108TH CONGRESS
1ST SESSION

S. RES. 76

Expressing the sense of the Senate that the policy of preemption, combined with a policy of first use of nuclear weapons, creates an incentive for the proliferation of weapons of mass destruction, especially nuclear weapons, and is inconsistent with the long-term security of the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Foreign Relations

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RESOLUTION

Expressing the sense of the Senate that the policy of preemption, combined with a policy of first use of nuclear weapons, creates an incentive for the proliferation of weapons of mass destruction, especially nuclear weapons, and is inconsistent with the long-term security of the United States.

Whereas press reports show that the December 31, 2001 Nuclear Posture Review states that the United States might use nuclear weapons to dissuade adversaries from undertaking military programs or operations that could threaten United States interests;

Whereas the Nuclear Posture Review, according to such reports, goes on to state that nuclear weapons could be em-

ployed against targets capable of withstanding non-nuclear attack;

Whereas the Nuclear Posture Review is further reported to state that, in setting requirements for nuclear strike capabilities, North Korea, Iraq, Iran, Syria, and Libya are among the countries that could be involved in immediate, potential, or unexpected contingencies;

Whereas the September 17, 2002 National Security Strategy of the United States of America states that ''[a]s a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed,'' and that ''[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively'';

Whereas the December 2002 National Strategy to Combat Weapons of Mass Destruction states that ''[t]he United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of [weapons of mass destruction] against the United States, our forces abroad, and friends and allies'';

Whereas United States nuclear policy, outlined in 1978 and restated in 1995 and 2002, includes, in the context of gaining other nations' support for the Treaty on the Non-Proliferation of Nuclear Weapons, a ''negative security assurance'' that the United States would not use its nuclear force against a country that does not possess nuclear weapons unless that country was allied with a nuclear weapons possessor;

Whereas the Under Secretary of State for Arms Control and International Security, John Bolton, recently announced

the Administration's abandonment of the so-called ''negative security assurance'' pledge to refrain from using nuclear weapons against non-nuclear nations;

Whereas reports about the Stockpile Stewardship Conference Planning Meeting of the Department of Defense, held on January 10, 2003, indicate that the United States is engaged in the expansion of research and development of new types of nuclear weapons;

Whereas this expansion of nuclear weapons research covers new forms of nuclear weaponry that threaten the limitations on nuclear weapons testing that are established by the unratified, but previously respected, Comprehensive Nuclear Test-Ban Treaty;

Whereas these policies and actions threaten to make nuclear weapons appear to be useful, legitimate, first-strike offensive weapons, rather than a force for deterrence, and therefore undermine an essential tenet of nonproliferation; and

Whereas the cumulative effect of the policies announced by the President is to redefine the concept of preemption, which had been understood to mean the right of every state to anticipatory self-defense in the face of imminent attack, and to broaden the concept to justify a preventive war initiated by the United States, even without evidence of an imminent attack, in which the United States might use nuclear weapons against non-nuclear states: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President's policy of preemption, combined with a policy of first use of nuclear weapons, creates an incentive for proliferation of weapons of mass destruction, especially

nuclear weapons, and is inconsistent with the long-term security of the United States.

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