#### The United States Congress should restrict the authority of the President of the United States to introduce nuclear weapons first into hostilities.

### Threats Fail

#### Despite promises to the contrary, the Obama Administration recently reaffirmed the nuclear force posture of the United States Armed Forces – they will keep forward deployed Launch on Alert nuclear forces that holds other nuclear forces at risk in a highly offensive posture

Kristensen 6/29 (Hans Kristensen, Director of the Nuclear Information Project at the Federation of Atomic Scientists, “New Nuclear Weapons Employment Guidance Puts Obama’s Fingerprint on Nuclear Weapons Policy and Strategy,” 6/20/13 http://blogs.fas.org/security/2013/06/nukeguidance/#more-6076)

President Barack Obama’s Berlin speech failed to capture the nuclear disarmament spirit of the Prague speech four years ago. And no wonder. Back then Obama had to contrast with the Bush administration’s nuclear policies. This time Obama had to upstage his own record.¶ The only real nuclear weapons news that was included in the Berlin speech was a decision previously reported by the Center for Public Integrity that the administration is pursuing an “up to a one-third reduction” in deployed nuclear weapons established under New START.¶ Instead, the real nuclear news of the day were the results of the Obama administration’s long-awaited new guidance on nuclear weapons employment policy that was explained in a White House fact sheet and a more in-depth report to Congress.¶ From a nuclear arms control perspective, the new guidance is a mixed bag.¶ One the one hand, the guidance directs pursuit of additional reductions in deployed strategic warheads and less reliance on preparing for a surprise nuclear attack. On the other hand, the guidance reaffirms a commitment to core Cold War posture characteristics such as counterforce targeting, retaining a triad of strategic nuclear forces, and retaining non-strategic nuclear weapons forward deployed in Europe. ¶ Pursue Additional Reductions¶ The top news is that the administration has decided that it can meet its security obligations with “up to one-third” fewer deployed strategic warheads that it is allowed under the New START treaty. That would imply that the guidance review has concluded that the United States needs 1,000-1,100 warheads deployed on land- and sea-based strategic warheads, down from the 1,550 permitted under the New START treaty.¶ It is not entirely clear from the public language, but it appears to be so, that these additional reductions will be pursued in negotiations with Russia rather than as reciprocal unilateral reductions.¶ Even though the nuclear weapons employment policy would allow for reductions below the New START Treaty levels, it does not direct any changes to the currently deployed forces of the United States. That is up to the follow-on process of the Secretary of Defense producing an updated Nuclear Weapons Employment Policy (NUWEP) appendix to the Guidance for the Employment of the Force (GEF), and the Chairman of the Joint Chiefs of Staff then producing an update to the nuclear supplement to the Joint Strategic Capabilities Plan (JSCP-N).¶ These updates will inform the Commander of STRATCOM on how to direct the Joint Functional Component Command Global Strike (JFCC-GS) to update the strategic war plan (OPLAN 8010-12), and Geographic Combatant Commanders such as the Commander of European Command to update their regional plans.¶ So if an when Russia agrees to cutting its deployed strategic warheads by up to one third, it could take several years before President Obama’s guidance actually affects the nuclear employment plans.¶ Already now, many news articles covering the Berlin speech misrepresent the “cut” by saying it would reduce the U.S. “arsenal” or “stockpile” by one third. But that is not accurate. The envisioned one-third reduction of deployed strategic warheads will not in and of itself destroy a single nuclear warhead or reduce the size of the bloated U.S. and Russian nuclear arsenals.¶ Reduce Launch Under Attack¶ The new guidance recognizes, which is important although late, that the possibility of a disarming surprise nuclear attack has diminished significantly since the Cold War. Therefore, the guidance “directs DoD to examine further options to reduce the role of Launch Under Attack plays in U.S. planning, while retaining the ability to Launch Under Attack if directed.”¶ Launch under attack is the capability to be able to launch nuclear forces after detection that an adversary has initiated a major nuclear attack. Because it only takes about 30 minutes for an ICBM to fly from Russia over the North Pole, Launch Under Attack (LOA) has meant keeping hundreds of weapons on alert and ready to launch within minutes after receiving the launch order.¶ Barack Obama promised during his election campaign in 2007 that he would work with Russia to take nuclear weapons off “hair-trigger alert,” but the Nuclear Posture Review instead decided to continue the existing readiness of nuclear forces. Now the DOD is directed to study how to reduce LOA in nuclear strike planning but retain some LOA capability.¶ The guidance does not explicitly say – to the extent it is covered by the DOD report – that nuclear force will be retained on alert. The NPR makes such a statement clearly. The DOD guidance report only states that the practice of open-ocean targeting should be retained so that a weapon launched by mistake would land in the open ocean.¶ Despite the decision to reduce deployed strategic warheads and reduce Launch Under Attack, the guidance hedges against the change by stating that “the maintenance of a Triad and the ability to upload warheads ensures that, should any potential crisis emerge in the future, no adversary could conclude that any perceived benefits of attacking the United States or its Allies and partners are outweighed by the costs our response would impose on them.”¶ Counterforce Reaffirmed¶ The new guidance reaffirms the Cold War practice of using nuclear forces to hold nuclear forces at risk. According to the DOD summary, the new guidance “requires the United States to maintain significant counterforce capabilities against potential adversaries” and explicitly “does not rely on a ‘counter-value’ or ‘minimum deterrence’ strategy.”¶ This reaffirmation is perhaps the single most important indicator that the new guidance fails to “put an end to Cold War thinking” as envisioned by the Prague speech.¶ Because “counterforce is preemptive or offensively reactive,” in the words of a STRATCOM-led study from 2002, reaffirmation of nuclear counterforce reaffirms highly offensive planning that is unnecessarily threatening for deterrence to work in the 21st Century. This condition is exacerbated because the reaffirmation of counterforce is associated with a decision to retain – albeit at a reduced level – the ability to Launch Under Attack if directed (see below).¶ The “warfighting” nature of nuclear counterforce drives requirements for Cold War-like postures and technical and operational requirements that sustain nuclear competition between major nuclear powers at a level that undercuts efforts to reduce the role and numbers of nuclear weapons.¶ No Sole Purpose…But¶ Four years after the Nuclear Posture Review decided that the United States could not adopt a sole purpose of nuclear weapons to deter only nuclear attacks, the new guidance reaffirms this rejection by saying “we cannot adopt such a policy today.”¶ Even so, the guidance apparently reiterates the intention to work towards that goal over time. And it directs the DOD to undertake concrete steps to further reducing the role of nuclear weapons.¶ Non-Strategic Nuclear Weapons¶ The decisions regarding non-strategic nuclear weapons are disappointing because they fail to progress the issue. In fact, the White House fact sheet explicitly states that the guidance review did not address forward deployed non-strategic nuclear weapons in Europe.¶ Even so, the guidance decides to retain a forward-based posture in Europe until NATO agrees it is time to change the posture. The last four years have shown that NATO is incapable of doing so because a few eastern NATO countries cling to Cold War perceptions about nuclear weapons in Europe that blocks progress.¶ In effect, the lack of initiative now means countries like Lithuania now effectively dictate U.S. policy on non-strategic nuclear weapons.¶ Hedging Against Hedging¶ The guidance also directs that the United States will continue to retain a large reserve of non-deployed warheads to hedge against technical failures in deployed warheads.¶ This both means enough extra warhead types within each leg to hedge against another warhead on that leg failing, as well as keeping enough extra warheads for each leg to hedge against failure of one of the warheads on another leg.¶ Now that warhead life-extension programs are underway, the guidance directs that DOD should only retain hedge warheads for those modified warheads until confidence is attained. This is a little cryptic because why would the DOD not do that, but the intension seems to be to avoid keeping the old hedge warheads longer than necessary.¶ Moreover, the guidance also states that all of the hedging against technical issues will provide enough reserve warheads to allow upload of additional warheads – including those removed under the New START Treaty – in response to a geopolitical development somewhere in the world.¶ This all suggests that we should not expect to see significant reductions in the hedge in the near future but that much of the current hedging strategy will be in place for the next decade and a half.¶ Conclusions¶ The Obama administration deserves credit for seeking further reductions in nuclear forces and the role of Launch of Warning in nuclear weapons employment planning. A White House fact sheet and a DOD report provide important information about the new nuclear weapons employment guidance, a controversial issue on which previous administrations have largely failed to brief the public.¶ The DOD’s report on the new guidance reiterates that it is U.S. policy to “seek the peace and security of a world without nuclear weapons,” but helpfully reminds that “it is imperative that we continue to take concrete steps toward it now.” This is helpful because Obama’s recognition in Prague that the goal of a world free of nuclear weapons might not be achieved in his lifetime has been twisted by opponents of reductions and disarmament to mean an affirmative “not in my lifetime!”¶ The guidance directs that nuclear “planning should focus on only those objectives and missions that are necessary for deterrence in the 21st century.” The force should be flexible enough, the guidance says, to be able to respond to “a wide range of options” by being able to “threaten credibly a wide range of nuclear responses if deterrence should fail.”¶ Unfortunately, the public documents do not shed any light on what those objectives and missions are or which ones have been deemed no longer necessary.¶ Instead, the official descriptions of the new guidance show that its retains much of the Cold War thinking that President Obama said in Prague four years ago that he wanted to put an end to. The reaffirmation of nuclear counterforce and retention of nuclear weapons in Europe are particularly disappointing, as is the decision to retain a large reserve of non-deployed warheads partly to be able to reverse reductions of deployed strategic warheads achieved under the New START Treaty.¶ In the coming months and years, these decisions will likely be used to justify expensive modernizations of nuclear forces and upgrades to nuclear warheads that will prompt many to ask what has actually changed.

#### Nuclear first use has no strategic or deterrent value.

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The Syrian regime’s large-scale use of chemical weapons has prompted a vigorous discussion about whether the United States should respond with military force, and if so, how. Those advocating the use of force have debated options ranging from limited cruise missile strikes to a much larger campaign designed to mortally wound Syrian President Bashar al-Assad’s regime. One military option that has thankfully not been part of the debate is the use of nuclear weapons. Yet unbeknownst to many, the most recent Nuclear Posture Review—a US government assessment of the proper role of nuclear weapons—technically does not rule out using them in response to nuclear, biological, or chemical weapons use by states, like Syria, deemed to be in noncompliance with their nonproliferation obligations. There is, on the other hand, apparently universal agreement that using nuclear weapons in the midst of another country’s civil war would be wildly inappropriate and ineffective. But Syria’s use of chemical weapons raises several important questions that bear on US policy: If Washington wouldn’t consider using nuclear weapons even where its own official policy allows it, under what circumstances would it actually contemplate using them? And if it did, how many might it use? Apart from responding to another country’s first use, the scenarios under which a US president would consider authorizing the use of these weapons are so limited as to be almost inconceivable. Moreover, if the president did use nuclear weapons, he or she would likely need only a handful, not the thousands the United States currently possesses. While nuclear weapons still retain value as a deterrent, changing geopolitical and technological conditions have made them a niche weapon, not the bedrock of US security that some still claim they are. Who would America nuke? According to the 2010 Nuclear Posture Review, the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the Nuclear Non-Proliferation Treaty and are deemed to be in compliance with their nuclear nonproliferation responsibilities. It also states that the United States would only consider using nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners. Based on these criteria, the United States would consider using nuclear weapons against states that possess nuclear weapons—Russia, China, France, the United Kingdom, India, Pakistan, Israel, and North Korea—as well as states that are in noncompliance with their nonproliferation objectives, namely, North Korea, Syria, and Iran. France, the United Kingdom, India, and Israel can quickly be eliminated from the list of possible targets because they are not US adversaries. And even though the United States is often at loggerheads with Pakistan, it currently doesn’t fit the profile of a military adversary. Using nuclear weapons against Syria and Iran, meanwhile, is at this time surely off the table because neither possesses nuclear weapons and the United States could obliterate either country with conventional weapons. That leaves Russia, China, and North Korea as the only theoretical targets of a US nuclear attack. How much is enough? According to the latest estimates, the United States maintains an active stockpile of approximately 4,650 nuclear warheads , the vast majority of which are 10 to 50 times more powerful than the bombs that were dropped on Hiroshima and Nagasaki at the end of World War II. It is impossible to conjure up a believable scenario whereby the United States would use 500 of these weapons, let alone nearly 5,000. Of the three states against which the United States would consider using nuclear weapons, only Russia possesses a nuclear arsenal that numbers in the thousands. Together the two countries hold nearly 95 percent of nuclear warheads on the planet, with no other country believed to possess more than 300. The only rationale for such large US and Russian arsenals is to target the other’s nuclear forces. Yet even though Washington and Moscow continue to deploy their forces as if the threat of global thermonuclear war were a distinct possibility, the reality is that such a conflagration is highly unlikely. The current downturn in relations over issues like Syria and National Security Agency leaker Edward Snowden may scuttle hopes for another formal arms control agreement, but the two countries are not enemies like they were during the Cold War. While direct Russian aggression against the United States is highly improbable, some argue that America should retain the ability to threaten using nuclear weapons to deter a Russian conventional attack against a NATO ally, such as one of the Baltic states. The dubious effectiveness of such a threat aside, the best the United States could do with nuclear weapons if Moscow decided to invade, say, Lithuania, would be to repel the aggression and attempt to deter Russia from future conventional or nuclear attacks. But Washington would not be able to use nuclear weapons to eliminate Russia’s arsenal or change the regime in Moscow without inviting unacceptable damage in return. Thus, drastically fewer than the 1,550 strategic warheads the United States and Russia are each allowed to deploy under the New Strategic Arms Reduction Treaty would be sufficient to defeat the immediate aggression against an ally and attempt to deter further escalation. And what of China, which is believed to have fewer than 300 nuclear warheads, and North Korea, which has fewer than ten warheads and—as of now—an uncertain ability to deliver them? It is difficult to imagine the United States using nuclear weapons against either country. In the case of China, security dilemmas involving Beijing and US allies over the status of Taiwan and the disputed islands in the South and East China Seas are potential flashpoints, but all the parties have a strong interest in avoiding military escalation. In the case of North Korea, Washington could destroy what few valuable targets the regime has using conventional weapons. Nevertheless it is possible to imagine scenarios, however unlikely, in which the US government might consider using nuclear weapons against either country. It might retaliate against first use, retaliate against a major conventional attack that threatens the existence of a US ally, or launch a decapitating first strike in a deep crisis. But given the relatively small Chinese and North Korean nuclear arsenals and the potency of US conventional forces, the quantity of US nuclear weapons required would number not in the hundreds but the dozens. There are simply not enough plausible targets for anything more than that. Critics of this line of reasoning are likely to argue that while a limited number of nuclear weapons may be sufficient to achieve war aims, many more are necessary to deter adversaries from attacking either the United States or its allies. Yet what threats now deterred by an arsenal of nearly 5,000 warheads couldn’t be deterred by many fewer weapons? And if a country couldn’t be deterred by a level half the size of the current US stockpile, what logic presumes it would be deterred by the current level? Impractical and costly. The fact is, nuclear weapons are of diminishing strategic and military use to the United States, as the debate about whether to use military force in Syria demonstrates. As nuclear security and nonproliferation expert James Doyle points out , with the possible exception of North Korea, no other nuclear power “has state goals or conducts a foreign policy fundamentally hostile to the interests of the United States.” The nonnuclear threats that currently face the United States and its allies do not rise to the level of requiring a nuclear response. US conventional forces are unrivaled, which gives Washington the capacity to achieve almost every conceivable war aim without using nuclear weapons. Consequently, it is nearly impossible to imagine a situation where the first use of nuclear weapons wouldn’t greatly undermine US power and standing in the world. Given the decreasing role that nuclear weapons play in US security policy, the arsenal is undoubtedly far too big. But in addition to working towards reducing the size of the arsenal, the United States should further circumscribe the scenarios under which it would consider using nuclear weapons. It can do this by transitioning from a posture that is still heavily based on first use to one more focused on retaliation. Ensuring that the tradition of nuclear non-use continues depends on it.

#### And, this nuclear posture increases the risk of nuclear use in conflict and miscalculation. The plan solves.

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Another argument for retaining the option to use nuclear weapons first, in addition to the deter chemical and biological, which is really the most fundamental, is that simply leaving open this option, keeping adversaries unsure of what our response might be creates an incalculable risk. And so today, the fundamental debate on the issue of declaratory policy is really one between calculated ambiguity on the one hand, essentially maintaining what we have, or switching to something more specific like “no first use.” And so the debate is between those who want to keep all options open and those who want to restrict our options. As I note – as I said before, the principal argument since the end of the Cold War for no- first-use has been that nuclear – that the threat of nuclear weapons is essentially unnecessary to deter anything but nuclear weapons. The argument is that conventional superiority provides sufficient punishment and denial capabilities to deter conventional attack as well as chemical and biological I’ll agree that it’s unnecessary, and I’ll be happy, if you want, in Q&A to discuss a little bit more about why I think it’s unnecessary. But what I want to argue is that retaining the option to use nuclear weapons first is not only unnecessary but also potentially dangerous. In arguing for “no first use,” proponents of the policy have not paid enough attention in their arguments to the risks of calculated ambiguity, and that’s sort of what I want to focus on today. So thus my argument stands in contrast to those who believe that the more options the better, and that ambiguity aids deterrence by creating uncertainty and incalculable risks. My argument comes from a position that a fundamental tenet of deterrence is that limiting your options can in fact enhance deterrence and make you safer. This notion of deliberately tying one’s hands or limiting one’s options is of course attributed to the work of Tom Schelling who argued that limiting one’s own options could be a commitment tactic to enhance the credibility of one’s threats. Examples in this context are burning a bridge – having your army cross and then burning a bridge so that one could not retreat, or more importantly, making your commitments public. Making statements public in fact becomes a commitment tactic by increasing the cost of going back. The example is, if you’re going to go on a diet, one of the best ways to make sure you actually keep on that diet is to tell everybody you know that you’re going on the diet. So that’s the sort of position that I’m come from, is that while the traditional view has been that as many options as possible is the best way to go, and in some ways the military thinks that way in part because their – their job is to put military options in the toolbox of national power, what I want to argue is that limiting our options, limiting U.S. options to use nuclear weapons first by declaring a no-first-use policy will in fact make us safer. My argument is essentially this: Nuclear first use is one of two things. It’s either not credible, in which case it adds nothing to U.S. security, but rather is politically complicating in the nonproliferation context. Or, if it is credible, it’s potentially dangerous by fostering crisis instability. So that’s – I’m going to talk a few more minutes about that. On the one hand, I think you can make a case that U.S. threats, whether they’re implicit or explicit – and really what we’re talking about here is the ambiguous threat – are simply not credible. It’s not credible for a variety of reasons. I mean, one is the nuclear taboo, this moral and political aversion to using nuclear weapons that has emerged in the long absence of nuclear use and conflict. In the nuclear arena, the United States is largely seen as cool-headed, risk-averse and sensitive to casualties and collateral damage. The United States does not seem to be able to benefit from the sort of rationality of irrationality type argument. The prospect that the United States would unilaterally shatter the almost seven-decade record of non-use in conflict I think contributes to the belief that the United States would in fact not use nuclear weapons. Another argument is I think that one could make the case that an unintended consequence of the United States first use – the United States efforts to lead to the global non-proliferation regime is that it reduces the credibility of the United States to use nuclear weapons first. If the United States spends all of this time working on the efforts to prevent others from getting nuclear weapons, it seems – it makes it less credible that the United States would risk shattering that and throwing it all away by using nuclear weapons first. And finally, in the Gulf War, despite the threats of calculated ambiguity and the ambiguous threat of nuclear weapons, which some believe deterred Saddam, Bush, Scowcroft, Powell, and Baker, all said after the conflict that they had actually never intended on using nuclear weapons. And such public admission I think reduces the credibility of those threats. Now, on the other side, I think that retaining the option to use nuclear weapons first is dangerous. Retaining the option, particularly against adversaries with small nuclear capabilities, generates crisis instability and preemption incentives, especially against adversaries with inferior capabilities. Crisis stability is I think a useful lens through which to look at issues today because if nuclear weapons are used in my view, it’s not going to be a bolt from the blue; it’s going to be in the context of a severe political and military crises, and therefore, crisis stability becomes an appropriate lens through which to view nuclear dynamics. Essentially crisis stability refers to incentives to preempt and strike first in a crisis. A crisis is said to be stable if neither side has an incentive to strike first, and both know that. And a crisis is said to be unstable if one or both sides has a real or perceived incentive to preempt. So in other words, the essence of crisis instability is the fear of the other’s first strike and how that may motivate you to strike first in order to prevent the advantages that one might seek. This has been traditionally an argument associated with the 1960s, and with McNamara and left-leaning academics, but actually, this view actually took hold beforehand and was prominent among some members of the military. For example, Gen. Leslie Groves who was the leader of the – military leader of the Manhattan Project said in 1957 if Russia knows we won’t attack first, the Kremlin will be very much less apt to attack us. Our reluctance to strike first is a military disadvantage to us, but it is also paradoxically, a factor in preventing world conflict today. So from the perspective of crisis instability, retaining the option to use nuclear weapons first—even if ambiguous, essentially the all-options-on-the-table approach—is essentially dangerous because it generates fear of a U.S. disarming first strike in an intense crisis and thereby increases the chances that nuclear weapons are used accidentally, inadvertently, or deliberately. There are essentially three pathways – I think there’s probably more, but I would argue that there are essentially three pathways in which you may get nuclear use through crisis instability; in other words, adversaries’ fear of a U.S. disarming first strike. First, the fear of a U.S. first strike could prompt an opponent to adopt a launch-on-warning posture, disperse its forces rapidly and haphazardly, raise alert levels, and perhaps even pre-delegate launch authority to ensure launch even if commanding control apparatus is severed. This rapid dispersion in the heat of an intense crisis increases the chances that – of accidental or unauthorized use of nuclear weapons. And so the fear of a U.S. first strike in an intense crisis generates all of these incentives to disperse forces to make them more survivable, to ensure some sort of retaliation, and that increases the chances that they in fact may be used accidentally or in an unauthorized way. A second sort of pathway is the fear of a U.S. first strike prompts a state that is concerned about the survivability of its forces to disperse those forces, to raise alert levels, to erect its TELs if it is has mobile missile launchers, and that leads to a misinterpretation. Whereas they perceive their efforts as signaling resolve to the United States and reducing vulnerability of their forces, the United States misinterprets such actions as the sign of an impending launch and we preempt. So that’s a situation in which we’d lock ourselves into preemption through miscalculation. I think a third pathway is that the fear of a U.S. first strike creates a use-it-or-lose-it dynamic. This is a situation in which nuclear weapons are used deliberately, and the use-it-or-lose-it dynamic is also characterized I think as a now-or-never possibility. It’s, we’ve got nuclear weapons now, but we may not be able to use them later. There are essentially two mechanisms that may be cause use-it-or- lose-it dynamics. The first is a first strike out of desperation. In this situation, the adversary is compelled to strike to avert what it perceives as an even greater disaster if it doesn’t, which is the elimination of its nuclear weapons and the subsequent convention or perhaps even regime change. In this case, the adversary’s use of nuclear weapons is less to achieve something, but rather than to mitigate disaster, however slightly. As one author put it, vulnerability could prove a temptation or a goad to strike quickly, not so much out of any belief that it would do much good, but because it appeared that waiting could only be worse.” Similarly, Schelling argued the decision to attack might be made reluctantly, motivated not by the perspective gains of victory, but by the disadvantages of not seizing the initiative. That’s one mechanism. A second mechanism is whereby the adversary believes that its nuclear capability provides sort of a trump card against a U.S. attack or invasion. If an adversary believes that nuclear weapons provide a mechanism of de-escalation, whereby the use of nuclear weapons is used to coerce the United States into a negotiated settlement, it may believe that it basically has to do this earlier than it wanted because if it waits, it may lose its nuclear capability, and therefore loses this option to bring out a negotiated settlement. This is what I call somewhat paradoxically escalatory de-escalation, the deliberate use of nuclear weapons, crossing the threshold, but for the purposes of ultimately creating a settlement. I know this sounds a little crazy, but this is actually almost exactly what NATO – a large component of NATO strategy in the Cold War flexible response had this option. The deliberate use of nuclear weapons had military value, but most importantly, NATO’s deliberate escalation in the conventional context was designed to signal resolve and impact the Soviet’s will to continue the conflict. Therefore, it was escalation for the purposes, ultimately, of trying to de-escalate the conflict.

#### Only legislative restrictions create a credible and consistent no first use posture.

Schultz 2004 PREEMPTING PREEMPTION: NUCLEAR FIRST-USE AND THE ROLE OF CONGRESS JEFFREY L. SCHULTZ Mr. Schultz is an associate at Armstrong Teasdale LLP in St. Louis. Schultz is engaged in the practice of business litigation, with significant experience in trade secret, non-compete, unfair competition and intellectual property matters Kennedy School Review;2004, Vol. 5, p27

Under uninterrupted constitutional practice since the use of the first nuclear weapons by the United States against Japan in the closing days of World War II, Congress has demonstrated that it has the authority to pass the affirmative legislation necessary to control nuclear first use. Even if Congress chooses not to impose a legislative straitjacket,45 the president alone does not have sufficient authority to make first-use of nuclear weapons absent some congressional approval.46 The wisdom of Congress’s reticence in declaring war from the standpoint of its own institutional prerogatives is clear. According to the Constitution, the power to attack first requires that one also be able to declare war—a power belonging exclusively to Congress under the express language of the document, as we have seen. But if the president can argue that we are already in a war, such as an ongoing “War on Terror” in the aftermath of the Iraq War, for which he received Congress’s blessing, then he can claim expansive independent powers in the prosecution of such a war, including the choice of weapons and tactics. In such a “zone of twilight,” only an act of Congress—such as the recently repealed ban on “mini-nukes” and bunker-busters—can tilt the constitutional balance clearly in its favor. If Congress wishes to force the president to consult prior to launching a nuclear preemptive strike, it had better say so by means of legislation.

#### Congressional restrictions are more credible signals.

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As the practice of declaring war has become passé, American strategy has likewise become disjointed and disconnected from national security objectives. Following World War II, an acquiescent Congress and an aggressive presidency have, for decades, fostered a strategic climate that failed to maintain the links between the political dimensions of the state and its strategy. The predominant “NSC-68 thinking,” largely a product of executive national security panels that administrations have embraced and Congress has blithely followed, provided inadequate guidance on how objectives and capabilities should be joined to produce coherent overall strategy.63 This connection, Clausewitz observed, is necessary for success in war. For example, US strategy following World War II ironically came to resemble the German strategy of the early 20th century, relying heavily on military ways and means that failed to address the political and economic components of warfare.64 Historians are quick to extol the superiority of the German military machine, but Germany lost two world wars. Similarly, the United States has pursued a strategy built on loosely linked operational and tactical successes. Unfortunately, without concretely defined end states specified in a coherent all-encompassing strategy, these successes have not achieved national strategic ends. In Vietnam, Afghanistan, and Iraq, our leaders failed to properly define the national strategic ends, so the attendant strategies have been inchoate. Leaders’ attempts to match ways and means to fluctuating or poorly defined ends resulted in unacceptable levels of uncertainty and risk. These protracted and strategically uncertain conflicts are alien to America’s strategic culture, which has little tolerance for long, risky, or uncertain conflicts.65 More recently, as the executive branch exercises greater authority in directing military interventions, the gap between risk and strategy becomes wider. Theater commanders charged with developing adequate or complete strategies with sound ends and feasible ways to achieve them lack confidence in congressional support to provide the means necessary to achieve these strategic objectives.66 As the world’s only superpower, the United States can expect asymmetrical conflict as the norm. Future adversaries will increasingly focus on the strategic target of the American people’s collective will in their efforts to subvert our national strategy.67

#### Only credible & enforceable declaratory policy solves.

Miller, 2002 (Steven, No First Use of Nuclear Weapons, London UK 15-17 November, The utility of Nuclear Weapons and the Strategy of No-First Use. Pugwash Meeting no. 279)

If NFU is to be more than a declaratory policy, then it must be meaningfully reflected in the war planning and force postures of the nuclear powers. Because the possibility of first use inheres in the possession of a nuclear arsenal, it is not easy to create a posture that effectively displays genuine fidelity to the NFU pledge. Because it is easy to proclaim NFU as a declaratory policy, little weight has been given in the past to the NFU pledges made by various nuclear powers. It seems safe to say, for example, that the United States and its NATO allies gave no credence whatsoever to the NFU commitment made by the Soviet Union.¶ What must nuclear-armed states do if they wish to genuinely adopt a strategy of no-first-use? How might they make this a credible and reassuring step? How could they configure their forces so as to reflect a real NFU policy? In the context of anything like present nuclear forces, it is not clear that there is a wholly convincing answer to these questions - or at least, an answer that would be wholly convincing to a suspicious adversary. But an implication of NFU is that the present force postures must be left far behind. Then, as a general matter, the answer must be that a real NFU policy would have to ripple through the entire military posture and preparations of the nuclear-armed state. And the end result would need to be a doctrine that does not rely on first use and a nuclear force posture that has little or no capacity to be used first.¶ War planning. NFU cannot be real if militaries develop war plans that include, or even depend upon, the expectation of first-use of nuclear weapons. It has long been a commonplace to note the gap that often exists in nuclear powers between declaratory policy and operation policy. The Soviet Union's NFU pledge, for example, coexisted with war plans for a European war that called for substantial use of nuclear weapons from the outset of hostilities.25 A genuine strategy of no-first use would need to be reflected in operational war plans. These would have to assume an entirely non-nuclear character and to extirpate all scenarios in which recourse is made to the first use of nuclear weapons.¶ Eradicating the idea that nuclear first use is an option would have enormous implications. It would alter the expectations of politicians and commanders. It would (or should) influence military investment decisions - more conventional capability may be necessary, for example.26 It could affect public articulations of defense policy and military doctrine. In txhe Soviet period, Moscow's NFU pledge was undermined by a profusion of military writings that emphasized nuclear preemption and warfighting and otherwise were in tension with NFU. But a genuine NFU strategy would need to harmonize doctrinal expositions and political explanations of defense policy with the constraints of the NFU commitment. Changes in public rhetoric alone will not be sufficient to convince the world that a NFU strategy is firmly in place. But they could help send the message that NFU was being taken seriously. NATO presently proclaims at every occasion that nuclear weapons are essential and that nuclear first-use is an integral component of alliance military strategy. If NATO instead were to proclaim that nuclear weapons are irrelevant to most of the alliance's security needs and that it could not envision circumstances in which it would use nuclear weapons first, this would certainly set a very different tone.¶ War planning, of course, is not a public activity, though it has public outcroppings. So though this is a necessary step if NFU is to be real, it must be coupled with other, more visible steps, if others are to be convinced that NFU is more than declaratory policy.¶

### China

#### US nuclear posture causes Chinese modernization and nuclear risk-taking. Only NFU solves.

George Perkovich 2013 George Perkovich is vice president for studies and director of the Nuclear Policy Program at the Carnegie Endowment for International Peace. OP-ED FEBRUARY 26, 2013 POLITICO http://carnegieendowment.org/2013/02/26/white-house-should-target-transparent-nuclear-policy/fm6b

Neither has done like China and relied on deterrence through retaliation with a relatively small arsenal. China has only about 60 nuclear weapons that could hit the United States, and a policy of no first use. (North Korea, the other potential target of U.S. nuclear forces, may have up to 10 weapons but no missiles that can reach the United States.) Chinese strategists worry, however, that the United States is seeking a combination of nuclear weapons, long-range conventional strike weapons and missile defenses to be able to conduct a disarming first strike against it. On what basis could the United States object if China and other potential nuclear competitors sought to mimic our nuclear doctrine and build up their nuclear forces so as to threaten first strikes? Would we not rather avoid this? Under what circumstances would the first use of nuclear weapons be the only means of achieving a necessary military objective and be discriminating in their effects? How would the first use of nuclear weapons conform to the high and rigorous standards of proportionality that the United States sets for using force? These questions are being asked when it comes to drones but not U.S. nuclear weapons.

#### And, this posture eviscerates US-China nuclear diplomacy because we can

Kulacki 2011 Chickens Talking With Ducks: The U.S.-Chinese Nuclear Dialogue Gregory Kulacki is a senior analyst and the China project manager in the Global Security Program at the Union of Concerned Scientists (UCS). Since joining the UCS in 2002, he has focused on promoting and conducting dialogue between Chinese and U.S. experts on nuclear arms control and space security. Gregory Kulacki 2011 <http://www.armscontrol.org/act/2011_10/U.S._Chinese_Nuclear_Dialogue>

Talks between China and the United States on the countries’ respective nuclear weapons programs are going nowhere. Each side expresses frustration and disappointment with the other. The problem could be that the two sides are talking past each other, like chickens talking with ducks, as the Chinese say. After more than a decade of discussion, the two parties cannot seem to move past the first item on their agenda: declaratory policy. U.S. security analysts and military planners discount China’s pledge not to be the first to use nuclear weapons. Their Chinese counterparts resent this derision of the nuclear taboo. Moreover, they see U.S. incredulity as a way to deflect attention from Chinese questions about why the United States is unwilling to provide the same assurance.[1] The U.S. participants in these talks do not appear to respect anyone, from either country, who takes a no-first-use pledge seriously.[2] To them, the pledge is an expression of naïveté or mendacity. They suspect, therefore, that the Chinese individuals participating in bilateral talks either cannot or will not speak truthfully about China’s “actual” nuclear weapons policy.[3] The Chinese participants do not understand U.S. suspicions. They mistakenly ascribe U.S. mistrust to a hegemonic arrogance that has led the United States to use nuclear threats as part of a broader U.S. policy intended to intimidate and contain China. It is difficult for Chinese analysts to appreciate why a country with overwhelming conventional military superiority is unable to make a basic confidence-building commitment that a much weaker China finds acceptable.

#### And lack of communication is particularly dangerous given other tensions and disagreements in US-China relations – these conflicts will escalate without the plan.

Colby & Denmark 2013, March Elbridge A. Colby, cochair, is a principal analyst and division lead for global strategic affairs at the Center for Naval Analyses (CNA), Previously, he served as policy adviser to the secretary of defense’s representative for the new Strategic Arms Reduction Treaty, as an expert adviser to the Congressional Strategic Posture Commission, as a staff member on the President’s Commission on the Intelligence Capabilities of the U.S. Regarding WMD, and in a number of other government positions. Abraham M. Denmark, cochair, is vice president for political and security affairs at the National Bureau of Asian Research (NBR) and is an Asia-Pacific security adviser at the Center for Naval Analyses. “Nuclear Weapons and US China Relations a way forward” A report of the poni working group on u.s.- china nuclear dynamics CSIS – online

Unfortunately, significant sources of tension and disagreement between the United States and its allies, on the one hand, and China, on the other, remain. These sources of discord could, in the worst case, lead to conflict. Needless to say, a large-scale conventional war between the United States and China would be incredibly dangerous and likely tremendously damaging. Nuclear war between the two would be devastating for all involved. Even though a conventional war between the two nations currently seems unlikely and nuclear war even more so, the possibility that war could break out, posing dramatic dangers and damage, clearly indicates that active steps should be taken to avoid conflict and successfully manage U.S.-China nuclear dynamics. Significance and Objectives of U.S.-China Nuclear Relations Maintaining stability in U.S.-China nuclear relations will be critical to the interests of the United States and those of its allies and security partners in the coming years. The Working Group judges that the nuclear dynamics between the United States and China are relatively stable at this time, primarily because both sides have or will soon have a nuclear deterrent of the size and scope they determine they need, and China appears committed to a relatively restrained posture oriented around a “lean and effective” nuclear force and its no-first-use policy. Yet the Working Group is concerned that the changing conventional military balance of power in the region, the current sources of tension and possible conflict, and the expansion of the quality and quantity of China’s nuclear arsenal raise serious questions about the future stability of U.S-China nuclear relations.

#### The plan stabilizes US-China crisis management.

George Perkovich 2013 April Do Unto Others: Toward a Defensible Nuclear Doctrine <http://carnegieendowment.org/2013/04/01/do-unto-others-toward-defensible-nuclear-doctrine/fxax>

The benefits of confining the use of nuclear weapons to retaliation against forces committing aggression against the United States or its allies outweigh the risks. The main counterargument is that removing threats of first use—either preemptive or in response to less-than existential threats—may embolden potential adversaries to become more aggressive and perhaps more ready to use their own nuclear weapons first, believing that they could gain a decisive advantage that would realistically mitigate the counter-risk of U.S. nuclear retaliation. However, this assertion overlooks the reality that retaliatory use is a stronger and more credible deterrent than first use. Indeed, China demonstrates this. Experts debate whether China would use nuclear weapons first, regardless of its pledges not to, but no one doubts that China would use its comparatively small survivable nuclear arsenal it if it were attacked by nuclear weapons first. U.S. administrations of both parties and various ideological inclinations have acknowledged a condition of mutual deterrence with China. This has instilled noticeable caution in the way Washington manages relations with Beijing (and with Taiwan). There is no reason to think that China or other potential adversaries would eschew caution in dealing with the United States and its allies if Washington had the doctrine recommended here. In fact, the U.S.-Chinese strategic relationship would be more stable in a crisis if China were confident that the United States did not have the capability or intent to conduct disarming first strikes against China’s retaliatory nuclear forces and command and control centers.

#### A breakdown of US-China strategic relations causes major power war.

Ratner, 2013 Dr. Ely Ratner is the Deputy Director of the Asia-Pacific Security Program at the Center for a New American Security. Dr. Ratner recently served in the Office of Chinese and Mongolian Affairs at the State Department as the lead political officer covering China’s external relations in Asia. "Rebalancing to Asia with an Insecure China." The Washington Quarterly 36.2 (2013): 21-38.

China's foreign policies have for decades reflected the principles of biding time, pursuing a restrained foreign policy, and viewing the first decades of the twenty-first century as a period of strategic opportunity to focus primarily on internal development.41 This strategy, however, has relied on the belief in Beijing that China's commitment to the path of “peaceful rise” was leading the country toward greater prosperity and security, a supposition coming under increasing scrutiny in Beijing.42 U.S. analysts are correct to assert that, to date, China's leaders have continued to recognize the importance of pursuing a constructive U.S.–China relationship.43 That said, particularly with China emerging from the inward-looking period of its decennial leadership transition, an array of potential scenarios—Chinese economic slowdown, domestic political cleavages over the pace and direction of economic reform, a spike in nationalism due to perceived external challenges—could raise the political cost for Chinese leaders who seek to perpetuate U.S.–China relations in their current state. The danger in the years ahead is that deepened U.S. engagement in Asia and its associated perceptions in China could amplify already existent voices in Beijing who argue that the current trajectory of regional affairs is placing China under siege in a deteriorating security environment.44 Precisely how Beijing would respond is unknown, but it is hard to imagine that the United States would benefit from a China less committed to its relations with the United States. More rapid military modernization, the development of trade or diplomatic blocs that exclude the United States, assertive behavior in its near seas, the cultivation of explicit security ties with regional partners, more aggressive use of cyber intrusions into the United States, and increasingly discriminatory trade practices are among the policies Beijing could pursue. Even if China viewed its options in these domains as relatively limited and ultimately undesirable, it could still throw sand in the gears of U.S. efforts in the region. Although China's behavior has been problematic on regional issues ranging from the South and East China Seas to North Korea, Burma, and ASEAN, there is no doubt that Beijing could create far more mischief if it perceived a truly zero-sum rivalry with the United States that compelled a hard-nosed competition for influence in Asia. Preventing this outcome—and the major power war that could accompany it—are chief among the tasks of U.S. China policy.

### Proliferation

#### Without a policy of no first use American proliferation leadership is doomed to failure. This will collapse the 2015 NPT review conference.

Perkovich 2013 George Perkovich is vice president for studies and director of the Nuclear Policy Program at the Carnegie Endowment for International Peace. April Do Unto Others: Toward a Defensible Nuclear Doctrine <http://carnegieendowment.org/2013/04/01/do-unto-others-toward-defensible-nuclear-doctrine/fxax>

The timing of this intervention may seem peculiar. It was only three years ago that the Obama administration issued its Nuclear Posture Review. Bureaucratically, it would be very difficult to make major revisions so soon. However, this does not preclude further analysis and debate over how U.S. declaratory policy should evolve. The parties to the NPT will meet in 2015 to review progress on implementing the treaty and consider means for strengthening it. As always, the vast majority of parties will seek evidence of progress in nuclear disarmament. Such evidence will be scant if the United States and Russia do not overcome obstacles to further reductions of strategic and theater nuclear weapons; if China, Russia, India, and Pakistan continue to expand and modernize their nuclear arsenals; if the United States, China, India, Pakistan, Israel, Iran, and other states do not ratify the Comprehensive Nuclear-Test-Ban Treaty; and if negotiations of a fissile-material-production-cutoff treaty remain blocked. Meanwhile, a significant number of “middle powers” are organizing to press for further reductions in the role of nuclear weapons in national security policies and for acknowledgment that humanitarian law applies to the potential use of nuclear weapons (including the Non-Proliferation and Disarmament Initiative led by Australia and Japan and a joint statement on the humanitarian dimension of nuclear disarmament signed by over 30 countries).10 If these initiatives are ignored or rebuffed, many important states and civil society leaders will conclude that the disarmament-nonproliferation bargain at the heart of the nonproliferation regime is defunct. Unfairly or not, these states and international civil society will focus more on the perceived shortcomings of the United States than of the other nuclear-armed states and Iran, especially if Washington does not demonstrate renewed vigor in shrinking the shadow of nuclear threats. One of the few ways that President Obama could restore confidence in U.S. intentions would be to update the declaration of the role of nuclear weapons in U.S. security policy, including in defense of its allies. In his searching Nobel Peace Prize speech, Obama recognized the occasional inescapability of war and the imperative of waging it justly. So, too, Obama now could examine how the ongoing existence of nuclear arsenals, even if temporary, can be reconciled with the moral-strategic imperative to prevent their use. The president could articulate a limited framework for the legitimate use of nuclear weapons that the United States believes would be defensible for others to follow as long as nuclear weapons remain. Such a nuclear policy could then be conveyed in the Pentagon’s Quadrennial Posture Review, which is due in 2014. Debate on the relative merits of the current U.S. policy and possible alternatives may encourage movement in this direction.

#### **The plan is a critical step in reviving US non-proliferation leadership.**

Korb & Rothman 2012 Lawrence J. Korb is a senior fellow at the Center for American Progress, and served as assistant secretary of defense during the Reagan administration from 1981–1985. Alexander H. Rothman is a special assistant with the national security and international policy team at the Center for American Progress. “No first use: The way to contain nuclear war in South Asia” Bulletin of the Atomic Scientists March/April 2012 vol. 68 no. 2 34-42

A US decision to declare a no-first-use policy would have benefits that extend far beyond South Asia. Such a policy would dramatically strengthen America’s arms control credentials, giving the US government the moral authority to push for stronger controls on weapons-usable nuclear technology and material. Also, efforts to negotiate a multilateral agreement banning the first use of nuclear weapons would inject life into the global nonproliferation regime. The NPT is based on a compact between the nuclear and non-nuclear states. The non-nuclear states pledged to refrain from developing a nuclear weapons capacity, and in return, the states that already possessed nuclear weapons in 1968—the United States, the United Kingdom, France, China, and Russia—agreed to work toward “general and complete disarmament.”4 But the United States still owns the largest and most advanced arsenal in the world. To effectively pressure the non-nuclear states to live up to their NPT commitments, it is important that the United States clearly demonstrate its efforts to fulfill its own. Declaring a policy of no-first-use would go far in that direction. Moreover, reassuring other countries that they are safe from a US nuclear attack would reduce pressure for them to acquire a nuclear deterrent.

#### Only an unambiguous, universal NFU solves international perception – exceptions are perceived to get looser and looser which undermines the pledge

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The U.S. continues to try to make the case to all new and suspected nuclear proliferator countries that their security is actually enhanced by not pursuing and by not possessing nuclear weapons. However, with exceptions to our negative security assurances that seem to continue to get looser, it may appear to other countries that the only true way to deter the U.S. is through the classical deterrence model: possess one’s own nuclear weapons. Loose ambiguity undermines, as Dr. Lewis points out, the important “promise to refrain” that solidifies effective global deterrence. Such a trend is increasingly worrisome as the WMD umbrella genre constantly seems like it is in the process of expansion. NBC (Nuclear, Biological, Chemical) became CBRN (Chemical, Biological, Radiological, Nuclear). And then, recently, CBRN became CBRNE to include high-yield explosives. As of January 8, 2008, U.S.C. federal law considers as a weapon of mass destruction “any destructive device as defined in section 921 of Title 18,” where “destructive devices” are defined as: (A) any explosive, incendiary, or poison gas— (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses; See here and here Now, this does not mean that the U.S. will respond to use of grenades in an international war with nuclear retaliation. However, the conflation of terms seems unwarranted. Such ambiguity, as expressed by loosening WMD definitions and exceptions to negative security assurances, could certainly be a reasonable cause of anxiety, concern, and fear on the part of other nations. Some would argue that it is a good thing for your adversaries to fear you. However, in an age of nuclear proliferation and market-technological globalization, fear is not productive. Official inclusion of and constant lip service to an ambiguous belligerent reprisal privilege aids in making other nations paranoid about U.S. influence in the world—or at least gives other nations a useful excuse to pretend to feel paranoid—and such paranoia carries the possibility of resulting in the pursuit of nuclear weapons, as with North Korea. It is a basic concept in the most widely accepted tradition of international relations theory, realism, that fear is one of the fundamental causes of conflict. Leading realist scholar John J. Mearsheimer notes realism’s five foundational assumptions about the international system: 1. the international system is anarchic 2. states inherently possess some offensive military capability 3. states can never be certain about the intentions of other states 4. the most basic motive driving states is survival 5. states think strategically about how to survive in the international system (Mearsheimer, International Security 13 (3), 1994, pg. 10) Fear results from natural competition between self-driven states and the impossibility of transparency in an anarchic international system. However, theorists in the school of international liberalism believe there are ways to mitigate, and hypothetically eliminate, these base causes of tension. In the context of the nonproliferation regime, such mitigation is aided by unequivocal negative security assurances. Such a policy is certainly less morally ambiguous. And to those who believe that such a change may display a softness that threatens national security, remember Dr. Lewis’s words: “After all, nuclear weapons exist — a physical manifestation of the option to use them that seems rather more impressive than a paper pledge not to.” No nation on earth would forget that.

#### Proliferation leadership is critical now – Iran & North Korea

COLLINA & KIMBALL 9/19 2013 Tom Z. Collina is research director and Daryl G. Kimball is executive director at the Arms Control Association in Washington, DC. “Keep Cutting Nukes

Four reasons why presidents have pushed for nuclear cuts for decades -- and why there's no reason to stop now.” http://www.foreignpolicy.com/articles/2013/09/19/keep\_cutting\_nukes?page=full

Curbing proliferation. Today's most pressing security threat is not nuclear war with Russia or China, but nuclear terrorism and proliferation. As Obama noted in March 2012, "The massive nuclear arsenal we inherited from the Cold War is poorly suited for today's threats, including nuclear terrorism." The United States needs to sustain a strong international coalition to secure nuclear materials across the globe and turn back nuclear programs in Iran, North Korea, and elsewhere. Continued U.S. and Russian arms reductions are essential to demonstrate that the major nuclear powers are holding up their end of the nuclear Nonproliferation Treaty bargain, which includes "an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI." Undersecretary of Defense for Policy James Miller said in June that, "as we think about our nonproliferation goals," demonstrating additional progress on arms reductions "is in our interest as we look to put pressure particularly on North Korea and Iran ... having a strong coalition in support of us will be vital." For example, the United States needs international support at the United Nations for economic sanctions against both North Korea and Iran to slow down their nuclear programs. The United States will also need U.N. support for the Sept. 14 deal with Russia to dismantle Syria's chemical weapons, or for sanctions if the Assad regime does not meet its commitments. Furthermore, maintaining excess nuclear forces does not deter nations, such as Iran or North Korea, or terrorist actors from seeking these weapons, and only provides them with a cynical excuse to sidestep their nonproliferation commitments.

#### Additionally, NPT collapse causes rapid global proliferation.

Bromley et al 02 [Mark, British American Security Information Council analyst, July 2002 Bunker Busters: Washington’s Drive for New Nuclear Weapons, p. 71 http://www.basicint.org/pubs/Research/2002BB.pdf]

Of all the international regimes to be affected by the NPR, the NPT may suffer the greatest blow. Already an unstable international regime, the NPT was implicitly or overtly damaged by several of the NPR’s recommendations While the Bush administration has voiced doubts about several multilateral arms control agreements since its first days in Washington, it has reiterated its strong support for the NPT, a treaty with the purpose of curtailing the spread of nuclear know-how and cutting existing arsenals. For example, the United States backed the final communiqué from the NATO Foreign Ministers meeting in May 2001 which stated, “We reaffirm our determination to contribute to the implementation of the conclusions of the 2000 NPT Review Conference”.128 In addition, a joint communiqué issued by Bush and Putin on November 13, 2001 committed the United States to undertake “efforts to strengthen the nuclear Non-Proliferation Treaty”.129 Ambassador Norm Wulf restated Washington’s support for the NPT during the April 2002 Preparatory Committee meeting for the NPT’s 2005 Review Conference when he said, “The United States continues to view the NPT as the bedrock of the global efforts to prevent the spread of nuclear weapons.”130 Among Washington’s reasons for supporting the NPT is the treaty’s valuable role in preventing proliferation. Since the NPT’s entry into force in 1970, a number of states have abandoned their nuclear weapons programmes and joined the NPT as non-nuclear states, including Argentina, Belarus, Brazil, Kazakhstan, South Africa, and Ukraine. While North Korea and Iraq may be seen as failures of the NPT, it was only through the mechanisms established by the treaty that their nuclear programmes were first discovered and then halted. A report from the US Defence Threat Reduction Agency (DTRA) supports this assessment. It concludes that the collapse of the NPT would encourage “states to review their nuclear policies and to adopt more aggressive policies. In the long run, this strategic environment would likely foster vertical and horizontal proliferation of nuclear weapons.”131 The dangers posed by a weakened NPT are real and universally recognised.

#### Proliferation will cause nuclear use and extinction

Utgoff 02 Victor, Deputy Director of the Strategy, Forces, and Resources Division of the Institute for Defense Analysis, Survival, Summer pp. 87-90

In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear ‘six-shooters’ on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations.

#### Nuclear arms races escalate.

Guzansky, and Lindenstrauss. 2013 Yoel Guzansky is a research fellow at the Institute for National Security Studies at Tel Aviv University. Gallia Lindenstrauss, a researcher at the Institute for National Security Studies, specializes in Turkish foreign policy. She completed her Ph.D. in the Department of International Relations at the Hebrew University.

"Toward a Nuclear Middle East?." Strategic Survey for Israel 2012-2013: 61.

A key argument guiding the international effort to prevent Iran from achieving nuclear weapons capability is concern about a nuclear arms race in the Middle East. It is reasonable to assume that of the regional candidates for going nuclear, Saudi Arabia is the most likely to join such a race, due to its special conditions: a perception of threat due to the belief that nuclear capability in the hands of Iran would have a negative influence on Saudi Arabia’s security and stability, and its enormous economic capability that would enable it to formulate an answer to the threat even in the immediate- to-short term. If a multi-polar nuclear system emerges in the Middle East – a region that has seen use of nonconventional weapons, and one that lacks adequate mechanisms for containing conflicts and halting uncontrolled escalation – it is doubtful whether a stable balance of deterrence could be devised. Such a system, in which both Iran and Saudi Arabia have nuclear weapons capability, would constitute an extremely difficult strategic environment for Israel.38 Development in this direction would aggravate the challenges facing Israel in an already complex and problematic region: the Middle East has many low level conflicts; the possibility exists that nonconventional capabilities and facilities could fall into sub-state elements acting as proxies on behalf of a country; the decision making process in countries and sub- state organizations involves uncompromising religious considerations and motives; some of the regional players lack advanced command and control systems; the main regional rivals are geographically adjacent to each other; some of them have undeveloped detection and suitable early warning systems; the region lacks effective security arrangements and free and reliable communications channels for managing crises. The risk of escalation resulting from all these factors is heightened by the possibility that a multi-polar nuclear system could emerge. Furthermore, it is possible that countries with a small nuclear arsenal would be inclined to use it, because they fear that an external power will want to deprive them of this capability while it is new and vulnerable. The first years after obtaining nuclear capability are therefore liable to be extremely dangerous. There is great potential for crises in the region, and it cannot be ruled out that when such crises arise, they will be accompanied by threats of nuclear escalation and a rising tendency to consider use of nuclear weapons in the context of conventional conflicts. It is possible that Israel would be able to live with a nuclear Iran on the basis of a mutual deterrence, but the question arises whether Israel would retain adequate political, security, and economic freedom in a multi-polar nuclear Middle East.