Foreign Policy at BROOKINGS

NO FIRST USE OF NUCLEAR WEAPONS IS STILL A BRIDGE TOO FAR, BUT BIDEN CAN MAKE PROGRESS TOWARD THAT GOAL

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OCTOBER 2021

EXECUTIVE SUMMARY

In its current Nuclear Posture Review (NPR), the Biden administration, like previous U.S. administrations, will review the circumstances in which the United States would consider the use of nuclear weapons. In particular, it will decide whether to adopt a declaratory policy of no first use (NFU) in which U.S. nuclear weapons would only be used in response to a nuclear attack against the United States or its allies and partners. Supporters of NFU, who may well include President Joe Biden, face especially strong headwinds in making their case in the present environment. If NFU once again proves to be a bridge too far, the Biden administration should consider alternative means of demonstrating its commitment to reducing the role of nuclear weapons, particularly in deterring or responding to non-nuclear attacks.

Specifically, the Biden NPR should make clear that the circumstances in which the United States might consider the use of nuclear weapons in response to non-nuclear attacks are extremely limited and significantly more limited than suggested by the 2018 NPR. The Biden NPR should also declare that adoption of NFU/sole purpose is a U.S. goal and that the administration will work to put in place the conditions that would allow that goal to be adopted without undermining U.S. and allied security interests. To show the administration is serious about following through on that declaration, the NPR should direct an internal study that would identify those conditions and the policies and programs that would accelerate their realization. It should also call for establishing consultative mechanisms with allies charged with developing a common understanding of the conditions for declaring NFU/sole purpose as well as with promoting and monitoring progress toward fulfilling those conditions.

INTRODUCTION

No U.S. administration has been willing to renounce the option to use nuclear weapons first in a conflict. During much of the Cold War, a critical role of American nuclear weapons was to deter and, if necessary, respond to and blunt a massive conventional attack against Western Europe by numerically superior Warsaw Pact forces. In addition, after the United States gave up its chemical and biological weapons (CBW) pursuant to international conventions banning those weapons (and therefore no longer had the ability to respond to CBW attacks in kind), it reserved the right to use nuclear weapons in response to chemical (CW) or biological (BW) attacks.

With the end of the Cold War, the dissolution of the Soviet Union and Warsaw Pact, the advent of U.S. worldwide conventional military superiority, and improved U.S. capabilities to counter and defend against CBW attacks, Washington's perceived need to retain the first-use option to deter and, if necessary, respond to non-nuclear attack was reduced — but not eliminated.

No first use and sole purpose

Critics of the current policy of maintaining the option to use nuclear weapons first often express support for a declaratory policy of "sole purpose" — that the sole purpose of U.S. nuclear weapons is to deter and, if necessary, respond to a nuclear attack against the United States or its allies and partners. Some experts claim there is a distinction between NFU and sole purpose: whereas NFU prohibits the use of nuclear weapons except in response to a nuclear attack, sole purpose is a more general statement of the intended role of nuclear weapons, does not explicitly constrain nuclear use, and may provide some latitude to initiate the use of nuclear weapons in a crisis.

In this view, sole purpose is subject to interpretation. If it is construed narrowly, it is essentially the same as NFU, effectively ruling out the first use of nuclear weapons. However, if a sole purpose formulation is "appropriately crafted," say two prominent experts, it may leave enough ambiguity about the circumstances in which the United States would use nuclear weapons to "avoid eroding primary or extended deterrence." In their view, such a "formulation does not constrain U.S. nuclear employment options, but it assures the world — adversaries and allies alike — that the United States would only ever use nuclear weapons in the most extreme of circumstances."[1]

Construing sole purpose in such a flexible way is apparently designed to have it both ways — to create the impression of significantly altering U.S. declaratory policy and reducing the role of U.S. nuclear weapons while at the same time accommodating the concerns of NFU critics, at home and abroad, by providing sufficient leeway to use nuclear weapons first in certain circumstances. But it is unrealistic to have it both ways. If the Biden administration issued a sole purpose declaration that it interpreted as not actually prohibiting first use, it would soon find itself under heavy criticism from both sides. Supporters of NFU would focus on the "loopholes" that would continue to allow first use, which Biden officials would be forced to admit publicly, and would accuse the administration of sleight of hand. Critics of NFU would focus on the common sense meaning of "sole purpose" — if the sole purpose of nuclear weapons is to deter or respond to nuclear attack, then they are not to be used in response to non-nuclear attack — and would accuse the administration of a dangerous alteration of U.S. policy. Efforts to square the circle would be confusing, contrived, and unconvincing.

The administration should not support sole purpose with the intention of interpreting it to permit first use in certain circumstances. It should either support NFU/sole purpose or reject it on the basis of whether it believes giving up the option to use nuclear weapons first in a crisis would serve or damage the interests of the United States or its allies and partners. This policy brief will treat the terms as equivalent and will often express them together as NFU/sole purpose.

OBAMA'S NUCLEAR POSTURE REVIEW

The United States' continuing but reduced perceived need in the post-Cold War years to retain the first-use option was reflected in the Obama administration's NPR,[2] which stated that the role of U.S. nuclear weapons in deterring and responding to non-nuclear attacks had "declined significantly." It was therefore prepared to strengthen its "negative security assurance" by pledging not to use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the Nuclear Nonproliferation Treaty (NPT) and in compliance with their nuclear nonproliferation obligations. It warned that any state receiving the pledge that used CBW against the United States or its allies "would face the prospect of a devastating conventional military response."

Given the potential of BW to cause mass casualties, the NPR explicitly reserved the right to adjust the negative security assurance if "warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat." But until developments in biotechnology were judged to warrant such an adjustment, the

United States would remain committed not to use nuclear weapons against a non-nuclear weapons state eligible to receive the assurance, even if such a state attacked with BW.

States possessing nuclear weapons and states not in compliance with their nuclear nonproliferation obligations were not covered by the 2010 negative security assurance. In practice, that meant only nuclear-armed Russia, China, North Korea, and non-compliant, non-possessor Iran. Friendly U.S. relations with the remaining nuclear-armed states essentially ruled out the use of U.S. nuclear weapons against them. The 2010 NPR stated that, for countries not covered by the assurance, there remained "a narrow range of contingencies" in which the United States would retain the right to use nuclear weapons in response to a non-nuclear attack, citing specifically a conventional or CBW attack. But the NPR emphasized that the United States would only consider the use of nuclear weapons "in extreme circumstances to defend the vital interests of the United States or its allies and partners." It did not spell out those extreme circumstances.

While not prepared to rule out the first use of nuclear weapons, the Obama NPR maintained that "the United States will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of U.S. nuclear weapons." It pledged to work to establish the conditions under which such a "sole purpose" policy could be "safely adopted."

TRUMP'S NUCLEAR POSTURE REVIEW

The starting point for the Trump administration's 2018 NPR[3] was its assessment that the international security environment had deteriorated sharply since the 2010 NPR. Russia and China had become "great power competitors," challenging the rules-based international order, acting aggressively in their regions, and seeking to undermine U.S. influence globally. While the United States had continued to reduce the salience of nuclear weapons, others, including Moscow and Beijing, "had moved in the opposite direction." Russia in particular may have come to believe that it could initiate the limited use of nuclear weapons in the hope of terminating a conflict with the North Atlantic Treaty Organization (NATO) on favorable terms.

While nuclear threats from Russia, China, and North Korea had grown, so had non-nuclear threats. U.S. conventional military capabilities remained unrivaled on a worldwide basis. But quantitative and qualitative improvements in Chinese and Russian conventional forces were challenging U.S. military dominance in the western Pacific and along the NATO-Russia border and threatening the security of U.S. allies.

Moreover, the range of non-nuclear threats had grown. The Obama NPR had specifically cited only conventional and CBW capabilities as the non-nuclear threats that U.S. nuclear weapons would continue to play a role in deterring. But since 2010, offensive cyber, counterspace, and hypersonic systems have increasingly emerged as significant threats to strategy stability and to U.S. and allied interests; and U.S. rivals have made major efforts to strengthen their capabilities in those areas.

The Trump administration believed that, in light of this deteriorating threat environment, the United States should not give priority to reducing the numbers and roles of U.S. nuclear weapons, as the Obama administration had done. Instead, it should give priority to ensuring, and even increasing, the deterrent value of U.S. nuclear weapons, both in deterring nuclear and non-nuclear attacks.

In deterring nuclear attacks, the Trump NPR stressed the importance of proceeding with plans to modernize key components of the U.S. strategic deterrent: the strategic triad; non-strategic nuclear forces; the nuclear command, control, and communications system (NC3); and the nuclear weapons production complex. To deny potential adversaries, especially Russia, any confidence that

they could engage in limited nuclear strikes in the belief that the United States would not have an appropriate nuclear response and would back down in a crisis, the NPR called for two "supplements" to existing nuclear modernization programs that Trump administration strategists believed would fill a serious gap in the U.S. nuclear deterrent posture — a low-yield warhead for a small number of sea-launched ballistic missiles and a nuclear-armed sea-launched cruise missile.

The 2018 NPR also addressed the role of nuclear weapons in deterring non-nuclear attacks. It said 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" — the identical language used in the 2010 NPR. But it went on to elaborate with language not found in the Obama NPR: "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."

Whatever Trump officials may have intended, the 2018 language was widely viewed by experts outside the administration as increasing the range of non-nuclear threats that might trigger a U.S. nuclear response.

Administration officials leading the 2018 NPR maintain that this new language was intended to illustrate some extreme circumstances that were already envisioned in the Obama administration's more general formulation. But whatever Trump officials may have intended, the 2018 language was widely viewed by experts outside the administration as increasing the range of non-nuclear threats that might trigger a U.S. nuclear response.[4]

Regarding the negative security assurance to NPT non-nuclear weapon states, the Trump NPR adopted the same language as the Obama NPR. But instead of repeating verbatim the caveat that the assurance might have to be adjusted in the future depending on the evolution and proliferation of the BW threat, it said the assurance might have to be adjusted depending on the evolution and proliferation of non-nuclear strategic attack technologies — another indication that the Trump administration regarded those non-nuclear technologies as a growing threat that nuclear weapons could play a significant role in countering.

Like the Obama administration and previous U.S. administrations, the Trump administration explicitly rejected an NFU/sole purpose policy. But unlike the Obama NPR, the Trump NPR did not state that adopting a sole purpose policy was a U.S. goal and did not pledge to promote conditions that would allow that goal to be safely adopted. Instead, it emphasized that deterrence was served by retaining substantial ambiguity about the circumstances that might trigger a U.S. nuclear response.

THE BIDEN ADMINISTRATION AND DECLARATORY POLICY

The Biden administration launched its Nuclear Posture Review in July 2021. It is likely to be completed in early 2022, embedded in an "integrated deterrence strategy" that brings together nuclear and non-nuclear contributions to deterrence, and then further embedded in a still-broader National Defense Strategy.

In addition to the many critical nuclear force modernization, sizing, and composition issues that it will address, the Biden NPR will consider U.S. declaratory policy, especially whether to adopt a sole purpose/NFU policy. Supporters of making this shift in U.S. nuclear doctrine pin their hopes largely on remarks by Joe Biden in January 2017 in his last month as vice president.[5] He said, "It is

hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary or make sense." He therefore maintained that "deterring and, if necessary, retaliating against a nuclear attack should be the sole purpose of the U.S. nuclear arsenal." During Biden's 2020 campaign for the presidency, his website repeated his support for sole purpose and added that, "As president, he will work to put that belief into practice in consultation with our allies and military."[6]

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Notwithstanding what appears to be a longstanding personal conviction of President Biden, the question of nuclear first use is likely to be one of the more hotly debated issues addressed in the current NPR. The opposing arguments are mostly familiar, having been rehearsed and refined over the years in previous debates.

THE CASE FOR NFU/SOLE PURPOSE

The case for renouncing first use rests largely on arguments along the following lines:

- U.S. nuclear weapons are not needed to deter or respond to non-nuclear attacks. The United States has overwhelming conventional military superiority, strong alliances, and formidable emerging non-nuclear strategic capabilities (e.g., cyber) that can deter and respond to a wide range of non-nuclear threats.
- The first use of U.S. nuclear weapons against a nuclear-armed adversary like Russia or China would almost certainly result in nuclear retaliation against the United States, casting serious doubt on whether a U.S. president would ever authorize first use. The threat of first use, therefore, lacks credibility, both to U.S. adversaries and allies.
- As long as U.S. adversaries believe the United States may use nuclear weapons first in a crisis, they will have an incentive to strike first themselves (and may do so on the basis of miscalculation or misperceptions of U.S. actions). The use of nuclear weapons today is most likely to result from intentional or inadvertent escalation from a conventional conflict. NFU/sole purpose would reduce an adversary's incentives to go first in the midst of conventional hostilities, enhancing crisis stability and reducing the likelihood of escalation to the nuclear level.
- Without the "crutch" of relying on U.S. nuclear weapons to deter non-nuclear threats, U.S. alliances will be encouraged to devote the resources needed to field effective conventional deterrence capabilities.
- U.S. leadership in international nonproliferation efforts will be strengthened, giving the United States greater credibility and influence with NPT non-nuclear weapon states in pressing for further nonproliferation measures, such as making the International Atomic Energy Agency Additional Protocol the universal standard for NPT safeguards, preventing the proliferation of enrichment or reprocessing capabilities, and preventing the abuse of the NPT's withdrawal provision.
- The norm against nuclear use would be reinforced, other nuclear-armed states would be encouraged to follow suit, and support for the Treaty on the Prohibition of Nuclear Weapons, which seeks to delegitimize nuclear deterrence, would be undercut. It will be very difficult to persuade other states to forswear nuclear weapons as long as the United States insists that U.S. nuclear weapons must play a key role in dealing with non-nuclear threats.

- The U.S. extended nuclear deterrent to protect U.S. allies against nuclear attack would not be affected by NFU/sole purpose and would remain credible.

THE CASE AGAINST NFU/SOLE PURPOSE

Opponents of renouncing the first-use option counter with arguments along the following lines:

- It would weaken deterrence against non-nuclear attacks. A U.S. adversary may currently have doubts whether a U.S. president would actually authorize the use of nuclear weapons in response to a non-nuclear attack and thereby risk nuclear retaliation. But it cannot rule out a U.S. nuclear response, especially "in extreme circumstances" when vital U.S. interests are at stake. Why give U.S. adversaries greater confidence that they could engage in non-nuclear aggression without fear of a U.S. nuclear response?

- It would not improve crisis stability by reducing incentives for adversaries to strike first with nuclear weapons. As long as the United States maintains a highly alert, prompt-launch capability for much of its nuclear force — which the Biden administration would almost certainly do even if it adopted sole purpose — its adversaries would assume that it could and possibly would use nuclear weapons first in a crisis, regardless of any NFU/sole purpose pledge it had made. Incentives for adversaries to preempt, as well as any likelihood of nuclear conflict resulting from miscalculation or misperception, would therefore not be affected by the NFU/sole purpose pledge.

- Although the United States remains the world's leading conventional military power, China and Russia in recent years have made dramatic gains in conventional capabilities, with the goal of achieving local military superiority over the United States and its allies. The United States cannot count on U.S. and allied conventional forces alone to deter China or Russia from exploiting their local advantages and threatening armed aggression against America's regional allies and interests. The possibility of a U.S. nuclear response should therefore not be taken off the table.

- The destructive potential of non-conventional, non-nuclear threats is uncertain and growing. Among such threats, the future BW threat is the one considered most likely to approach nuclear weapons in its potential lethal effects. The ability of cyberattacks to produce harmful effects on such a scale is questionable, but the level of disruption and even deaths that might result from future cyberattacks is difficult today to predict. In the face of uncertainties about such non-nuclear threats, a nuclear response should not be ruled out.

- Confidence by U.S. allies and partners in the reliability of U.S. security assurances would be undermined. Several American allies face growing threats from China, Russia, or North Korea and count on the U.S. nuclear umbrella to deter and, if necessary, respond to aggression, including non-nuclear aggression. That is why a number of NATO allies in Eastern Europe and other U.S. allies in East Asia have strongly opposed NFU/sole purpose. U.S. adoption of NFU/sole purpose could lead some allies to pursue more independent defense policies or even increase their interest in seeking their own nuclear weapons.

- A U.S. sole purpose/NFU declaration would win praise from domestic and international nonproliferation communities and improve the atmosphere of multilateral arms control and nonproliferation meetings. But the benefits would be ephemeral. The shift in declaratory policy would not be enough to

gain support for additional nonproliferation measures by key non-nuclear weapon state advocates of disarmament, who would continue to argue that such measures are unjustified in the absence of further steps toward nuclear disarmament, such as deeper nuclear reductions, the de-alerting of strategic forces, and entry into force of the Comprehensive Test Ban Treaty.

- A U.S. NFU/sole purpose declaration is very unlikely to induce other nuclear-armed states to follow suit.

PROSPECTS FOR NFU/SOLE PURPOSE IN THE BIDEN NPR

These arguments, or variants of them, will be the focus of the Biden administration's deliberations on declaratory policy in its Nuclear Posture Review. But those deliberations will take place in a very different and more precarious security environment than the one that prevailed during the last Democratic administration's NPR.

The 2010 NPR identified preventing nuclear terrorism and nuclear proliferation as "the most urgent" national security priorities, while stating that "Cold War nuclear rivalries [had] eased" and that the principal goal with respect to Russia and China was "to maintain stable strategic relationships."[7] The United States, it maintained, possessed "unrivaled conventional military capabilities." At the time of the 2010 review, Chinese and Russian assertiveness toward their neighbors and heightened efforts to tilt regional military balances in their favor were not yet a major strategic preoccupation. And offensive cyber, counterspace, and other potentially disruptive non-nuclear technologies were not featured in the NPR as first-order security challenges. Yet even in this relatively benign strategic environment, NFU/sole purpose didn't stand much of a chance in the Obama NPR.

Today — with increasingly adversarial U.S. relationships with China and Russia, elevated threats posed by those two strategic competitors to U.S. allies and other U.S. regional interests, and heightened concern about potentially destabilizing non-nuclear technologies — the odds of NFU/sole purpose prevailing in the Biden NPR are significantly slimmer.

The Biden administration may well regard a shift in U.S. declaratory policy as inconsistent with its approach to America's alliances.

U.S. alliance relationships will be an important consideration in the current review of U.S. declaratory policy. One of the key goals of the Biden administration's national security policy is to reinforce U.S. alliances and strengthen allied confidence in the reliability of U.S. security assurances, especially given doubts about those assurances that arose as a result of President Donald Trump's often-dismissive treatment of America's allies. With several U.S. allies in East Asia and Eastern Europe facing difficult security challenges and many of their officials (particularly those with national security portfolios[8]) strongly opposed to NFU/sole purpose, the Biden administration may well regard a shift in U.S. declaratory policy as inconsistent with its approach to America's alliances.

Moreover, domestic support for NFU/sole purpose is quite limited. Some former U.S. government officials, notably former Secretary of Defense William Perry,[9] as well as other prominent experts outside the administration including my Brookings colleague Steven Pifer,[10] have forcefully advocated NFU/sole purpose. And Senator Elizabeth Warren, a member of the Senate Armed Services Committee, and House Armed Services Committee Chairman Adam Smith have introduced legislation aimed at making NFU U.S. policy.[11]

But a majority of American national security experts, including many who, over the decades, have been responsible for making U.S. nuclear weapons policy in administrations of both political parties, have been equally vocal in warning against adopting NFU/sole purpose. And that probably includes senior members of the current administration who serve in the Pentagon, the U.S. Strategic Command, and the State Department (especially those most concerned about the possible negative reactions of key allies).

If President Biden wants to follow through on his previously declared support for making deterrence of nuclear attack the sole purpose of U.S. nuclear weapons, he would probably have to overrule some of his key advisers, and that would surely become public knowledge. And he would have to do so without any hope of gaining bipartisan support and knowing that his decision could be reversed by a future administration (of either party) — which would inject unpredictability into a critical area of national security policy where constancy and national consensus are at a premium.

All things considered — including today's more challenging international security environment, concerns about shifts in regional military balances (especially in the western Pacific), uncertainty about the future strategic impact of potentially destabilizing non-nuclear technologies, fears on the part of several important American allies that a U.S. renunciation of first use would leave them vulnerable to growing non-nuclear threats, and lack of sufficient domestic support — adopting a policy of NFU/sole purpose would not be the right choice, at least at the present time. The Biden administration, after a vigorous internal debate in preparation of its NPR, is unlikely to make that choice.

RECOMMENDATIONS: WHAT CAN THE BIDEN ADMINISTRATION DO IN THE ABSENCE OF NFU/SOLE PURPOSE?

Given the Biden administration's statement in its March 2021 Interim National Security Strategic Guidance[12] that it "will take steps to reduce the role of nuclear weapons in our national security strategy" — as well as candidate Biden's support for a policy of sole purpose —advocates of NFU/sole purpose, both at home and abroad, will be disappointed if the incumbent U.S. administration once again chooses not to make that change in U.S. nuclear doctrine. But there are steps the Biden administration can take short of adopting NFU/sole purpose to demonstrate its support for diminishing the role of U.S. nuclear weapons, especially in deterring and responding to non-nuclear attacks against the United States or its allies and partners.

Revisiting the language of the 2018 NPR

One important step it could take is to make clear in its NPR that the "extreme circumstances" in which the United States would consider the use of nuclear weapons in response to a non-nuclear attack are indeed extremely limited — in particular, more limited than the impression conveyed by the language of the 2018 NPR. As noted above, the Trump NPR stated that extreme circumstances could include "significant non-nuclear strategic attacks" and that 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."[13]

This language suggests an unnecessarily broad role for U.S. nuclear weapons in deterring and responding to non-nuclear attacks. By focusing on the possible targets of "non-nuclear strategic attacks" — and not also on the level of harmful effects that could result from the attacks — the 2018 language seems to set a low threshold for consideration of a U.S. nuclear response, possibly opening the door to the first use of U.S. nuclear weapons in circumstances where a nuclear response would hardly be necessary, proportionate, or justifiable. Such circumstances might include a non-nuclear attack against a U.S. or allied population center that produced far fewer casualties and far less destruction than would be produced by a nuclear attack; a cyberattack against critical infrastructure

(e.g., the electrical grid, transportation nodes) that caused widespread disruption but did not cause large numbers of deaths or have a truly crippling impact on the functioning of society; or a kinetic or non-kinetic attack against components of the U.S. early warning systems or NC3 network that did not undermine the U.S. ability to retaliate or appear to signal an adversary's imminent nuclear attack. In none of these circumstances would a U.S. president be likely to authorize a nuclear response or be justified in doing so.

However, there may be a very small number of circumstances (e.g., a mass-casualty BW attack against civilian populations) in which a U.S. president may not be willing to rule out a nuclear response to an adversary's non-nuclear attack against targets identified in the 2018 NPR. Whether or not the president would actually authorize the employment of nuclear weapons in such circumstances, he or she might not wish to undermine deterrence by giving an adversary greater confidence that a nuclear response had been ruled out. The president might also not wish to rule out a nuclear response where there is considerable uncertainty about whether a particular non-nuclear threat will evolve in a much more lethal, destructive, or strategically consequential direction in the future.

The challenge for the Biden administration will be to adopt an approach in its NPR that retains significant ambiguity... [while] sending a clearer message that the threshold for considering a nuclear response to non-nuclear attacks will be extremely high.

So, the challenge for the Biden administration will be to adopt an approach in its NPR that retains significant ambiguity about the circumstances in which the United States might consider the use of nuclear weapons while, at the same time, sending a clearer message that the threshold for considering a nuclear response to non-nuclear attacks will be extremely high.

One approach might be to develop a short, non-exhaustive list of the kinds of circumstances that might warrant consideration of a nuclear response to a non-nuclear attack. The 2018 NPR adopted a similar approach by stating that "extreme circumstances" could include "significant non-nuclear strategic attacks" against an illustrative list of targets. The Biden administration's list could focus not just on the targets but also on the catastrophic consequences of the attacks, conveying the impression that the circumstances in which the United States might consider the use of nuclear weapons in response to a non-nuclear attack would be significantly more limited than the circumstances suggested by the 2018 NPR. For example, a Biden list might include circumstances along the following lines:

- Non-nuclear attacks against U.S., allied, or partner civilian populations with lethal and destructive effects approaching those of nuclear attacks.
- Kinetic or non-kinetic non-nuclear attacks against U.S., allied, or partner critical infrastructure with widespread lethal and destructive effects that cripple the functioning of society and devastate the welfare of the civilian population.
- Kinetic or non-kinetic non-nuclear attacks against U.S. early warning or attack assessment capabilities or nuclear command, control, and communications systems of a scale and character that jeopardize U.S. nuclear retaliatory capability and signal an intention to conduct an imminent nuclear strike against the United States, its allies or partners.
- Conventional military aggression against a U.S. ally or partner on a scale and of a character that could threaten its continued existence as a viable, sovereign political and economic entity.

Such a list might be included in the text of the NPR, introduced by language used in the 2018 NPR ("The United States would only consider the employment

of nuclear weapons in extreme circumstances to defend the vital interests of the United States, it allies and partners. Such extreme circumstances could include, but are not limited to…"[14]). The Biden illustrative examples would replace the illustrative list of targets contained in the Trump NPR.

An alternative might be to provide the revised examples in a separate statement regarding the NPR, either by the president or one of his senior advisers (e.g., the secretary of defense or national security adviser). In this variant, the NPR text could omit illustrative examples and rely, as in the 2010 NPR, on a general formulation — either the familiar "extreme circumstances" language or some modification designed to signal that the circumstances would be even more limited, such as "in the most extreme circumstances" or "in extreme circumstances posing an existential threat to the United States, it allies, or its partners"). Using the more general formulation in the more formal NPR report and providing illustrative examples in a somewhat less formal explanatory statement may be seen as preserving some additional ambiguity and flexibility.

In addition to providing illustrative examples signaling a very high threshold for considering the use of nuclear weapons to deal with non-nuclear threats (whether in the NPR itself or separately), the Biden administration should emphasize in the NPR that the United States possesses robust non-nuclear means that, in most circumstances, make a nuclear response to non-nuclear attacks unnecessary.[15] In particular, the United States and its allies have a wide array of powerful non-nuclear capabilities (e.g., conventional, covert, offensive cyber, counterspace) to deter and, if necessary, respond to an adversary's non-nuclear aggression. And compared to a U.S. nuclear response to non-nuclear attacks, such non-nuclear responses against nuclear-armed adversaries would entail much lower risks of nuclear retaliation.

Moreover, the United States does not depend exclusively on the threat of a military response to deter threats to key assets. It is devoting major attention and resources today to increasing the resilience and survivability of critical infrastructure, early warning systems, and nuclear command, control, and communications networks against kinetic (e.g., anti-satellite systems) and non-kinetic (e.g., offensive cyber) threats. These self-protection measures can enhance "deterrence by denial" — by convincing the adversary that it will not achieve the objectives of its attack.

The Biden NPR should acknowledge that U.S. nuclear weapons continue to play a critical role in deterring both nuclear and non-nuclear aggression. But by signaling a very high threshold for considering the use of nuclear weapons — and emphasizing the primary importance of U.S. and allied conventional military capabilities in deterring or responding to non-nuclear attacks and the increasing value of self-protection measures in discouraging adversary efforts to destroy or degrade critical assets — the Biden NPR can demonstrate the administration's conviction that the role of U.S. nuclear weapons in countering non-nuclear threats is extremely limited and that nuclear weapons are truly weapons of last resort.

Working toward the goal of NFU/sole purpose

The NPR can also demonstrate that the administration is committed to further reducing and eventually eliminating that role in the future. Relying on U.S. nuclear weapons to deter or respond to non-nuclear aggression by a nuclear-armed adversary was never a comfortable strategic posture for the United States, especially because America's first use of nuclear weapons carried a high risk of the adversary's nuclear retaliation and a much wider nuclear war. But U.S. administration for decades have figured that the risk was worth running because the adverse consequences of the adversary's non-nuclear aggression were so great — starting with the Cold War fear of Warsaw Pact conventional armies overrunning Western Europe — and because the United States and its allies did not believe their conventional capabilities alone were a sufficient deterrent.

The Biden NPR… should declare that NFU/ sole purpose is once again a U.S. goal and that the United States will work to put in place the conditions that would allow that goal to be realized without undercutting U.S. or allied or partner security.

If the United States and its allies could become confident that their non-nuclear deterrence and response capabilities were sufficient to cope with present and foreseeable non-nuclear threats in present and foreseeable international security circumstances, it would make good strategic sense for them to give up the first use option and with it the risk that first use would trigger a large-scale nuclear conflict. Given this and other potential benefits of abandoning the option to use nuclear weapons first, the Biden NPR — like the 2010 NPR but unlike the 2018 NPR — should declare that NFU/sole purpose is once again a U.S. goal and that the United States will work to put in place the conditions that would allow that goal to be realized without undercutting U.S. or allied or partner security.

But such a declaration would be dismissed as empty rhetoric unless it is accompanied by actions that show the administration is serious about making progress toward the goal.

One such action might be to direct an internal U.S. government study that would identify conditions that would allow the adoption of NFU/sole purpose and would recommend policies and programs that could help put those conditions in place. Of course, many of those policies and programs are already being pursued by the Biden administration as important elements of its broad national security strategy (e.g., seeking to stabilize strategic relations with China and Russia; enhancing NATO military capabilities in Europe and U.S. and allied military capabilities in the western Pacific; reinforcing allied confidence in U.S. security assurances; improving the resilience of U.S. early warning and nuclear command, control, and communications systems; protecting critical infrastructure against cyberattacks; strengthening defenses against biological weapons; etc.). But by making NFU/sole purpose an explicit goal, policies and programs seen as especially instrumental in raising the threshold for U.S. consideration of nuclear use might be given added weight in internal deliberations on budgetary and force posturing matters.

Congress could also play an important role in evaluating progress toward conditions that would permit adoption of NFU/sole purpose. It could require the administration to share its study of those conditions and the measures needed to realize them, perhaps in both classified and publicly available unclassified forms. It could call on the administration to report periodically on progress being made toward the conditions identified in the study, and it could hold hearings that could better inform and engage both members of Congress and the public and hopefully build the bipartisan support necessary to make any eventual change in declaratory policy sustainable.

The U.S. military would also play a critical role in future consideration of the NFU/sole purpose issue. Several key U.S. Combatant Commands (COCOMs) — especially Indo-Pacific Command, European Command, Strategic Command, Cyber Command, and Space Command — have major responsibilities for evaluating and deploying U.S. capabilities to deter and respond to non-nuclear threats to the United States and its allies. As input to the internal U.S. government study of conditions that would permit NFU/sole purpose, the Joint Staff should be tasked with working with the COCOMs to assess what would be required in their areas of responsibility to reduce and eventually eliminate the role of nuclear weapons in deterring or responding to non-nuclear attacks.

Another action that could demonstrate the Biden administration's seriousness about following up on NFU/sole purpose might be to establish consultative mechanisms with U.S. allies with the express purpose of (1) identifying and promoting the conditions that would make adoption of NFU/sole purpose consistent with U.S. and

allied security interests, and (2) monitoring and periodically evaluating progress toward achieving those conditions. Concerns by key allies regarding the implications of NFU/sole purpose for the reliability of U.S. extended deterrence have been a major factor contributing to repeated rejections by U.S. administrations of a shift in U.S. declaratory policy. By providing a vehicle for the allies, on a continuing basis, to weigh in and influence alliance decisionmaking on an issue of vital importance to them, such consultative mechanisms could help gain allied buy-in for any future adjustments in U.S. policy.

For the NATO allies, a multilateral, alliance-wide consultative mechanism probably makes the most sense. For the Asian allies, bilateral mechanisms would be more appropriate. In both NATO and America's bilateral alliances, a variety of consultative arrangements already exist to address matters of nuclear policy and extended deterrence. But whether in newly created separate bodies or in specially convened discussions in the context of existing alliance mechanisms, the allies should engage in deliberations explicitly dedicated to identifying and promoting the conditions for adopting NFU/sole purpose.

Most, if not all, the conditions for adopting NFU/sole purpose are goals the United States and its allies are already working toward for sound alliance security reasons, including strengthening conventional military defense and deterrence capabilities. By specifically focusing on the goal of putting in place the conditions for NFU/sole purpose, these deliberations may provide another opportunity and another important justification for the United States to encourage its allies to devote the energy and resources necessary to fulfill key alliance security goals.

Restoring the goal and taking steps to realize it

Some American strategists who oppose NFU/sole purpose believe it will never be a good idea to renounce the option to use U.S. nuclear weapons in response to a non-nuclear attack. In their view, nuclear weapons, because of their overwhelming lethal and destructive qualities, have a unique deterrent value that conventional military capabilities cannot possibly match. And so, even though a nuclear response to non-nuclear aggression may often not be militarily necessary, justifiable, or credible, it would be a strategic mistake to give potential aggressors greater confidence that they could dismiss or even reduce the likelihood of a U.S. nuclear response in their calculations.

But many other American strategists who currently oppose NFU/sole purpose recognize there are risks in continuing to rely on nuclear weapons to deter non-nuclear aggression, not least that first use could trigger a wider nuclear war. And they acknowledge that there may be potential (albeit somewhat speculative) benefits in renouncing that reliance, including reinforcing the norm against the use of nuclear weapons and promoting other U.S. nonproliferation goals. These strategists join opponents of current U.S. declaratory policy in supporting the goal of NFU/sole purpose, although they do not believe conditions currently exist for reaching that goal.[16]

Advocates of NFU/sole purpose have never carried the day in any U.S. administration. Even during the post-Cold War years when international conditions aligned more favorably toward reducing the role of U.S. nuclear weapons in countering non-nuclear threats, these advocates could not prevail. Today, when those conditions are aligned much less favorably toward reducing that role, the likelihood they will prevail is much smaller.

So, despite the Biden administration's declared support for reducing the role of nuclear weapons in U.S. national security policy and the president's own apparent conviction that the sole purpose of U.S. nuclear weapons should be to deter or respond to nuclear attack, the Biden NPR is most likely to conclude that the time is still not right to shift to NFU/sole purpose. But rather than simply reject that shift and once again kick the can down the road, the administration should make the case

that no longer having to rely on nuclear weapons to counter non-nuclear aggression would be in the security interest of the United States and its allies, and it should give impetus to promoting the conditions that could finally make NFU/sole purpose a reality.

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8 There are sometimes differences within allied governments on U.S. declaratory policy, with officials responsible for security policy firmly opposed to any change and officials responsible for disarmament and nonproliferation policy somewhat more open to change. To some extent, this is the case in Japan, which is a staunch supporter of nuclear disarmament but relies heavily on the U.S. nuclear umbrella. But in Japan, as in several other U.S. allies, defense officials have prevailed in setting national policy on NFU/sole purpose, and this has been reflected in strong official expressions of opposition to altering the status quo whenever the United States consults its allies on declaratory policy.

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14 While the main focus of this discussion is non-nuclear attacks that might warrant consideration of a U.S. nuclear response, this formulation, from both the 2010 and 2018 NPRs, also covers nuclear attacks. It raises the question of whether an adversary’s use of one or two nuclear weapons in a regional conflict would constitute an extreme circumstance threatening the vital interests of the United States, its allies, and its partners — and whether the United States would be justified in considering a nuclear response in that circumstance. But given the very real possibility that an adversary’s use of even a single nuclear weapon could lead to a large-scale nuclear exchange, such a very limited nuclear attack should be regarded as an extreme circumstance that could warrant consideration of a U.S. nuclear response.

15 Indeed, in some circumstances, these formidable non-nuclear capabilities may make a U.S. nuclear response to an adversary’s *nuclear* attack unnecessary. For example, in response to a North Korean limited nuclear attack, the United States could end the regime in Pyongyang with the use of conventional forces. But depending on the scale and destructiveness of a North Korean nuclear attack, the United States, for a variety of reasons (including deterrence of limited nuclear attacks by other adversaries), might still decide to use nuclear weapons in response. And in any event, the United States may not wish to signal in advance any plans to use only conventional means to respond to an adversary’s nuclear attack — because such a signal could both weaken deterrence against the adversary’s nuclear use and undermine confidence by U.S. allies in U.S. willingness to use nuclear weapons in their defense.

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ACKNOWLEDGEMENTS

I greatly appreciate the assistance of Brookings colleagues Ted Reinert, who edited this policy brief, and Rachel Slattery, who performed its layout. I am also grateful to several longtime friends and former colleagues, including former senior U.S. government officials with major responsibility for U.S. nuclear weapons policies, who reviewed a draft of this policy brief and offered valuable comments. The views and recommendations contained in the brief are my own.