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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

TOP SECRET/NODISINFORMATION

December 18, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Michael A. Guhin

THRU: Robert M. Behr

SUBJECT: The Toxins Issue

A. Background

The issue here arises because toxins are chemicals (non-living matter which does not multiply itself) which are produced by biological processes from living organisms (i. e., fermentation). DOD has publicly defined toxins as chemicals. The definition is technically correct and accords with the 14-Nation UN Experts' Report (1 July 1969), the more recent World Health Organization (WHO) Report on chemical and biological weapons (21 November 1969), and OST's understanding. The only technical dividing line is that biologicals are living and replicate and chemicals do not.

The WHO Report qualifies its definition somewhat: "In some discussion. . . such toxins are classified as biological agents because the technology of their production resembles that of biological agents rather than that of chemical agents." Until last year, toxins were placed in the U. S. biological program category only because of the origin of toxins and the technology of production.

The issue is not whether toxins should come under the chemical warfare program or the biological research program, as this would only confuse the established technical definition.

Keeping the definition of toxins as chemicals, the real issue is what should the toxin program be when considered on its own merits as a separate weapons system, and how would this relate to the President's decisions and our association with the principles and objectives of the UK Draft Convention.

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B. Current Toxin Program

The current toxin program is not large and there is now no production other than for R&D. Stockpiles consist of one lethal botulinum toxin (23,000 cartridges and other special devices), a few hundred pounds of an incapacitant (staphylococcal enterotoxin, PG) which is not yet standardized, and very small research quantities of shellfish poison and snake venom.

From the Joint Staff point of view, the main interest seems to be the promising incapacitant (PG) now in research and development. In light of recent tests, Joint Staff hopes to be able to standardize and produce this incapacitant.

C. Pros and Cons

The main arguments for keeping a complete toxin program are:

1. Toxins are considered chemicals and are defined as such by the UN Report and the WHO Report.
2. Our options for the production of toxins and associated weapons system development should not be restricted because toxins are chemicals.
3. The most promising incapacitant (12-36 days) in R&D is a toxin (PG), and without PG the U.S. may not be able to field an incapacitating capability in the near future.
4. Some toxins can now be synthesized and, therefore, it may be possible to develop an effective toxin capability without any biological production process.

The main arguments for confining our toxin program to R&D for defensive purposes are:

1. Toxins are technically chemicals, but because of the origin of toxins and their production technology, a complete toxin program would appear to be circumvention of the decision that our biological programs will be confined to R&D for defensive purposes only and to protect against technological surprise.
2. Toxins have no relation whatsoever with the development of binary weapons. [This position usually appears in conjunction with OSD's recommendation, on 8 October 1969, that the chemical warfare program (offensive aspects) should concentrate entirely on R&D of binary weapons.]

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3. While the lethal toxin we now have is more toxic than nerve agents before dissemination as a weapon, it is not more effective after dissemination because it decays rapidly and is unstable.
4. Nerve agents are more militarily effective because lethal and incapacitating toxins act through the respiratory system and require only a mask for defense and not full protective clothing. Moreover, the military value of incapacitants in retaliation is questionable.
5. The British have publicly stated (North Atlantic Council Meeting, 2 July 1969) that their Draft Convention would prohibit the manufacture of toxins. (The production of toxins in more than research quantities would require a Pine Bluff-type facility, unless we were able to develop an effective synthesized toxin.)

D.1 Comment

In light of the discussions which will be coming in Geneva (Conference of the Committee on Disarmament), and our association with the principles and objectives of the UK Draft Convention, we cannot avoid confronting the question. We should avoid the semantic problem and affirm the definition of toxins as chemicals. (No agency disagrees with the definition.) The question of the extent of the U.S. toxin program should then be decided on the basis of their relative utility as chemical weapons and whether or not their stockpiling contributes to national security. Since NSDM 35 calls for an annual review of our programs by the Under Secretaries Committee, this problem might be considered by that body.

Whatever the decisions on this matter, I believe that the primary objective should be to avoid any unnecessary erosion of the President's announced decisions on chemical warfare and biological research.

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