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# NSC REVIEW GROUP MEETING # 343

Thursday, October 30, 1969

Time and Place: 2:25 P.M. - 3:55 P.M., White House Situation Room

Subject: U.S. Policy on Chemical and Biological Warfare and Agents (NSSM 59)

Participation:

Chairman - Henry A. Kissinger

State - Richard F. Pedersen
- William I. Cargo
- Ronald Spiers
- Donald McHenry

Defense - G. Warren Nutter

CIA - Edward W. Proctor

JCS - Rear Adm. Frank W. Vannoy
Colonel James M. Bates

OEP - Haakon Lindjord

USIA - Henry Loomis

ACDA - Howard E. Furnas

OST - Vincent McRae

NSC Staff - Michael Guhin
- Col. Richard Kennedy
- Jeanne W. Davis

## SUMMARY OF DECISIONS

1. The paper is to be reworked by the IPMG to:

   a. regroup the 11 issues into three categories: biological warfare, chemical warfare, and the question of the Geneva Protocol with respect to tear gas and herbicides;

   b. clarify the distinction between offensive and defensive R&D;

   c. state the arguments for and against briefing the German Government on deployment of CW stocks in Germany;

   d. include a specific policy issue on the UK draft convention on BW;

   e. define an adequate CW retaliatory capability;

   f. state the pros and cons for ratification of the Geneva Protocol including the question of a reservation on tear gas;

   g. raise the issue of a requirement for a Presidential decision to use tear gas in conflicts other than Vietnam.

2. The NSC meeting on CBW will be postponed from November 12 to November 19 in view of a conflict with the NPG meeting.



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Dr. Kissinger noted that the IPMG paper had been grouped into 11 issues. He would find it more useful, if the group agreed, to divide these into three basic categories: biological warfare, chemical warfare, and the question of the Geneva Protocol with respect to tear gas and herbicides. He suggested the discussion begin with biological weapons and identified the three choices: (1) retain full capability including lethal agents for deterrence and retaliation with an option for first use; (2) retain capability only for incapacitants; (3) retain only an R&D capability, for both offensive and defensive purposes or defense alone.

Mr. Pedersen asked if BW R&D could be broken down into offensive and defensive weapons.

Mr. Kissinger replied yes, saying defensive moves would include warning devices, immunization, etc., but with no capability to conduct biological warfare.

Mr. Spiers noted the military view that we would have to perform offensive R&D also.

Admiral Vannoy said we would have to have offensive weapons in order to test our defenses.

Mr. Kissinger asked if this meant there was no point in having defensive R&D only.

Admiral Vannoy agreed.

Dr. McRae noted that some aspects of R&D were specifically meant to strengthen our offensive capability, e.g., spray capabilities, weapons development, etc.

Mr. Nutter agreed but said it was hard to draw a line.

Mr. Kissinger asked how we could distinguish between offensive and defensive R&D.

Mr. Proctor said we would not prepare for mass production in R&D for defense.

Dr. McRae stated that, generally speaking, defensive R&D could be distinguished by leaving out engineering development.

Mr. Kissinger commented that an operational R&D program for defense would include enough work on offensive to give meaning to the defensive aspect.

Dr. McRae said offensive R&D would include an engineering component which would enable quick production.

Mr. Kissinger asked if the issues were correctly stated, and if the JCS favors full capability.

Admiral Vannoy replied yes.

Mr. Kissinger asked if the paper adequately stated the JCS views.

Admiral Vannoy said they had circulated proposed changes to the paper to give a better balance to the pros and cons.

Mr. Kissinger asked if everyone else opposed the JCS view.

Mr. Spiers noted that State had not taken a formal position since the Secretary had not considered the issue. However, State will recommend that he oppose JCS views.

Mr. Kissinger noted that the Secretary would of course express his views at the NSC meeting. He asked if the paper represented a fair statement.

Mr. Pedersen commented that some of the proposed JCS changes would cause trouble for State.

Mr. Kissinger summarized the arguments against a lethal BW capability in terms of its ineffectiveness for retaliatory purposes (e.g., delays in detecting attack, delivering a counterattack and in counterattack taking effect), and that it was not needed in the light of nuclear and other weapons. He asked about possible Soviet clandestine use.



Mr. Proctor [redacted]

Mr. Kissinger asked how we get intelligence information in this area.

Mr. Proctor [redacted]

Mr. Kissinger noted that a Czech chemist had told him a major effort was underway but that he was not sure whether this was CW or BW.

Mr. Loomis noted that the best use of BW would be clandestine and that such use would not appear to demand field exercises.

Mr. Kissinger asked if there were not an incubation period and why field exercises would be useful if the weapons were not immediately effective. He thought the major use of BW would be on centers of population over a period of time.

Dr. McRae pointed out that the military would probably not elect BW weapons because of their limited effectiveness except in rare circumstances. He cited the incubation period and the uncertain human response.

Mr. Kissinger asked if it was not easier to produce BW as an effective weapon than certain other alternatives.

Admiral Vannoy agreed, saying that it would be highly effective on a civilian population.

Mr. Kissinger asked if countries cannot achieve a BW capability before a nuclear capability. All agreed that this was true.

Mr. Loomis noted that experiments in this country indicated that BW would be extremely effective in any air-conditioned building.

Mr. Kissinger thought there would be very few occasions where we would use biological weapons first. If they were used against us, BW would not necessarily be the best response. He asked if, on moral grounds, we would not use BW first even if we could conceal it.

Mr. Spiers said he could see some circumstances for first use of BW, almost as a strategic weapon. In the circumstances, however, he thought we would also use nuclear weapons.

Mr. Kissinger asked why we would need BW if we used nuclear weapons.

Admiral Vannoy replied that it would depend on the degree of destruction desired, giving Western Europe as an example.

Mr. Kissinger asked if we could be sure that an epidemic in Western Europe would not spread to Eastern Europe.

Admiral Vannoy replied that the population could be prepared. He noted also the importance of developing a capability for flexible response. If a stringent nuclear arms control agreement were concluded we might face a strong Soviet BW capability not matched by the U.S.

Mr. Kissinger asked if General Wheeler would not make this point at the NSC meeting and Admiral Vannoy replied that the JCS Staff would so recommend.

Mr. Kissinger asked about the arguments for use of incapacitants and for an illustrative first-use scenario.

Admiral Vannoy cited an island situation, saying although we have BW incapacitants, we have no CW incapacitants. He cited a BW incapacitant which would, within two to four days, produce a high fever which would last a week or ten days. He noted we had no militarily significant quantities of lethal BW.

Mr. Kissinger asked if BW incapacitants might not kill people already weakened.

Admiral Vannoy acknowledged there would be a certain incidence of death, possibly among children, the elderly, and people with other illnesses, but this was not the primary purpose of the weapon.

Mr. Kissinger asked if everyone but the JCS rejects the island argument.

Mr. Spiers thought there was a consensus to retain R&D only with enough offensive R&D for defensive purposes.

Mr. Kissinger asked what the time lag was from R&D to production.

Mr. Spiers replied two to three years assuming we started from scratch.

Mr. Kissinger asked if R&D only implied no production facilities.

Mr. Spiers said yes, but that some facilities would be required to produce offensive BW for defensive purposes -- testing, etc.

Admiral Vannoy noted that we now have a plant at Pine Bluff spending approximately $5 million a year producing BW for R&D purposes.

Mr. Kissinger saw two issues for the NSC to consider: (1) whether we should have both offensive and defensive R&D, or defensive only; and (2) whether we should or should not retain production facilities.

Mr. Pedersen asked if it would be necessary to build a plant from scratch or whether normal medical or pharmaceutical facilities could not produce BW.

Admiral Vannoy said it would not be possible to use commercial plants because of certain control and packaging requirements.

Mr. Pedersen asked if, in a state of war, adaptation of present commercial plants for BW purposes could not shorten the two to three-year period.

Admiral Vannoy agreed this might be possible. However, he thought an equally important problem would be development of a delivery and packaging system and that this would be as difficult as the production of the biological agents themselves.

Dr. McRae noted that we have little data with which to assess the effectiveness of BW even in an island situation. He thought the degree of incapacity was ambiguous.

Mr. Kissinger referred to the UK draft convention on BW and asked if the only decision consistent with the convention would be R&D for defensive purposes only. Would it be consistent to pursue offensive R&D for defensive purposes?

Mr. Spiers replied no.

Mr. Kissinger asked if there are reasons for supporting the UK convention other than those of substance.

Mr. Spiers noted the verification issue, and also commented that the UK paper was not widely supported, mainly because it separated BW from CW.

Admiral Vannoy [redacted]

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per sec. 3.3(b)(1)

Mr. Proctor [redacted]

Mr. Kissinger noted that the JCS believes defensive R&D is impossible without doing enough offensive work to know what to defend against. In itself, this is inconsistent with the UK draft. [redacted]

Mr. Spiers said there would be complications.

Mr. Kissinger asked that we categorize the arguments in light of the above discussion in a reshaped paper.

Dr. McRae thought we could eliminate the possibility of acceptance of the UK draft excepting the proposal on R&D.

Mr. Spiers noted the complications of trying to separate continued production from continued R&D. He noted, however, that the UK draft was not a high priority problem.

Mr. Pedersen thought, however, that we would have a problem with both the Soviet and UK drafts and that we will need a position.

Mr. Spiers thought our position on these issues would be affected by what we want in the way of arms control.

Mr. Pedersen asked if it were possible to pursue this along tactical lines.

(At 2:55 p.m. Mr. Loomis left the discussion.)

Mr. Cargo commented that the verification issue is less acute if we limit ourselves to R&D.

Mr. Pedersen agreed that if we undertake a unilateral limitation, we could then argue for the treaty for what we would get out of it.

Mr. Kissinger thought we should offer this as an argument in favor of the UK draft, if we are moving in that direction anyhow. He commented that others may not know that we have adopted such a position unilaterally.

Mr. Spiers thought that there were other arguments.

Mr. Kissinger noted the low priority of the BW program, commenting that high level interest sometimes brings with it higher priorities. He thought the low priority interest in BW was a form of tacit arms control.

Mr. Kissinger moved to the subject of chemical weapons and raised two issues: (1) are incapacitants covered by the no first-use policy on lethals; (2) do we want to maintain a capacity for retaliation (both lethal and incapacitant) or limit ourselves to R&D? He assumed no one was in favor of first-use of lethal CW.

Admiral Vannoy noted that the JCS position was qualified by the knowledge that we would have a retaliatory capability. If we had a retaliatory capability, we would, in fact, have a first-use capability.

Mr. Kissinger asked what the difference was between first use and retaliatory capability.

Admiral Vannoy replied that we would need more to retaliate than to initiate, since we could assume some stocks would be destroyed by the enemy in an initial attack.

Mr. Kissinger assumed we would not be bothered by declaring a no first-use policy since we could always change our mind.

Mr. Nutter questioned the effect of a declaratory policy on our deterrent.

Mr. Kissinger asked if anyone believed we would undertake the first-use of CW.

Mr. Nutter noted that we had been careful not to make any such final statement on nuclear weapons.

Mr. Kissinger replied that we had, however, made a no first-use statement on CW. He asked if we would let Europe be overrun rather than use CW first.

Admiral Vannoy replied that at the present we would have no choice.

Mr. Spiers noted the difficulties involved in reversing present policy on no first-use of CW.

Mr. Nutter noted that our statement is one of intention.

Mr. Kissinger asked if there were any significant pressure for altering the no first-use policy for lethal CW.

Admiral Vannoy said the JCS would fight to retain the capability.

Mr. Kissinger asked if the no first-use policy applies to incapacitants.

Mr. Spiers said we had never said whether this applies to incapacitants. He noted that the only Presidential statement (President Roosevelt in 1943) referred to "poisonous or noxious gases" and that we had not had a CW incapacitant at that time.

Admiral Vannoy replied that we did, in fact, have a CW incapacitant -- 49 tons of it -- but that it was not very good and that we have had difficulty stabilizing it. In response to questions, he said that it became effective in the respiratory system in 1 1/2 to 2 hours and lasted 3-5 days.

Dr. McRae described the effects of a CW incapacitant on the ability to coordinate bodily functions, giving illustrations.

Mr. Kissinger asked if this had been tested.

Dr. McRae replied that it had.

Mr. Kissinger asked if this were an issue if we have no effective CW incapacitant.

Mr. Spiers thought that it was an issue -- do we want to retain a CW incapacitant capability because of the production aspect?

Mr. Kissinger asked what we know about the other side.

Dr. McRae replied that we had heard rumors about a Chinese Communist CW incapacitant but they were only rumors.

Mr. Kissinger asked why we would know about their CW capabilities when we know so little else about Communist China? He asked about possible use of a CW incapacitant -- would we use it in an island situation?

Admiral Vannoy said yes, or wherever we want to acquire real estate without destroying it.

Dr. McRae thought it might possibly be useful if you could get an effective CW incapacitant -- in fact, it would be more useful than BW because of its quick onset, predictable response, and the fact that it is not contagious.

Mr. Kissinger asked if the arguments for and against CW incapacitants (pp 26-27 of the IPMG paper) had been adequately stated?

Dr. McRae thought there was an additional question: should you plan for the use of a CW incapacitant or merely plan to retain a capability.

Mr. Kissinger thought the first question could be added to the question of first-use and that the second should be phrased "should we retain a capability even though we have agreed on no first-use?" He asked if there were a consensus that we should retain a capability for retaliation.

Mr. Spiers commented that the State Department would support Secretary Laird's recommendations on CW including his recommendation that all stocks of mustard and phosgene gas should be destroyed or detoxified, and that production of other lethal CW agents should be discontinued until binary agents are fully developed. He thought they would recommend to the Secretary of State that once R&D on binary agents had been completed, we should request a Presidential decision whether or not to go into production.

Mr. Kissinger summarized Defense position as calling for an end to production of any more chemical weapons; detoxifying or destroying mustard and phosgene stocks, while maintaining other stocks (e.g., non-binary nerve gases); continuation of R&D on binary agents. State adds the issue

of a Presidential decision on the production of binaries when development becomes possible.

Admiral Vannoy said that JCS wishes to maintain a retaliatory capability with lethal chemicals.

Mr. Spiers commented that State would not have raised the possibility of the destruction of existing stocks.

Mr. Kissinger noted the Defense Department debate on the definition of a lethal retaliatory capability. Secretary Laird has recommended some detoxification or destruction, and the replacement of existing lethals by binary weapons which could be put into production later. The JCS judgment is that destruction of stocks and failure to produce more would leave us without a retaliatory capability. He thought this issue should be raised in the paper so that the President could address all CW and BW problems together.

Dr. McRae asked if our existing retaliatory capability is adequate.

Admiral Vannoy replied that it is not.

Mr. Kissinger asked what would be considered an adequate retaliatory capability.

Admiral Vannoy replied 8 tons per division per day.

Mr. Kissinger asked for what objective?

Admiral Vannoy replied for the destruction of Warsaw Pact forces.

Mr. Kissinger asked if JCS was, therefore, defining a retaliatory capability as nothing short of the capability to destroy Warsaw Pact forces totally by CW.

Admiral Vannoy added in conjunction with conventional weapons.

Mr. Cargo commented that we should be able to retaliate until the enemy stops using the weapon.

Admiral Vannoy said that the JCS have stated an additional requirement for deployment in Western Europe.

Mr. Spiers noted that the JCS say stocks are inadequate without saying what is adequate.

Mr. Kissinger asked Dr. McRae what was meant by an inadequate retaliatory capability.

Dr. McRae noted that U.S. forces were concentrated in small areas in Europe such as air bases, they had no protective clothing, no decontamination equipment, no safe transportation between buildings and their aircraft, etc. An attack by lethal CW could take out our attack air forces. He mentioned that a retaliatory capability would involve more than stocks.

Mr. Kissinger asked if we could distinguish between retaliation and deterrence -- could we deprive an attack of its effectiveness? If we should retain a deterrent/retaliatory capability, we would need a definition of what is needed. He thought the principals might call for a study of precisely what is required for retaliation.

Mr. Lindjord asked how far away we are from development of binary agents.

Admiral Vannoy thought it would be 1974 or later.

Mr. Pedersen noted that the IPMG paper stated that the Soviets have larger stocks than we have.

Mr. Proctor [redacted]

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per sec. 3.3(b)(1)

Mr. Pedersen thought, however, that the net impression of the paper was that the Soviets have larger stocks.

Mr. Proctor [redacted]

Dr. McRae thought this was not too relevant in determining policy.

Mr. Proctor agreed.

Admiral Vannoy thought it was relevant, however, if we were to have a retaliatory/deterrent capability.

Mr. Pedersen also thought it was relevant in the no first-use context -- if the enemy is far ahead of us this is all the more reason for no first-use.

Mr. Kissinger said a sensible definition of a CW retaliatory capability would have to include some reference to nuclear weapons. He thought it inconceivable that we would rely on CW if we were attacked in Western Europe.



Mr. Proctor [redacted]

Mr. Kissinger asked if CIA had an estimate of Soviet capabilities?

Mr. Proctor referred to an NIE of February 1969. (This paper was later identified by the staff as having been partially overtaken by a reexamination within the intelligence community of the validity of the evidence on which it was based.)

Mr. Furnas said ACDA would place more emphasis on the development of binary agents -- they would retain a lethal capability until we see about the development of binaries and until we can see the future of arms control efforts.

Mr. Kissinger concluded that the CW issues were fairly clearly stated for NSC consideration, and moved to the next question of stockpiles overseas. He noted that, with the withdrawal of stocks from Okinawa, we maintain stocks only in Germany and asked why.

Admiral Vannoy replied that one needed the deterrent in close proximity to where one intended to use it.

Mr. Kissinger asked how we would deliver it.

Admiral Vannoy replied by tactical air, missiles or artillery. In response to a question, he said that our airlift capacity would be overcommitted in the first 15 days of any difficulty.

Mr. Kissinger said that, if we had no stocks in Germany, we would be faced with the question of introducing chemical weapons into the country and that any such introduction would probably be too late to do any good.

Mr. Spiers commented that it would take 15 days to bring in even an initial supply, but would take 75 days to acquire the capacity for any sustained use.

Mr. Kissinger said we could bring them in as a crisis approaches, but would then be susceptible to the charge that we had intensified

the crisis by bringing them in. Why could we not bring such stocks in during a quiet period. Is domestic pressure an argument?

Mr. Spiers said we should tell the new German government that we have CW stockpiles in Germany, ask them if this is a problem for them, and, if so, bring it back.

Mr. Kissinger asked why go to the Germans?

Mr. Spiers thought we should ask them to focus on the question before it becomes a major issue.

Mr. Kissinger asked, if CW stocks are necessary in Germany, why raise it with the Germans?

Mr. Spiers thought we needed to explain to them the rationale, brief the new government on what is there and get their reaction.

Mr. Kissinger thought it would present Brandt with a very tough question if we asked for approval. If we are willing to take these supplies out, well and good. If we are unwilling, we should look very carefully at the question of reopening the question with the Germans.

Mr. Spiers commented that, if it should become a major issue, he thought the State Department would argue that the stocks in Germany wouldn't be worth a major confrontation.

Mr. Kissinger said that if the Germans did not already know we had CW stocks in Germany, it would be all right to brief them. But they do know about these stocks and he saw no reason to reopen the question. He thought the German government was already overloaded with domestic issues. At least he thought the White House should have a crack at any decision in this area.

Mr. Spiers agreed, saying that the Secretary had not yet been consulted and may not agreed with the recommendation for briefing the new German Government.

Mr. Kissinger thought this issue might be included in the paper. If we don't care about retaining the stocks in Germany, it is okay to raise the question. State should lay out the arguments for and against briefing the Germans and let the principals decide.

Mr. Spiers agreed to do so.

Mr. Kissinger asked if we would take the weapons out of Germany if they asked us to or do we prefer to keep them in? If we choose to retain a retaliatory CW capability, he assumed we would want to keep them there. Is talking to the Germans the best way to keep them there?

Mr. Spiers thought it might be better to raise the question now than to run the risk that it might become a major issue and that we would then have to retreat under pressure.

Mr. Kissinger thought it unlikely that the Germans would make this a political issue, If not, why embarrass Brandt by asking him about it?

Mr. Nutter asked where we would put these stocks if we should remove them from Germany.

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per sec. 3.3(b)(1)(6)

[redacted] were suggested.

Mr. Pedersen asked whether there was a good argument for keeping stocks overseas if we were agreed on a no-first-use policy.

Mr. Nutter replied that NATO wants a retaliatory capability.

Mr. Cargo asked if any of our allies has any CW capability.

Mr. Spiers replied that there is some cooperative R&D for defensive purposes with the UK and the Germans.

Mr. Cargo asked if we could soak up anything from our allies to contribute to a retaliatory capability.

Admiral Vannoy thought we could get nothing useful from our NATO allies.

Mr. Kissinger moved to the question of the Geneva Protocol specifically as it relates to tear gas, and asked if we could adhere to the protocol if we decide on a first-use policy for tear gas.

Mr. Spiers noted that Defense lawyers say we can, while State Department lawyers say we can't. Ratification of the Geneva Protocol would mean that we could not use lethal agents. The State Department lawyers say that the Protocol also prohibits use of incapacitants,

but Defense says no. State's lawyers say we can only use tear gas for humanitarian purposes -- i.e., where no lethal weapons are also employed. The non-legal side of State does not agree. They believe we could ratify the Protocol with a net political advantage if we retained the right of unrestricted use of tear gas.

Mr. Kissinger asked if ratification of the Geneva Protocol would not force us into a declaratory policy. If we ratified without some statement, would not the use of incaps and probably tear gas be prohibited.

Mr. Spiers noted that some nations who had ratified the Protocol were using tear gas -- specifically Australia and Thailand were using it in Vietnam.

Mr. Kissinger saw two conclusions: either the Geneva Protocol doesn't mean anything or it doesn't apply to tear gas.

Mr. Pedersen noted again that that was not the legal view, and

Mr. Kissinger asked how that squared with the Australian and Thai position.

Mr. Spiers replied that it doesn't. The lawyers say we are bound by the principles and objectives of the Protocol and that the use of tear gas in Vietnam is illegal. The Administration should clarify this question. We could ratify the Protocol with a reservation on the humanitarian use of tear gas and tailor our policy in Vietnam accordingly.

Mr. Pedersen noted that our defense of the use of tear gas in the General Assembly discussion on Vietnam has been based on humanitarian use.

Admiral Vannoy asked if humanitarian use might not include saving the lives of U.S. soldiers.

Mr. Kissinger remarked that humanitarian consideration usually referred to the victim.

Mr. Spiers thought it distasteful to refer to humanitarian uses.

Mr. Kissinger agreed, saying it is hypocritical. He asked whether there were other issues concerning ratification of Protocol other than those relating to tear gas. He thought there were three issues: 1) should we ratify the Protocol? 2) if we ratified, should we reserve our position on incaps or tear gas? 3) if we ratified, should we not enter a reservation but simply assume the freedom to use tear gas.

(3:20 p.m. Mr. Loomis returned to the meeting)

Mr. Spiers noted the legal arguments but said this has to be a political decision.

Mr. Kissinger thought we should ask the question with regard to tear gas and riot control agents, then ask if there are other reasons why we should not ratify the Protocol.

Mr. Loomis raised the specific question of their use in Vietnam.

Mr. Spiers said if we ratify the Protocol without a reservation, then we would be agreeing not to use it.

Mr. Loomis cited the Australian and Thai use in Vietnam.

Mr. Kissinger asked if we could have an internal reservation without going public. All agreed that we could not.

Mr. Pedersen asked if we would accept a restriction on tear gas for certain purposes or for all purposes.

Mr. Furnas asked if there were a military necessity for using it.

Mr. Kissinger thought this should be included under the pros and cons.

Mr. Cargo thought if we ratified the Protocol it would require some sort of reservation on first use.

Mr. Kissinger asked that the paper be redone to take these considerations into account.

Mr. Spiers recapped the issues to be added in a redo of the paper: 1) a clarification of the distinction between offensive and defensive R&D; 2) the arguments for and against briefing the German Government on deployment of CW stocks in Germany; 3) a specific policy issue on the UK draft convention on BW; and 4) a definition of an adequate CW retaliatory capability.

Dr. McRae asked if it would require a Presidential decision to use tear gas for conflicts other than Vietnam.

Admiral Vannoy said this was not included in the paper since President Johnson had specifically authorized the use of tear gas in Vietnam.

Mr. Spiers agreed that there was a question as to whether it would require authorization by a new administration for use of tear gas in situations other than Vietnam.

There was general discussion of the timing of an NSC meeting on this subject and it was agreed that November 19 was the earliest date on which a meeting could be scheduled.