

Mr. Godman

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

June 16, 1970

MEMORANDUM FOR THE RECORD

FROM: Jeanne W. Davis *JWD*

SUBJECT: Monday Morning Operations Staff Meeting (6/15/70)

[Omitted here is unrelated material.]

[Kissinger]
He asked whether there was anything on the Geneva Protocol other than the memorandum he had.

Col. Behr said there was not, but he referred to the letter to State from Congressman Zablocki and the necessity for getting a Presidential decision.

Dr. Kissinger said he had not made up his mind as to the options. He was bothered by the idea that testimony before a Congressional Committee created a binding commitment. Under this concept, a country could make a treaty and could then change its commitment under the treaty by testifying to a Congressional committee and not telling the other party to the treaty of the nature of the testimony. He acknowledged that a decision to use these agents (tear gas and herbicides) would not depend upon what we have said. He agreed that we had taken this course with the Non-Proliferation Treaty but thought our interpretation expressed in testimony would have no force. He asked if we had communicated our interpretation to the Soviets.

Mr. Sonnenfeldt replied we had told them we were going to give certain testimony.

Dr. Kissinger said such testimony, without communicating it to the other side, does not constitute a legal commitment for the other side and that he did not see how it would work. He asked Col. Behr to recast that part of the paper to cover this point.