

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

October 30, 1975

Dear Matt,

NOV 12 1975

Thanks for the copy of Julian's paper and your comments on the purposes for which biological and toxin agents can be retained. I'm sending you copies of the correspondence with David Baltimore and a copy of the NBC News transcript you asked about. I am trying to get a copy of the inventory provided to Pettit and will send you a copy if I'm successful.

Best wishes,

Bob

Bob Mikulak

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

CENTER FOR CANCER RESEARCH

77 MASSACHUSETTS AVENUE, CAMBRIDGE, MASSACHUSETTS 02139

May 22, 1975

Dr. Fred Ikle
United States Arms Control
and Disarmament Agency
Washington, D.C. 20451

Dear Dr. Ikle:

I am writing to you on behalf of the American members of the "Organizing Committee for an International Conference on Recombinant DNA Molecules", a committee of the Assembly of Life Sciences of the National Research Council.

It has become evident recently that a new technique of molecular biology, the ability to construct recombinant DNA molecules, could allow the design of new biological agents combining characteristics from different organisms. The potential for creation of new agents of biological warfare is inherent in this technology. At the recent Conference on Recombinant DNA Molecules in Asilomar, California, this question was not discussed because we were more concerned about the potential public health consequences of current research using this methodology.

Now that the Asilomar Conference is behind us, we have become concerned whether existing International treaties cover the use of modern techniques of biology to design new weapons of war. Specifically, we wish to know if the Biological Weapons Convention is relevant. Because the Convention appears to ban any developmental work on biological weapons, it would seem to ban use of recombinant DNA technology for such purposes. I refer to Article I which says:

Each State Party to this Convention undertakes never in any circumstances to develop...microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

May 22, 1975

My question to you is whether it would be United States policy that Article I prohibits production of recombinant DNA molecules for purposes of constructing biological weapons. I also wonder whether you would see any reason why other signatories would not interpret the Convention in a similar fashion.

For your information the names and addresses of the other American members of the Committee are given below:

Dr. Paul Berg, Department of Biochemistry, Stanford University, School of Medicine, Stanford, California
(Chairman of the Committee)

Dr. Maxine Singer, Laboratory of Biochemistry, National Cancer Institute, Bethesda, Maryland 20014.

Dr. Richard Roblin, Infectious Disease Unit, Massachusetts General Hospital, Boston, Mass.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Baltimore', with a long horizontal flourish extending to the right.

David Baltimore
American Cancer Society
Professor of Microbiology

DB/mts

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,

James L. Malone
General Counsel

Enclosure:
As stated.

Concurrence: M. Matheson/State/L/UNA

ACDA/GC:MMazeau:lc

Army Stockpile of Toxins

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428

TOM BROKAW: Tom Pettit of NBC News has learned that the United States Army has kept a supply of deadly toxins, poisons from its biological warfare days, even though it has no definite plans for it. PETTIT asked for the toxin inventory after the CIA released a poisoned dart gun utilizing a shellfish toxin developed by the Army's Biological Warfare program. After weeks of stalling the Army finally released the inventory and correspondent Pettit has more on the story tonight.

TOM PETTIT: The Army disclosed it has retained eight different deadly toxins at key locations in the United States. These are leftover, but legal laboratory samples from the Army's old biological warfare days.

At Dugway Proving Ground, Utah, scientists still have substantial amounts of toxin made from *Staphylococcus* germs and lesser amounts of toxins made from botulism. But there is no research program for these killer chemicals.

At Edgewood Arsenal, Maryland, there are six different kinds of toxins just sitting there. In addition to various exotic and deadly snake venom the Army has anthrax toxin, pufferfish toxin, shellfish toxin -- the stuff the CIA borrowed without White House authorization -- and chole (?) toxin made from Hawaiian coral, 835 milligrams enough to kill almost 2,000 people.

Why does the Army still have all this?

DR. BERNARD McNAMARA: There are several purposes. We still do not have antidotes against these things, prophylaxis and therapy, and hopefully we will develop this prophylaxis and therapy against these poisons. Also they are good research tools. However, we have a number of different projects in the laboratories. Some of the other projects at the present time have higher priority, and these are being worked on until we do get the time to go back and look for antidotes for these things.

PETTIT: In addition, the Army has 151 grams of botulinum toxin which is too hazardous to move from this refrigerated storehouse. So according to the Army it may need these toxins for future research. But the Army now is studying nearly 100 different disease organisms which a potential enemy might

use to attack the United States; diseases like cue (?) fever, anthrax, encephalitis and yellow fever, are stored in vials at Fort Detrick, Maryland and at Dugway Proving Ground, Utah. As to the potential enemy, well the Army won't say who it is.

Tom Pettit, NBC News, Washington.

Army Taps on Radicals

BROKAW: Other documents out today indicate the Army listened in on radio communications between demonstrators a half dozen times in 1967 and 1968, and tried to electronically jam the demonstrators' communication system. Army monitors listened in on conversations between leaders of the 1967 anti-war march on the Pentagon, the 1968 Poor Peoples' march on the Capitol, and demonstrations outside the California trial of Black Panther Huey NEWTON. The monitoring ended but it was never publicized, after Army legal officials and the Justice Department decided it was probably illegal.

CBS EVENING NEWS CBS TV
6:30 PM OCTOBER 18

China Says Struggle Will Continue

DAN RATHER: The government of mainland China said tonight that the struggle between Socialism and Capitalism will continue even 10,000 years from now. That declaration came the day before the 40th anniversary of the famous long march, and the day before Secretary of State KISSINGER arrived in China to pave the way for a visit later this year by President FORD.

ABC SATURDAY NIGHT NEWS ABC TV
6:30 PM OCTOBER 18

Programming Pre-empted.