

**The United States Senate
Washington, DC 20510**

February 21, 2003

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We are writing you to convey our grave concern about recent public revelations that suggest that your administration considers nuclear weapons as a mere extension of the continuum of conventional weapons open to the United States, and that your administration may use nuclear weapons in the looming military conflict against Iraq.

We note with grave concern the *Los Angeles Times* report of Jan. 25 and 26 that your administration is actively considering the use of U.S. nuclear weapons in the event that Iraq attacks with chemical or biological weapons, or to preemptively strike sites believed to store or manufacture chemical, biological, or nuclear weapons.

What is more, according to a Jan. 31 *Washington Times* article, you approved a national security directive that specifically allows for the use of nuclear weapons in response to biological or chemical attacks, apparently changing decades-old U.S. policy of deliberate ambiguity. According to the article, National Security Presidential Directive 17 states, “The United States will continue to make clear that it reserves the right to respond with overwhelming force - including potentially nuclear weapons - to the use of [weapons of mass destruction] against the United States, our forces abroad, and friends and allies.” Such language suggests that the administration is prepared to use nuclear weapons first to respond to non-nuclear WMD threats, thereby increasing reliance on nuclear weapons.

This apparent shift in U.S. nuclear policy threatens the very foundation of nuclear arms control as shaped by the 1970 nuclear Nonproliferation Treaty (NPT), which has helped stem nuclear proliferation for over 30 years. In the context of our efforts to strengthen the NPT, Washington issued a “negative security assurance” in 1978 - which was reiterated in 1995 - that the United States would not use its nuclear force against countries without nuclear weapons unless the non-nuclear weapon state was allied with a nuclear weapon possessor. On February 22, 2002 State Department spokesman Richard Boucher articulated a similar version:

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon state-parties to the Treaty on the Nonproliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a state toward which it has a security commitment

carried out, or sustained by such a non-nuclear-weapon state in association with a nuclear weapon state.

Though Iraq has sought in the past – and may continue to seek- nuclear weapons, Iraq is a State Party to the NPT and, according to the United States on intelligence estimates, is not believed to possess a nuclear explosive device. Abandoning our pledge under the NPT would be to turn our backs on all nuclear nonproliferation efforts, since the treaty serves as the hub for the entire nuclear arms control framework.

In addition, such a shift in U.S. policy would deepen the danger of nuclear proliferation by effectively telling non-nuclear states that nuclear weapons are necessary to deter a potential U.S. attack, and by sending a green light to the world’s nuclear states that it is permissible to use them. Is this the lesson we want to send to North Korea, India, Pakistan, or any other nuclear power?

Nuclear weapons, with their unique destructive power and their capacity to threaten the very survival of humanity, have been kept separate from other military alternatives out of a profound commitment to do all we can to see they are ever used again. It makes no sense to break down the firewall that existed for a half century between waging conventional warfare and provoking a clash started – or escalated by - nuclear weapons.

While we believe that the United States must reserve the right to use overwhelming conventional military force to deal with today’s difficult security challenges, we cannot support a policy that explicitly contemplates the option of a nuclear response against a non-nuclear state, in contradiction to our continued commitments under the negative security assurances. Lowering the threshold for the first-use of nuclear weapons reduces incentives for other nations to adhere to the international arms-control framework thus increasing the dangers for nuclear warfare.

As the United States and its allies confront a belligerent regime in Iraq, we urge you to clarify for the American people and the international community that your administration stands by the negative security assurances and is not doing anything to undermine our commitments under the NPT. Every administration has upheld this policy since it was first announced in 1978; we are certain that such good judgment will stand the test of time as we approach the challenges ahead.

Sincerely,

Edward M. Kennedy

Diane Feinstein

Patrick J. Leahy

Jon S. Corzine

Byron L. Dorgan

Patty Murray

Frank Lautenberg

Jack Reed

Daniel K. Akaka

Tim Johnson