

REPRODUCED AT THE NATIONAL ARCHIVES

TOP SECRET/NODIS

HAK Talking Points

Briefings for Congressional Leadership and Press

I. Introduction

A. Studies clearly show that we must distinguish between biological and chemical warfare.

- Characteristics and effectiveness of biological agents and chemical weapons are very different.
- Accordingly the two programs were considered separately rather than tied together as in the past.

II. Biological Policy

Two basic questions were considered:

A. First: what should be the nature and scope of U.S. policy and programs for biological warfare:

1. The issue was whether we should retain:

- Full capability including lethal agents for deterrence and retaliation.
- Incapacitating agents only -- principal utility in a "first-use role".
- Only a Research and Development capability.

2. The considerations were:

- Lethal BW might help deter BW attack and could give us another strategic option.
- Incapacitating weapons might be effective in some situations (e. g. amphibious invasion) and might enable capture of areas more humanely than with conventional weapons. They are the

TOP SECRET/NODIS

DECLASSIFIED

Authority EO 12958
By 88 NARA Date 5-1-01TOP SECRET/NODIS

- 2 -

effective incapacitants we have (although chemical incapacitants are under development).

- Without production facilities and delivery means available we could not respond quickly if we wanted to do so.

ON THE OTHER HAND it was argued:

- We do not need BW for deterrence when we have nuclears.
- Control and effectiveness of BW agents is questionable.
- In any event we could not respond promptly because the source and character of the attack would be unclear for some time.
- Incapacitants would be most effective in "first-use" but this could result in escalation.
- With an R&D base and the existing facilities in production, we could move quickly to produce agents for offensive use, but there would be some time lost if we were not actually in production. (FYI: Biological agents production and munition filling is done at Pine Bluff Arsenal, Arkansas. This large production facility now on limited standby basis producing small quantities for research, development, testing and maintenance of incapacitating stocks. U.S. BW inventory includes small lethal, limited incapacitating, and large anti-crop capabilities. Replenishment of stocks stopped by Secretary Laird pending outcome of study.)
- In any event, we would need some research on offensive agents as basis for study of defensive measures and to protect against technological surprise.

TOP SECRET/NODIS

DECLASSIFIED

Authority EO 12958
By 88 NARA Date 5-1-01TOP SECRET/NODIS

- 3 -

B. Second: What position should the U. S. take toward the UK draft Convention banning biological warfare?

1. The UK presented a draft Convention to the Eighteen Nation Disarmament Conference in July 1969 which would ban research aimed at producing biological agents for hostile use and ban production, possession and use of these agents. Only Canada has supported the Convention to date. Most interest by others has been in linking its provisions to proposals to limit CW.

[FYI: British have stated that production of biological agents for vaccines and such purposes not prohibited by their Convention, but it does not at all clarify the level of R&D, production and testing consistent with a passive defense capability. Also, no provision made for on-site verification, but rather complaint procedures for investigation under UN auspices. Many states oppose separating BW from CW. This is not an important item at UN sessions] (~~Winston~~
~~Churchill Memorial Tab~~).

2. A decision to confine BW program to R&D for defensive purposes would allow us to support the UK draft if we chose to do so. [Under any other course we would have to oppose the draft or propose substantial modification.] But we would not want to agree to the draft until relationship of the Convention to other arms control measures, the responses of other parties, and verification procedures, were clearly understood.

TOP SECRET/NODIS

TOP SECRET/NODIS

- 4 -

3. The considerations were:

- Association in principle would
 - . Evidence willingness to consider limitations on BW.
 - . Gain some political benefit internationally without tying our hands.
 - . Put some pressure on others to limit BW which would be desirable particularly if we retain only an R&D program.

ON THE OTHER HAND it was argued that:

- There is no urgency to consider the convention and,
- Association with the Convention might weaken our hand in opposing other arms control proposals which lack adequate verification provisions.

II. Chemical Warfare Policy

A. Lethal and incapacitating agents were considered separately from riot control agents -- such as tear gas -- and herbicides.

- Tear gas and perhaps herbicides relate to our position on the 1925 Geneva Protocol which was a specific issue.

B. There were two basic policy issues:

1. Should we maintain a lethal chemical capability for retaliation or deterrence, and, if so, should we keep stockpiles overseas? and
2. Should we preserve a "first-use" option for incapacitating chemicals?

C. Lethal Chemical Capability

1. The first question was "Do we need a chemical capability to deter a chemical attack or to retaliate?"

TOP SECRET/NODIS

DECLASSIFIED

Authority EO 12958By 88 NARA Date 5-1-01TOP SECRET/NODIS

- 5 -

The considerations were:

- Some believe that our nuclear capability makes a chemical deterrent unnecessary.
- They also think it possible an enemy might be encouraged to try a chemical attack if we might respond only with chemicals.
- To be able to retaliate effectively against a large scale attack we would have to greatly increase our stocks.

[FYI: To conduct full-scale chemical retaliation against large-scale chemical attack (the most extreme case) would require major increases in the CW program (at minimum a tripling of the overseas stocks in the FRG and elsewhere -- UK and Italy have refused to allow such stocks -- a greatly increased U.S. stockpile, and more emphasis on defensive measures at a total program cost of at least \$2-3 billion). Only JCS have ever supported this extreme case. OSD had concluded that the capability to deter requires much less (potential enemy would be uncertain of scope and capability of our programs) and that, while it still provides some option for retaliation in kind, support of the extreme case would be redundant since nuclears cannot be ignored in such an equation.]

ON THE OTHER HAND:

- We may need this capability to deter chemical attack.
- Without it we would be relying upon nuclear weapons and enemy uncertainty of our capability for deterrence of chemical attack.
- The ability to retaliate in kind could provide a "middle option" between conventional and nuclear response.

TOP SECRET/NODIS

DECLASSIFIED

Authority FO 12958By 88 NARA Date 5-1-01TOP SECRET/NODIS

- 6 -

- So long as we maintain our declaratory "no first-use" policy the international political costs to us of retaining a deterrence and retaliatory capability are not great.

2. The second question was: If we want a retaliatory capability, should we maintain stocks overseas or only in the U. S. ?

- Should we give up the capability we now have overseas?

- The considerations were:

- If we withdraw overseas stocks (from the FRG, as we are planning to do in Asia), we lose the advantage of possible rapid response.
- If we remove them, it could be both difficult and provocative to try to replace them later in a crisis.

ON THE OTHER HAND:

- Existing stocks particularly in Europe (FRG) are too small for an adequate response to a very large scale chemical attack, and,
- To try to increase them would cause problems with our Allies.
[FYI: Italy and the UK have refused to allow us to stock chemicals in their countries.]
- Some chemical support for theaters of operation can be provided from the U. S.
- Continued presences of these stocks in Germany could become a source of friction.

3. The third question was: "Should we renounce the first-use of Incapacitating Chemicals?"

- We have renounced first use of lethal chemical weapons but we have not ratified the Geneva Protocol. [FYI: No agency supports

TOP SECRET/NODIS

DECLASSIFIED

Authority EO 12958
By SK NARA Date 5-1-01TOP SECRET/NODIS

- 7 -

"first use" policy for lethal agents as the political costs of withdrawing from our declared renunciation would be excessive.]

The considerations were:

- If we could develop an effective incapacitating agent, it might give us a way to gain military advantage in some situations with fewer casualties than with other weapons.
- World opinion might see such a weapon as more humane than conventional or nuclear weapons.

ON THE OTHER HAND:

- Their military utility appears to be limited primarily to "first use" situations. They appear to have little deterrent or retaliatory value. We do not now have an effective operational capability.
- If we maintain a "first use" policy, the credibility of our policy against "first use" of lethal chemicals will be lessened.
- Some countries might see our "first use" of incapacitants as a violation at least of our previous expressions of policy, if not of international law and the Geneva Protocol.

IV The Geneva Protocol and the Use of Tear Gas and Herbicides

- A. The United States signed the Geneva Protocol in 1925 but has not ratified it.
- 1. The Protocol in effect bans the first use in war of chemical and biological weapons.
- 2. But the question as to whether tear gas and herbicides are included under this ban is unresolved.

TOP SECRET/NODIS

TOP SECRET/NODIS

- 8 -

B. There were two basic questions:

1. Do we want to keep the option for unrestricted use of tear gas?
2. Do we want to ratify the Geneva Protocol?

C. The first question: Do we want to keep the option to use tear gas?

1. The considerations were:

- Tear gas has a proven utility (in Vietnam) it may reduce casualties, limit destruction of facilities, impede enemy movement and disrupt operations.

ON THE OTHER HAND:

- Some believe its use casts doubt on our no "first-use" policy for lethal chemicals and might lead to escalation.
- Many nations consider its use in conjunction with lethal weapons prohibited by the Geneva Protocol.

D. The second question: Should we ratify the Protocol?

1. The considerations were:

- Our ratification would strengthen the legal force of the Protocol and international restraints on proliferation of BW and CW.
- Would be welcomed internationally as a positive step reinforcing our past statements.
- Could enhance our position in any future chemical and biological arms control negotiations.
- Over 80 nations including most major powers (except Japan) have done so.

TOP SECRET/NODIS

DECLASSIFIED

Authority EO 12958By 88 NARA Date 5-1-01TOP SECRET/NOF

- 9

ON THE OTHER HAND:

- Ratification could impose undesirable legal inhibitions to use non-lethal weapons such as tear gas first when it might be in our interest to do so.
- Willingness to accept a limitation on tear gas would forego use of a valuable weapon and cast doubt on our use of it in Vietnam.

2. If we wished to ratify but retain the option to use tear gas we could either:

- Make a formal legal reservation, or
- Make a unilateral statement of our understanding that Protocol does not prohibit the use of tear gas.

TOP SECRET/NODIS