

DEPARTMENT OF STATE  
WASHINGTON

August 17, 1972

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MEMORANDUM FOR MR. HENRY A. KISSINGER  
THE WHITE HOUSE

Subject: Department of State Comments on NSSM-157

The Department of State concludes that it is in the U.S. interest to take a limited CW arms control initiative, involving a prohibition of the production and transfer of lethal chemicals for weapons purposes. This position is in accordance with Secretary Rogers' letter to Secretary Laird July 19, in which the Secretary supported Mr. Laird's judgment that the U.S. should undertake such an initiative as soon as possible.

The Department of State would thus support the second of the treaty options developed in the NSSM-157 study, which calls for proposing a treaty prohibiting production and transfer of the lethal and other highly toxic agents for weapons purposes.

In reaching this conclusion we have considered the very real arguments that can be made against Mr. Laird's approach, specifically: such a ban would be unverifiable, and thus establish a further precedent in an undesirable direction; we would freeze ourselves into our existing posture, which may or may not be sufficient for deterrence; it may be difficult to avoid extension of the ban to RCAs, herbicides and non-lethal agents; and the assumption that we could not get Congressional support for stockpile modernization may be incorrect.

While recognizing that a proposal such as Mr. Laird has suggested would extend the precedent with respect to

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unverifiable arms control agreements which already exists, we do not find this a reason for not proceeding. The general approach of the U.S. is to tailor verification to provide whatever assurance we feel is necessary for the arms control agreement in question. All CW limits are inherently unverifiable. We have to decide, therefore, whether a prohibition on the production and transfer of lethal chemicals (or any other CW limit) is--on balance--more in the U.S. interest than no limit.

On balance the Department of State supports an early initiative, preferably during the current CCD session, calling for a ban on the production and transfer of lethal chemicals for weapons purposes. The principal reasons that lead the Department of State to support such a proposal as being in the U.S. interest are similar to those which Mr. Laird finds compelling. They are as follows:

-- Existing fiscal constraints and public and Congressional attitudes in this country make it unrealistic for us to plan, or expect approval for, expansion of our CW program in the near future;

-- An agreement of this type would place similar constraints on other countries. If generally accepted, such an agreement would also help limit the proliferation of CW capabilities;

-- This option would permit the U.S. to retain our existing CW stockpiles;

-- A production and transfer ban is not, of course, a comprehensive ban and will be resisted by some because of that, but it is defensible as a serious, forthcoming and realistic proposal whose constraints would apply equally to all parties. Just the opposite is true of a stockpile limit, which--permitting modernization--would apply differently to those with CW as opposed to those not possessing it. Some will argue that this involves have/have not discrimination similar to the NPT. The

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FRG has already made clear that such an approach would cause it serious domestic political problems. Thus, a stockpile limit in our view would not help us channel international pressures towards support for a U.S. proposal, but would almost certainly lead to increased support for proposals which we would likely view as contrary to our interest;

-- There is increasing pressure at the CCD to get on with negotiating a CW treaty. With no U.S. counter to the sweeping, simplistic USSR draft comprehensive ban, positions are beginning to harden in support of that approach. However, the Soviets--both privately and publicly--have indicated they are flexible, and have strongly urged us to provide concrete views.

-- If we decide to make a limited CW proposal it is clearly in our interest to do so sooner rather than later. Our ability to have a limited proposal accepted will be greatly diminished if we do not act at this time. At the CCD even some of our Allies tend to favor a comprehensive solution; the non-aligned clearly do. With no U.S. initiative before the CCD recesses about the end of August, we can expect the non-aligned to agree on the paper they are drafting supporting a comprehensive ban, perhaps including endorsement of the Soviet draft treaty as a basis for negotiations. If that occurs the Soviets will find it much more difficult to abandon their comprehensive approach. Indeed, this will be true regardless of whether the non-aligned take specific action in the next few weeks at the CCD, since we anticipate strong and broad pressures this autumn at the UN in favor of a comprehensive CW ban.

Reference was made in the Joint US-Soviet Communique to the significant arms control successes achieved as a result of parallel U.S. and USSR efforts, and to the fact that we would continue working to reach a CW agreement. A U.S. initiative in the current discussions aimed at a meaningful international limitation on CW would represent a further contribution to the developing era of negotiation.

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These are the considerations upon which the Department of State bases the judgment that a CW production and transfer ban would be in the U.S. interest. In developing an initiative in this area we will want to have full and close consultation with our Allies.

*John N. Irwin II*  
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Deputy Secretary

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