they say they have [a] no first use policy."¹³¹

¹²⁹ Robert Walpole, as quoted in, *CIA National Intelligence Estimate of Foreign Missile Developments and the Ballistic Missile Threat through 2015* (Washington, D.C.: United States Senate, March 11, 2002), available at <https://www.govinfo.gov/content/pkg/CHRG-107shrg79885/html/CHRG-107shrg79885.htm>.

¹³⁰ Charles A. Richard, as quoted in, United States Senate, *Hearing to Receive Testimony on United States Northern Command and United States Strategic Command in Review of the Defense Authorization Request for Fiscal Year 2021 and the Future Years Defense Program* (Washington, D.C.: Senate Armed Services Committee, February 13, 2020), p. 61, available at https://www.armed-services.senate.gov/imo/media/doc/20-04_02-13-2020.pdf.

¹³¹ Robert Soofer, as quoted in, Paul McLeary, "I Don't Believe China' Is Serious About Nuke No First Use: DASD Nukes Soofer," *Breaking*

The U.S. Department of Defense regularly publishes an annual report on Chinese military developments that includes sections on Chinese nuclear policy – and a regular feature in the 20 years of these reports is the statement that the United States perceives some ambiguity on the conditions under which China’s nuclear no first use policy would apply. The most recent report, from 2020, even goes so far as to state, “There has been no indication that national leaders are willing to attach such nuances and caveats *publicly* to China’s existing NFU policy as affirmed by recent statements by the PRC Foreign Ministry.” This statement perhaps indicates that there is reason to believe that China’s leaders may change their policy but not announce it.¹³² Even a number of scholars using only open source materials have concluded that there may be particular military circumstances where China would either renounce or modify its nuclear no first use pledge to justify its actions, including nuclear first use.¹³³ More recently, a video of unknown provenance was reportedly recently posted on an official local Chinese Communist Party website which advocated for a “Japan Exception Theory” to the official Chinese nuclear no first use policy, should Japan attempt to

Defense, September 2, 2020, available at <https://breakingdefense.com/2020/09/i-dont-believe-china-is-serious-about-nuke-no-first-use-dasd-nukes-soofer/>.

¹³² Emphasis added. U.S. Department of Defense, *Military and Security Developments Involving the People’s Republic of China 2020* (Washington, D.C.: Department of Defense, 2020), p. 86, available at <https://media.defense.gov/2020/Sep/01/2002488689/-1/-1/1/2020-DOD-CHINA-MILITARY-POWER-REPORT-FINAL.PDF>.

¹³³ Caitlin Talmadge, “Would China Go Nuclear: Assessing the Risk of Chinese Nuclear Escalation in a Conventional War with the United States,” *International Security*, Vol. 41, No. 4 (Spring 2017), pp. 50-92.; and, Thomas J. Christensen, “The Meaning of the Nuclear Evolution: China’s Strategic Modernization and US-China Security Relations,” *Journal of Strategic Studies*, Vol. 35, No. 4 (2012), pp. 447-487.

prevent the “unification” of Taiwan with the Chinese homeland.¹³⁴

Other analysts note that there has been active debate even within the Chinese defense community, including government officials, about the proper limits of their nuclear no first use policy, and more specifically, what would constitute an adversary’s “first use.”¹³⁵ Scholars of Chinese nuclear policy, Christopher Yeaw, Andrew Erickson, and Michael Chase note, “Indeed, some Chinese strategists have argued that the NFU policy is an unnecessary, self-imposed strategic constraint. Chinese analysts have considered at least three scenarios under which Beijing might consider discarding the traditional NFU policy.”¹³⁶ These three scenarios include conventional U.S. strikes on Chinese nuclear forces, to deter U.S. intervention in a Taiwan scenario, or if Chinese territorial sovereignty is at stake. It is worth noting in this regard, even though China has been consistent since 1964 on preserving its formal declaration of a nuclear no first use policy, debate among Chinese officials – *even if it produces no official public change in policy* – can cause skepticism abroad about China’s commitment to its policy.

Although the United States is clearly the primary target audience for China’s nuclear no first use policy, it is significant that multiple commentators have noted there is widespread distrust of China’s sincerity among Indian

¹³⁴ John Feng, “China Officials Share Viral Video Calling for Atomic Bombing of Japan,” *Newsweek*, July 14, 2021, available at <https://www.newsweek.com/china-officials-share-viral-video-calling-atomic-bombing-japan-exception-theory-1609586>.

¹³⁵ Christopher T. Yeaw, Andrew S. Erickson, and Michael S. Chase, “The Future of Chinese Nuclear Policy and Strategy,” chapter in, Yoshihara and Holmes, *Strategy in the Second Nuclear Age: Power, Ambition, and the Ultimate Weapon*, op. cit., p. 54.

¹³⁶ *Ibid.*, p. 60.

government officials and defense analysts.¹³⁷ This observation is even more significant considering the fact that India itself maintains a modified version of a nuclear no first use policy, as is discussed later. Some of the Indian distrust is attributable to apparent rhetorical loopholes in China's no first use policy formulation, while others disbelieve China would subject itself to massive conventional defeat without resorting to at least threats of nuclear first use.¹³⁸

Did the Chinese Nuclear No First Use Policy Result in Purported Benefits? The first purported benefit of a nuclear no first use policy is reduced ambiguity of the type that could lead to preemptive employment of nuclear weapons. In the case of China, it is clear that Chinese officials have not benefited in this respect because there is widespread doubt among U.S. and other states' officials about their commitment to their policy. Although the United States and China have not been involved in any serious crises since the 1950s that rose to the level where nuclear employment was considered, if U.S. officials doubt the sincerity of China's pledge in peacetime now, there is all the

¹³⁷ For example, see, Susan Turner Haynes, "Acrimony, Asymmetry, and the Sino-Indian Nuclear Relationship," *Nonproliferation Review*, Vol. 26, Nos. 5-6 (2019), pp. 438-441; and, Kartik Bommakanti and Suyash Desai, *China's Nuclear Ambiguity and its Implications for India* (New Dehli, India: Observer Research Foundation, April 2021), pp. 24-25, available at https://www.orfonline.org/wp-content/uploads/2021/04/ORF_OccasionalPaper_309_ChinaAmbiguity.pdf; and, Lora Saalman, "India's No First Use Dilemma: Strategic Consistency or Ambiguity towards China and Pakistan," *SIPRI*, December 2, 2020, available at <https://www.sipri.org/commentary/blog/2020/indias-no-first-use-dilemma-strategic-consistency-or-ambiguity-towards-china-and-pakistan>.

¹³⁸ See references in footnote #137.

more reason to believe that in times of a crisis or conflict, there will be even greater U.S. skepticism and caution.

China's nuclear no first use policy also does not appear to have produced the benefit of a general reduction in tensions either bilaterally or multilaterally. As demonstrated by the early months of the COVID-19 pandemic, there are a number of events that can cause tensions between states to become strained – not all having to do with military causes. And, as with the Soviet Union, there are simply so many areas in which states interact, and in all those areas (economic, diplomatic, military, scientific, etc.) there arises the potential of a conflict of national interests. A nuclear no first use pledge, in this regard, is only one statement of benign intentions that a state can issue that can easily get lost among broader tensions in other areas. Indeed, as the 1969 Sino-Soviet border crisis demonstrates, a nuclear no first use pledge is no guarantee against severe tensions related to nuclear weapons. As scholar Michael Gerson explains in his monograph on the subject:

Beijing's eventual perception of the credibility of Soviet nuclear threats had unintended consequences that greatly increased the possibility of accidental or inadvertent nuclear escalation. Emotions, stress, and suspicion of Soviet intentions took hold in China, particularly for Mao Zedong and Lin Biao. The Chinese leadership began to worry, albeit based on little reliable evidence, that Moscow would use the border negotiations as a 'smokescreen' for a nuclear 'sneak attack.' By mid-October 1969, China had become so concerned about a Soviet nuclear strike that the central leadership, including Mao Zedong, fled Beijing, and on 18 October China

placed its rudimentary nuclear forces on full alert – the first and only time this order has been issued.¹³⁹

Although it appears the Soviets never seriously moved to place their nuclear weapons on alert, their whisper campaign about the potential for employing nuclear weapons easily overcame any general sense of good intentions on the part of China that its nuclear no first use policy should have imparted. Again, as evidenced by numerous official U.S. defense reports, the Department of Defense perceives China as pursuing an aggressive and revisionist foreign policy, despite the fact that China has long declared its nuclear no first use policy with a force posture to match—demonstrating the extremely limited effective power of even seemingly credible policy commitments.

Another benefit proponents say will result from a nuclear no first use policy is greater international support for nonproliferation and nuclear disarmament—yet, here again, China appears not to have benefited in this regard. Even though it signed the Nonproliferation Treaty and has long expressed its policies of supporting nuclear disarmament and no first use, Chinese actions have consistently undercut its position as a champion of nonproliferation. For instance, China reportedly actively supported Pakistan’s nuclear weapons program in the 1980s as well as assisted Iran with its nuclear technology, while today it allows exports of sensitive missile technology to states of concern like North Korea and Iran.¹⁴⁰ China also

¹³⁹ Michael S. Gerson, *The Sino-Soviet Border Conflict: Deterrence, Escalation, and the Threat of Nuclear War in 1969* (Washington, D.C.: CNA, November 2010), p. iv, available at https://www.cna.org/cna_files/pdf/d0022974.a2.pdf.

¹⁴⁰ Paul K. Kerr, *Chinese Nuclear and Missile Proliferation* (Washington, D.C.: Congressional Research Service, May 17, 2021) pp. 1-2, available at <https://crsreports.congress.gov/product/pdf/IF/IF11737>.

consistently refuses to engage in substantive dialogue with the United States to clarify its nuclear weapons employment doctrine or engage in even preliminary arms control discussions.

In short, while many analysts in the West equate a policy of nuclear no first use with increased transparency and a reduction in ambiguity, China's pledge has hardly produced these results. And, on this point, it is important to note that at least some Chinese scholars believe that China's policy of opacity is a required product of its nuclear no first use policy. Zhenqiang Pan, a retired PLA officer and scholar at China's National Defense University, recently wrote on China's policy of nuclear no first use, and his defense of China's opacity is worth quoting in full:

Lack of transparency has been the most convenient accusation regarding China's nuclear policy. Some accuse China of concealing its true nuclear strength. Others raise the accusation to the strategic level, treating this alleged technical concealment as a reason to question the validity of China's no-first-use commitment. But these accusations fail to understand that technical opacity is actually a price that China pays for its no-first-use policy. Since China has prepared to take the first nuclear hit and then hit back, survivability becomes the first requirement for China's nuclear arsenal, which means that the country must conceal its nuclear forces in terms of number, quality, and deployment locations. Such intentional technical opacity is absolutely necessary for China's minimum nuclear force to withstand the first wave of attacks and launch forceful counterattacks. China cannot technically act as transparently as other nuclear states do—a fact that China does not deny. So long as its nuclear arsenal remains in a defensive posture,

China will continue to maintain its technical opacity, as a necessary concomitant of its no-first-use pledge. So, China should feel no sense of guilt about being technically less open.¹⁴¹

In an ironic twist then, China's nuclear no first use policy is a barrier to greater transparency while in the West it is lauded as a potential tool for reducing the risk of misperception.

There is therefore little evidence that China's nuclear no first use pledge has gained it any support internationally on the subjects of nuclear nonproliferation or disarmament – which is again undercut by China's large projected increase in its nuclear arsenal over the next decade and unwillingness to engage in even preliminary nuclear arms control discussions. Thus, while China remains a rhetorical supporter of nuclear nonproliferation and disarmament, its actions in these areas negate any good will its nuclear no first use declaration may have gained it.

As was the case with the Soviet Union, it is unclear that China's leaders would feel bound by its nuclear no first use pledge – a necessary outcome predicted by proponents of such policies. The debate amongst Chinese defense officials about the relative merits or flexibility of a nuclear no first use policy only increases support for the U.S. perception that such a policy would not be followed when militarily or politically convenient for the Chinese regime. Nor is it clear that China's improvement of its conventional forces to keep conflict from escalating to the level of nuclear employment has had its intended effect. As demonstrated above, U.S. officials are skeptical of China's commitment to its nuclear no first use policy despite a force structure and policy that would indicate a state is truly committed to such a policy.

¹⁴¹ Zhenqiang Pan, "A Study of China's No First Use Policy on Nuclear Weapons," *Journal for Peace and Nuclear Disarmament*, Vol. 1, No. 1 (2018), p. 127.

As John Harvey, former Principal Deputy Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense, stated, China's no first use policy "... has not caused the United States to moderate its own nuclear posture one iota."¹⁴²

The final benefit proponents of a nuclear no first use policy identify is its ability to ease the nuclear arms race and allow for nuclear reductions – something it appears China has not and is not planning on pursuing. The DIA projects that China will "at least double" its nuclear arsenal over this decade, while U.S. Strategic Command Commander ADM Richard recently wrote that the Chinese increase could be "... triple or quadruple" over this decade.¹⁴³ Indeed, open-source reports showing a massive expansion in Chinese missile silo construction may be an early sign of just such a growth in the Chinese nuclear arsenal.¹⁴⁴ Chinese officials have rebuffed repeated attempts by U.S. political and defense officials to hold even preliminary discussions on topics such as nuclear risk reduction, clarification of nuclear doctrine, and views on nuclear arms control – topics that should be more reasonable to discuss under a nuclear no first use policy according to its proponents. In addition, while China's nuclear arsenal remained small during the Cold War, that seemed to have no perceptible effect on the

¹⁴² John R. Harvey, "A Considered 'No' on 'No First Use,'" *War on the Rocks*, July 2, 2019, available at <https://tnsr.org/roundtable/policy-roundtable-nuclear-first-use-and-presidential-authority/#essay4>.

¹⁴³ Berrier, "Statement for the Record: Worldwide Threat Assessment," op. cit.; and, Charles A. Richard, "Forging 21st Century Strategic Deterrence," *Proceedings*, February 2021, available at <https://www.usni.org/magazines/proceedings/2021/february/forgin-g-21st-century-strategic-deterrence>.

¹⁴⁴ Joby Warrick, "China is Building More Than 100 New Missile Silos in its Western Desert, Analysts Say," *Washington Post*, June 30, 2021, available at https://www.washingtonpost.com/national-security/china-nuclear-missile-silos/2021/06/30/0fa8debc-d9c2-11eb-bb9e-70fda8c37057_story.html.

size of the Soviet or U.S. nuclear arsenal; and now with its large projected increase over this next decade, China's nuclear no first use policy appears to perform no restrictive function on the size of its arsenal.

India and its Nuclear No First Use Policy

Content and Context of the Nuclear No First Use Policy. In May 1998, India conducted five nuclear weapons tests over a three-day period which announced its introduction as a serious nuclear weapons power in the region. After a round of international condemnation and worries about an unrestrained arms race in South Asia, the Indian government tasked its newly-created National Security Advisory Board (NSAB) to draft a nuclear doctrine – which subsequently recommended India adopt a policy of nuclear no first use as a way to demonstrate restraint. In 2003, India's Cabinet Committee on Security further enunciated India's nuclear doctrine by issuing language about nuclear no first use, stating: "India's nuclear doctrine can be summarized as follows... A posture of 'No First Use': nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere."¹⁴⁵ It also added two clarifications, first, that nuclear weapons would not be used against non-nuclear states, and second, that "... in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons."¹⁴⁶ This modified form of a nuclear

¹⁴⁵ Indian Ministry of External Affairs, "The Cabinet Committee on Security Reviews Operationalization of India's Nuclear Doctrine," *MEA.gov.in*, January 4, 2003, available at https://mea.gov.in/press-releases.htm?dtl/20131/The_Cabinet_Committee_on_Security_Reviews_perationalization_of_Indias_Nuclear_Doctrine+Report+of+National+Scurity+Advisory+Board+on+Indian+Nuclear+Doctrine.

¹⁴⁶ Loc cit.

no first use policy remains the official position of the Indian government.

In the years since the introduction of this policy, however, senior Indian defense officials have raised questions on the interpretation of the nuclear no first use policy and whether there might be scenarios in which Indian preemption is allowed under the policy, perhaps in response to a nuclear weapons state's imminent attack.¹⁴⁷ Indian Prime Ministers, National Security Advisors, and multiple other officials have made a number of remarks, sometimes seemingly casually while other times in a more official capacity, which have only increased the confusion of the applicability of the nuclear no first use policy.¹⁴⁸ Some analysts even believe that India is not fully committed to a nuclear no first use policy in practice, but retains the language as a useful rhetorical means to promote the perception of a contrast between a "responsible" nuclear power like India and an irresponsible power like Pakistan, which does not have a nuclear no first use policy.¹⁴⁹

Credibility of the Indian Nuclear No First Use Policy. Pakistani officials and analysts have seized on vague or seemingly contradictory policy statements from Indian officials as proof that they were right all along to doubt India's nuclear no first use policy. The former head of Pakistan's nuclear weapons program, retired Lt. Gen. Khalid Kidwai recently stated, "As far as Pakistan is concerned, I said here and I have said it again and again, Pakistan has never believed in

¹⁴⁷ This scenario and others are analyzed in, Christopher Clary and Vipin Narang, "India's Counterforce Temptations: Strategic Dilemmas, Doctrine, and Capability," *International Security*, Vol. 43, No. 3 (Winter 2018/2019), pp. 7-52.

¹⁴⁸ *Ibid*, pp. 16-25.

¹⁴⁹ Kumar Sundaram and M. V. Ramana, "India and the Policy of No First Use of Nuclear Weapons," *Journal for Peace and Nuclear Disarmament*, Vol. 1, No. 1 (2018), pp. 163-165.

the [Indian] NFU policy to begin with.”¹⁵⁰ Indeed, regional experts who frequently discuss this issue with their Pakistani counterparts report widespread disbelief of the Indian nuclear no first use policy.¹⁵¹ Other experts note that disbelief extends to China – which, as discussed above, has its own declared nuclear no first use policy.¹⁵² Importantly, like China, India reportedly keeps much of its nuclear force de-alerted with its nuclear warheads de-mated from the missiles – in what would appear to be a credible posture for refraining from prompt nuclear first use.¹⁵³ And yet, even these measures combined with a modest nuclear arsenal is apparently not enough for other states to find the Indian policy of nuclear no first use credible.

Did the Indian Nuclear No First Use Policy Result in Purported Benefits? The first benefit that proponents of a nuclear no first use policy identify is that it can help decrease the kind of ambiguity that could lead to an opponent preemptively attacking during a crisis – but it does not appear India has gained this particular benefit because Pakistani officials reportedly do not believe the Indian policy in the first place.

¹⁵⁰ Khalid Kidwai, as quoted in, International Institute for Strategic Studies, *Seventh IISS-Centre for International Strategic Studies (CISS) (Pakistan) Workshop on ‘South Asian Strategic Stability: Deterrence, Nuclear Weapons and Arms Control’* (London: IISS, February 6, 2020), p. 27, available at <https://www.iiss.org/events/2020/02/7th-iiss-and-ciiss-south-asian-strategic-stability-workshop>.

¹⁵¹ Toby Dalton, “Much Ado About India’s No First Use Nuke Policy,” *Carnegie Endowment for International Peace*, September 26, 2019, available at <https://carnegieendowment.org/2019/09/26/much-ado-about-india-s-no-first-use-nuke-policy-pub-79952>.

¹⁵² Ankit Panda, “India’s Rethink on ‘No First Use’ Nuclear Policy Won’t Surprise China or Pakistan,” *South China Morning Post*, August 25, 2019, available at <https://www.scmp.com/news/china/diplomacy/article/3024256/indias-rethink-no-first-use-nuclear-policy-wont-surprise-china>.

¹⁵³ Hans M. Kristensen and Matt Korda, “Indian Nuclear Forces, 2020,” *Bulletin of the Atomic Scientists*, Vol. 76, No. 4 (2020), p. 218.

That is, India's policy—combined with its relatively minimal force posture—is still not enough to convince Pakistani officials that they should trust India will never be the first to use nuclear weapons against them. Consequently, since Pakistan cannot trust India to always refrain from nuclear first use, Pakistan retains the option of its own nuclear first use, and thus India's no first use policy will likely have no effect during a crisis, unlike what is predicted by the policy's proponents. Likewise, it is readily apparent that India has not reaped the benefit of a reduction in tensions that a nuclear no first use policy is purported to help bring about. Indian tensions with Pakistan and China are recurring events, the latter of which is even more significant for the fact that India and China both retain their own nuclear no first use policies.¹⁵⁴

India also appears not to have benefited from its nuclear no first use policy in the area of support for nonproliferation or nuclear disarmament. While India was generally considered a leader of the Non-Aligned Movement (NAM) and an advocate for disarmament during and after the Cold War, India still remains outside of the NPT and has declined to join U.S. counterproliferation activities such as the Proliferation Security Initiative. Indeed, analysts predict that India's nuclear arsenal is likely to grow in the future, which, when combined with doubts about India's sincerity in its nuclear no first use policy, has led to questions as to

¹⁵⁴ Rashaan Ayesh, "Timeline: The India-Pakistan Conflict over Kashmir," *Axios*, February 25, 2020, available at <https://www.axios.com/timeline-india-pakistan-conflict-over-kashmir-d638569d-d476-48e8-a2e3-bd38d403e87b.html>.; and, Russell Goldman, "India-China Border Dispute: A Conflict Explained," *The New York Times*, September 8, 2020, available at <https://www.nytimes.com/2020/06/17/world/asia/india-china-border-clashes.html>.

whether India is a major influence on international efforts like nonproliferation.¹⁵⁵

As with the Soviet Union and China, it is unclear that the Indian nuclear no first use policy would actually foreclose the option of nuclear first use or help keep conflict contained to the conventional level. Indian political and defense officials have consistently called into question their own nuclear no first use policy, and given their skepticism regarding China's nuclear no first use policy, the evidence appears to suggest that the Indian nuclear no first use policy, especially in a crisis situation, would not prevent Indian officials from issuing a nuclear first use threat or employing a nuclear weapon first.

Similarly, nuclear no first use proponents generally tout the advantage that such a policy would bring in the realm of conventional conflict – that is, the opponent will not feel forced to preempt with its nuclear forces, secure in the knowledge that the state with a nuclear no first use policy will keep its word. Consequently, a conflict can remain at the conventional level. Yet, India's large advantage in conventional forces over Pakistan may be driving Pakistan's reported strategy of keeping the option of nuclear first use open.¹⁵⁶ In short, India's attempt to keep a conflict at the conventional level from escalating to nuclear use, depending on the circumstances, may make Pakistani nuclear first use more likely – far from the purported stabilizing benefit predicted by nuclear no first use policy proponents.

¹⁵⁵ Kristensen and Korda, "Indian Nuclear Forces, 2020," *op. cit.*, p. 217.; and, "Arms Control and Proliferation: India," *Arms Control Association*, January 2018, available at <https://www.armscontrol.org/factsheets/indiaprofile>.

¹⁵⁶ For a broad discussion of Pakistani strategy, see, Sadia Tasleem and Toby Dalton, "Nuclear Emulation: Pakistan's Nuclear Trajectory," *The Washington Quarterly*, Vol. 41, No. 4 (2018), pp. 135-155.

The final benefit proponents of a nuclear no first use policy regularly identify is that it can help stop the arms race and make nuclear reductions more likely. As with the Soviet Union and China, however, the case of India's nuclear no first use policy does not appear to support this claim. None of the three nuclear powers in the region, China, Pakistan, or India, have agreed to nuclear arms control and all three are in the midst of increasing the size and sophistication of their nuclear arsenals.¹⁵⁷

The Soviet Union and its Chemical No First Use Policy

Content and Context of the Chemical No First Use Policy. The 1925 Geneva Protocol, which the Soviet Union ratified in 1928, "outlaws the use in war of any poison, and is deemed to cover any use of chemical, biological or toxin weapons."¹⁵⁸ As it was an agreement among the parties at the time it was ratified, the prohibition on chemical weapons use did not technically apply to states not party to the agreement, although the United States and the majority of other states decided the prohibition had been part of international relations for so long that it had become customary international law, and therefore applied to all states, not just the ones in the agreement.¹⁵⁹ At the time of its ratification, the Soviet Union submitted a "reservation" that stated in part, "The said Protocol shall cease to be

¹⁵⁷ Kristensen and Korda, "Indian Nuclear Forces, 2020," op. cit., p. 217.; and, Hans M. Kristensen, Robert S. Norris, and Julia Diamond, "Pakistani Nuclear Forces, 2018," *Bulletin of the Atomic Scientists*, Vol. 74, No. 5 (2018), p. 348.; and Berrier, "Statement for the Record: Worldwide Threat Assessment," op. cit.

¹⁵⁸ U.S. Department of State, "Case Study: Yellow Rain," *State.gov*, October 1, 2005, available at <https://2001-2009.state.gov/t/vci/rls/prsr/57321.htm>.

¹⁵⁹ Loc cit.

binding on the Government of the Union of Soviet Socialist Republics in regard to any enemy State whose armed forces or whose allies de jure or in fact do not respect the prohibitions which are the objects of this Protocol.”¹⁶⁰ In short, the Soviet Union committed itself to a no first use policy of chemical weapons against any signatory state of the Geneva Protocol – but, given the norm that had built up over the decades since the 1925 agreement, the majority of states viewed the 1925 Geneva Protocol as now applicable to all states under customary international law.

In 1979, the Soviet Union invaded Afghanistan and reports of chemical weapon use, sometimes referred to as “yellow rain” by victims of the attack, began to emerge in the years afterward, especially beginning in the early 1980s. There were also sporadic reports of chemical weapon use by Laos and Vietnam with Soviet involvement in Southeast Asia. As summarized by the U.S. Arms Control and Disarmament Agency in 1986:

The U.S. has formally presented its case regarding Soviet involvement in provision and use of toxin weapons in two unclassified reports to the UN and to the public (Department of State Special Report 98 of March 1982, and Special Report 104 of November 1982). These reports presented a comprehensive summary of the information, evidence, and an analysis of results the U.S. had obtained on the use of toxins and other chemical warfare agents by the Soviets in Afghanistan and by the Lao and

¹⁶⁰ Stockholm International Peace Research Institute, *The Problem of Chemical and Biological Warfare: Volume III, CBW and the Law of War* (Stockholm, Sweden: SIPRI, 1973), pp. 164-165, available at https://www.sipri.org/sites/default/files/CBW_VOL3.PDF.

Vietnamese: under Soviet supervision, in Laos and Kampuchea.¹⁶¹

A declassified U.S. Special National Intelligence Estimate from 1982 indicates that the U.S. intelligence community found enough evidence in Afghanistan, Laos, and Kampuchea to conclude that the Soviets had indeed employed chemical weapons in Afghanistan and supplied chemical weapons to Laos and Vietnam for their use but under Soviet supervision.¹⁶² Though hotly debated during the Cold War whether the Soviets actually employed chemical weapons, with some hypothesizing the effects could be the result of a natural phenomenon, post-Cold War analysis indicates the preponderance of evidence is on the side of the Soviet Union in fact being responsible for chemical weapons employment.¹⁶³

Credibility of the Soviet Chemical No First Use Policy. Prior to the Soviet invasion of Afghanistan and subsequent reports of chemical weapons employment, the U.S. intelligence community was split nearly evenly on the question of whether the Soviet Union would employ chemical weapons first in a conflict with NATO. The CIA and State Department believed “... it is unlikely that the Warsaw Pact would initiate offensive chemical warfare before the advent

¹⁶¹ Arms Control and Disarmament Agency, *Soviet Noncompliance*, op. cit., p. 13.

¹⁶² Director of Central Intelligence, *Use of Toxins and Other Lethal Chemicals in Southeast Asia and Afghanistan, Special National Intelligence Estimate, Volume I – Key Judgements* (Washington, D.C.: Central Intelligence Agency, February 2, 1982), originally Top Secret, declassified December 16, 2010, pp. i-23, available at https://www.cia.gov/readingroom/docs/DOC_0005585188.pdf.

¹⁶³ For an excellent review of the available evidence, see, Rebecca Lynn Katz, *Yellow Rain Revisited: Lessons Learned for the Investigation of Chemical and Biological Weapons Allegations* (Princeton, NJ: Princeton University Dissertation, May 2005).

of nuclear war, but that the Pact's first use under these circumstances cannot be entirely excluded." The DIA, the National Security Agency, and senior intelligence officers in each of the military services believed, "... that there is a strong possibility that the Soviets would initiate chemical warfare in a conventional conflict."¹⁶⁴ In a post-Cold War oral history interview, former Secretary of Defense Harold Brown stated that he believed the Soviet Union was "likely to use chemical weapons" during the Cold War, "even if NATO did not and even in the absence of nuclear exchanges."¹⁶⁵ Indeed, it appears Soviet war plans and exercises that were not withdrawn or destroyed when Germany reunited in 1990 demonstrate, as one analyst reports, "... nuclear and chemical weapons would have been used in the assault on NATO forces in West Germany, even if NATO used conventional weapons only."¹⁶⁶ There is no indication in public, declassified intelligence reports that government analysts believed the Soviet Union would refrain from chemical weapons use solely or even primarily because of its no first use pledge.

After revelations about Soviet chemical weapon use in Afghanistan, U.S. intelligence reports began to more seriously consider the possibility that the Soviet Union might initiate chemical use against NATO. For example, the State Department shifted its views to suggest that, "... under certain circumstances in the nonnuclear phase the Soviets might decide to use their substantial advantage in

¹⁶⁴ Director of Central Intelligence, *Warsaw Pact Forces Opposite NATO, National Intelligence Estimate, Volume I - Summary Estimate* (Washington, D.C.: Central Intelligence Agency, January 31, 1979), originally Top Secret, declassified August 16, 2010, p. 23, available at https://www.cia.gov/readingroom/docs/DOC_0005517771.pdf.

¹⁶⁵ Harold Brown, as quoted in, "Summary of Interview," chapter in, Hines, Mishulovich, and Shull, *Soviet Intentions 1965-1985, Volume II Soviet Post-Cold War Testimonial Evidence*, op. cit., p. 13.

¹⁶⁶ Rühl, "Offensive Defence in the Warsaw Pact," op. cit., p. 442.

chemical warfare.”¹⁶⁷ The overall consensus, however, appears to have been that if a Soviet offensive into Europe became unacceptably slowed down, the Soviets might consider employing chemical weapons unilaterally to obtain a *fait accompli*. Similarly, the intelligence community assessed, “If Soviet forces were in danger of being overwhelmed by sheer numbers of Chinese troops, the Soviets would be likely to employ chemical weapons, against which the Chinese have little capacity to defend themselves and a limited capability to reply in kind.”¹⁶⁸

U.S. government officials did not publicly address the possibility of Soviet first use of chemical weapons often, but annual Secretary of Defense reports to Congress frequently mention Russian offensive chemical weapon capabilities.¹⁶⁹ In fact, President Reagan’s National Security Advisor, William Clark, even floated the idea of putting the Soviet Union “on trial” for its chemical weapons employment.¹⁷⁰

¹⁶⁷ Director of Central Intelligence, *The Soviet Offensive Chemical Warfare Threat to NATO, Special National Intelligence Estimate* (Washington, D.C.: CIA, November 20, 1984), p. 10, originally Top Secret, declassified December 9, 2009, available at <https://www.cia.gov/readingroom/docs/CIA-RDP87T00217R000200070009-1.pdf>.

¹⁶⁸ Director of Central Intelligence, *Soviet Strategy and Capabilities for Multitheater War, NIE 11-19-85/L* (Washington, D.C.: CIA, April, 1985), p. 12, available at <https://www.cia.gov/readingroom/docs/CIA-RDP87T00495R000700760002-9.pdf>.

¹⁶⁹ See, for example, Harold Brown, *Department of Defense Annual Report Fiscal Year 1980* (Washington, D.C.: Department of Defense, January 25, 1979), p. 157, available at https://history.defense.gov/Portals/70/Documents/annual_reports/1980_DoD_AR.pdf?ver=2014-06-24-150830-927; and, Caspar W. Weinberger, *Annual Report to the Congress, Fiscal Year 1985* (Washington, D.C.: Department of Defense, February 1, 1984), p. 25, available at https://history.defense.gov/Portals/70/Documents/annual_reports/1985_DoD_AR.pdf?ver=2014-06-24-151140-670.

¹⁷⁰ William P. Clark, “Letter to Peter O’Donnell,” *Reagan Library*, January 10, 1983, available at <https://www.reaganlibrary.gov/public/2021->

Given the widespread distrust of the Soviet's nuclear no first use policy, it seems reasonable to believe that there would have been skepticism at the highest levels of the U.S. government of the Soviet no first use of chemical weapons pledge as well.

Did the Soviet Chemical No First Use Policy Result in Purported Benefits? There is no apparent reason why a chemical weapon no first use pledge should substantially differ in benefits from a nuclear no first use pledge, according to the logic of its proponents, so it is pertinent to consider whether the Soviet Union obtained the purported benefits of its chemical no first use policy. Regarding the first purported benefit, decreasing ambiguity that could lead to an adversary's preemptive attack, the Soviet Union does not appear to have gained such a benefit. NATO, to be sure, had a chemical no first use policy of its own, but the available evidence suggests NATO did not believe the Soviet Union's same policy. In short, according to the logic of no first use policy proponents, the Soviet Union's chemical weapon no first use policy should have made NATO secure in the knowledge that it would not have to launch its chemical weapons before they were destroyed by the Soviets, thus allowing the conflict to stay at the conventional level. The Allies did indeed want to refrain from chemical weapon use, but there is no evidence that they were reassured that the Soviets would not employ chemical weapons first. It was a question of military utility, not adherence to norms, that played the largest role in NATO's threat perceptions of Soviet chemical weapons capabilities.

The Soviet Union also failed to achieve the benefits of generally defused bilateral and multilateral tensions, and tensions in fact grew worse because of Soviet chemical

weapons use in Afghanistan. Moreover, the Soviet chemical weapons no first use pledge failed to improve prospects for chemical weapons nonproliferation or disarmament since the Soviets directly proliferated these capabilities in Southeast Asia. Nor did the Soviet Union foreclose an unthinkable option (as evidenced by its employment in Afghanistan) or promote keeping a conflict at the conventional level due to its chemical weapon no first use policy. Finally, such a policy did not promote the final benefit, a cessation of the chemical arms race or allow for chemical weapon elimination—quite the opposite in fact. It can easily be argued that Soviet chemical weapon use horrified the international community enough that there was finally enough pressure, along with internal military and economic considerations, to create the conditions for chemical weapons destruction talks between the United States and the Soviet Union. Obviously, given recent Russian employment of chemical weapons, it is doubly apparent that the Soviet Union and its successor the Russian Federation have failed to benefit in the ways predicted by proponents of no first use policies.

Why No First Use Policies Failed and Further Reasons Why States Resist Adopting Them

While it is important to recognize that nuclear and chemical no first use pledges have failed to provide the purported benefits in the past, it is even more important to understand *why* these policies failed to secure the benefits they promise. If these reasons persist, the purported benefits of a no first use policy are likely to remain illusory. This section therefore examines the various, inter-related factors that led to the failure of these no first use policies—factors that are plainly evident from the case studies as well as factors that

appear to be at work more subtly. In addition, drawing from examples in the case studies above, this section also addresses why states like the United States have resisted adopting such a policy.

Proponents of nuclear no first use or sole purpose policies must seriously address these factors when promoting these policies; they have yet to do so. The case studies in this report demonstrate that no first use policies in the past have not delivered the promised benefits—so proponents of a nuclear no first use or sole purpose policy must explain why the future will be different and why the various factors presented below either do not apply or can be mitigated. In short, why should anyone expect a U.S. nuclear no first use or sole purpose policy to have different results from those of the past? Answers to this question could certainly advance the debate.

The reasons behind the failure of no first use policies, and why state leaders are hesitant to adopt the policy, are organized loosely around prominent themes below.

States have Lied or Bluffed in Declaratory Policy Previously

The first and most obvious finding derived from the case studies about why no first use policies have failed previously is that national leaders recognize that other states have issued either false or misleading declaratory policies in the past to gain either political or military advantage. The simple historical fact that state leaders have found it advantageous to lie before, in times of peace and war, inherently raises doubts about the veracity of any sort of declaratory policy. As the political theorist Thomas Hobbes wrote in his great work *Leviathan*, “Force and fraud,

are in war the two cardinal virtues.”¹⁷¹ For example, a senior Soviet official explained in a post-Cold War interview how the Soviets intended to reap deterrence benefits from their hyperbolic and misleading declaratory policy: “... the threat that we [the Soviets] would respond with full nuclear force to the use of a single nuclear weapon on the part of the U.S. This message was repeated at all levels, from the Minister of Defense on down. But these statements had purely propagandistic and political targets. If it ever became reality, we would not have acted like that. If the U.S. did make such a strike, we would have gathered together to discuss what to do, even though we officially and loudly proclaimed the opposite, and it was written up in documents, etc.”¹⁷²

One can easily imagine state leaders that are under stress from an ongoing crisis or conflict, well-versed in the numerous instances in which the opponent has lied publicly or practiced military deception to advance its national interests, must wonder what other prudent choice do they have but to at least consider the possibility that the opponent is lying about its nuclear declaratory policy as well? If “force and fraud” are indeed the two most important “virtues” in war, policies that depend upon international trust – no first use and sole purpose policies – are exceedingly unlikely to work as needed, when needed. Or, as the nuclear strategist Herman Kahn stated, “A policy that cannot coexist with a degree of suspicion is not a viable policy in today’s world, or indeed any world.”¹⁷³

¹⁷¹ Thomas Hobbes, C. B. MacPherson, ed., *Leviathan* (New York: Penguin Books, 1985, originally published 1651), p. 188.

¹⁷² Andrian A. Danilevich, as quoted in, “Record of Interview: Subject: Gen.-Col. (Ret.) Andrian A. Danilevich,” chapter in, Hines, Mishulovich, and Shull, *Soviet Intentions 1965-1985, Volume II Soviet Post-Cold War Testimonial Evidence*, op. cit., p. 64.

¹⁷³ Herman Kahn, *Thinking About the Unthinkable* (New York: Horizon Press, 1962), p. 30.

Some proponents of nuclear no first use have responded that even if others do not believe a U.S. nuclear no first use pledge, it could still serve some good purposes, such as reducing U.S. reliance on nuclear weapons to make their employment less likely.¹⁷⁴ If they truly believed this position, however, then they logically cannot at the same time advocate for the stabilizing benefits of a nuclear no first use policy, as Franklin Miller and Keith Payne have pointed out.¹⁷⁵ That is, one of the primary purported benefits of a nuclear no first use policy is that it would reassure other states with nuclear weapons that the United States would not preemptively destroy their nuclear arsenal—but this would mean a state is confident the United States would withhold a nuclear first strike, not simply “somewhat confident”—the consequences are far too great if they are wrong. As is evident by the entire field of nuclear weapons strategy, leaders of states have prudently planned for low probability, high consequence events throughout the nuclear age. If in the end, even after the United States adopts a nuclear no first use policy, and state leaders are no more or less confident in U.S. intentions than when the United States had its policy of calculated ambiguity, then criticisms of current policy by no first use policy proponents are unfounded.

Five of the six purported benefits identified by proponents of a nuclear no first use policy *depend on* an opponent’s leadership being confident in the U.S. pledge

¹⁷⁴ For example, see, Bundy, Kennan, McNamara, and Smith, “Nuclear Weapons and the Atlantic Alliance,” *op. cit.*, p. 766.; and, Harold A. Feiveson and Ernst Jan Hogendoorn, “No First Use of Nuclear Weapons,” *Nonproliferation Review*, Vol. 10, No. 2 (Summer 2003), p. 8.; and, Reif and Kimball, “Rethink Oldthink on No First Use,” *op. cit.*

¹⁷⁵ Franklin C. Miller and Keith B. Payne, “No First-Use Advocacy: Contradictions and Guesswork,” *National Institute for Public Policy*, Information Series #411, September 7, 2016, available at <https://nipp.org/wp-content/uploads/2021/03/IS-411-final-9.7.16.pdf>.

not to use nuclear weapons first. The one purported benefit that does not necessarily depend on an adversary's trust is "foreclosing an unthinkable option." This remaining purported benefit seems unthinkable itself in the face of growing strategic non-nuclear threats posed by states hostile to the United States and its allies and partners – to mention the history of the ambiguous U.S. nuclear deterrent threats against Saddam Hussein that appear to have contributed to his decision against employing chemical or biological weapons during the Gulf War.¹⁷⁶ Proponents will have to weigh the many costs of adopting a nuclear no first use policy that potential adversaries will very likely not believe and allies will believe, against a highly dubious benefit that is of questionable value given current and future threats.

There May Be Military Advantages to Abandoning a Nuclear No First Use Pledge

A prominent reason why national leaders tend not to believe no first use pledges is because the consequences for mistakenly believing them could lead to military advantages for the pledging state. That is, if the United States were to believe, for instance, the Chinese nuclear no first use policy in peacetime and in war, especially one that may not be going as well as Chinese officials hoped, the United States could find itself at a militarily disadvantage should China choose to abandon its pledge and employ

¹⁷⁶ Although other experts like Scott Sagan dispute this point, those experts most familiar with the Iraqi decision-making process during the war make a compelling case that U.S. nuclear threats indeed were successful in some areas and unsuccessful in others as Saddam Hussein was beyond deterrence with some of his actions. See, Amatzia Baram, Michael Eisenstadt, David Palkki, and Kevin Woods, "Iraqi Decision Making Under Saddam Hussein," *C-SPAN*, September 20, 2010, available at <https://www.c-span.org/video/?295550-1/iraqi-decision-making-saddam-hussein>.

nuclear weapons first. Indeed, as stated in the 2020 *Report on the Nuclear Employment Strategy of the United States*, “The United States does not consider it prudent to assume states will adhere to their ‘no first use’ pledges, even under the most stressful conditions of major conflict.”¹⁷⁷ Essentially, the United States would likely fight a conventional conflict differently if it truly believed a Chinese no first use nuclear policy than it would if it did not believe its nuclear no first use policy. For example, as the Supreme Allied Commander for Europe, General Bernard Rogers wrote, “Our [NATO] nuclear threat compels the Warsaw Pact to echelon its forces as well as raising the risk of massing forces for penetration. (This, incidentally, provides one of the major tactical reasons for NATO not to adopt a ‘no-first-use’ policy with regard to theater nuclear weapons; there are other reasons as well.)”¹⁷⁸ Reversing the scenario, if NATO at the time had aggressive intent and believed the Soviet nuclear no first use policy, it might have planned to mass its forces together in compact areas to penetrate Soviet conventional forces—but, if the Soviet Union at that point decided to abandon its nuclear no first use pledge, the NATO forces would be especially vulnerable to a nuclear attack on its massed conventional forces.

As the Rogers quote makes clear, there are tactical level implications to a no first use policy, but as General David Jones, Chairman of the Joint Chiefs of Staff, stated in 1982, there are also operational and strategic level implications:

¹⁷⁷ U.S. Department of Defense, *Report on the Nuclear Employment Strategy of the United States* (Washington, D.C.: Department of Defense, 2020), p. 8.

¹⁷⁸ Bernard W. Rogers, “Sword and Shield: ACE Attack of Warsaw Pact Follow-On Forces,” *NATO’s Sixteen Nations*, Vol. 28, No. 1 (February/March 1983), p. 17, available at <https://www.cia.gov/readingroom/docs/CIA-RDP85M00364R000801310018-3.pdf>.

Now, it is easy in a peacetime environment in a cool and reasoned way, for both countries [United States and Soviet Union] to say no first use. Perhaps both countries would be totally sincere in no first use, but it is a different situation when you are in the middle of a war and you are being defeated, and vital interests are at risk. There would be a great temptation at that time to escalate, whatever you said in peacetime--whether to prevent defeat or for preemption to knock out the nuclear capability of the other side.¹⁷⁹

Proponents of a nuclear no first use or sole purpose policies must recognize that they are asking national leaders to accept serious risks in taking at face value the nuclear declaratory policies of potential adversaries, with risks that are near incalculable if their trust is misplaced. If a leader wrongly places trust in an adversary's nuclear no first use pledge, the leader risks facing a surprising nuclear first strike for which it had not prepared. The potential negative consequences of such misplaced trust are limitless.

On the other hand, the consequences of misplaced *distrust* appear to present less risk. If the United States, for example, were in a conventional war with China and did not believe the Chinese nuclear no first use policy, one would assume the United States would avoid massing its forces in small areas or in formations at sea that could be more easily damaged by a nuclear strike. These tactics may carry some operational and logistical difficulties, but such consequences would be far less than conducting a conventional operation as if there was no threat of nuclear escalation and then being caught by surprise with one or more nuclear strikes.

¹⁷⁹ David C. Jones, as quoted in, U.S. Senate, Committee on Foreign Relations, *Nuclear Arms Reduction Proposals* (Washington, D.C.: GPO, April 29, 1982), pp. 38-39.

The political and military risks of distrusting an opponent's nuclear no first use policy, and being wrong, appear to be far less dangerous than the potential political or military risks for trusting an opponent's nuclear no first use policy, and being wrong. In short, a policy that trusts an opponent's nuclear no first use policy requires national leaders to accept far more risk should they be proven wrong—in a matter in which there can be no guarantees that opponents will abide by their promises.

There is a legal concept in this regard that has become a standard inclusion in nearly all major defense treaties signed between states, sometimes known as the "opt out" clause. In legal terms, the *rebus sic stantibus* clause, or "things standing thus," allows states to legally withdraw from an agreement if circumstances change substantively in the area covered by the agreement, and state leaders determine it is in their nation's "supreme interest" to no longer be bound by the agreement's requirements. Every major arms control treaty has incorporated such a clause, including: the Strategic Arms Limitation Treaties (SALT I and SALT II), the Anti-Ballistic Missile (ABM) Treaty, the Intermediate Range Nuclear Forces (INF) Treaty, the Strategic Arms Reduction Treaties (START I and START II), the Strategic Offensive Reductions Treaty (SORT) or "Moscow Treaty," the New START Treaty, and even the Treaty on the Prohibition of Nuclear Weapons (TPNW).

State leaders who do not believe another state's nuclear no first use policy may be influenced by the policy's unstated *rebus sic stantibus* clause. That is, a nuclear no first use or sole purpose policy in effect says, "As things stand, the policy of the United States is to never employ a nuclear weapon first." One exception is the case of the Soviet Union's nuclear no first use policy, which included an unsubtle threat to withdraw its policy if other states did not adopt similar policies. This threat no doubt contributed to the widespread distrust of Soviet sincerity in the policy.

Nevertheless, any state leader that is familiar with international agreements, *as a default position*, knows that another state can withdraw from an agreement as circumstances change that threaten a state's "supreme interests." An enormous barrier to the adoption of a credible nuclear no first use policy, therefore, is a state leadership's *standard thought process* that policies can and should change to adapt to a dynamic security environment. A nuclear no first use or sole purpose policy runs directly counter to this engrained way of thinking.

This is precisely the reason that a state's leadership typically does not believe another state's no first use pledges—they all contain an unstated "escape clause." Making that implicit clause explicit demonstrates how profoundly difficult it is to make a no first use policy credible. Importantly, there appears to be no way around this problem. One could imagine a "no first use forever" (NFUF) policy where a state says that not only will it never be the first to employ a nuclear weapon, but it will also never change its policy under any circumstances. Yet, here again, the issue of the credibility of such a claim abides. No state leader can ever fully trust that even a NFUF policy will not change at some point—it is simply unverifiable and unpredictable in perpetuity.

There is Little to Prevent a Change in State Policy

If the Biden administration were to issue a nuclear no first use pledge, there is little an opponent can do to prevent a subsequent change in U.S. policy in the midst of extreme circumstances, or, following the entry of a new political leadership. As it is a matter of declaratory policy, there is practically nothing that potential adversaries can do to coerce the United States into keeping a no first use pledge once made; or, to put it another way, an opponent cannot prevent the United States from returning to a policy of

calculated ambiguity. Just as there are no guarantees that opponents will abide by their no first use policies, opponents could have no confidence that the United States would do so were it to adopt a no first use policy.

Proponents of nuclear no first use occasionally admit this and recognize that some states may perceive there to be little cost if the United States were to issue, and then subsequently disregard its nuclear no first use pledge. Yet, some analysts have asserted that the negative effects of the perception of a non-credible nuclear no first use pledge can be mitigated if the United States were to make the pledge publicly or binding in some way. Essentially, if the United States were to show that it was staking its reputation as a world leader in nuclear nonproliferation and disarmament on upholding its nuclear no first use pledge in all circumstances, this would increase the domestic political costs for going back on the pledge and perhaps hurt American international standing as well. For example, Michael Gerson has written, "By making an NFU policy public, perhaps in the form of a presidential press conference accompanied by a formal document, the United States would increase the credibility of NFU by tying its reputation to the sustainment of and adherence to the commitment. The objective would be to bolster the credibility of an NFU policy by ensuring that noncompliance would have unacceptably high political costs."¹⁸⁰

Yet, the findings of a more recent study has called this conclusion into doubt. In 2013, Scott Sagan and his co-authors, Daryl Press and Benjamin Valentino, published a study that concluded the American public is very focused on the expected military utility of nuclear weapons and not so much about the norms against nuclear use – thus a U.S. president breaking a nuclear no first use pledge to achieve

¹⁸⁰ Gerson, "No First Use: The Next Step for U.S. Nuclear Policy," *op. cit.*, p. 45.

clear military goals appears unlikely to have the large domestic audience costs that Sagan and Gerson expected in their earlier articles. As Sagan and his co-authors state, "However, our findings indicate that, for most Americans, the inhibitions against using nuclear weapons are relatively weak and decidedly not subject to a taboo. In the nuclear domain, the logic of consequences is stronger than the logic of appropriateness... With nuclear weapons, however, the U.S. public's preference for nuclear options seems to grow steadily as a function of perceived utility."¹⁸¹

Although not addressed fully in articles on the subject, it is, at the very least, questionable that a U.S. president would rank the difficulty of explaining a change in nuclear policy to a domestic audience during a crisis or conflict as a greater worry than potentially suffering massive military casualties in a conflict that plausibly could have been deterred with explicit nuclear first use threats. Should a U.S. president operating under a nuclear no first use policy face the possibility of conflict with China or Russia, it seems apparent that the domestic costs of changing policy and issuing a nuclear first use threat to stave off conflict are far less than staying true to the policy and still engaging in conflict that would inevitably produce not only domestic but military and international consequences.

In addition, proponents of a nuclear no first use policy have yet to account for the fact that the American people may draw a distinction between the optional threat of nuclear first use and the first employment of nuclear weapons. That is, the debate is not between those who advocate first use and those who advocate for no first use. The debate is between those who want to keep the option of first use open (with the level of explicitness of the threat

¹⁸¹ Daryl G. Press, Scott D. Sagan, and Benjamin A. Valentino, "Atomic Aversion: Experimental Evidence on Taboos, Traditions, and the Non-Use of Nuclear Weapons," *The American Political Science Review*, Vol. 107, No. 1 (February 2013), p. 202.

dependent on the needs of the situation) and those who want to preclude the option of even threatening nuclear first use or employing nuclear weapons first.

As for the possibility that the United States would suffer international rebuke for changing its nuclear declaratory policy from no first use back to calculated ambiguity – the risks appear greatly overblown. Considering the majority of U.S. allies and partners are against a change in policy to nuclear no first use in the first place, a return to the policy of calculated ambiguity may be welcomed as a stabilizing return to normalcy. Russia could hardly criticize a U.S. abandonment of a nuclear no first use pledge since Russia did the same in 1993, plus the United States would only be returning to its decades-old policy. One should note in this regard that Russia does not appear to have suffered any long-term consequences for its 1993 policy reversal, a decidedly contrary result to what proponents of nuclear no first use policies would predict.

China would no doubt criticize such a U.S. reversal, but compared to China's poor record on transparency and nonproliferation, these criticisms would not be especially damaging. The fact is, the U.S. record on nuclear nonproliferation and nuclear disarmament is so broad and strong, built over many decades, that the change in declaratory policy should not cause irreparable or even significant harm to the U.S. reputation. The states that refuse to work with the United States on the goals of nuclear nonproliferation because the United States changed back to the policy it has held for decades would demonstrate only their willingness to place politics ahead of gains in nonproliferation.

The Rash Claims of Certainty in Nuclear No First Use Policies

Some may consider this point unduly harsh, but it is not meant to be. Proponents of a nuclear no first use policy, with all due respect, must grapple with the sheer audacity of their claim.¹⁸² When they state that “no president will ever...” or, “it would never be in the interest of the United States to initiate nuclear first use...” they are making absolute claims on behalf of a nuclear no first use or sole purpose policy. Absolute claims require absolute certainty. They must recognize that when they make such remarks, they are in essence claiming that they know *with certainty* in every conceivable circumstance; involving every actor; with diverse motivations, worldviews, and types of risk calculus; over all conceivable stakes, that it will *always* be in the best interest of the United States to refrain from even threatening nuclear first use. The level of knowledge needed to confidently make such a claim approaches omniscience—a point proponents have yet to acknowledge.

¹⁸² In addition to the quotations cited earlier, another prominent example is the joint statement by former Secretary of Defense William Perry and Directory of Policy at Ploughshares Fund, Tom Collina: “... the Biden administration should declare sole purpose. The United States should never initiate nuclear war, but only use these weapons to deter or respond to a nuclear attack against us or our allies. With U.S. conventional superiority, we believe that no rational president would use nuclear weapons first, in any scenario. Against a nuclear-armed state like Russia or China, first use would invite a devastating retaliation. Against a nonnuclear state, first use would go against fifty years of U.S. nonproliferation policy. How can we possibly hope to convince other states that they do not need nuclear weapons if the United States itself says it needs them for nonnuclear threats?” William J. Perry and Tom Z. Collina, *A New Nuclear Policy for the Biden Administration* (Washington, D.C.: U.S. Senate Armed Services Committee, June 16, 2021), p. 3, available at <https://www.armed-services.senate.gov/imo/media/doc/Perry-Collina%20statement%20to%20SASC%206-16.pdf>.

Even a Quintessential Nuclear No First Use Posture Does Not Guarantee Credibility

Nuclear no first use policy proponents have also yet to address perhaps the most damaging evidence against their claim that a nuclear no first use policy can be made credible: the fact that the no first use policies of China and India are so widely distrusted. As explained before, if open-source reports are correct, until recently at least, China and India had nuclear force postures that were *ideally* suited to projecting a credible nuclear no first use policy: with demated warheads, low alert levels, and relatively small warhead and delivery system numbers.¹⁸³ And, of course, both China and India announced their policies very publicly. If it were possible to make a nuclear no first use policy credible, then there should be widespread agreement among state leaders that they trust China and India will adhere to their policies under all circumstances. As indicated in the case studies, however, this is clearly not the case.

In fact, one pertinent example from the Cold War illustrates the sheer difficulty of convincing other states about one's intentions. At some point in the 1980s, East German intelligence was able to obtain secret NATO war plans which clearly indicated NATO did not intend to be the first to employ force.¹⁸⁴ In a post-Cold War oral history

¹⁸³ The author has written on this point more extensively in, Matthew R. Costlow, "Learning the Right Lessons from China's Nuclear 'No First Use' Policy, *National Institute for Public Policy*, Information Series #490, May 27, 2021, available at <https://nipp.org/wp-content/uploads/2021/05/IS-490.pdf>.

¹⁸⁴ Jan Hoffenaar and Christopher Findlay, eds., *Military Planning for European Theatre Conflict During the Cold War: An Oral History Roundtable* (Zurich, SZ: ETH Zurich, 2007), pp. 159-160, available at https://www.files.ethz.ch/isn/46280/ZB79_000.pdf.

project, the NATO side asked the former Soviet side why, when they had exquisite intelligence to the contrary, they continued to claim NATO was offensively oriented and a major threat. One former Soviet official responded, "I want to address the issue of why we did not trust NATO and the fact that it was not just a defensive bloc without any plans of aggression. I think that it was due to the fact that NATO possessed more economic potential and power than the Warsaw Pact. It was hard to believe that this organization, which was much more powerful in terms of its potential, had only defensive plans. We simply did not believe that."¹⁸⁵

Thus, when even observable force posture and exquisite intelligence are not enough to convince others about a state's intentions, nuclear no first use and sole purpose proponents must explain exactly how they plan to make such a U.S. policy credible, if even possible.

Mistrust in One Area Leads to Mistrust in Other Areas

It is natural for state leaders to question whether they can trust another state in an area such as a nuclear no first use policy when its leaders have lied in another area for political or military gain. If other leaders have lied on less important topics than nuclear war policy, how can one trust that they will keep their word when the stakes are even higher? For instance, after it was determined that Russia attempted to poison two of its citizens in the United Kingdom with a chemical weapon in 2018, Russian President Vladimir Putin stated, "... Russia does not have such chemical agents. We

¹⁸⁵ Aleksander Liakhovskii, as quoted in, Hoffenaar and Findlay, *Military Planning for European Theatre Conflict During the Cold War: An Oral History Roundtable*, op. cit., p. 172.

destroyed our chemical weapons..."¹⁸⁶ If Russia were to adopt a nuclear no first use policy, could U.S. political and military leaders reasonably be expected to believe Russia's nuclear declaratory policy when its chemical declarations are so obviously false? Political and military leaders tend to take the whole of another state's actions into account when deciding whether to trust their policies or not, as illustrated by Secretary of Defense Weinberger's response when asked whether he believed the Soviets would keep their word on nuclear no first use: "... their track record is not very good."¹⁸⁷ Thus it is practically impossible for a state, no matter how sincere in its nuclear no first use pledge, to protect its reputation in that one area alone when mistrust in any other area of state affairs could easily and understandably lead to mistrust in nuclear declaratory policy.

Strategic Non-Nuclear Threats Affect Allies and Partners Most

Given the U.S. geographic position in the world, its network of alliances is absolutely fundamental to its defense strategy and ability to project power. The location of U.S. allies and partners often directly neighboring hostile revisionist states with nuclear and strategic non-nuclear arsenals creates great allied and partner interest in U.S. nuclear declaratory

¹⁸⁶ Vladimir Putin, as quoted in, "Answers to Media Questions," *Kremlin.ru*, March 18, 2018, available at <http://en.kremlin.ru/events/president/news/57085>. For U.S. views on this incident, see, U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (Washington, D.C.: Department of State, June 2020), pp. 13-17, available at <https://www.state.gov/wp-content/uploads/2020/06/2020-10C-Report-Unclassified-Version-for-H.pdf>.

¹⁸⁷ Weinberger, as quoted in, *Defense Department Authorization and Oversight Hearings*, op. cit., p. 151.

policy. The fact is, U.S. allies and partners believe there are nuclear and strategic non-nuclear threats that threaten their continued existence—so it is only reasonable when faced with such threats that allies and partners seek capabilities and threats sufficient for credible deterrence. This dynamic could lead to the further proliferation of nuclear weapons among U.S. allies, but U.S. policy has been to extend deterrence to allies and partners as a means of assurance that they do not need to pursue their own independent nuclear weapon programs. To further assure allies and partners of the credibility of U.S. security assurances under extreme circumstances, U.S. nuclear declaratory policy leaves open the option of nuclear first use to defend allies and partners against nuclear and strategic non-nuclear threats.

Judging by open source reporting and the writings of senior Obama administration officials, U.S. allies greatly value the United States keeping the nuclear first use option open. U.S. officials have thus likely been hesitant to adopt a nuclear no first use policy not only because allies and partners have objected, but because doing so over the objections of allies and partners could have a chilling effect on other areas of cooperation with allies as well as provide pause for states who may be considering allying themselves with the United States.

Conclusion

The ultimate irony of a nuclear no first use or sole purpose policy is that, when adopted, it may end up contributing to the very condition that it was meant to avoid: nuclear war. By eliminating one final deterrence step before war—the threat of nuclear first use—there would be less chance to prevent conflict, a conflict that could threaten U.S. and allied vital interests so severely that over time and after much bloodshed the United States must

threaten to employ nuclear weapons first to prevent even more, thus raising the risk of nuclear escalation. Put more succinctly by then-Secretary of Defense Caspar Weinberger, “The danger of a ‘No First Use’ pledge remains that it could increase the chances of war and thus increase the chances of nuclear conflict.”¹⁸⁸

The nuclear strategist Herman Kahn examined two concepts at the beginning of his book *Thinking About the Unthinkable*—“self-fulfilling prophecies” and “self-defeating prophecies.” Most people are familiar with the concept of a self-fulfilling prophecy, where some people predict a future event so often and with such fervor that their actions help create the conditions for it to come true. A self-defeating prophecy, however, is where some people believe so fervently in a future event that their actions help create the conditions for failure.¹⁸⁹ A nuclear no first use or sole purpose policy has the potential to become a self-defeating prophecy by falsely promising greater safety and security, but as U.S. officials try to achieve those benefits, they may inadvertently create the conditions to make war below the nuclear threshold more likely—war that could easily escalate to nuclear use.

However, the primary danger of a U.S. nuclear no first use or sole purpose policy is not so much that potential adversaries will believe the policy and act aggressively up to just below the nuclear “red line;” indeed, the case studies examined here suggest U.S. opponents are unlikely to believe such policies in the first place. U.S. officials certainly cannot dismiss the possibility that an opponent will act aggressively just under the nuclear threshold; it is and will

¹⁸⁸ Caspar W. Weinberger, *Annual Report to the Congress for Fiscal Year 1984* (Washington, D.C.: Government Printing Office, February 1, 1983), p. 55, available at https://history.defense.gov/Portals/70/Documents/annual_reports/1984_DoD_AR.pdf?ver=2014-06-24-151113-310.

¹⁸⁹ Kahn, *Thinking About the Unthinkable*, op. cit., pp. 28-29.

remain a real danger. Instead, the above analysis indicates there are three very significant dangers of a U.S. nuclear no first use or sole purpose policy that policymakers must consider before pledging their support for those policies.

First, allies and partners will rightly believe that the newly-adopted policy signals a reduction in the risks the United States is willing to undertake in their defense. Should U.S. allies and partners come to this conclusion, a mindset clearly already present among some allies, it will lead to frayed or fractured alliances, reduced opportunities for cooperation, and an increased chance of nuclear proliferation. These negative consequences could have unforeseen follow-on effects, such as potential U.S. adversaries perceiving the U.S. policy shift as indicative of weakened political will. Or, perhaps, such a U.S. policy shift could lead to an increased chance of regional nuclear conflict and maybe even preemption if an adversary believes a U.S. ally is pursuing its own nuclear arsenal as a consequence.

The second significant danger is that U.S. leaders will believe, and act on their belief, that opponents will find U.S. policy to be credible. That is, if U.S. officials enter a crisis or conflict believing that the adversary is sufficiently reassured that the United States will not attack them with nuclear weapons, then they may feel an unjustified sense of confidence that conventional operations will remain at the conventional level, instead of accurately assessing the risks of an opponent's nuclear escalation in the face of conventional U.S. superiority that could lead to their defeat. Ironically, it appears that if U.S. officials adopt a nuclear no first use or sole purpose policy, they should assume the opponent *will not be reassured or believe* U.S. policy—all for the purpose of not becoming complacent about the risks of an opponent's nuclear escalation.

The third significant danger is that adopting such policies, without any likely benefit, would ignite a fractious

debate about whether and which U.S. nuclear systems are compatible with the new policy. What is worse, these debates would have no definitive answers and would simply lead to states like China and Russia, as well as domestic non-governmental groups, weighing in on the internal U.S. debate with their own preferred U.S. force posture changes, all without being able to appeal to a common standard. For example, if the United States adopted a nuclear no first use policy, should U.S. submarine-launched ballistic missiles be eliminated because they could potentially very effectively be employed first due to their shorter flight times and multiple warhead capability? Or does their value as near-invulnerable second-strike options outweigh the potential for first use? Just how many reductions and to which U.S. nuclear systems will the United States need to undertake before it believes opponents should find it credible? What if opponents say they require more U.S. nuclear reductions before they find it credible? Their suggestions in this regard will be as plentiful as they are self-serving.

Ultimately, U.S. officials would necessarily have to create an entirely new set of policy justifications for why each U.S. nuclear weapon system does or does not conform to the new policy, and then reconcile those answers with whether those same systems in states like China indicate the Chinese nuclear no first use policy is credible. U.S. officials would, for instance, likely confront the argument that retaining large numbers of ICBMs is incompatible with a policy of nuclear no first use, an argument likely to be made by proponents who have yet to call into question China's commitment to its policy of nuclear no first use despite to its large increases in deployed ICBMs. To be clear, the presence of debate on the topic is not a negative *per se*, only when that debate becomes interminable because there is no common standard about what constitutes a weapon that could be "used first." An unmoored debate about U.S.

nuclear declaratory policy would both please potential adversaries and concern allies and partners, all with the potential of allowing domestic disarmament-focused groups the policy justification to advocate for U.S. nuclear reductions that were, and still are, inadvisable due to the increasingly challenging threat environment.

The policy of calculated ambiguity avoids these dangers by retaining the flexibility to deter adversaries and assure allies, avoiding the assumption that adversaries will believe U.S. declaratory policy, and allowing for a diverse range of nuclear capabilities to meet dynamic deterrence requirements for unique opponents. Signaling U.S. intentions and capabilities to friend and foe alike, in a manner and with a message that they will find credible according to their own standards of credibility, remains one of the preeminent difficulties of U.S. foreign and defense policy—a problem that involves more tools of state power than simply declaratory policy alone. Given the potential consequences of misperception and miscalculation regarding U.S. nuclear policy, policymakers must carefully consider not only the good intentions of those who wish to make a change to nuclear no first use or sole purpose policies, but also the unintended negative consequences such a change would likely create. To this end, U.S. policymakers can do no better than remember the words of the great American geopolitical theorist Nicholas John Spykman: “Experience has shown that there is more safety in balanced power than in a declaration of good intention.”¹⁹⁰

¹⁹⁰ Nicholas John Spykman, *America's Strategy in World Politics: The United States and the Balance of Power* (New York: Harcourt, Brace and Company, Inc., 1942), p. 20.

About the Author

Matthew R. Costlow is a Senior Analyst at the National Institute for Public Policy. His areas of expertise are in nuclear deterrence, missile defense policy, arms control, and Russian and Chinese nuclear doctrine. His work has been published by *Comparative Strategy*, *Strategic Studies Quarterly*, and the *Bulletin of the Atomic Scientists*. He has also published numerous opinion pieces in the Institute's *Information Series* as well as the *Wall Street Journal*, *War on the Rocks*, *Defense News*, and *Defense One*.

While working for the National Institute, Matt graduated in 2012 from Missouri State University with an M.S. in Defense and Strategic Studies. His thesis, "Gunboat Diplomacy in the South China Sea" was chosen for publication at the U.S. Air Force Institute for National Security Studies. He is currently a PhD candidate in Political Science at George Mason University and is writing his dissertation on the factors that influence the credibility of WMD declaratory policy.

From 2019-2021, Matt served as a Special Assistant in the office of Nuclear and Missile Defense policy, Department of Defense. His responsibilities included authoring and editing Congressional testimony for senior leadership on nuclear and missile defense topics, writing reports to Congress, drafting speeches to domestic and foreign audiences, and ensuring strategic communications were consistent with official U.S. government policy. While at the Pentagon, Matt also briefed numerous senior officials up to the Under Secretary of Defense for Policy, explained U.S. policy to multiple allied delegations, and produced nuclear-themed tabletop exercises. For these and other accomplishments, Matt was presented with the Office of the Secretary of Defense Award for Exceptional Public Service.

From 2012-2019, Matt worked as an Analyst at National Institute, specializing in many of the same areas he currently writes on. Before 2012, he researched cybersecurity, emergency management, and foreign airpower acquisition at the Congressional Research Service. Prior to that, he worked at SAIC on federal and state emergency management best practices.

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