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THE UNDER SECRETARY OF STATE
WASHINGTON

NSC UNDER SECRETARIES COMMITTEE

7101496

February 4, 1971

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MEMORANDUM FOR THE PRESIDENT

SUBJECT: Annual Review of US Chemical Warfare and Biological Research Program

The Under Secretaries Committee has reviewed and approved the attached first Annual Review of the US chemical warfare and biological research program you requested in NSDM 35. This review also includes riot control agents (RCAs) and chemical herbicides.

We have asked that prior to the next Annual Review the following studies be conducted on an interagency basis with DOD taking the lead:

- To determine what constitutes an adequate and effective deterrent and retaliatory capability against a chemical and biological attack.
- To develop appropriate guidelines for the public information program on US chemical warfare, and biological and toxin research.

We also approved the recommendations contained in the Annual Review. The most important are as follows:

- That DOD make every effort to obtain a formal agreement by the National Academy of Sciences (NAS) that it will undertake the herbicide study requested by Public Law 91-441 and that a public announcement be made before commencement of hearings on the Geneva Protocol. We understand that the NAS has agreed to this study.

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DEPARTMENT OF STATE *for* IM/IPS/CR/IR Date: *2/15/71* Date: *3-2-71*

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EXCISE LEASE DECLASSIFIED NO CHANGES IN PART SECRET

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-- That greater attention and priority be given to collection and analysis of CBW intelligence. In this regard, available evidence is not sufficient to make a confident estimate of the size or composition of the Soviet stockpile of CBW agents. Our information on Chinese capabilities is negligible. Desirable types of additional intelligence data and the associated costs of collection should be identified.

-- That the US continue efforts to have the UK draft convention on BW adopted by the CCD in Geneva and that the US continue to cooperate in efforts to achieve effective control of CW through international agreement.

-- That military deficiencies in US defensive capabilities be remedied as rapidly as feasible. Desirable additional programs to counter identified threats should be developed and considered within the Defense review process.

-- That an Ad Hoc Interagency Committee be formed to define more precisely the biological and toxin research program and determine which areas require classification.

Several issues were raised as a result of the Annual Review. They have been resolved as follows:

Issue 1: Should the US provide the Republic of Vietnam Armed Forces (RVNAF) with capabilities to use RCAs in other than normal riot control activities?

The Under Secretaries Committee endorsed the position of the Secretary of Defense to continue US support for the Republic of Vietnam with RCAs after withdrawal of US combat forces from Vietnam at a reasonable and appropriate level. The present DOD guidelines are:

- 1) That support continue at a level to be determined by relevant military and economic considerations;

2) That riot control agents be carefully controlled and employed with discrimination by our Allies as by ourselves; and

3) That the JCS and subordinate military commands carefully monitor their use.

The Under Secretaries Committee agreed that US support for any substantial increase in usage would first have to be authorized through specific action in Washington in consultation with interested Departments and Agencies. In addition, this support will be reexamined during the next Annual Review.

Issue 2: Should the US provide the RVNAF with capabilities to utilize chemical herbicides militarily on a large scale?

This issue was rendered moot by the White House Memorandum of December 28, 1970, which in effect withdraws COMUSMACV authority to use all chemical herbicides when their present phase-out program, presently anticipated for May 1971, is completed. Both US programs and US support for Vietnamese programs are covered by this memorandum. Any extension or expansion of the current program and any plans regarding Vietnamization of chemical herbicide capabilities will require your approval.

Issue 3: Should a broad reassessment of the use of RCAs and herbicides in the Vietnam conflict be initiated at this time so that necessary data can be obtained for a later examination of the implications and consequences for US policy of their future use in war?

The Under Secretaries Committee approved the conduct of this reassessment by the Department of Defense with other interested agencies participating. This will supplement the study on the physiological and ecological effects of herbicides which the National Academy of Sciences has been

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requested to undertake and complete by January 1972. However, these studies will now be incorporated into the response to NSSM 112 which requests a study of the full range of United States policy options with regard to the use of riot control agents and chemical herbicides in war after Vietnam.

Issue 4: Should the temporary ban on the use of herbicide Orange (2,4,D and 2,4,5,T) in the Republic of Vietnam be lifted?

The Secretary of Defense Memorandum of December 22 to you and the White House press release of December 26, 1970 which state that the ban on herbicide Orange remains in effect make this issue moot. The Department of Defense is preparing disposition plans for review by this Committee.

Issue 5: Should the US terminate the use of herbicides for crop destruction in South Vietnam?

The Under Secretaries Committee agreed to the termination of crop destruction operations now. Under review is the desirability of making a public announcement of this decision concerning crop destruction operations in Vietnam prior to the commencement of the Senate Foreign Relations Committee hearings on the Geneva Protocol, presently anticipated for late February or early March. The Department of State is considering including this announcement, as well as some of the decisions mentioned above, in Secretary Rogers' opening statement at the Senate hearings. Secretary Rogers and Secretary Laird are expected to be the first two witnesses before the Committee.

The actions required above together with the entire chemical warfare, and biological and toxin research program will continue to be monitored by the Under Secretaries Committee and results will be

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reported to you during November 1971 as part of the next Annual Review.

John N. Irwin II
John N. Irwin II
Chairman

Attachment:

Annual Review of United States Chemical Warfare and Biological Research Programs as of November 1, 1970

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