

CHAPTER 4

Not with Impunity: Assessing U.S. Policy for Retaliating to a Chemical or Biological Attack*

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Senator Jesse Helms: Suppose somebody used chemical weapons or poison gas on people in the United States . . . would they damn well regret it?

Secretary of Defense William Perry: Yes.

Helms: I want to know what the response will be if one of these rogue nations uses poison gas or chemical weaponry against either us or our allies. . . . What is the response of this country going to be?

Perry: Our response would be devastating.

Helms: Devastating—to them?

Perry: To them, yes. . . . And I believe they would know that it would be devastating to them.

Helms: Let the message go out.

—Testimony of Secretary of Defense William Perry
before the Senate Foreign Relations Committee
March 28, 1996

How should the United States determine its response to a chemical or biological attack against American personnel or interests? The current

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U.S. retaliation policy, known as *calculated ambiguity*, warns potential adversaries that they can expect an “overwhelming and devastating” response if they use chemical or biological weapons (CBW) against the United States or its allies.¹ Implied in this policy is a threat of nuclear retaliation, but the specifics of the U.S. response are left to the imagination. By not identifying a specific response to an attack, this intentionally vague policy is designed to maximize flexibility by giving the United States a virtually unlimited range of response options.² While ambiguity gives flexibility to policymakers, it also enhances deterrence by keeping adversaries guessing. But there is a downside to flexibility and ambiguity. Because it is easier to prepare to execute a specific strategy than it is to prepare for a broad range of possibilities, military preparedness suffers—at least at the strategic level—under a policy of ambiguity. It is not surprising that the policy of calculated ambiguity, which is intended to place doubt in the minds of potential adversaries, has engendered uncertainty among those who would implement the policy. This uncertainty could manifest itself in strategic unpreparedness. I argue that the United States needs a clearer reprisal policy, one that strikes a better balance between flexibility and preparedness.

In general, national policy should facilitate strategy development. If a policy fails to provide enough substance for making strategy, the policy should be revised. Adjectives such as *overwhelming* and *devastating* are the only guidelines that the calculated ambiguity policy provides to strategy makers. Because current policy aims to achieve unlimited flexibility through ambiguity, there is simply not enough substance in the policy to support strategy development. Absent a strategy, military means may not be able to support policy ends. In making the case that the current reprisal policy hampers strategic preparedness, I examine existing policy and assess its strengths and weaknesses, then suggest means for clarifying the policy with a view toward better balancing flexibility and preparedness. Having proposed a policy that better supports strategy development, I present an analytic framework consisting of four critical variables that must be considered in formulating strategies for responding to a chemical or biological attack.

Current Reprisal Policy

President William Clinton's National Security Strategy (NSS) called weapons of mass destruction (WMD) "the greatest potential threat to global stability and security."³ The NSS further stated, "Proliferation of advanced weapons and technologies threatens to provide rogue states, terrorists, and international crime organizations with the means to inflict terrible damage on the United States, our allies, and U.S. citizens and troops abroad."⁴ At his confirmation hearing in 1997, Secretary of Defense William Cohen asserted, "I believe the proliferation of weapons of mass destruction presents the greatest threat that the world has ever known."⁵ Barry Schneider, director of the U.S. Air Force Counterproliferation Center, claims, "There are perhaps one hundred states that have the technical capability to manufacture and deploy biological weapons."⁶ That Americans will be subject to a chemical or biological weapon attack is not a matter of *if*, but *when*.

In 1969, President Richard Nixon stopped all biological weapons programs in America. More recently, the United States has begun to destroy its chemical weapons stockpile in accordance with the Chemical Weapons Convention.⁷ The United States no longer has the option of responding in kind to a chemical or biological attack. This situation has thrown U.S. retaliation policy into a conundrum: How best to respond to a WMD attack when the only WMD in the arsenal is nuclear? Albert Mauroni, author of *America's Struggle with Chemical-Biological Warfare*, writes, "Our national policy of responding to enemy use of CB [chemical and biological] weapons has shifted over the years from one extreme to the other; from retaliation using similar CB weapons to massive conventional retaliation to (most recently) nuclear retaliation."⁸

Prior to the Gulf War, President George Bush and other officials let it be known that nuclear weapons might be used against Iraq, if Iraq were to use its weapons of mass destruction against coalition forces.⁹ However, in private, Bush reportedly ruled out the use of nuclear weapons.¹⁰ During *Desert Shield*, Secretary of State James Baker coined the term *calculated ambiguity* to describe this policy of secretly planning not to use nuclear weapons yet publicly threatening just the opposite.¹¹ Defense Secretary William Perry's testimony at hearings in 1996 on the Chemical Weapons Convention made it clear that ambiguity was still the policy for the

Clinton administration. When asked what the U.S. response to a chemical attack would be, Perry replied, “We would not specify in advance what our response to a chemical attack is, except to say that it would be devastating.”¹² When asked if the response could include nuclear weapons, Perry responded, “The whole range [of weapons] would be considered.”¹³ Perry’s successor, William Cohen, reiterated the policy in 1998: “We think the ambiguity involved in the issue of nuclear weapons contributes to our own security, keeping any potential adversary who might use either chemical or biological [weapons] unsure of what our response would be.”¹⁴ It appears that the current Bush administration will advocate the same policy of ambiguity as did its predecessors. For example, National Security Advisor Condoleezza Rice threatens “national obliteration” to those who would use such weapons.¹⁵ Robert Joseph, the Bush administration’s senior advisor on counterproliferation issues, argues nuclear weapons should be an “essential component of the U.S. deterrent posture against [proliferation of mass destruction weapons].”¹⁶

Nuclear weapons have always been a lightning rod for controversy, so it should come as no surprise that an intense debate has been raging over the possible use of nuclear weapons in a U.S. reprisal against a CBW attack. At issue is the decades-long clash between so-called deterrence hawks, who advocate a prime role for nuclear weapons in the calculus of deterrence, and the counterproliferation doves, who maintain that there are safer ways to deter the use of chemical and biological attacks and that the United States should reject first use of nuclear weapons. Deterrence theory, long relegated to the proverbial back burner, is witnessing a resurgence, driven in no small part by this reprisal policy, which, when taken at face value, allows the United States to use nuclear weapons in response to something other than a nuclear attack. According to deterrence hawks, the potential threat to American interests from these other attacks is so large that only by threatening absolute devastation with nuclear weapons can the United States deter such attacks.¹⁷ The deterrence doves, on the other hand, place primacy on countering nuclear proliferation. The dove position is that the goal of nuclear nonproliferation will be irreparably damaged if America continues to maintain a policy that allows nuclear first use. The United States should renounce nuclear retaliation, they argue, and instead threaten a massive conventional response.¹⁸

Evaluating Current Policy

Is the current policy of calculated ambiguity viable? In assessing the current policy, one must answer two questions: What are the general criteria for evaluating a reprisal policy, and to what degree does the current U.S. policy satisfy these criteria?

To answer the first question, I submit that retaliatory policy should be measured against two key criteria. First, does the policy meet its stated objective? Second, does the policy support the development of strategy? The objective of stated U.S. reprisal policy is clear: to deter the use of chemical and biological weapons against U.S. interests. Colin Gray defines *deterrence* as “a condition wherein a deteree—the object of deterrent menaces—chooses not to behave in ways in which he would otherwise have chosen to behave, because he believes that the consequences would be intolerable.”¹⁹ Thus, there is no purpose in having a publicly stated reprisal policy if the United States does not believe that this policy will cause the deteree to avoid undesirable behavior. Moreover, it is important that a reprisal policy deter not only state actors but nonstate actors as well. To be effective against states and nonstate actors, the “deterrent menaces” of the policy must be applicable against each. Finally, the target audiences of the policy must perceive the threat as *credible*.

There are two essential objectives of deterrence in a reprisal policy. Perhaps the most important objective is deterrence of CBW first use. Deterring first use sometimes fails, which leads to the second objective: preventing recurrences or escalation of CBW attacks. Preventing recurrences can be accomplished with threats or direct military action. A primary mechanism for deterring or preventing escalation is punishment, the threat and execution of which is intended to serve as a deterrent against further CBW attacks on the part of the adversary or other parties. For example, the swift trial and conviction of Timothy McVeigh could deter other terrorists who may be considering actions against the United States. Thus, in evaluating a reprisal policy, it is important to determine policy applicability to state and nonstate actors, its credibility, and the degree to which the stated policy addresses the two objectives of deterrence.

The second criterion in evaluating reprisal policy is the degree to which the policy supports strategy development. If a policy requires

military action that cannot be well executed, the policy is flawed. Military forces may not be able to accomplish a proposed action because the forces do not have the necessary means, such as equipment. Conversely, if there is no viable strategy, military forces may not be able to carry out an action even if they have the proper equipment. In this case, the forces are strategically unprepared.²⁰ Policy must enable the development of strategy. Gray defines *strategy* as “the bridge that relates military power to political purpose.”²¹ *Military strategy*, according to Drew and Snow, is “the art and science of coordinating the development, deployment, and employment of military forces to achieve national security objectives.”²² Drawing from these definitions, if a policy (political purpose) is not clearly defined, I conclude that the development of strategy is problematic. Thus, a viable policy must embody clear national security objectives for the development of strategy.

The 1998 cruise missile strikes against terrorist facilities in Afghanistan and Sudan provide an illustration of both the thinking of the Clinton administration leadership relative to reprisal policy and how this U.S. action was intended as punishment and prevention of further attacks. In his address to the Nation announcing the strikes, Clinton stated that a key reason for the U.S. response was “the imminent threat [the facilities] presented to our national security.”²³ These strikes served several purposes: they sent a strong signal of U.S. willingness to retaliate, they served as a form of punishment against terrorist behavior, and they decreased the likelihood that those facilities could be used again.

Weaknesses

Does the current policy of calculated ambiguity meet the stated objective of deterrence, and does it support the development of strategy? When measured against these two key criteria, existing policy has some significant shortcomings. One of the weaknesses of the policy is its credibility. Would an American President really use nuclear weapons in retaliation for a CBW attack? It would seem that the threshold of damage would have to be high for a President to consider using nuclear weapons, yet the stated policy does not address thresholds of damage. The main reason for the policy’s lack of credibility is that it fails to address proportionality. Adjectives such as *overwhelming* and *devastating* in policy bring to mind a massive response. Yet one of the widely held

tenets of the international law of armed conflict—the rule of proportionality—holds that armed action “must be measured and not excessive in the sense of being out of proportion to the original wrong nor disproportionate in achieving its redress.”²⁴

Suppose an adversary killed several dozen American soldiers with a biological attack. Taken at face value, the current policy would seem to stipulate a response out of proportion to the original attack. A disproportionate response would surely trigger an international furor over U.S. actions. Moreover, it is not clear that threatening massive retaliation is the best deterrent against CBW use. Avigdor Haselkorn writes in *The Continuing Storm*, “Frequently, the bigger and more indiscriminate the threat, the less believable it is in the eyes of the target audience.”²⁵ Unfortunately, current policy wording may commit the United States to a massive response when the situation does not actually call for this.²⁶ In their statements, policymakers seem to imply that all potential CBW events are equal, with each demanding the same massive response. In reality, of course, future CBW events will vary widely, and U.S. policy should be worded carefully to allow for a tailored response, appropriate to the situation.

Another shortcoming of the current policy is its implicit focus on state actors, when in fact the threat of CBW from nonstate entities may be greater than the threat from states. It does not seem likely that Rice’s phrase “national obliteration” would have much deterrent effect on terrorist groups. The current policy begs two questions: Does the threat of a nuclear response deter terrorists? Would the United States ever launch a nuclear weapon into a sovereign state in response to a terrorist attack? The answer to both questions is, “very unlikely.” While terrorists are a highly likely source of CBW attacks, the current policy all but ignores these nonstate threats.

Strengths

The calculated ambiguity policy does have one strong feature. The more uncertain an adversary is about U.S. response, the less likely it is to use chemical or biological weapons. As Paul Bernstein and Lewis Dunn write, “deliberate ambiguity creates significant uncertainty for an adversary regarding the nature of our response to CBW use.”²⁷ Indeed, ambiguity deters, as long as the adversary perceives U.S. willingness and

ability to respond forcefully. Since the ambiguity in the current policy incorporates the possibility of nuclear retaliation, one must ask: are today's chemical- and biological-capable adversaries deterred by the U.S. threat to retaliate with nuclear weapons? Even Scott Sagan, an articulate advocate of abandoning the role of nuclear weapons in U.S. reprisal policy, concedes that nuclear weapons contribute "the extra margin of deterrence" against CBW use.²⁸ The inherent deterrent value of nuclear weapons is a strength of the current policy, but policymakers must clarify the conditions under which nuclear weapons might be considered.

Failure to Support Strategy Development

I have argued that the current U.S. reprisal policy has weaknesses that should be redressed, the most important of which is a lack of clarity. The policy is so ambiguous that it hampers the development of strategies that are necessary to implement the policy. There is ample evidence that the policy fails to support strategy development.

The first piece of evidence demonstrating that the current policy fails to support strategy development is the waffling of the Bush administration during the Gulf War. During that conflict, the United States faced a foe that was known to have used chemical weapons in the recent past and was suspected of possessing biological weapons.²⁹ Bush and his top advisors struggled to answer the question, "What should the United States do if Iraq uses these weapons?"³⁰ In *Crusade*, Rick Atkinson describes the alternatives that were considered. These included a recommendation by General Norman Schwarzkopf to threaten nuclear weapons; air strikes against the presidential palace; a proposal to strike dams on the Tigris and Euphrates above Baghdad; a Brent Scowcroft suggestion to attack the oilfields; and a hint by Richard Cheney that Israel would retaliate with nuclear weapons if attacked with CBW.³¹ There was no consensus on how to respond.³² In the end, writes Haselkorn, "The ambiguity of the U.S. position on the proper response to Iraq's use of weapons of mass destruction was as much a result of the conflicting stands within the Bush administration as it was part of a calculated policy."³³ The widely varying views taken by these influential individuals should be of great concern. Had retaliation been called for, uncertainty and lack of consensus among

U.S. political and military leaders would have created difficulties in planning and executing a response.

The second piece of evidence that suggests the current policy is not pragmatic is the persistent stumbling over the issue by the Clinton administration. In *An Elusive Consensus*, Janne Nolan concludes that confusion over U.S. reprisal policy persisted throughout the Clinton administration.³⁴ The most visible issue the administration grappled with was the African Nuclear Weapons Free Zone (ANWFZ) Treaty, in which the United States promised not to use nuclear weapons in Africa. To assuage Pentagon concerns, the administration issued a declaration reserving the U.S. right to use nuclear weapons against states that employ weapons of mass destruction against U.S. interests. In another incident, a senior Pentagon official publicly argued for development of a new, earth-penetrating nuclear weapon that could be targeted against a Libyan chemical weapons plant. Pentagon spokesman Kenneth Bacon had to later issue a clarification, to “correct the impression . . . that the U.S. had accepted a policy of nuclear preemption against Libya,” which would be in violation of the ANWFZ Treaty.³⁵ This waffling and stumbling by the last two administrations raise the question of whether it is possible to develop sound military strategy when policy is unclear. The answer appears to be no.

The third piece of evidence that the flawed reprisal policy has hampered strategy development is the disconnection between statements of grand strategy (including the National Security Strategy) and the National Military Strategy (NMS) of the Chairman of the Joint Chiefs of Staff. Recent grand strategy documents have trumpeted the national security threat posed by chemical and biological weapons, whereas NMS barely gives a nod to the CBW threat. A perusal of these two documents highlights the disparity in focus between the grand strategy and the military strategy. President Clinton’s 1999 National Security Strategy makes numerous references to a counter-WMD strategy, including the previously cited statement that WMD presents “the greatest potential threat to global stability and security,”³⁶ as well as the following: “Because terrorist organizations may not be deterred by traditional means, we must ensure a robust capability to accurately attribute the source of attacks against the United States or its citizens, and to respond effectively and decisively to protect our national interests.”³⁷ The NSS also

specifically addresses the issue of reprisal: “The United States will act to deter or prevent such [WMD] attacks and, if attacks occur despite those efforts, will be prepared to defend against them, limit the damage they cause, and respond effectively against the perpetrators.”³⁸ The predominant focus of the NMS, on the other hand, is the Nation’s two-major theater war (MTW) strategy, with relatively minor emphasis on weapons of mass destruction. The National Military Strategy concedes that the use of WMD by an adversary is “increasingly likely” and states that the Armed Forces must be able to detect, destroy, deter, and protect forces from the effects of weapons of mass destruction, and restore affected areas.³⁹ But the NMS barely addresses the challenges of WMD use by nonstate actors, and it does not discuss retaliation.

The evidence is clear: because of an ambiguous policy of CBW reprisal, there is no strategy to link military capabilities with political objectives. Given the increasing likelihood that a CBW will be used against the United States, it is time to begin redressing the broken link. The timeframe immediately following the first large-scale use of chemical or biological weapons against Americans is certain to be filled with extreme emotions. During a chemical or biological crisis, leaders will be inclined to make emotional judgments. As Terry Hawkins, Director of Nonproliferation and International Security at Los Alamos National Laboratories, warned, “If you don’t have the preplanning, it will be almost impossible to deal with in the panic of the moment.”⁴⁰ Two things need to change to rectify this situation. First, the policy must be clarified. Second, the strategy bridge linking ends and means must be developed.

Clarifying the Policy: Balancing Flexibility and Preparedness

Two steps must be taken to clarify U.S. reprisal policy: make regime survival and accountability the hallmark of the policy, and determine under what conditions nuclear weapons would be used.

Rather than making vague threats such as “national obliteration,” the primary feature of U.S. reprisal policy should be a guarantee to bring to justice those responsible for a chemical or biological attack. Responsible persons would include those leaders who directed the action, as well as their lieutenants who executed it. Making regime survival and

accountability the hallmark of the reprisal policy has many benefits. First, it applies equally well to state and nonstate actors, a distinct advantage over the current policy. Second, a promised retribution against the responsible parties does not have to be implemented immediately. Recent U.S. experiences with terrorism, including the joint Yemeni-Federal Bureau of Investigation inquiry into the U.S.S. *Cole* bombing (which netted six suspects and prompted others to flee to Afghanistan), the embassy bombings in Africa, and the downing of Pan Am Flight 103, demonstrate the effectiveness of American and international justice systems when patience and diligence are applied to challenging scenarios. Third, focusing the reprisal actions on those responsible for CBW attack averts the potential criticism of a disproportionate U.S. response, which would be likely under the current policy. There is certainly solid precedent for threatening regime destruction. At his meeting with Iraqi Foreign Minister Tariq Aziz 2 weeks before *Desert Storm*, James Baker told Aziz, “If there is any use of weapons [of mass destruction], our objective won’t just be the liberation of Kuwait, but the elimination of the current Iraqi regime, and anyone responsible for using those weapons would be held accountable.”⁴¹ Finally, direct threats against the decision-makers responsible for the attacks—instead of promising “national obliteration”—would enhance policy credibility as a deterrent.⁴²

The second major change to current U.S. reprisal policy should be to clarify when nuclear weapons would be used. In existing policy, when to use nuclear weapons is left as an open issue. Some argue this ambiguity enhances deterrence. The mushroom cloud is indeed one of the enduring images of the 20th century, and only the most ardent of the nonproliferators would argue that the threat of nuclear weapons has no deterrent effect. Nuclear weapons may simply be too good a deterrent to take off the table. Yet, because current policy provides no guidance on the conditions under which nuclear weapons would be considered, planning and strategy of both conventional and nuclear responses have been severely hampered. When and if to use nuclear weapons in a reprisal is a controversial issue. Bernstein and Dunn capture the issue well:

There is no way to resolve fully these competing considerations related to what punishment to threaten. It would be dangerous to rule out the possibility of a nuclear response to CBW use,

particularly in the face of egregious and highly damaging attacks. But it would be equally imprudent to rely exclusively on nuclear threats for deterrence of CBW use.⁴³

Nuclear weapons should be considered *only* in the most horrifying and damaging attacks. Policy should reflect the reality that nuclear weapons will be used only in the most extreme circumstances. This will enable planners and strategists to get on with the business of planning and developing strategies for conventional responses, which will be the most likely kind of response directed by the President.

Robert Joseph asserts that “for deterrence to work, the adversary must be convinced of our will and capability to respond decisively. On this score, ambiguity and uncertainty play very much against us.”⁴⁴ My suggestions—to emphasize regime survival/accountability and clarify the role of nuclear weapons—would result in a less ambiguous policy. Given the current situation, in which U.S. planning and strategy have been paralyzed due to an unclear policy, it is time to make these clarifying changes to policy. The benefit—a clear policy that supports strategy development—outweighs the drawbacks.

Analytic Framework: Four Critical Variables

How should the United States determine its response to a CBW attack? Guided by political objectives inherent in a clearly articulated reprisal policy, the crisis response analysis can proceed by examining four key variables: context (wartime or peacetime), adversary class, number and type of casualties, and identification of perpetrators. These four variables form the genesis of an analytic framework that can enable policymakers and planners to begin developing reprisal strategies.

Context

The U.S. response to a “bolt-out-of-the-blue” CBW attack is likely to be far different than if the Armed Forces were attacked during a conflict or period of hostilities. During hostilities, the mindset of American leaders and the public is at a higher state of alert. If casualties in a conflict have already occurred from conventional means prior to a CBW attack, the

leadership and the public may be somewhat hardened and may not react as strongly as they would in a peacetime scenario. Moreover, during hostilities, U.S. forces are likely to use CBW defense equipment, such as masks and detection equipment, which could serve to minimize the adverse impacts of a CBW attack. In fact, depending on the nature and scope of the attack, U.S. forces could “take it in stride,” with little if any change in operational plans. In this case, a specific reprisal action may not be necessary.

The international legal standards for retaliation during peacetime are much higher. Richard Erickson makes the point that reprisal has a “very low level of acceptability” in international law. He claims, “The general view is that articles 2(3) and 2(4) of the U.N. Charter have outlawed peacetime reprisals When states have relied upon it, the U.N. Security Council has condemned their action soundly.”⁴⁵ Thus, reprisals in peacetime will have to pass a stricter set of criteria.

Adversary Class

The second variable to consider in reprisal calculations is adversary class. Is the perpetrator a state or nonstate actor? While international law gives clear guidance as to how states may legally respond to attacks from other states, the law is murky when dealing with nonstate actors; hence, any proposed U.S. retaliatory action must take this difference into account. For example, despite the evidence and strong justification for its actions against the Afghanistan and Sudan terrorist facilities, the United States was subject to much condemnation from the international community, not to mention internal criticism. U.S. reprisal attacks against nonstate actors are likely to require much more evidence and justification compared to similar actions against state actors. Many kinds of military actions can be taken against a state actor, whereas the kinds of actions that can be taken against nonstate actors may be limited. The nature of the reprisal, therefore, will be heavily influenced by the type of actor involved.

Number and Type of Casualties

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the U.S. reprisal. A key question here is how many Americans would have to

be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). While these events caused anger and a desire for retaliation among the American public, there was no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than these events. Using the rule of proportionality as a guide, it is debatable whether the United States would use massive force in responding to an event that resulted in only a few thousand deaths. However, what if the casualty count was around 300,000? Such an unimaginable result from a single CBW incident is not beyond the realm of possibility: “According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb.”⁴⁶ Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons.

Besides just the total number of casualties, the type of casualties—predominantly military versus civilian—will also impact the nature and scope of the U.S. reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as if the attack were against civilians.

World War II provides perhaps the best examples for the kind of event or circumstances that would have to take place to trigger a nuclear response. A CBW event producing a shock and death toll roughly equivalent to the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Truman’s decision to drop the bombs on Hiroshima and Nagasaki—based on a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland⁴⁷—is an example of the kind of thought process that would have to be conducted prior to a nuclear response to a CBW event. Victor Utgoff suggests:

If nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage

that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made.⁴⁸

Even the “overwhelming and devastating” conventional response threatened by Secretary Perry⁴⁹ would seem unlikely unless there were large number of Americans or allies killed. In any event, it is imperative that policymakers and planners consider that the number and type of casualties, as well as the attendant public opinion resulting from those casualties, will play a significant role in determining the nature of U.S. reprisal actions.

Identification of the Perpetrator

Before taking action against the parties responsible for a CBW attack, the United States is compelled to demonstrate that it has strong enough evidence linking the perpetrators to the act itself. How strong does the evidence have to be? Erickson writes, “The threshold for what constitutes sufficient evidence varies. Factors that must be considered are the threat, the response contemplated, and the audience to be persuaded.”⁵⁰ Stronger evidence may result in the ability of the United States to conduct a stronger response. As a final consideration on the issue of evidence, policymakers must consider the possibility that there could be a large-scale attack with heavy U.S. or allied casualties, yet with insufficient evidence to allow for a reprisal.

In the final analysis, the U.S. response must be determined by a thorough cost/benefit calculation. Decision-makers must ask what the potential results of a reprisal, both internationally and domestically, would be. Are there any unanticipated consequences? Are there any vulnerabilities in the strategy? These are the kinds of tough questions that must be answered prior to determining a reprisal action. Current policy, with its reliance on an “overwhelming response,” is not useful in many potential situations. It has been, in the words of Bernstein and Dunn, “a false justification for inaction—for avoiding tough resource allocation decisions needed to improve our ability to defend against hostile CBW acts.”⁵¹

Implications and Conclusion

The suggested policy clarifications and the strategic framework proposed above could serve to bound and focus policy debates and, if implemented, would enable strategists to begin to link military capabilities better with political objectives. Adapting these policy changes has implications for at least two elements of U.S. military power: intelligence and special operations. If regime survival becomes the hallmark of U.S. reprisal policy, then the U.S. intelligence community must be challenged to improve intelligence collection against organizations suspected to be involved with chemical and biological weapons. Successfully collecting this needed intelligence requires new ways of thinking about intelligence, improved cooperation among domestic and allied intelligence agencies, and increased budgets to reflect the national priority and concern for weapons of mass destruction.

Being ready to retaliate following a CBW attack against the United States also implies an increased emphasis on special operations forces (SOF). In such situations, “SOF, because of their unique skills, regional expertise, cultural sensitivity and operational experience, may be the force of choice for meeting the strategic requirements of the National Command Authorities.”⁵² Finally, the United States must continue its investment in chemical and biological defense. If CBW defense equipment can mitigate the effects of a CBW attack, the adversary may see no advantage in using weapons of mass destruction.

Ultimately, the aim of CBW retaliation policy is deterrence. Although an element of ambiguity certainly can serve to enhance deterrence by keeping adversaries guessing about the response to an attack, it seems more likely that the United States is stuck with the current approach because there has not been much of the critical thinking needed to devise a more robust policy. In other words, the current policy of calculated ambiguity—with its over-reliance on the nuclear “big stick”—is a cop-out. America is paying full price for this half-policy, the result of which is that the Armed Forces may be strategically unprepared to respond when the time comes.

Former National Security Advisor Sandy Berger, in the days following the cruise missile strikes against Sudan and Afghanistan, said that U.S. strikes “have made it clear that those who attack or target the

United States cannot do so with impunity.”⁵³ To back up this statement with a credible deterrent threat requires the United States to have a robust, well-considered retaliation policy. Without a viable reprisal policy, America is fated to fall victim to the panic of the moment.

Notes

1. Prepared statement of William J. Perry, Hearing before the Committee on Foreign Relations, U.S. Senate, 104th Congress, 2d session, March 28, 1996, quoted in Scott D. Sagan, “The Commitment Trap,” *International Security* 24, no. 4 (Spring 2000), 85.

2. Because the *calculated ambiguity* policy seeks to maximize the options available to policymakers, it could also be called *absolute flexibility*.

3. William J. Clinton, *A National Security Strategy for a New Century* (Washington, DC: The White House, December 1999), 6.

4. Ibid.

5. Testimony of Secretary William S. Cohen, quoted in *Proliferation: Threat and Response, 1997*, Office of the Secretary of Defense, January 15, 2001, <http://www.defenselink.mil/pubs/prolif97/index.html>.

6. Barry R. Schneider, *Future War and Counterproliferation: U.S. Military Responses to NBC Proliferation Threats* (Westport, CT: Praeger, 1999), 199.

7. Albert J. Mauroni, *Chemical-Biological Defense* (Westport, CT: Praeger, 1999), 171. The Chemical Weapons Convention, effective 1997, “outlines a verifiable ban on all production, storage, and use of chemical weapons.”

8. Albert J. Mauroni, *America’s Struggle with Chemical-Biological Warfare* (Westport, CT: Praeger, 2000), 4.

9. Stephen I. Schwartz, “Miscalculated Ambiguity: U.S. Policy on the Use and Threat of Use of Nuclear Weapons,” January 15, 2001, <http://www.nyu.edu/globalbeat/nuclear/schwartz0298.html>.

10. Ibid.

11. Ibid.

12. Senate Foreign Relations Committee, 104th Congress, 2d session, testimony of Secretary of Defense William J. Perry, March 28, 1996.

13. Ibid.

14. Secretary of Defense William S. Cohen, quoted in Sagan, 85.

15. Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs* 79, no. 1 (January/February 2000), 61.

16. Robert G. Joseph and Barry M. Blechman, "Deterring Chemical and Biological Weapons," *Transforming Nuclear Deterrence*, Institute for National Strategic Studies, <http://www.ndu.edu/ndu/inss/books/tnd/tnd2.html>.

17. Three recent publications that provide excellent discussions of the two sides of this heated debate are Victor A. Utgoff, "Nuclear Weapons and the Deterrence of Biological and Chemical Warfare" (The Henry L. Stimson Center, Occasional Paper No. 36, October 1997), Sagan, "The Commitment Trap," and "Responding to the Biological Weapons Challenge: Developing an Integrated Strategy" (Alexandria, VA: Chemical and Biological Arms Control Institute, 2000).

18. Ibid.

19. Colin S. Gray, "Deterrence in the 21st Century," *Comparative Strategy*, 19, no. 3 (July/September 2000), 256.

20. The 1980 failed Iranian hostage rescue attempt is a good example of this second case. U.S. military forces had clear political objectives (rescue the hostages), and they had the equipment; they lacked, however, a viable strategy, joint doctrine, training, and interoperability. In other words, the United States was not "strategically prepared" for the *Desert One* operation.

21. Colin S. Gray, *Modern Strategy* (New York: Oxford University Press, 1999), 17.

22. Dennis M. Drew and Donald M. Snow, *Making Strategy* (Maxwell Air Force Base, AL: Air University Press, 1988), 18.

23. William J. Clinton, "The Fight Against Terrorism," President's address to the Nation, August 20, 1998, *Vital Speeches of the Day* 64, no. 23 (September 15, 1998), 706–707.

24. Richard J. Erickson, *Legitimate Use of Military Force Against State-Sponsored International Terrorism* (Maxwell Air Force Base, AL: Air University Press, 1989), 180.

25. Avigdor Haselkorn, *The Continuing Storm: Iraq, Poisonous Weapons and Deterrence* (New Haven, CT: Yale University Press, 1999), 49.

26. Sagan advocates removing nuclear weapons from the U.S. reprisal calculus because American leadership may feel committed to responding to a CBW attack with nuclear weapons based on strong policy declarations and promises to allies. Sagan calls this conundrum the *commitment trap*.

27. Paul I. Bernstein and Lewis A. Dunn, "Adapting Deterrence to the WMD Threat," in *Countering the Proliferation and Use of Weapons of Mass Destruction*, Peter L. Hays, Vincent J. Jodoin, and Alan R. Van Tassel, eds. (New York: McGraw-Hill, 1998), 159.

28. Sagan, 114.

29. Mauroni, *Chemical-Biological Defense*, 26–27.

30. *Ibid.*, 28.

31. Rick Atkinson, *Crusade: The Untold Story of the Persian Gulf War* (Boston: Houghton Mifflin, 1993), 86–87.

32. McGeorge Bundy reported that some of these differing opinions became public: "The President's associates . . . sometimes disagreed with each other. The most notable of these disagreements was that between some Pentagon officials and John Sununu, the White House Chief of Staff, who at one point found it prudent to give assurance that there was no likelihood of resort to tactical nuclear weapons. Nameless Pentagon sources then rebuked him for the military error of telling the enemy what we were not going to do. Bundy, "Nuclear Weapons and the Gulf," *Foreign Affairs* 70, no. 4 (Fall 1991), 86.

33. Haselkorn, 60.

34. Janne E. Nolan, *An Elusive Consensus* (Washington, DC: The Brookings Institution Press, 1999), 81.

35. *Ibid.*

36. Clinton, *A National Security Strategy for a New Century*, 6.

37. *Ibid.*, 15.

38. *Ibid.*, 20.

39. John M. Shalikashvili, *Shape, Respond, Prepare Now: A National Military Strategy for a New Era* (Washington, DC: Chairman of the Joint Chiefs of Staff, 1997), <http://www.dtic.mil/jcs/core/nms.html>.

40. Terry L. Hawkins, "The Role and Limits of Science and Technology," Presentation to Air War College NBC Seminar, Los Alamos National Laboratory, Los Alamos, NM, September 12, 2000.

41. James A. Baker III, *The Politics of Diplomacy* (New York: G.P. Putnam's Sons, 1995), 359.

42. Making regime accountability the linchpin of U.S. reprisal policy would imply some modest changes to today's military force structure. According to Bernstein and Dunn, there is a significant challenge for the United States in "operationalizing and projecting a credible threat [of regime elimination]." (159). To meet this challenge—of making credible the threat of regime elimination—the United States should place more emphasis on human intelligence and special operations.

43. Ibid.

44. Joseph and Blechman.

45. Erickson, 180.

46. Congressional report cited in Randall J. Larsen and Robert P. Kadlec, *Biological Warfare: A Post Cold War Threat to America's Strategic Mobility Forces* (Pittsburgh, PA: Matthew B. Ridgway Center for International Security Studies, University of Pittsburgh, 1995), 7.

47. Richard B. Frank, *Downfall* (New York: Random House, 1999), 338. Frank discusses the current debate over the number of casualties that Truman expected and the methodology for determining those estimates. Whether he believed 25,000 or 250,000 U.S. servicemen would be killed in an invasion of the Japanese homeland, Truman made the decision. His calculus in World War II is not dissimilar to what might face a future U.S. President if extremely large numbers of Americans are killed by a chemical or biological attack.

48. Victor A. Utgoff, *Nuclear Weapons and the Deterrence of Biological and Chemical Warfare*, Occasional Paper No. 36 (Washington, DC: The Stimson Center, 1997), 3, <http://www.stimson.org/pubs/zeronuke/utgoff.pdf>.

49. Perry, quoted in Sagan, 85.

50. Erickson, 105.

51. Bernstein and Dunn, 152.

52. *United States Special Operations Forces Posture Statement* (Washington, DC: U.S. Special Operations Command, 1998), 38.

53. Dian MacDonald, "Berger: Those Who Attack U.S. 'Cannot Do So With Impunity,'" USIS Washington File, August 23, 1998, http://www.fas.org/man/dod-101/ops/docs/98082303_tpo.html.

