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## Ending the Reign of the Nuclear Monarchs

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Once again, nuclear Armageddon is just a push of the proverbial button away.

Donald Trump has reawakened Cold War fears over nuclear apocalypse, as the recent panic in Hawaii demonstrates. Meanwhile, not since Barry Goldwater has the mental health of a president been the source of so much debate. Every tweet, every unscripted wisecrack, every salacious leak is dissected and submitted as further evidence of Trump's supposed lack of "mental fitness."

Yet in the midst of our national obsession over Trump's mind, we seem to have forgotten what is truly frightening—that *every* president has virtually unchecked power to initiate a nuclear strike and no one, including his vice president, defense secretary, or anyone in Congress, has a veto, let alone a vote in the matter.

This possibility derives from the president's role as commander-in-chief, according to Gene Healy, an expert on presidential power at the Cato Institute. "There has always been this tension between operational control of U.S. armed forces and legal authorization, which is vested in Congress," he pointed out, and "probably the place where that tension is most pronounced is with nuclear weapons."

The specific authority the president has over nuclear weapons dates back to the Atomic Energy Act of 1946. Of course, President Truman didn't consult Congress before using the atomic bomb on Japan. But lawmakers at the time seemed to be more afraid of rogue generals and, ironically, viewed the president as a civilian check on the military, according to Alex Wellerstein, a nuclear weapons historian.

The current protocols—under which a president can directly order the launch of nuclear missiles—evolved in the aftermath of the Cuban Missile Crisis and were designed to enable an immediate response to an unfolding attack. Little attention seems to have ever been given to the thought that such a system would also enable a president to order a first strike, according to Wellerstein.

Once the president has given the order to launch nuclear weapons, the first Minuteman III missile could be in the air within five minutes. Just one warhead could unleash the power of

more than 20 Hiroshimas. (A typical warhead is 300 kilotons; Hiroshima's bomb was 15 kilotons.) That would put estimated casualties into the millions and could effectively obliterate any major city in the world. And remember, we've got 450 of these missiles (and that's not counting the ones in subs).

Why should *any* president have that power?

It's an unfortunate reflection of the institutionalized insanity ingrained in our "defense" establishment that apparently the obvious has to be stated: no mortal, even the wisest and most intelligent among us, should have the power to annihilate cities, devastate whole nations, and extinguish millions of lives *without anyone second-guessing that decision*.

The problem is apparent even in a "best"-case scenario, when a president isn't starting an attack but responding to one.

Picture the moment: It's the middle of the night and the president has just been awoken from sleep. He's groggy and he's just been informed that a foreign power has launched nuclear weapons towards the East Coast, which could hit Washington, D.C. (For constructing this timeline, I'm indebted to Bruce Blair, a nuclear weapons expert at Princeton University's Woodrow Wilson School of Public and International Affairs, who is not only an expert on the matter but who speaks from direct personal experience as a former U.S. Air Force Minuteman. Blair has also previously written about this here.)

First, the president would receive a military briefing on his options. This might run for one to two minutes, but it could also be as short as 30 seconds. Next, the president deliberates over his options. Presumably, top advisors would be involved in the discussion—but they don't have to be. If the missile is coming from Siberia, it has a 30-minute flight time, leaving 12 minutes to make a decision. But if it was launched from a submarine in the Atlantic, those timelines are halved.

Then, once the president has made up his mind, he issues the order and authenticates his identity with the War Room at the Pentagon. This adds 15 to 20 seconds to the clock. In all, that means the president could have as little as seven minutes to make a decision that could settle the fates of nations and hundreds of millions of souls.

So while most of the press and talking heads are fixated on the president's authority to initiate an attack, Blair warns that the system is flawed even when it comes to responding to one. "The other deficiency of this—also very important that tends to get short shrift—is that when we are under attack the system railroads the president into acquiescing and authorizing the launch of nuclear weapons, so it's sort of a two-pronged problem," he said.

Back in the War Room, once the president has authenticated, there is no realistic opportunity for anyone else to stop the order from going out. It takes the War Room just a few minutes to prepare the message. Then the orders are sent directly to U.S. submarines, Minuteman silos, or airborne missile carriers.

There are no further intermediaries: contrary to popular myth, the secretary of defense does not need to confirm the order, nor do any generals down the line. “There’s no one else in the chain of command,” Blair said.

On the submarine, four officers are involved in confirming the order and launching the missiles. The highest rank of the officer involved is the captain of the vessel. The lowest is a lieutenant. The whole process could take between 12 to 15 minutes.

At the Minuteman sites, the process is even faster. The silos are organized into clusters of 50 missiles with five launch centers wired into them. Each center has two people on duty. They might consist of a captain and a first or second lieutenant in the Air Force. They’re young, in their mid-20s to 30, and are typically fresh out of school, with little experience in the realities of warfare, according to Blair. These aren’t the kinds of people who are expected to weigh the legality of an order: theirs is to do, not deliberate.

Once the order to launch is received, the officers in each center must turn the key. Out of the five centers, a missile sitting in a silo must receive signals from at least two before firing. But the idea isn’t to build a backup in case deranged officers literally go nuclear. Rather, it’s to ensure the ability to retaliate in case some of the centers are taken out by incoming fire.

It might seem like the Minuteman would take longer than their naval counterparts. But they do live up to their name: according to Blair, the first missiles could be cruising towards their targets about a minute after the order comes down. The system is designed for speed and mutually assured destruction. It gives the president virtually unlimited power with no checks or safety valves built into the chain of command. Such power is not only an affront to basic common sense and any credible theory of public morality and just war, but undermines modern democratic norms. It is not much of an exaggeration to call the modern U.S. president a “nuclear monarch,” as Blair does.

The system also seems to strike at the spirit of the Constitution. On the one hand, the president has the power as commander-in-chief to respond to attacks. On the other, the power to declare war belongs to Congress. “There is no doubt the Framers thought that Congress had the bulk of the war powers—that offensive action by the president was impermissible without prior authorization from Congress,” Healy said.

The unprovoked use of nuclear weapons is an obvious declaration of war, which only further erodes congressional power.

So how can we put an end to our nuclear monarchy?

One solution, proposed a year ago by Congressman Ted Lieu, would be to ban the “first use” of nuclear weapons without a congressional declaration of war. (Senator Edward Markey has sponsored a Senate version of this legislation.)

Healy says such a bill is constitutionally sound but he questions whether it would work. “The real question is, ‘Is it going to work if you have a president who is bent carrying out that order?’

‘Is the military or is anyone in the nuclear command-and-control chain going to disregard his order?’ And there, that’s pretty doubtful,” Healy said.

However, Healy said the Lieu bill could also “embolden” someone at the top of the chain of command, like the secretary of defense or the chairman of the Joint Chiefs of Staff, giving them “legal cover” to intervene and block a blatantly unconstitutional order. There is already a precedent for this: Healy cites the famous story about Defense Secretary James Schlesinger informing the military to disregard any orders to fire nuclear weapons that came from an increasingly paranoid President Nixon unless he or Secretary of State Henry Kissinger had confirmed them.

So far, despite the uproar over Trump’s whimsical attitude towards nuclear weapons, both bills have never made it out of their respective committees. But there are other ways to reform the system. Blair says there is merit to the idea of having more than one person confirm the order, regardless of the circumstances. That could be the vice president, the secretary of defense, or even a congressional leader, like the speaker of the House.

“This is to prevent a single individual from playing the role of nuclear monarch and railroading the system, as I described it to you, into ordering a civilization-ending nuclear attack on some country,” Blair said. Until that happens, though, Armageddon will remain in the hands of one man.