



# ANALYSIS

## BACK TO THE FUTURE: U.S. NUCLEAR DETERRENCE TODAY AND THE FOSTER PANEL STUDY\*

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### Introduction

At the request of President Richard Nixon in February 1973, Dr. John S. Foster, then Under Secretary of Defense for Research and Engineering and a former Director of the Lawrence Livermore Laboratory, chaired an *ad hoc* working group to review U.S. nuclear policy. This working group “included [Ronald] Spiers, [Seymour] Weiss, [Gardiner] Tucker, David S. Brandwein of the CIA, and Lieutenant General Louis T. Seith, Director of the Strategic Plans and Policy Directorate, Joint Staff, JCS.”<sup>1</sup> The “Foster Panel,” as it came to be known, produced its summary findings in a lengthy report with multiple annexes, the National Security Study Memorandum 169 (NSSM-169) *Summary Report*.<sup>2</sup> Dr. Foster forwarded NSSM-169 and its attachment to Secretary of Defense James Schlesinger under a covering memorandum of June 15. Secretary Schlesinger forwarded the report to National Security Advisor Henry Kissinger writing, “In my judgment this report represents an excellent basis for further consideration by the National Security Council.”<sup>3</sup> The report—well-received by both Secretary Schlesinger and Kissinger—formed the basis for the 1974 National Security Decision Memorandum 242 (NSDM-242),<sup>4</sup> and associated Nuclear Weapon Employment Policy (NUWEP-74).<sup>5</sup>

NSSM-169 and NSDM-242, while now seemingly familiar only to the *cognoscente*, inarguably set in motion the direction of U.S. nuclear policy accepted by all subsequent Republican and Democratic administrations. The Carter Administration’s Presidential

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<sup>1</sup> See, “Summary Report of the Inter-Agency Working Group on NSSM 169, June 8, 1973” at, *Foreign Relations of the United States: 1969-1976*, Vol. XXXV, *National Security Policy 1973-1976*, Department of State (Washington, D.C.: USGPO, 2014), p. 47, available at <https://static.history.state.gov/frus/frus1969-76v35/pdf/frus1969-76v35.pdf>.

<sup>2</sup> See, *Ibid.*, pp. 19-20, 49-82.

<sup>3</sup> *Ibid.*, p. 47.

<sup>4</sup> See, Richard Nixon, *National Security Decision Memorandum 242: Policy for Planning the Employment of Nuclear Weapons* (Washington, D.C.: The White House, January 17, 1974), available at [https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nsdm/nsdm\\_242.pdf](https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nsdm/nsdm_242.pdf).

<sup>5</sup> Office of the Secretary of Defense, *Policy Guidance for the Employment of Nuclear Weapons* (Washington, D.C.: Office of the Secretary of Defense, April 3, 1974), available at <https://nsarchive.gwu.edu/document/20307-national-security-archive-doc-22-office>.



Directive-59 (PD-59),<sup>6</sup> and the Reagan Administration's National Security Decision Directive 13 (NSDD-13),<sup>7</sup> accepted, extended and added to that direction. But NSSM-169 and its associated policy and planning documents established the basic framework for U.S. nuclear deterrence policy that has endured to the present, including intentionally aligning the U.S. deterrence threat to Moscow's goals, and providing limited and tailored nuclear threat options for credible extended deterrence—the arguments for which are even more relevant today.

Sweeping changes in the threat environment 50 years ago prompted American officials to re-examine U.S. nuclear policy and strategy and the study that produced NSSM-169. Dr. Foster and his working group successfully confronted the policy and strategy challenges at the time, upsetting long-held assumptions in the process. The 50<sup>th</sup> anniversary of the Foster Panel report is a suitable occasion to recognize its historical significance in the development of U.S. deterrence policy and the continuing pertinence of the Foster Panel's work for U.S. nuclear deterrence requirements in the emerging post-Cold War threat context.

The need for a fundamental policy review in 1973 is analogous to the contemporary need to consider U.S. nuclear deterrence policy and requirements in a dramatically new context in which: 1) Russia emphasizes the war-fighting role of nuclear weapons, including nuclear first use; 2) China is emerging as a hostile, peer-nuclear power with the goal, in league with Russia, of reordering the international system; 3) Moscow and Beijing issue numerous explicit and implicit nuclear threats against the United States and its allies in their respective efforts to reorder the global system; and, 4) North Korea is both hostile and expanding its nuclear arsenal. Perhaps surprisingly, the pertinence of the Foster Panel's work endures even in the contemporary dynamic threat context; its analysis and conclusions can help inform current U.S. officials as they consider how to adapt U.S. deterrence policy and requirements in a new and dangerous era.

This *Information Series* proceeds in three parts: First, it explains why, 50 years ago, U.S. officials requested a re-examination of U.S. nuclear policy and strategy; second, it summarizes the changes to U.S. nuclear policy introduced by the Foster Panel and NSSM-169; and, third, it concludes by examining the ways in which the Foster Panel's work remains relevant for today's threat environment.

## **The Rapid Growth of the Soviet Nuclear Threat**

The Foster Panel's task was to address the challenge to U.S. nuclear deterrence policy and nuclear strategy posed by the rapid, and largely surprising, growth of the Soviet nuclear threat. In the years leading up to the creation of the Foster Panel, Soviet hostility to the West was unabated as Moscow expanded its conventional and nuclear capabilities. National

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<sup>6</sup> Jimmy Carter, *Presidential Directive/NSC-59* (Washington, D.C.: The White House, July 25, 1980), available at <https://nsarchive2.gwu.edu/nukevault/ebb390/docs/7-25-80%20PD%2059.pdf>.

<sup>7</sup> Ronald Reagan, *National Security Decision Directive 13* (Washington, D.C.: The White House, October 19, 1981), available at <https://irp.fas.org/offdocs/nsdd/nsdd-13.pdf>.

Intelligence Estimates (NIEs) repeatedly revised estimates of the emerging Soviet nuclear threat. In 1963, for example, the annual NIE stated that the evidence available, "... does not indicate that the Soviets are attempting to match the US in numbers of weapons for intercontinental attack..."<sup>8</sup> This projection significantly missed Soviet nuclear force goals. Only five years later in 1968, the NIE on Soviet strategic attack forces stated "having attained parity" with the United States in this area, the Soviets would emphasize other areas of defense.<sup>9</sup> Having missed Moscow's actual views on the need for nuclear parity (at least) with the United States, the NIE in 1971 stated the Soviets would seek advantages over the United States, but the intelligence community could not say in which area specifically.<sup>10</sup> The subsequent Soviet decade-long drive included the unprecedented expansion of Moscow's ICBM capabilities, particularly including the quantitative and qualitative deployments needed to threaten U.S. strategic retaliatory forces.

Given this rapidly and severely deteriorating nuclear threat environment, U.S. political officials increasingly were dissatisfied with a deterrence policy, inherited from Secretary of Defense Robert McNamara, that focused on a declared massive threat to Soviet population and industry—McNamara's "assured destruction" measure of deterrence.<sup>11</sup> Most concerns in this regard revolved around the lack of flexible U.S. threat options, especially if called upon to respond to a limited Soviet nuclear attack against the United States or allies. For example, in 1970, Nixon rhetorically asked, "Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians in the face of the certainty that it would be followed by the mass slaughter of Americans?"<sup>12</sup> Brig. Gen. William Odom, then military advisor to National Security Advisor Zbigniew Brzezinski, characterized U.S. nuclear war plans in the 1960s and early 1970s, stating, "The SIOP [Single Integrated Operational Plan] and its executive plan... was a war plan that did not allow for choosing specific war aims at the time and in the context of the outbreak of hostilities. It was just a

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<sup>8</sup> Central Intelligence Agency, "National Intelligence Estimate, NIE 11-4-63," March 22, 1963, reprinted in, Evan Gerakas, David W. Mabon, David S. Patterson, William F. Sanford, Jr. and Carolyn B. Yee, eds., *Foreign Relations of the United States, 1961-1963, Volumes VII, VIII, and IX: Arms Control; National Security Policy; Foreign Economic Policy, Microfiche Supplement* (Washington, D.C.: Department of State, 1997), p. 1162.

<sup>9</sup> Central Intelligence Agency, "National Intelligence Estimate, NIE 11-8-68, Soviet Strategic Attack Forces," October 3, 1968, reprinted in, David S. Patterson, ed., *Foreign Relations of the United States, 1964-1968, Volume X, National Security Policy* (Washington, D.C.: Department of State, 2001), available at <https://history.state.gov/historicaldocuments/frus1964-68v10/d217>.

<sup>10</sup> Central Intelligence Agency, *National Intelligence Estimate, NIE 11-8-71, Soviet Forces for Intercontinental Attack* (Langley, VA: CIA, October 21, 1971), p. 7, available at [https://www.cia.gov/readingroom/docs/DOC\\_0000283820.pdf](https://www.cia.gov/readingroom/docs/DOC_0000283820.pdf).

<sup>11</sup> See, Alain C. Enthoven and K. Wayne Smith, *How Much Is Enough?* (New York: Harper & Row Publishers, 1971), p. 175; and, Robert McNamara, *Draft Memorandum for the President, Secretary of Defense to the President [Lyndon B. Johnson]*, Subj: Recommended FY 1966-FY 1970 Programs for Strategic Offensive Forces, *Continental Air and Missile Defense Forces, and Civil Defense*, December 3, 1964, p. 4 (Sanitized and declassified on January 5, 1983).

<sup>12</sup> See, United States Senate, Subcommittee on Arms Control, International Law and Organization of the Committee on Foreign Relations, Hearing, *Briefing [by Secretary of Defense Schlesinger] on Counterforce Attacks*, 93<sup>rd</sup> Congress, 2<sup>nd</sup> Session, September 11, 1974, pp. 5-6.

huge mechanical war plan aimed at creating maximum damage without regard to political context.”<sup>13</sup>

As President Nixon suggested, the problem posed by a “mechanical” threat aimed at inflicting “maximum damage” on Soviet society is that the deterrence credibility of such a threat is likely very limited when the enemy has attained the capability to respond with “the mass slaughter of Americans.” The credibility of such a U.S. threat was particularly suspect as a basis for providing extended nuclear deterrence for America’s far-flung allies. The inevitable question in response to such a U.S. deterrent was whether the United States would risk the destruction of American society on behalf of distant allies. Indeed, some allies and Soviet officials had voiced skepticism regarding the credibility of the U.S. extended nuclear deterrent early in the Cold War.<sup>14</sup> Correspondingly, U.S. officials had for years voiced recognition of the need for much greater flexibility in U.S. deterrence threat options.<sup>15</sup> It is true that various U.S. threat options had been available for “quite some time” prior to the Foster Panel.<sup>16</sup> However, all of these options were “at the upper end of the spectrum” only and entailed massive Russian civilian fatalities.<sup>17</sup> Concern about the questionable effectiveness and credibility of such a U.S. deterrence policy in light of the dramatic Soviet nuclear buildup led to the Foster Panel and its taskings. Allied concern and opponent skepticism regarding the credibility of the U.S. “nuclear umbrella” clearly is emerging once again in the contemporary threat environment.

### **NSSM-169, the Foster Panel Report, and NSDM-242**

The Foster Panel made three significant, lasting contributions to U.S. deterrence policy and nuclear strategy. First, it concluded that, for deterrence purposes, U.S. threats should hold at risk that which Moscow’s leadership valued, rather than presuming that Soviet values and calculations would mimic those of Washington, i.e., “mirror-imaging.” Holding at risk that which the opponent’s leadership values is now well-recognized, on a bipartisan basis, as a foundational principle of U.S. deterrence policy.<sup>18</sup>

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<sup>13</sup> William Odom, as quoted in, Edward C. Keefer, *Harold Brown: Offsetting the Soviet Military Challenge* (Washington, D.C.: Office of the Secretary of Defense, Historical Office, 2017), p. 138.

<sup>14</sup> Dean Rusk, *As I Saw It* (London: W.W. Norton & Company, 1990), p. 228. See also, Arnold Beichman, “How Foolish Khrushchev Nearly Started World War III,” *The Washington Times*, October 3, 2004, p. B 8.

<sup>15</sup> See the discussion in, Keith B. Payne, “The Schlesinger Shift: Return to Rationality,” in, Keith B. Payne, C. Johnston Conover, and Bruce Bennett, *Nuclear Strategy: Flexibility and Stability* (Santa Monica, CA: RAND, California Seminar on Arms Control, March 1979), p. 7.

<sup>16</sup> See James Schlesinger, *Annual Defense Department Report, FY 1975* (Washington, D.C.: Government Printing Office, March 4, 1974), p. 33.

<sup>17</sup> *Briefing* [by Secretary of Defense Schlesinger] *on Counterforce Attacks*, op. cit., p. 37.

<sup>18</sup> U.S. Department of Defense, *2022 Nuclear Posture Review* (Washington, D.C.: Department of Defense, 2022), p. 11, available at <https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF>.

Secretary of Defense McNamara had earlier described threatening the Soviet Union with massive societal destruction as the “very essence of the whole deterrence concept.”<sup>19</sup> In contrast, the Foster Panel recommended taking into account Moscow’s unique goals and values; this meant denying the Soviet leadership any expectation of securing its post-war goals by threatening Soviet military capabilities, internal political control, and post-war recovery capability.<sup>20</sup> This was, in effect, a significant redefinition of McNamara’s “assured destruction” deterrence threat—moving it away from a declared massive threat to destroy Russian society to a deterrence threat to destroy the Soviet leadership’s valued military and political power and its prospects for post-war recovery. This threat, which was intended to align with the denial of Soviet military and political goals, was the direct progenitor of what today is called “tailoring” deterrence and is accepted on a bipartisan basis as a requirement for U.S. deterrence policy.

Recognition that deterrence works in the mind of an adversary predated the Foster Panel, as did U.S. planning to strike Soviet military capabilities.<sup>21</sup> But, prior to the Foster Panel, U.S. declarations regarding its deterrence policy and the related definition of U.S. deterrence force adequacy appeared to presume that the fear of large-scale societal destruction—a threat surely feared by Washington—was the universal basis for effective strategic deterrence in virtually all circumstances.

This definition of deterrence adequacy clearly shaped U.S. considerations of which forces it should (and should not) develop and deploy, i.e., U.S. acquisition policy. The Foster Panel successfully challenged the fundamental definition of the declared U.S. deterrence threat, the “assured destruction” measure of adequacy, and thus the guidelines for U.S. acquisition policy for deterrence. This innovation in thinking was a milestone in the development of U.S. nuclear policy. Indeed, Henry Kissinger ordered an additional, subsequent study, *National Security Study Memorandum 191: Policy for Acquisition of U.S. Nuclear Forces*, to “draw heavily” from the Foster Panel’s earlier work.<sup>22</sup>

Second, as mentioned above, the credibility of large-scale U.S. nuclear threats against a Soviet Union that had become capable of a comparable nuclear response was questioned by allies and Moscow alike. The Foster Panel described the need for change, stating, “... times have changed. The Soviets now have a highly capable deterrent to strategic attack and this has been codified by the SALT I agreements. As a consequence, the credibility of large-scale [U.S.] retaliation as a deterrent to anything but a massive attack on the United States may have become seriously eroded.”<sup>23</sup> It noted that the smallest option that existed in nuclear

<sup>19</sup> Robert S. McNamara, *The Essence of Security: Reflections in Office* (New York: Harper and Row, 1968), pp. 52-53.

<sup>20</sup> See, “Summary Report of the Inter-Agency Working Group on NSSM 169, June 8, 1973,” op. cit., p. 49. See also the discussion in, William R. Van Cleave and Rodger Barnett, “Strategic Adaptability,” *Orbis*, Vol. 28, No. 3 (Fall 1974), p. 666.

<sup>21</sup> See, Franklin Miller, “Tailoring U.S. Strategic Deterrent Effects on Russia,” in Barry Schneider and Patrick Ellis, eds., *Tailored Deterrence* (Maxwell Air Force Base, AL: USAF Counterproliferation Center, 2011), pp. 41-56.

<sup>22</sup> Henry A. Kissinger, *National Security Study Memorandum 191: Policy for Acquisition of U.S. Nuclear Forces* (Washington, D.C.: National Security Council, January 17, 1974), available at [https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nssm/nssm\\_191.pdf](https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nssm/nssm_191.pdf).

<sup>23</sup> NSSM 169 Working Group, *NSSM 169 Summary Report* (Washington, D.C.: Department of Defense, June 8, 1973), p. 6, available at <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB173/SIOP-21.pdf>.



target planning at that point employed 2,500 nuclear warheads,<sup>24</sup> and emphasized that the lack of limited, graduated nuclear threat options challenged the credibility of the U.S. “nuclear umbrella,” i.e., extended deterrence for allies. In 1970, during a then-classified discussion of U.S. extended nuclear deterrence, General Andrew Goodpaster sought to assure President Nixon of the great lethality of the U.S. deterrent threat: “our capability for assured destruction against the Soviets is very high.” Nixon’s response was telling: “But what about the risks we would take if we do that?”<sup>25</sup> U.S. nuclear planning had not adapted to the new risk realities nor been responsive to repeated presidential calls for graduated, flexible employment options “to respond at levels appropriate to the provocation.”<sup>26</sup>

Consequently, for credible deterrence, and particularly extended deterrence for allies, the Foster Panel’s recommendations led to a range of limited nuclear options, to include planning for the employment of just a small number of weapons.<sup>27</sup> The Foster Panel anticipated three main benefits of these limited nuclear options: U.S. deterrence threats would be more credible than the existing massive retaliation threats in scenarios short of large-scale intercontinental nuclear conflict; limited options backstopped by a reserve of withheld U.S. nuclear force could encourage adversary restraint during war, i.e., intra-war deterrence;<sup>28</sup> and, the change in policy guidance could lead to U.S. acquisition of forces better suited to credible deterrence and presidential orders.<sup>29</sup>

The Foster Panel also made a third lasting contribution to U.S. nuclear strategy by recommending the primary goal during a nuclear war should be escalation control for intra-war deterrence and conflict termination. At the time, official U.S. strategy was to “prevail” during a nuclear war with a massive retaliation against Soviet leadership, military forces, and urban and industrial targets.<sup>30</sup> In contrast, the Foster Panel recommended new employment policy, stating: “If deterrence fails, the objectives are to control escalation and terminate the war with minimum damage, while protecting vital US interests and preserving the capability to escalate further if necessary. To the extent that escalation cannot be controlled, the objective is to destroy those political, economic, and military targets critical to the enemy’s post-war power and recovery.”<sup>31</sup> To implement these recommendations, the

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<sup>24</sup> Ibid., p. 5.

<sup>25</sup> Quoted in, *Memorandum of Conversation, NATO Meeting: NATO & MBFR*, The Cabinet Room, White House, November 19, 1970, in *National Security Archive Electronic Briefing Book*, No. 192, p. 1 (Declassified July 17, 2003), available at <http://www.gwu.edu/~nsarchiv>.

<sup>26</sup> NSSM 169 Working Group, *NSSM 169 Summary Report*, op. cit., p. 7.

<sup>27</sup> See, Secretary James Schlesinger’s testimony in, U.S. Senate, Committee on Foreign Relations, *U.S./U.S.S.R. Strategic Policies*, 93<sup>rd</sup> Congress, 2<sup>nd</sup> Session, March 4, 1974 (Washington, D.C.: Government Printing Office, 1974), p. 9. See also, Desmond Ball, *Déjà vu: The Return of Counterforce in the Nixon Administration* (Santa Monica, CA: RAND, California Seminar on Arms Control, December 1974), p. 46.

<sup>28</sup> For a comprehensive discussion of intra-war deterrence see, Matthew R. Costlow, *Restraints at the Brink: Factors in Keeping War Limited, Occasional Papers*, Vol. 3, No. 7 (July 2023).

<sup>29</sup> On these three benefits respectively, see, NSSM 169 Working Group, *NSSM 169 Summary Report*, op. cit., pp. 6-7, 14, 24-30.

<sup>30</sup> Ibid., pp. 5-7.

<sup>31</sup> Ibid., p. 8.

Foster Panel proposed nuclear employment options that included withholding attacks against the Soviet leadership and its command and control capabilities—both to allow for the Soviet leadership to exercise restraint over its forces and to continue holding the Soviet leadership at risk to encourage intra-war deterrence and conflict termination.<sup>32</sup>

These three innovations in U.S. deterrence policy advanced by the Foster Panel helped to move the United States away from a nuclear acquisition policy, intentionally promoted during the McNamara era, that sought to limit U.S. nuclear forces to McNamara’s “assured destruction” measure of deterrence.<sup>33</sup>

### **Back to the Future: The Continuing Value of the Foster Panel Report**

The fundamental principles of international deterrence remain constant, but the application of deterrence—and thus deterrence policy—must adjust to changes in the threat environment. The Foster Panel’s analysis and recommendations, of course, took place in the largely bipolar Cold War context. Nevertheless, that work has enduring value, including for the emerging “tripolar” nuclear deterrence dynamic.

First, there are contemporary calls to return to the declared counter-city targeting policy of the McNamara era.<sup>34</sup> Yet, as has been emphasized in a recent response to those calls,<sup>35</sup> they commit the past error of mirror-imaging, i.e., presuming that China’s and Russia’s leaderships’ deterrence calculations mimic those of U.S. leaders. That convenient presumption—as the Foster Panel suggested 50 years ago—must be set aside in favor of a U.S. deterrence policy that takes into account the unique values and goals of specific leaderships. So understanding opponents is a challenge, but essential for an approach to deterrence based on more than uninformed guesswork and mirror-imaging; deterrence threats absent a serious assessment of what opponents value most risk being ineffective in an arena where deterrence failure could lead to catastrophic consequences. Following the Foster Panel’s earlier innovation in thinking, U.S. deterrence threats must now align with the unique values of the Russian and Chinese (and North Korean) leaderships—which are highly unlikely to mirror Washington’s. It should be noted in this regard that serious studies undertaken during the Carter Administration concurred with the Foster Panel that threatening Soviet military capabilities and tools of power was a key to effective, credible

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<sup>32</sup> Ibid., pp. 8, 12-13.

<sup>33</sup> See, Alain C. Enthoven and K. Wayne Smith, *How Much Is Enough?* (New York: Harper & Row Publishers, 1971), pp. 172-191, 194-196, 207-210.

<sup>34</sup> See, Keir Lieber and Daryl G. Press, “US Strategy and Force Posture for an Era of Nuclear Tripolarity,” *Atlantic Council*, May 1, 2023, available at <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/us-strategy-and-force-posture-for-an-era-of-nuclear-tripolarity/>; and, Charles L. Glaser, James M. Acton, and Steve Fetter, “The U.S. Nuclear Arsenal Can Deter Both China and Russia,” *Foreign Affairs*, October 5, 2023, available at <https://www.foreignaffairs.com/united-states/us-nuclear-arsenal-can-deter-both-china-and-russia>.

<sup>35</sup> See, Keith B. Payne, John R. Harvey, Franklin C. Miller, and Robert Soofer, *The Rejection of Intentional Population Targeting for ‘Tripolar’ Deterrence* (Fairfax, VA: National Institute for Public Policy, September 26, 2023), *Information Series* No. 563, available at <https://nipp.org/wp-content/uploads/2023/09/IS-563.pdf>.

deterrence.<sup>36</sup> Indeed, U.S. policy subsequently fully rejected the intentional targeting of cities. Marking a reversal of Washington's earlier declared policy, Secretary of Defense Caspar Weinberger stated that the United States would not "attack deliberately the Soviet population."<sup>37</sup> This transition of U.S. targeting policy away from McNamara's simplistic "assured destruction" measure of deterrence remains sound and must not be overturned.

Second, as noted, the Foster Panel recommended flexible and limited U.S. nuclear options to help deter limited Soviet nuclear threats to the United States and Moscow's combined arms threats to U.S. allies. The Foster Panel highlighted the value of flexible and limited U.S. capabilities to help deter the very types of threats now posed by Russia and China (and potentially North Korea) to the United States and U.S. allies; that value is only magnified in the current threat context. In the absence of flexible, limited U.S. nuclear threat options, Washington would run the great risk of posing deterrence threats entirely disproportional to opponents' apparent strategies for regional victories over U.S. allies and partners—U.S. deterrence threats that are likely incredible because their execution would simply ensure the subsequent destruction of the United States. In addition, as the Foster Panel emphasized, in the absence of flexible and limited U.S. nuclear options, the United States could do little to demonstrate both U.S. resolve and restraint, and thereby encourage intra-war deterrence; it would, instead, virtually ensure catastrophic escalation. The Foster Panel recognized how imprudent this approach was and thus recommended flexible and limited U.S. options that would correspond to Presidential intent to minimize the level of unnecessary damage and the danger of escalation.<sup>38</sup>

Third, and related to the above two points of enduring value for contemporary U.S. deterrence goals, the Foster Panel was concerned about the disconnect between U.S. nuclear targeting policy and weapon acquisition. In short, Washington pursued some targeting policy requirements (such as a "well-hedged" force) but rejected others, such as procuring specifically-designed counter-military capabilities.<sup>39</sup> This disconnect resulted in the United States having an over-abundance of warheads suitable for a counter-industry targeting, but insufficient capabilities for counter-military targeting. This was an intolerable disconnect given the Panel's conclusion that U.S. deterrence policy required flexible counter-military threats and withheld capabilities as a way to control escalation and facilitate intra-war deterrence.

As Washington now considers deterrence policy in the emerging "tripolar" threat environment, it must recognize, as did the Foster Panel five decades ago, the need to synchronize U.S. nuclear deterrence policy and the acquisition of forces. Acquisition policy must correspond to targeting requirements and other related demands, including allied

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<sup>36</sup> See, the testimony by Secretary Harold Brown and the "Administration's Responses to Questions Submitted Before the Hearing," in, U.S. Senate, Committee on Foreign Relations, *Nuclear War Strategy*, Hearings, 96<sup>th</sup> Congress, 2<sup>nd</sup> Session (Washington, D.C.: USGPO, 1981), pp. 10, 16, 25, 29-30.

<sup>37</sup> Caspar Weinberger, "U.S. Defense Strategy," *Foreign Affairs*, Vol. 64, No. 4 (Spring 1986), pp. 680-681.

<sup>38</sup> See, especially, NSSM 169 Working Group, *NSSM 169 Summary Report*, op. cit., pp. 43-46.

<sup>39</sup> *Ibid.*, pp. 25-27.



assurance and hedging against unforeseen developments.<sup>40</sup> U.S. nuclear modernization programs are still in their early stages and changes to the program of record are likely necessary in the near-term.

The wisdom of the Foster Panel's work is without question; it established parameters for U.S. deterrence policy that responded to the mounting Soviet threat of the day. Those parameters are critical for U.S. deterrence considerations in the emerging "Tripolar" deterrence context. Recognition and appreciation of the Foster Panel's policy innovations are critical today.

## Conclusion

When viewed in the context of the two decades of U.S. nuclear policy preceding NSSM-169, the Foster Panel's analysis and recommendations were audacious in scope and thoroughness. Nevertheless, the Foster Panel set the direction of U.S. nuclear policy for all subsequent Republican and Democratic administrations. The results were embraced at the time by Henry Kissinger and James Schlesinger, and effectively translated into policy by NSDM-242 and its associated NUWEP. President Carter's PD-59 and President Reagan's NSDD-13 were billed by their drafters as extensions of NSDM-242 and, ultimately, the Foster Panel.<sup>41</sup>

The Foster Panel succeeded in part because it correctly diagnosed the strategic problems then confronting the United States and allies; its recommendations flowed logically and garnered consensus. Lessons from the Foster Panel's work that are critical for contemporary deterrence considerations include: 1) U.S. deterrence strategies must be based on a clear-eyed understanding of opponents, vice mirror-imaging; 2) flexible and limited nuclear options that are proportional to opponents' threats, and do not essentially ensure the consequent destruction of the United States, are essential for credible deterrence; and, 3) U.S. acquisition policy must be aligned with these requirements for deterrence. Finally, the Foster Panel's experience demonstrates the value of independent analysis as entrenched bureaucratic processes may be too slow or biased to react in the necessary ways to adapt in a dynamic security environment.

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<sup>40</sup> For the increasing need to hedge in the contemporary nuclear threat environment see, See Keith B. Payne and David J. Trachtenberg, *Deterrence in the Emerging Threat Environment: What is Different and Why it Matters, Occasional Paper* (Fairfax, VA: National Institute Press, August 2022). It should be noted in this regard that the Biden Administration's 2022 *Nuclear Posture Review* explicitly *rejects* "hedging against an uncertain future" as a parameter for U.S. nuclear deterrence capabilities. See, U.S. Department of Defense, *2022 Nuclear Posture Review* (Washington, D.C.: Department of Defense, 2022), p. 7, available at <https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF>.

<sup>41</sup> On PD-59, see, Edward C. Keefer, *Harold Brown: Offsetting the Soviet Military Challenge, 1977-1981* (Washington, D.C.: OSD Historical Office, 2017), pp. 131-133, 137-145; for NSDD-13, see, Caspar Weinberger, *Memorandum for the President: Nuclear Weapons Employment Policy* (Washington, D.C.: Office of the Secretary of Defense, September 8, 1981), pp. 1-2, available at [https://www.esd.whs.mil/Portals/54/Documents/FOID/Reading%20Room/MDR\\_Releases/FY19/FY19\\_Q4/Weapons\\_Employment\\_Policy\\_8Sep1981.pdf](https://www.esd.whs.mil/Portals/54/Documents/FOID/Reading%20Room/MDR_Releases/FY19/FY19_Q4/Weapons_Employment_Policy_8Sep1981.pdf).

Today's U.S. nuclear deterrence policy stands on the shoulders of the Foster Panel; U.S. officials who are largely unfamiliar with this policy history would do well to understand the Foster Panel's analysis and recommendations for their application to the deterrence challenges of the present.

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