

EYES ONLY

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
WASHINGTON

OFFICE OF
THE DIRECTOR

June 30, 1975

Dear Jim:

Here is the paper you asked for last Saturday, regarding the first-use of nuclear weapons--the US, Soviet (and French) positions. It looks like the media interest, stirred up by your statement on first-use in Korea and by the President's remarks in his press conference last week, has died down. My guess is that not much will come of the House resolution introduced last Thursday by Ottinger with 66 co-sponsors, for a US policy declaration renouncing the first-use of nuclear weapons.

It is my view, however, that we should gradually move further away from first-use threats, rather than back towards our position in the 1950's (see pp 2-3 in the attached paper). In the long run, I believe it will be increasingly in the US interest to make the threat of first-use of nuclear weapons less and less accepted as a "legitimate" use of military power. For such threats might some day be used against one of our allies or friends, and we must then be in a position to maintain a firm defensive coalition abroad and the fullest domestic support at home. Indeed, the historical record shows that the Soviets found it much easier to make nuclear threats than we did, although Western resolve has rendered such threats so far unsuccessful.

For the broader domestic debate on nuclear policy, it is essential to make it absolutely clear that the highest officials in the US Government firmly distinguish between conventional weapons and nuclear ones, whether tactical or strategic.

Sincerely,


Fred C. Ikle

The Honorable
James R. Schlesinger
The Secretary of Defense

6/30/75
ACDA

First Use of Nuclear Weapons

U.S. Policy: Summary.

The US has supported only a very narrow range of restrictions on the use of nuclear weapons. A central argument for our position has been that the UN Charter distinguishes not between one weapon and another, but between the legitimate use of force for individual or collective self-defense and its illegitimate use for aggressive purposes. On the basis of this distinction we have sought to preserve the right to use nuclear weapons not only to deter and, if necessary, respond to nuclear attack against ourselves or our allies, but also to deter and, if necessary, respond to a large-scale conventional attack against ourselves or our allies, whether by another nuclear power or a non-nuclear weapon state (NNWS). Accordingly, we have resisted proposals for prohibiting the first use of nuclear weapons as well formulations which would categorically rule out the use of nuclear weapons against all NNWS.

U.S. Public Positions on the Use of Nuclear Weapons.

While the United States has remained reluctant to accept formal restrictions on the right to use nuclear weapons first (with the sole exception of the Latin American Nuclear Free Zone Treaty, covered below), there has been a gradual but major change in the US position regarding the manner or circumstances

in which we might actually use nuclear weapons, particularly tactical nuclear weapons. We have clearly moved away from the position of the 1950's that "tactical" nuclear weapons were interchangeable with conventional weapons.

For example, on December 8, 1953, President Eisenhower said:

... atomic weapons have virtually achieved conventional status within our armed service. In the United States, the Army, the Navy, the Air Force, and the Marine Corps are all capable of putting this weapon to military use.

And again in 1954, President Eisenhower's message to the Congress stated:

A wide variety of atomic weapons--considered in 1946 to be mere possibilities of a distant future--have today achieved conventional status in the arsenals of our armed forces.

Similarly, in 1954, Secretary of State Dulles said:

The present policies will gradually involve the use of atomic weapons as conventional weapons for tactical purposes. If that occurs and there is a replacement of what is now known as conventional weapons by a different type of weapons, they will, of course, be used.

As late as 1957, Secretary of Defense Charles Wilson stated before Congress:

The smaller atomic weapons, the tactical weapons, in a sense have now become conventional weapons . . .

As a contrasting theme, President Johnson stated on September 7, 1964:

For nineteen peril-filled years no nation has loosed the atom against another. To do so now is a political decision of the highest order. It would lead us down an uncertain path of blows and counter-blows whose outcome none may know. No President of the United States can divest himself of the responsibility of such a decision.

The only time the U.S. has formally and explicitly agreed to restrict its right to use nuclear weapons was when it adhered, on May 12, 1971, to Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America. Article III of that Protocol requires that the United States not use or threaten to use nuclear weapons against Latin American states party to the nuclear-free zone arrangement. In adhering to Protocol II, the U.S. submitted a formal statement of understanding that:

The United States Government would have to consider that an armed attack by a contracting party, in which it was assisted by a nuclear - weapon state, would be incompatible with the contracting party's corresponding obligations under Article I of the treaty.

In 1971 President Nixon, in response to a press conference question regarding the use of airpower in Indochina, stated:

I am not going to place any limitation upon the use of airpower except, of course, to rule out a rather ridiculous suggestion that is made from time to time . . . that our airpower might include the use of tactical nuclear weapons.

As you know, . . . this has been speculated on for a period of 5 years and I have said for a period of 5 years that this is not an area where the use of nuclear weapons, in any form, is either needed or would be wise.

On May 23, 1974, in response to Swedish questions on "mini-nukes," the US Delegate to the Conference of the Committee on Disarmament stated:

In response to speculation that further development of low-yield tactical nuclear weapons would blur the present distinction between conventional and nuclear weapons,

I wish to state categorically that the US Government has no intention whatever to treat such tactical systems as interchangeable with conventional arms. We fully appreciate that the distinction, or "firebreak," between nuclear and non-nuclear arms is a major factor in preventing nuclear warfare, and we will not act to erode this distinction.

NPT Review Conference

At the NPT Review Conference in May 1975, many non-aligned states called for commitments by the nuclear powers never to use or threaten to use nuclear weapons against non-nuclear weapon states. The US and the other nuclear powers opposed such an undertaking. The US Representative noted that mutual security arrangements have alleviated the security concerns of many non-nuclear weapon states and that non-use assurances could undercut such commitments to allies, thus raising concerns about their security and increasing incentives for acquiring independent nuclear weapons capabilities. Pointing out that the principal security concern of non-nuclear weapon states is not the threat of nuclear attack by the US, USSR, and the UK, but rather the possibility of conventional armed conflict with neighboring non-nuclear weapon states, the US Representative expressed doubt that a non-use commitment would serve as a powerful incentive to renounce nuclear weapons. He concluded that:

...a non-use undertaking applied worldwide could involve the risk of reducing the security of non-nuclear weapon state members of mutual security relationships, without at the same time providing assurance that the security concerns of those non-nuclear weapon states to which the undertaking would largely be addressed would be effectively alleviated. We therefore do not believe the objective of non-proliferation or the goal of universal adherence to the NPT would be well served by such an undertaking.

Soviet Position

The Soviet position on the first use of nuclear weapons has changed considerably. In the 1950's, the Soviets initiated or supported proposals for a blanket prohibition of nuclear warfare and, in particular, for a prohibition of the first-use of nuclear weapons against any country. More recently, there are signs that the Soviets wish to preserve the threat of first use. At the 1972 UN General Assembly, the Soviet "non-use of force" proposal--which failed to preclude use of nuclear weapons in response to conventional aggression--led to a dispute with the PRC. Gromyko explained that the renunciation of the use of force would in no way affect the right of individual or collective self-defense: "No one can challenge the inalienable right of the states and peoples subjected to aggression to repel it by employing all possible means."

French Position

The French position on non-first use assurances has largely paralleled our own. Thus, in June 1974 France agreed to restrict its use of nuclear weapons by becoming a party to Protocol II of the Latin American Nuclear Free Zone Treaty. (Although, the French Government stated that it had interpreted Article III of the Protocol "as presenting no obstacle to the full exercise of the right of self-defense confirmed by Article 51 of the Charter of the United Nations.")

However, at a press conference on October 24, 1974, President Giscard d'Estaing said:

...The French nuclear deterrent can only be used against powers that are themselves nuclear powers or against powers...which might threaten our land.... One must question the motives that lead non-nuclear countries to acquire nuclear powers, and one must do something about lessening the importance of these motives and perhaps even doing away with them; and that is why the position... which consists in not using our nuclear weapons against non-nuclear powers as an instrument of pressure or threat may be precisely one of the means preventing the proliferation of these nuclear weapons.

Since then, the French have issued no further clarifications or formal policy statements regarding this position.



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