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DEPARTMENT OF STATE

Washington, D.C. 20520

Nov 17, 1969

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MEMORANDUM

TO: The Secretary
The Undersecretary

THROUGH: S/S

FROM: PM - Ronald I. Spiers

SUBJECT: US Policy on Chemical and Biological Warfare

The NSC is scheduled to consider NSSM 59 (TAB A) on Chemical and Biological Warfare on November 18. The purpose of this memorandum is to summarize the main issues in the paper, and to recommend positions on these issues based on our discussion with you November 3.

BW Issues

1. Should the US maintain a lethal biological capability?
2. Should the US maintain a capability for use of incapacitating biologicals?
3. Should the US maintain only an RDT&E program, and if so, should it be (a) in the defensive area only, or (b) include both offensive and defensive objectives?
4. Should the US support the UK draft convention for the prohibition of biological methods of warfare?

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Recommended Position

You should support the position of the Secretary of Defense that we maintain a biological research and testing program only for defensive purposes and to safeguard against technological surprise. You should urge that the IPMG be asked to define specifically what activities and what stockpiles, if any, will be included in such a program. Assuming that the President supports this position, you should recommend that the US support the UK draft Convention with timing and tactics to be worked out subsequently.

CW Policy Issues - (Lethal and Incapacitating Agents)

1. Should the US maintain a capability to retaliate with lethal chemical agents?
2. Should the US destroy or detoxify current stocks of mustard gas?
3. Should the US continue to maintain stockpiles of chemical munitions overseas (1) in Europe, and (2) in the Pacific?
4. Should the US consult with the FRG concerning the US CW stockpile in Germany?
5. Should the US preserve a first-use option for incapacitating agents?

Recommended Position

You should support the position of the Secretary of Defense that all stocks of mustard gas should be destroyed or detoxified, and production of other lethal chemical agents should be discontinued until binary agents (suitable for safe handling) are fully developed. Meanwhile, the chemical warfare program should concentrate

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on R&D for binary agents, but, in addition, we would recommend that R&D go forward for defensive purposes and to safeguard against technological surprise. No decision should be made as to what our production and stockpiling policy should be until after binary agents are fully developed.

You should also support the Secretary of Defense's position that CW stocks on Okinawa be returned to CONUS and that we should only support US forces (not allied forces) with the current European deployment. Support for theaters other than NATO with a lethal CW deterrent capability should be based on stockpiles maintained in CONUS rather than on regional stockpiles. In addition, we recommend that the US brief the new German Government on the FRG stockpile and advise them that if the stockpile in the FRG threatens to become a controversial issue for them, we are prepared to remove these agents on request.

You should take the position that the US should not maintain an option for first-use of incapacitating chemicals (the DOD position is not clear on this issue).

Geneva Protocol, Tear Gas and Herbicides

1. Should the US maintain an option for unrestricted use of riot control agents in warfare and continue practicing this option in Vietnam?

2. If the US maintains an option for the use of tear gas in war, should it be limited to "humanitarian purposes"?

3. Should the US retain a policy permitting first-use of chemical herbicides?

4. Should the US submit the Geneva Protocol to the Senate for ratification and, if so, what reservations or interpretations relating to tear gas and herbicides should be made?

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Recommendation

It is in the US interest to ratify the Geneva Protocol. Assuming the Secretary of Defense will recommend that the US continue use of tear gas in warfare, you should take the following position with respect to the Protocol. The US should submit the Geneva Protocol for ratification with an interpretive statement to the effect that the Protocol does not exclude the use in warfare of riot control agents generally used in domestic disturbances. We do not believe a limitation based on "humanitarian purposes" would be workable. However, we recommend that the President make clear in submitting the Protocol to the Senate that it will be US policy to use in war only riot control agents normally used domestically and to use them in such a way as to save the lives of US personnel, non-combatants and enemy forces*; and that he will retain the authority over use of specific agents in specific combat theaters so as to carry out this policy. State and DOD should be requested to prepare a specific proposal for Presidential approval that would deal with the timing of submission of the Protocol to the Senate and the specific statement that would accompany submission.

State and Defense agree that the use of herbicides is not covered by the Protocol.

*L recommends, at a minimum, that the policy statement make clear that tear gas will not be used in conjunction with lethal weapons such as artillery barrages or airstrikes where enemy forces have no option of surrendering.

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At TAB B is a draft NSDM that would implement the above recommendations. We have provided a copy informally to the NSC staff. You may wish to table a copy of this draft at the NSC meeting.

At TAB C are talking points which explain the arguments for ratification of the Geneva Protocol.

Clearance:

IO - Mr. De Palma (in draft)
L - Mr. Rhinelanders

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