

A Call for Changes to Outdated Nuclear Weapons Thinking

Sept. 15, 2021

President Joseph R. Biden, Jr.
The White House
Washington, DC 20500

Dear President Biden:

Through your administration's Nuclear Posture Review, you have an historic opportunity and responsibility to effect significant and long-overdue changes in U.S. nuclear policy that would dramatically reduce the existential threat posed by nuclear weapons to our nation and the world.

As experts and advocates for commonsense policies that reduce the risk of nuclear war, we believe the success or failure of your NPR process will depend upon whether or not it: 1) meaningfully reduces the role of nuclear weapons in U.S. policy; 2) revises outdated nuclear targeting assumptions that "require" the deployment of an excessive number of nuclear weapons, 3) reduces the danger current U.S. nuclear weapons spending plans pose to higher priority national security goals; 4) facilitates effective arms control negotiations designed to halt and reverse dangerous competition with our major nuclear adversaries, Russia and China, and 5) ensures that U.S. nuclear weapons employment guidance fully comports with the Law of Armed Conflict.

We are mindful that you have inherited a more challenging international security environment than existed when the Obama administration left office in 2017. On the nuclear front, Russia and China are modernizing their arsenals, developing new weapon capabilities, and, according to U.S. intelligence estimates, projected to increase the size of their nuclear warhead stockpiles over the next decade. But this does not mean the United States should follow suit – or maintain a nuclear arsenal in excess to what is necessary to deter nuclear attack. Just a few hundred nuclear weapons could destroy Russian and Chinese military capacity, kill hundreds of millions of innocent people, and produce an acute planetary climate catastrophe.

With these realities in mind, we respectfully urge you to engage in the NPR process actively and personally. As part of your engagement, we encourage you to give a major defense policy address outlining your goals and objectives for the Defense Department's various strategy reviews, including the NPR. We believe it is essential that you insist that the NPR process produce real and diverse options consistent with your oft-repeated goal to reduce the role of nuclear weapons in U.S. policy and "bring us closer to a world without nuclear weapons."

1. The NPR should adopt a declaratory policy that substantially narrows the role of U.S. nuclear weapons, consistent with your past stated views.

We welcome the June 16 joint summit communique reaffirming the Reagan-Gorbachev principle that "a nuclear war cannot be won and must never be fought." We also agree with your Jan. 2017 statement: "Given our non-nuclear capabilities and the nature of today's threats—it's hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary. Or make sense." In 2020 you wrote that "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."

We strongly urge you to translate these words into practice. Doing so would increase strategic stability and help operationalize the principle that "a nuclear war cannot be won and must never be fought."

Simply put, the more options there are to use nuclear weapons, the more likely it is that they will be used. A “sole purpose” policy would narrow the role of nuclear weapons to deterring their use by others.

To reduce the risk of starting nuclear war by accident, a “sole purpose policy” should include three other important elements: rule out the use of nuclear weapons in a preemptive strike (before an adversary launches a nuclear attack) or on warning of attack (before a reported attack arrives), or the use of nuclear weapons in response to a nonnuclear attack on the United States or our allies. This would reduce the risk of nuclear war in response to bad intelligence or a false alarm or circumstances that do not threaten the survival of our nation.

2. The NPR should revise outdated targeting and damage expectancy requirements that are used to determine how many nuclear weapons are “enough.”

We encourage you to use the NPR to take a fresh look at the guidance and requirements that inform how many nuclear weapons the United States maintains to deter nuclear attack against the United States and its allies and to direct the Pentagon to develop a range of options for consideration to adjust these requirements. We also urge you to commission and personally review an independent study of the attack options in current U.S. nuclear war plans and the damage expectancy assumptions are for these targets, an assessment of how “limited” nuclear strikes could lead to escalation in a conventional or non-kinetic conflict, including a review of how combatant commands consider nuclear forces in their operational planning.

We also urge you to consider the likely consequences of the potential employment of U.S. nuclear weapons, both in the event of first and retaliatory use. We urge you to consider the estimated casualties involving each scenario envisioned in the current U.S. nuclear war plans, as well as the longer-term climatic, economic, and health consequences.

Despite reckless behavior on the part of Russia and China and their pursuit of a more diverse array of nuclear weapons, including systems designed to evade U.S. missile defenses, we believe the size and diversity of the U.S. nuclear arsenal exceeds what is necessary to maintain an effective deterrent. As you recall, President Obama announced in 2013 that the United States could safely reduce its deployed strategic nuclear weapons by up to one-third below New START levels, regardless of what Russia did. We believe the case for such a reduction still holds. A smaller, more appropriately sized U.S. nuclear force will help lower the threat the current nuclear modernization plan poses to other priorities, put more of a spotlight on other nuclear-armed states that are building up their arsenals, reduce the risk of nuclear conflict, fulfill U.S. obligations under Article VI of the NPT, and strengthen U.S. nonproliferation diplomacy.

3. The NPR should provide options for a more cost-effective nuclear modernization plan in keeping with a more integrated approach to deterring adversaries.

The outcome of the NPR will have profound budgetary implications for years to come. According to the latest Congressional Budget Office estimate [[link](#)], the U.S. government is on track to spend at least \$634 billion in tax dollars on the U.S. nuclear arsenal over the next decade and is a significant increase above the projections envisioned just two years ago. We believe this level of spending is unnecessary and unsustainable and poses a major danger to higher priority national security needs such as defending the U.S. homeland against major systemic risks such as the current COVID-19, likely future pandemics, and climate change.

We have identified several options to reduce the scope of the modernization plans that would save scores of billions of dollars over the next decade and still allow the United States to maintain a devastating nuclear force.

As part of the NPR, your administration should delay development of a new ICBM. As you pursue arms control options, you should reconsider the necessity of maintaining a force of

400 ICBMs, which many of us have argued are destabilizing and redundant. At a minimum, the NPR should comprehensively assess the feasibility of extending the life of the current Minuteman III ICBM. Before rushing ahead with the costly \$264 billion Ground Based Strategic Deterrent program, it is imperative that you factor-in the findings of an independent evaluation of the Minuteman III extension option before you finalize your fiscal year 2023 budget request.

4. The NPR should reaffirm a “no new nuclear weapons” policy and support for CTBT entry into force.

During the campaign, you said that: “The United States does not need new nuclear weapons. Our current arsenal of weapons, sustained by the Stockpile Stewardship program, is sufficient to meet our deterrence and alliance requirements.”

We urge you to reverse the decisions made by the Trump administration to field a new lower-yield W76-2 warhead variant on Trident II D5 submarine-launched ballistic missile and to begin development of a new nuclear sea-launched cruise missile. For the same reason we oppose these two destabilizing systems, you should also suspend development of a new air-launched cruise missile called the LRSO. This is not needed for an effective bomber leg of the triad given existing plans to buy B-21 stealth bombers that can carry the B-61 gravity bomb. These weapons, which are ostensibly intended to provide more nuclear war-fighting options, are unnecessary to deter an adversary’s nuclear attack and are likely to exacerbate competition with Russia and China and invite miscalculation in a crisis by lowering the threshold for nuclear use.

We also urge you to resist calls for pursuing an ever-wider array of costly new warhead types that require the large-scale production of new plutonium pits, including the W87-1 and W93 as currently planned. By making a few commonsense choices, a sustainable stockpile can remain effective for decades at far lower cost and with substantially less risk than seeking to build new warheads with new pits.

During the campaign, you also stated that “We have not tested a [nuclear] device since 1992; we don’t need to do so now. A resumption of testing is more likely to prompt other countries to resume militarily significant nuclear testing and undermine our nuclear nonproliferation goals.” We strongly agree.

The NPR should reaffirm this position by clearly stating the United States unequivocal commitment to its unilateral nuclear test moratorium and eventual ratification of the 1996 Comprehensive Test Ban Treaty. Particularly in the absence of U.S. leadership on ratification, it is essential that we reinforce the de facto global taboo on nuclear testing and, pending the treaty’s entry into force, pursue talks with Russia and China and other states on voluntary test site confidence building arrangements to address concerns about compliance with the CTBT’s prohibition on all nuclear test explosions.

5. The NPR should facilitate U.S. nuclear arms control goals.

To strengthen U.S. and global security, the NPR must also inform and support a realistic strategy for risk reduction and nuclear arms control opportunities with our primary nuclear rivals: Russia and China. Accordingly, the NPR should reaffirm U.S. support for continued reductions in nuclear arsenals, not increases.

We were heartened by your support for the unconditional extension of New START by five years. We also welcome the launch of a robust U.S.-Russia bilateral strategic security dialogue that is aimed at reducing miscalculation and the risk of nuclear war and producing new arms control arrangements before the expiration of New START in 2026. We encourage pragmatic engagement with China, through the P5 Process, bilateral nuclear risk reduction talks, and the ratification and entry into force of critical international agreements, especially the CTBT and the Fissile Material Cut-off Treaty (FMCT).

We recognize the process of forging new arms control arrangements to address the range of nuclear and nonnuclear systems—strategic warheads and launchers, short-range and intermediate-ranges weapons, and new hypersonic weapons—that affect strategic stability will be difficult and time-consuming. We strongly support such efforts and believe it is imperative that the NPR not foreclose options for follow-on nuclear arms control agreement(s), including reducing the size of the U.S. nuclear arsenal.

Separate from the NPR, your administration’s Missile Defense Review must also facilitate progress on nuclear risk reduction and arms control. The stated goal of U.S. missile programs should continue to be focused on countering limited ballistic missile threats from regional adversaries, particularly North Korea and Iran. Further expansion of certain systems, such as the SM3 Block IIA interceptor, which has been tested against ICBM-class targets, will exacerbate adversary missile development at a pace our missile defense programs cannot address. Despite the challenges that such a position will have for achieving an agreement that the U.S. Senate might consent to, we believe the United States should be open to placing limits on the deployment of long-range missile defenses.

The United States, Russia, and now China, cannot become, as Ambassador Paul Warnke once wrote, “apes on a treadmill” pursuing a race no one can win.

6. U.S. nuclear plans should fully comport with international law.

It is a widely accepted fact that international humanitarian law, including the Law of War, applies to the use of nuclear weapons—the most indiscriminate and destructive of all weapons. The 2017 Treaty on the Prohibition of Nuclear Weapons has further reinforced this standard.

In 2013, the Obama administration, asserted that all U.S. nuclear weapons use plans “must ...be consistent with the fundamental principles of the Law of Armed Conflict.” In 2018, the Trump administration reaffirmed that any U.S. nuclear military operations “would adhere to the law of armed conflict,” and its principles of distinction and proportionality. The United States also accepts that it is legally required, under the principle of precaution, to take all feasible measures to minimize incidental damage to civilian populations and civilian objects.

Unfortunately, these assurances are undermined by the fact that the United States has not to date foresworn the possibility that it might direct nuclear attacks against the civilian population, or otherwise launch attacks that cause disproportionate civilian harm, by relying on the customary international law doctrine of belligerent reprisal. In 2016, then STRATCOM Judge Advocate General lawyer Theodore Richard argued that the doctrine of belligerent reprisal remains “an important part of nuclear weapon policy and deterrence theory.”

If we are to operate according to a “rules-based international order,” certain states cannot bend the rules to suit their narrow national security aims. We urge your administration to state that it is not permissible under customary international law, to target civilians intentionally or consequentially by way of reprisal using nuclear or other weapons, and that you direct the Pentagon to develop nuclear weapons employment guidance that is consistent with this policy and with international humanitarian law, without exception.

We look forward to engaging with your team on how we can adopt a safer, more cost-effective strategy that reduces the role and number of nuclear weapons, while maintaining strategic stability. reassuring our allies and partners of our security commitments and puts us back on a path to a world without nuclear weapons.

Sincerely,

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***Please direct replies regarding this letter to the Arms Control Association*