

America's nuclear ticking bomb

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New U.S. policies for the use of nuclear weapons formulated by the Bush administration, and current events surrounding the escalating rift with Iran over its nuclear program, are leading the United States into a bottleneck situation where the use of low yield nuclear weapons against Iran could become almost unavoidable. America needs to be aware of this and of the long-term consequences of taking such an action, and make a conscious decision whether or not it is in the country's best interest, before it is too late to change course.

1) The new US nuclear doctrine

The new nuclear policies are defined in the administration's document "Nuclear Posture Review" (NPR) of 2001 and made more specific in the Pentagon draft document "Doctrine for Joint Nuclear Operations" (DJNO). A few relevant passages:

NPR: "US nuclear forces will now be used to dissuade adversaries from undertaking military programs or operations that could threaten U.S. interests or those of allies and friends."

NPR: "Composed of both non-nuclear systems and nuclear weapons, the strike element of the New Triad can provide greater flexibility in the design and conduct of military campaigns to defeat opponents decisively. Non-nuclear strike capabilities may be particularly useful to limit collateral damage and conflict escalation. Nuclear weapons could be employed against targets able to withstand non-nuclear attack, (for example, deep underground bunkers or bio-weapon facilities)."

DJNO: Integrating conventional and nuclear attacks will ensure the most efficient use of force and provide US leaders with a broader range of strike options to address immediate contingencies. Integration of conventional and nuclear forces is therefore crucial to the success of any comprehensive strategy. This integration will ensure optimal targeting, minimal collateral damage, and reduce the probability of escalation.

The emphasis in these and other documents is in "integration" of nuclear with non-nuclear capabilities, on "usable" nuclear weapons that reduce collateral damage and represent a "credible" deterrent, and on encompassing under the same label nuclear and other "WMD" (chemical, biological), thus legitimizing a nuclear response to an actual or "intended" WMD attack. Together with the preemptive doctrine put forth in administration documents (National Security Strategy of the United States of America) and already implemented in practice in the case of Iraq, all this opens the door to the preemptive use of low yield nuclear weapons in an aerial bombing against Iran's facilities.

There appears to be no recognition of the sharp line that would be crossed if the US indeed uses a nuclear weapon in these scenarios.

2) The Iran bottleneck

A military confrontation with Iran appears increasingly likely. The US is not negotiating with Iran and the other interested parties (EU, Russia, China) to try to reach a mutually agreeable solution to Iran's nuclear aspirations. The current diplomatic path with no direct US participation is almost certain to lead to a diplomatic impasse either at the Security Council or even before, and it will leave the US with essentially no options other than military ones.

A military confrontation with Iran could start any number of ways, either by the US itself or by Israel bombing of Iranian installations. Given the US presence in Iraq and the Gulf the US would almost certainly become militarily involved in the aftermath of an Israeli attack. The US has not asked Israel at least publicly to refrain from such an attack, rather the contrary (Cheney's remarks January 2005).

If Iran's installations are bombed, Iran is likely to retaliate with missiles aimed at Israel and/or US forces in Iraq. Such missiles could potentially carry chemical warheads, and it certainly would be impossible to rule out such a possibility. Furthermore, an Iranian response could involve invasion of Southern Iraq by large numbers of Basij militia (of which there are 9 million at the latest count) which the small US force in Iraq would be unable to withstand.

The B61-11 nuclear bunker buster was certified as a standard weapon in the US stockpile in 2001. It has some earth-penetrating ability and low-yield versions of it (down to 0.3 kilotons) reportedly exist and may already be deployed. If detonated 5 m below the surface such a weapon would have the same destructive effect against a deeply buried target than a 10 kiloton weapon above ground, with much less collateral damage.

The early use by the US of low yield B61-11 nuclear bombs "integrated" with conventional bombs to destroy Iranian facilities would be consistent with the new nuclear doctrine and achieve the following arguably defensible short term goals:

- a) Destroy underground facilities that would be difficult or impossible to destroy with conventional weapons.
- b) Deter and prevent Iran from responding with missiles with chemical warheads that would put at risk US forces in Iraq and Iraqi and Israeli civilians.
- c) Deter Iran from a ground invasion of Southern Iraq, by instilling the fear of a vastly more devastating US nuclear attack.

Instead, non-use of nuclear weapons by the US could potentially lead to the inability to destroy important Iranian underground facilities, and could be argued to be responsible for thousands of casualties among US forces in Iraq and Israeli

and Iraqi civilians if there is a violent Iranian reaction to bombing of its facilities, which is likely to be the case.

3) The legal framework

Iran was declared to be in non-compliance with the Nuclear Non-Proliferation Treaty on September 24 2005 by the IAEA. The "negative security assurance" issued by the United States in 1995 whereby it pledges not to use nuclear weapons against non-nuclear states signatories of the NPT explicitly requires that states should be "in compliance" with the Treaty to benefit from this assurance. (This may explain the insistence of the United States in getting the September 24 resolution passed.) Furthermore as emphasized in US military policy documents (Doctrine for Joint Nuclear Operations, 1996 official and 2005 draft) "no customary or conventional international law prohibits nations from employing nuclear weapons in armed conflict."

UN SC resolution 1540 affirms the Security Council's "resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical, and biological weapons and their means of delivery," It was adopted under UN Chpt. VII which explicitly includes the use of military force among one of the possible actions envisaged. The SC is not likely to approve military action against Iran, nevertheless the situation exactly parallels what unfolded after UNSC 1441 on Iraq was passed. President Bush claimed the right to enforce the resolution affirming that other governments "share our assessment of the danger, but not our resolve to meet it", hence "The United Nations Security Council has not lived up to its responsibilities, so we will rise to ours." Other UN SC resolutions adopted under Chpt. VII (#1973 on states that support terrorism, #1455 on Al Qaeda) may also be invoked as relevant.

The United States affirms in State Department documents and in Presidential and other official speeches that Iran is developing nuclear weapons, that it possesses other WMD's (chemical and biological) and that it is the number 1 state sponsor of terrorism in the world. Some connection of Iran with Al Qaeda has been suggested by the 9/11 commission. While all those statements are unproven, it is a fact that Iran has the "means of delivery" of WMD, i.e. missiles. Under the same "legal" arguments that the Iraq invasion was justified (arguments that were not condemned and hence condoned by the United Nations) the US can bomb Iran. It would be consistent with the newly adopted "nuclear posture" if some of those bombs were nuclear, and it would not be violating the letter of any treaty regarding nuclear weapons. It would also be entirely consistent with the Bush policies stated in the documents "National Security Strategy of the United States of America" and "National Strategy to Combat Weapons of Mass Destruction".

4) The decision-makers

The decision whether to use nuclear weapons in conflict rests with the President in consultation with a small group of advisors. The War Powers Resolution allows the president to start military action without consulting Congress, and the Senate Joint Resolution 23 gives the president additional authority to do so to "prevent acts of terrorism against the United States". Iran is alleged to be at least partially responsible for various terrorist acts against the US in the past (Khobar Towers 1996, Beirut Marine barracks 1983).

The advisors to the President in such an decision are likely to include several people that are in the top echelons of the administration today, that have expertise in nuclear weapons and were co-authors of the document "Rationale and Requirements for U.S. Nuclear Forces and Arms Control" of 2001, that was the blueprint for the Nuclear Posture Review: Stephen Hadley, National Security Advisor; Stephen Cambone, Undersecretary of Defense for Intelligence (Rumsfeld right-hand man); Robert Joseph, Undersecretary of State for Arms Control and International Security Affairs; Linton Brooks, National Nuclear Security Administration Director; William Schneider Jr., Chairman of the Pentagon's Defense Science Board. In addition, John Bolton, US Ambassador to the UN, and J.D. Crouch II, Deputy National Security Advisor, while not coauthors of the "Rationale" document have also a background of dealing with nuclear weapons issues and policies.

Vice-President Cheney as Secretary of Defense under Bush Sr. originated the planning document that formed the basis of the expanded role of nuclear weapons to include non-nuclear states ("Guidance for the Employment of Nuclear Weapons", 1992), and Secretary Rumsfeld advocates a smaller more agile military, where small nuclear weapons would play a natural role.

Through their co-authorship in the "Rationale" document and by examination of writings and speeches of these people it becomes evident that they all share remarkably homogeneous views on US foreign policy and on nuclear weapons, which include: (a) advocacy of aggressive policies and in particular an aggressive nuclear posture, pre-emptive action, and the use of nuclear weapons to deter and if necessary defeat non-nuclear adversaries; (b) lack of acknowledgement of the existence of a sharp line dividing nuclear and non-nuclear weapons. A line that is real (nuclear weapons are potentially a million times more destructive than all other weapons) and that exists in the mind of most other people.

There has not been a single statement by the President, the Vice-President, the Secretary of Defense or the Secretary of State during the entire Bush administration suggesting that a recognition of the special status of nuclear weapons exists in the administration. Quite the contrary, the President has referred in unclassified documents and speeches to "all our options", which is used as a code-word for "including nuclear weapons". There is nobody in the

upper levels of the Bush administration that may be expected to advocate restraint in the use of nuclear weapons.

5) The rationale

It appears that these policymakers may believe that a lightning strike against Iran using non-nuclear and nuclear components would lead to "rapid and favorable war termination on US terms" (wording from "Doctrine for Joint Nuclear Operations), and would thus be justifiable to save US, Israeli, Iraqi and even Iranian lives. It will achieve important U.S. goals, namely destroying the considerable military capabilities of Iran and, at least in the short term, impair any possibility of Iran to manufacture nuclear weapons.

In the long term it appears these policy makers may believe that such an action would have the positive effect of establishing the credibility of the US nuclear deterrent . Today the US nuclear deterrent has credibility against major threats to the US or its allies, but it has no real credibility to "dissuade adversaries from undertaking military programs or operations that could threaten U.S. interests or those of allies and friends" (wording from the "Nuclear Posture Review"), because most of the world regards nuclear weapons as unusable.

6) The consequences

Much of the rest of America however does recognize the qualitative difference between nuclear and non-nuclear weapons, and if presented with the possibility that nuclear weapons will be used against Iran would abhor that possibility, due to the potentially tremendously negative short term and long term consequences for the United States.

It is also important to remember that Iran does not have nuclear weapons today, that there is no definite proof that it is pursuing nuclear weapons, and that it is by all estimates several years away from being able to make such weapons (NIE estimate is 10 years). Even if Iran enriches uranium for civilian use (a right it has under the NPT), under strict IAEA and international supervision it is unlikely to be able to develop nuclear weapons even if it wanted to, and there would be plenty of time to act if at some point Iran decided to expel IAEA inspectors and withdraw from the NPT. The US allegations that Iran has other WMD (chemical, biological) are not proven and are subject to doubt in view of the fact that Iran is party to all international instruments banning WMD (CWC, BWC). Iran does provide at the very least moral support to Hezbollah (which is however regarded as a legitimate resistance movement and not a terrorist organization in the Muslim world), however the broad US allegations that Iran sponsors terrorism are also unproven and have not been supported by the UN. Iran does possess a strong missile arsenal, however missiles are not illegal under international treaties and are argued by Iran to be for defensive purposes. Iran has never started military action against other countries in modern times.

Political consequences: The rest of the world rightly regards nuclear weapons as qualitatively different from all other weapons, because of their enormous destructive power and their potential to destroy humanity. It is generally considered that there is no sharp line dividing small nuclear weapons from large ones, nor a qualitative difference between nuclear weapons targeting underground facilities and those targeting armies or cities. It is a fact that the nuclear "taboo" has served humanity well for 60 years. In the eyes of the rest of the world, a US military action using nuclear weapons against Iran today would be seen as criminal, especially if this leads to further escalation of hostilities rather than to "rapid and favorable war termination". The US is likely to be the subject of international condemnation and opprobrium. Its ability to lead and even participate in international endeavors, and its status as the leader nation of the free world could be greatly affected.

Short term consequences: even if the US uses very low yield nuclear weapons causing very little collateral damage to destroy Iranian facilities, such an act is likely to inflame Iran as well as much of the Muslim world. Iran may well be undeterred and respond violently, forcing escalation of US nuclear weapons use, leading to hundreds of thousands of Iranian casualties. There could be popular uprisings in several Muslim countries, and pro-western governments may fall (including Pakistan's who has nuclear weapons). It is also not inconceivable (even if unlikely) that Russia and/or China could become militarily involved.

Long term consequences: even if in the short-term things go as well as can be expected, the long term consequences of the largest superpower having used nuclear weapons against a non-nuclear country are dire. The US action will have sent an unmistakable signal that there is no deterrent against a US attack other than nuclear weapons, and that there is no longer a "taboo" against the use of nuclear weapons. Many non-nuclear states will be highly motivated to develop their own nuclear deterrent against the US and against regional adversaries, including countries currently friendly to the US, eg Japan, Taiwan, Brazil, Argentina, Turkey, Egypt, Germany. This is very likely to spell the end of the Nuclear Non-Proliferation Treaty, and the only way left for the US to prevent nuclear proliferation will be the use of force. This is unlikely to be successful against all of the 182 non-nuclear countries that are today signatories of the NPT.

Furthermore, terrorist groups sympathetic to Iran will do their utmost to retaliate in-kind against the US, and it is very likely that they will eventually succeed. Those that argue that nuclear terrorism against the US is bound to occur regardless should consider the fact that terrorists have never used chemical weapons against the US, which could be related to the fact that the US does not use chemical weapons against others.

In the ensuing years, many more countries will acquire nuclear weapons capabilities and the possibility of any regional conflict exploding into all-out global

nuclear war will be enormously enhanced. Such a conflict would lead with high probability to the destruction of humanity.

7) What can be done

Preparations by the US including tactical nuclear weapon deployment in the Persian Gulf may already have been carried out, if only to plan for unforeseen contingencies. However if the US administration orders the use of nuclear weapons against Iran in the near future without disclosing its preparations and plans it will be going against the most fundamental democratic principles that America embodies. The decision to use nuclear weapons affects every man, woman and child in America and the public has a right to know and participate in the debate on whether it is a desirable course of action.

America needs to be aware of these possibilities and the nation as a whole needs to make its choice. This administration was not elected on an agenda of using nuclear bombs against a non-nuclear country, and the views of the nuclear hawks in the administration are not likely to be the views of the majority of Americans. Opposite viewpoints are not represented in the administration today. Congress should have public hearings on these matters, it should be a topic of national debate, and the administration should listen to the desires of the American people in this fundamental issue.

The decision whether to use nuclear weapons against Iran should not be the President's alone. *Congress should immediately enact emergency legislation regulating the circumstances under which America will use nuclear weapons against non-nuclear countries*, under Article I, Section 8, Clause 14 of the US Constitution.

Given that the administration has chosen to define a radically new nuclear posture that makes the use of nuclear weapons much more likely, it behooves Congress to fulfill its duty to represent the will of the people in this matter of overwhelming public importance and create the law that will allow it to exercise its oversight responsibilities. If America is going to use nuclear weapons against a non-nuclear country, no matter what the military circumstances, all Americans will be held responsible by the rest of the world.

If the administration were to rule out the use of nuclear weapons against Iran today because such is the will of the American people, it would have to modify its policy concerning the current negotiations with Iran immediately (eg engage in direct participation), to ensure the best possible outcome for the United States. Continuing in the current path may soon bring America to a point of no return.
