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MEMORANDUM

## THE WHITE HOUSE

WASHINGTON

22 December 1969

MEMORANDUM FOR

Dr. Henry A. Kissinger  
Assistant to the President for National Security Affairs

Domestic and international reactions to the President's CBW policy announcement on November 25 have been generally very favorable. There are at least two steps, however, that you may wish to consider to consolidate the gains that have resulted thus far.

1. The announcement has touched off another round of sharp criticism of our use of tear gas and herbicides in Vietnam (as exemplified by the recent passage by the U. N. General Assembly of the Swedish Resolution declaring that the Geneva Protocol bans the use of tear gas). These reactions may encourage similar reactions from some members of the Senate during the forthcoming debate on the Geneva Protocol. It may be advisable to consider maintaining some flexibility in the U. S. position on both tear gas and herbicides. This could take the form of an announced willingness to enter into specific discussions concerning the inclusion or exclusion of these agents under the Geneva Protocol or the control of their use through some additional international agreement after termination of hostilities in Vietnam. A weaker, but perhaps still satisfactory response would be for us to indicate that the tear gas and herbicide policy, along with other matters, would be reviewed at the end of hostilities in Vietnam. The purpose would be to demonstrate that the U. S. attitude on tear gas and herbicides is not one of complete intransigency and that we would be willing to discuss the matter in the appropriate form at the appropriate time.

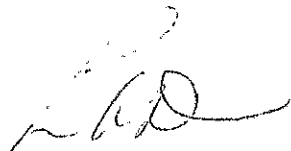
2. It is also important to preserve international credence that the policy on biological agents announced by the President will, indeed, be implemented. Chief among the actions to be carried out is the destruction of existing stocks of biological weapons. When this is carried out, it would seem advisable to give the event some public visibility (e. g., by inviting selected Congressmen and representatives of the U. N. and the World Health Organization to witness the process). This could be invaluable to U. S. credibility in further discussions of the British

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draft treaty or similar international initiatives to control CBW. It could also establish a desirable precedent for the verification of the destruction of stocks by other nations.

3. I understand that we have established a policy through which toxins are considered as chemical agents in spite of their biological origin. I certainly agree with this and believe that we would find it difficult to reject the definition agreed to by the U. N. Committee of Experts and the World Health Organization in this regard. The distinction between chemical and biological agents should lie in the ability of biologicals to replicate rather than in a production process. This, of course, leaves open the option to retain any toxins on their own merits, along with other chemical agents. Should there be a decision to eliminate some, or all, toxins from our stockpiles, this should be advanced as a further initiative towards peace.



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