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THE SENATE FOREIGN RELATIONS COMMITTEE

STATEMENT OF  
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BEFORE THE  
SENATE FOREIGN RELATIONS COMMITTEE  
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Chairman Corker, Ranking Member Cardin, and distinguished members of the committee, I am pleased to join you today to offer my perspective on the authority to order the use of US nuclear weapons. The views I express today are mine and do not represent the Department of Defense, United States Strategic Command, or the United States Air Force.

As I begin I want to thank the committee for helping to bring attention to these very important matters related to the credibility and effectiveness of the US nuclear deterrent.

### **21<sup>st</sup> Century Security Environment**

The United States now faces far more complex security problems and greater uncertainty than it did during the Cold War. Threats to our security are diverse, can arrive at our doorsteps quickly, and can range from small arms in the hands of extremists to nuclear weapons in the hands of hostile foreign leaders. Yesterday's regional battlefield is becoming tomorrow's global battle-space where conflicts may begin in cyberspace and quickly extend to space...most likely before traditional air, land, and sea forces are engaged. Violent extremists continue to threaten us, and we must remain vigilant to prevent the intersection of violent extremism with weapons of mass destruction.

Russia's and North Korea's explicit nuclear threats (to include the threat of nuclear first-use) remind us that nuclear weapons are not gone, and it appears they will not be eliminated from world affairs anytime soon. Russia and China are modernizing their nuclear forces as the basis of strategies designed to expand their positions at our expense and that of our allies. In addition, North Korea's nuclear capabilities now threaten our regional allies and eventually

could threaten us directly. India and Pakistan threaten nuclear use in their disputes, and Iran will remain a country of interest as time passes.

Despite significant differences from the Cold War, the ultimate paradox of the nuclear age is still with us—to prevent the use of nuclear weapons, the US must remain prepared to use them.

### **Deterrence and US Nuclear Weapons**

While the end of the Cold War allowed the US to diminish the role and prominence of nuclear weapons in our defense planning and to dramatically reduce both the number of deployed weapons and the overall size of the stockpile, nuclear deterrence remains “crucial to our nation’s defense and to strategic stability”.<sup>i</sup> Although no longer needed to deter a conventional attack from the massed armored formations of the now extinct Soviet Union and Warsaw Pact, nuclear weapons continue to prevent both the coercive and actual use of these weapons against the US and its allies (their primary purpose), constrain the scope and scale of conflict, compel adversary leaders to consider the implications of their actions before they act, and (via extended deterrence) obviate the need for additional allies and partners to acquire their own. Nuclear weapons are only one of many important instruments that must be orchestrated for maximum deterrent credibility and effect in the 21<sup>st</sup> Century; however, today no other weapon can replace their deterrent value.

To remain a credible deterrent tool, the US nuclear force must present any would-be attacker with little confidence of success and the certainty of an assured response against his highest value targets. Therefore, the US must continue to take the necessary steps to field a

modern nuclear force that presents an adversary with insurmountable attack and defensive problems, demonstrates resolve and commitment to allied security guarantees, provides the president with a range of options to deal with crisis or conflict, and serves as an effective hedge against technical failures or geopolitical uncertainty. Central to this force is an upgraded nuclear command, control, and communications (NC3) system that ensures the president always remains linked to his critical advisors and the nuclear forces for positive control.

### **Nuclear Command and Control (NC2)**

US nuclear forces operate under strict civilian control. Only the President of the United States can authorize the use of US nuclear weapons, and the President's ability to exercise that authority and direction is ensured by the people, procedures, facilities, equipment, and communications capabilities that comprise the Nuclear Command and Control System (NCCS). The NCCS has been designed with resilience, redundancy, and survivability to ensure that an adversary cannot hope to neutralize our deterrent by successfully attacking any of its elements and thereby "disconnecting" the President and other civilian and military leaders from one another or from the nuclear forces—even in the most stressing scenarios. These features enhance deterrence and contribute to crisis stability.

NCCS capabilities and procedures are designed to enable the authorized use of nuclear weapons while also preventing their unauthorized, accidental, or inadvertent use. Operations and activities involving US nuclear weapons are surrounded by layers of safeguards. While many of the specifics are highly classified, general methods range from personnel screening and monitoring to codes and use controls. In addition, sensors and communications links that

contribute to nuclear decision making are specially certified, and tests and exercises are frequently held to validate the performance of both systems and people. Before I retired in late 2013, we had also begun to evaluate networks and systems for potential or actual cyber intrusions.

Other factors contribute to the prevention of unauthorized, inadvertent, or accidental use. “Today’s triad of nuclear forces is far smaller and postured much less aggressively than its Cold War ancestor”.<sup>ii</sup> Not only are the long-range bombers and supporting aerial tankers no longer loaded and poised to take off with nuclear weapons (unless ordered back into a nuclear alert configuration), but ballistic missiles are aimed at open areas of the ocean. Also, while the possibility of a massive surprise nuclear attack still exists (and must be deterred), decision time is longer in many other potential nuclear scenarios that may prove more likely in today’s global security environment.

As I mentioned earlier, the decision to employ nuclear weapons is a political decision requiring an explicit order from the President. The process includes “assessment, review, and consultation...(via) secure phone and video conferencing to enable the President to consult with his senior advisors, including the Secretary of Defense and other military commanders.”<sup>iii</sup> Once a decision is reached, the order is prepared and transmitted to the forces using “procedures...equipment, and communications that ensure the President’s nuclear control orders are received and properly implemented...”<sup>iv</sup>

The law of war governs the use of US nuclear weapons. Nuclear options and orders are no different in this regard than any other weapon. Here, US policy as articulated in the 2010

Nuclear Posture Review (NPR) provided important context regarding the consideration of US nuclear use (i.e., extreme circumstances when vital national interests are at stake). The 2010 NPR also restated the “negative security guarantee” (i.e., the US will not consider using nuclear weapons against any non-nuclear weapons state that is party to the Nuclear Nonproliferation Treaty and in compliance with their nonproliferation obligations). In addition, the legal principles of military necessity, distinction, and proportionality also apply to nuclear plans, operations, and decisions. Legal advisors are deeply involved with commanders at all steps of the deliberate and crisis action processes to offer perspective on how force is to be used as well as the decision to use force.

The decision to use nuclear weapons is not an all or nothing decision. Over the years, successive Presidents have directed the military to prepare a range of options designed to provide flexibility and to improve the likelihood of controlling escalation if deterrence fails. Options are clearly defined in scope and duration and the President retains the ability to terminate nuclear operations when necessary.

Military members are bound by the Uniform Code of Military Justice (UCMJ) to follow orders provided they are legal and come from appropriate command authority. They are equally bound to question (and ultimately refuse) illegal orders or those that do not come from appropriate authority. As the commander of US Strategic Command, I shared the responsibility with the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and other senior military and civilian leaders to address and resolve any concerns and potential legal issues on behalf of the men and women in the nuclear operating forces during the decision process. It was our duty to pose the hard questions, if any, before proceeding with our military advice. Nuclear

crew members must have complete confidence that the highest legal standards have been enforced from target selection to an employment command by the President.

### **Conclusion**

Mr. Chairman, I applaud your and the committee's interest in these matters. However, I urge Congress to carefully consider the potential impacts to deterrence and extended deterrence that any potential changes to nuclear command and control might have. I also urge you to consider that conflicting signals can result in loss of confidence, confusion, or paralysis in the operating forces at a critical moment. Some of the lapses in discipline and performance we saw in the nuclear forces several years ago were attributed to conflicting signals regarding the importance of and support for the nuclear deterrence mission.

Clarity and commitment regarding nuclear weapons, their continued foundational role in US and allied defense strategy, and confidence in our nuclear command and control processes are as important now as they ever were during the Cold War. Deterrence credibility and national security demand it.

Again, thank you for inviting me to offer my perspectives on this important topic.

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<sup>i</sup> Ash Carter, "Nuclear Deterrence: Still the Bedrock of US Security," *The American Interest*, April 6, 2017.

<https://www.the-american-interest.com/2017/04/06/nuclear-deterrence-still-the-bedrock-of-us-security/>

<sup>ii</sup> Gen. C. Robert Kehler, Gen. Larry D. Welch, Adm. James O. Ellis, Gen. Kevin P. Chilton, Adm. Cecil D. Haney, Adm. Henry G. Chiles, Gen. Eugene E. Habiger, Adm. Richard W. Mies, Open Letter, "The U.S. Nuclear Triad Needs an Upgrade," *The Wall Street Journal*, 12 January 2017, p. A17.

<sup>iii</sup> Deputy Assistant Secretary of Defense for Nuclear Matters, *Nuclear Matters Handbook, 2016*, Washington, DC, 2016, p. 80.

<sup>iv</sup> *Ibid*, p. 80.