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 By AR NARA Date 3/31/16  
 MEMORANDUM

DECLASSIFIED  
 PA/HO Department of State  
 E.O. 12958, as amended  
 August 6, 2007

THE WHITE HOUSE  
 WASHINGTON

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INFORMATION

October 29, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Michael Guhin *MG*  
 THRU: Robert M. Behr *RB*  
 SUBJECT: Specific Issues and Agency Positions

Your "Talking Points" deal only with Part II ("CW and BW Policy Issues") of the IPMG report as Part I is background information only. Your "Talking Points" simply (1) re-phrase the specific issue where appropriate; (2) highlight the principal issues in each basic policy consideration while attempting to point out the interrelationships between these issues; (3) emphasize various pro and con points of consideration under each issue; and (4) stress the point that consideration should be focused upon these three broad policy areas:

Policy on Biological Warfare  
 Policy on Chemical Warfare  
 Policy on Geneva Protocol and the Use of Tear Gas  
 and/or Herbicides.

There are no substantive differences between the issues highlighted in your "Talking Points" and in the IPMG paper -- merely differences in structuring and emphasis.

Your "Talking Points" also mention that OST will raise another issue, (which we agree should be addressed): "Should the use in war of tear gases and herbicides require Presidential authorization?" (This issue can be added to the NSC CW-BW agenda for discussion.)

Attached is a list of the specific issues under the headings as they stand in the IPMG report along with probable agency positions. On most of the specific issues, we do not know CIA's position. CIA is therefore included only when their position appears obvious.

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 by NARA on the recommendation of the NSC  
 under provisions of E.O. 12958 *RS*

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ISSUES AND AGENCY POSITIONS\*

I. CW Policy Issues

- A. Should the U.S. maintain a capability to employ lethal chemical agents?

Agencies For: OSD, State, JCS, OST, CIA, USIA

Agencies Against: ACDA (?)

- B. Should the U.S. continue to maintain stockpiles of chemical munitions overseas (1) in Europe, and (2) in the Pacific?

Agencies For Europe Stocks: OSD, JCS, OST

Agencies Possibly Against Europe Stocks: State, ACDA, USIA

Agencies for Pacific Stocks: JCS

Agencies Against Pacific Stocks: OSD, State, ACDA, USIA

- C. Should the U.S. preserve a first-use option for incapacitating chemicals?

Agencies For: JCS, OSD (?)

Agencies Against: State, ACDA, OST, USIA

- D. Should the U.S. maintain an option for unrestricted use of riot control agents (tear gas) in warfare and continue exercising this option in Vietnam?

Agencies For: JCS, OSD

Agencies Against: State (?), ACDA, OST, USIA

- E. If the U.S. maintains an option to use tear gas in war, should it be limited to "humanitarian purposes"?

Agencies For: State (?), ACDA, OST, USIA

Agencies Against: JCS, OSD

\*Positions based on opinions expressed in IPMG and Working Group sessions.

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F. Should the U.S. retain a policy permitting first-use of chemical herbicides?

Agencies For: OSD, JCS, State (?)

Agencies Against: ACDA, USIA

## II. BW Policy Issues

A. Should the U.S. maintain a lethal biological capability beyond research, development and testing?

Agencies For: JCS

Agencies Against: OSD, State, ACDA, OST, USIA

B. Should the U.S. maintain a capability for use of incapacitating biologicals?

Agencies For: JCS

Agencies Against: OSD, State, ACDA, OST, USIA

## \*\* III. Geneva Protocol Issue

A. Should the U.S. ratify the Geneva Protocol of 1925 with either a reservation or an interpretative statement permitting the U.S. to use chemical and biological incapacitating agents, tear gas, and other non-lethal agents in wartime without restriction?

Agencies For: JCS

Agencies Against: OSD (?), State, ACDA, OST, USIA

B. Should the U.S. ratify the Geneva Protocol with a reservation or interpretative statement permitting the U.S. to use tear gas in wartime without restrictions?

Agencies For: JCS, OSD

Agencies Against: State (?), ACDA, USIA, OST

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\*\* These three policy options in the IPMG report boil down to the fact that JCS and OSD favor unrestricted use of tear gas in wartime, State's position is unresolved, and ACDA, USIA and OST do not favor unrestricted use of tear gas.

C. Should the U.S. ratify the Geneva Protocol with a reservation or interpretative statement to the effect that the U.S. does not view the Protocol as prohibiting the use of riot control agents in wartime for humanitarian purposes?

Agencies For: State, ACDA, USIA, OST

Agencies Against: JCS, OSD

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