

SJ0002 –Use of Nuclear Weapons

Hearing in Education, Energy and the Environment MARCH 8, 2024: 9 am

Position: SUPPORT (FAV)

Testimony of Victor Thuronyi

My name is Victor Thuronyi. I am a citizen of Maryland and a member of the Maryland bar. In the 1980s, I taught a seminar at SUNY-Buffalo law school where I was an associate professor of law, on the topic of nuclear weapons law and policy. This led me to read the relevant literature on the public international law of nuclear weapons as well as the policy arguments concerning the nuclear arsenal. More recently, I served as Chair of the City of Takoma Park's Nuclear-Free Committee. The City Council abolished the committee in 2024 as part of a streamlining process, but maintained intact the Nuclear Free Zone portion of the City Code, which prohibits the City from contracting with nuclear weapons manufacturers. I am therefore familiar with overall nuclear weapons policy as well as local action taken with a view to influencing national policy.

Nuclear war is an example of an issue that few voters currently think much about, both because the risk seems remote, it is complex, the consequences of nuclear war are too horrifying for most people to wrap their minds around, and the existing position seems so entrenched that it is difficult to change it. Nevertheless, if a nuclear war were to occur, it would surely become the dominant political issue, if there were any politicians left around to deal with it. My experience in Takoma Park is that there is strong support for change in U.S. nuclear weapons policy, along the lines of the contents of SJ2. It would be wise for Maryland Senators to reflect what the people want and pass this resolution.

As a legal matter, the resolution is largely symbolic. Although it is aimed at national policy, the resolution does not get involved in details of that policy. Appropriately, the resolution communicates an overall policy goal to the Federal government, and asks that the goal be implemented. This is entirely appropriate for a State legislature, especially given the important ramifications of Federal policy in this area for the State. Specifically, the consequences of nuclear war would be horrific for the State of Maryland, and the Maryland legislature should take action tending to reduce the risk of nuclear war. Moreover, the budgetary impact for Maryland of Federal expenditures on nuclear weapons modernization are large. If fewer Federal funds were spent in this way, there would be more for Maryland: either more money in the pockets of Maryland taxpayers, more fiscal space for Maryland to tax, more Federal budget support for Maryland, or a combination of these.

My testimony focuses on a specific aspect of the resolution, namely, its call to

- Take nuclear weapons off of hair trigger alert; and
- End the expensive, destabilizing plans to modernize our nuclear weapons arsenal.

Hair-trigger alert refers especially to the land-based arsenal. The basic theory of that arsenal is simple. Land-based missiles are relatively easy and quick to launch, compared with air-based or sea-based missiles. They also tend to be quite powerful, being heavy and able to contain multiple independently targetable reentry vehicles. One missile would easily destroy a city. The problem with these land-based missiles is that they are destabilizing and increase the danger of nuclear war.

Experts agree that a likely scenario for nuclear war is an accidental nuclear exchange. Because of sophisticated sensors, the U.S. military is constantly receiving information about possible nuclear launches. From time to time, this information produces what can be called a false positive, namely information that a nuclear attack on the United States, from a country like Russia, China, or North Korea, is underway. The difficulty is that there is not much time to analyze this information and determine whether it is a false alarm. At a time of heightened crisis, the receipt of information that a nuclear launch is underway can trigger a U.S. response, particularly by way of launching land-based missiles. There are only minutes to decide whether to launch the missiles, and they cannot be recalled after launch.

The reason that land-based missiles would tend to be launched in response to warnings of an attack on the U.S. is that an adversary who is launching a nuclear attack would likely first aim their attack on the land-based missiles in the U.S. By taking those missiles out, the nuclear adversary would help ensure its own safety because a failure to take out the land-based missiles would result in the U.S. being able to launch a devastating strike which would totally destroy the country launching the strike against the U.S. That is why land-based missiles are a top target for other countries. Air- and sea-based missiles are quite different, because they are not vulnerable to a first strike. Reliance on air and sea-based missiles lowers the risk that the U.S. would launch a nuclear strike in response to warnings that it is under attack. The President and Pentagon would have time to analyze the situation. In the horrible event that a nuclear attack had been launched, they could still order a devastating retaliatory strike using air and sea-launched missiles.

This analysis makes it clear that a reduced reliance on land-based missiles, and their eventual elimination as part of arms control agreements, would make the world a safer place pending complete elimination of nuclear arsenals as part of arms control talks. Unfortunately, the U.S. is moving in the opposite direction by spending money to upgrade the land-based arsenal. SJ2 would communicate a policy direction to Congress to take a different approach and reduce the danger of nuclear war. And save a large amount of money to boot.