

July 3, 1975

Professor David Baltimore  
Massachusetts Institute of Technology  
Center for Cancer Research  
77 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Dear Professor Baltimore:

Dr. Ikle has requested that I respond to your letter of May 22, 1975, in which you raise the question as to whether the Biological Weapons Convention prohibits production of recombinant DNA molecules for purposes of constructing biological weapons. In our opinion the answer is in the affirmative. The use of recombinant DNA molecules for such purposes clearly falls within the scope of the Convention's provisions.

I am enclosing, for your information, a copy of the transcript of the hearing before the Senate Foreign Relations Committee. You will note that the Committee shared your concern about the scope of the Convention, as evidenced by the following question, appearing on p. 29:

"Question 15. Would the Biological Convention prohibit future types of biological warfare which might employ techniques beyond the current "state of the art", for example, some means of altering the structure of genes so as to modify behavior?"

ACDA responded that: "The Biological Weapons Convention would prohibit any future type of warfare which employed biological agents or toxins, regardless of when the agent or toxin was first developed or discovered. This also applied to weapons, equipment and means of delivery. In other words, the Convention prohibits not only existing means of biological and toxin warfare but also any that might come into existence in the future."

-2-

This interpretation is based upon the negotiating history as well as the explicit language of the Convention, and, we believe that it is shared by the other signatories.

Sincerely,

James L. Malone  
General Counsel

Enclosure:  
As stated.

Concurrence: M. Matheson/State/L/UNA

ACDA/GC:MMazeau:lc

JUL 9 1975



UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

WASHINGTON, D.C. 20451

July 3, 1975

Professor David Baltimore  
Massachusetts Institute of Technology  
Center for Cancer Research  
77 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Dear Professor Baltimore:

Dr. Ikle has requested that I respond to your letter of May 22, 1975, in which you raise the question as to whether the Biological Weapons Convention prohibits production of recombinant DNA molecules for purposes of constructing biological weapons. In our opinion the answer is in the affirmative. The use of recombinant DNA molecules for such purposes clearly falls within the scope of the Convention's provisions.

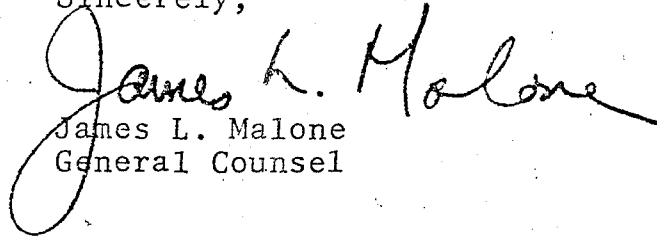
I am enclosing, for your information, a copy of the transcript of the hearing before the Senate Foreign Relations Committee. You will note that the Committee shared your concern about the scope of the Convention, as evidenced by the following question, appearing on p. 29:

"Question 15. Would the Biological Convention prohibit future types of biological warfare which might employ techniques beyond the current "state of the art", for example, some means of altering the structure of genes so as to modify behavior?"

ACDA responded that: "The Biological Weapons Convention would prohibit any future type of warfare which employed biological agents or toxins, regardless of when the agent or toxin was first developed or discovered. This also applied to weapons, equipment and means of delivery. In other words, the Convention prohibits not only existing means of biological and toxin warfare but also any that might come into existence in the future."

This interpretation is based upon the negotiating history as well as the explicit language of the Convention, and, we believe that it is shared by the other signatories.

Sincerely,

A handwritten signature in cursive script that reads "James L. Malone". The signature is written in dark ink and is positioned above the typed name and title.

James L. Malone  
General Counsel

Enclosure:  
As stated.