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 By AB NARA Date 1/2/03

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MEMORANDUM

THE WHITE HOUSE
 WASHINGTON

February 12, 1970

SECRET

MEMORANDUM FOR HENRY A. KISSINGER

FROM: Al Haig *(signature)*

SUBJECT: Defense Position on Toxins

Attached is a memorandum containing the preferences of the Secretary of Defense and the JCS for a U. S. Policy on Toxins. Secretary Packard indicates inter alia:

- The President should await the appropriate time and circumstances for an announcement, making it clear that any policy choice, other than Option 1, is an important concession.
- He and Secretary Laird favor Option 11 for both political and military reasons.
- The JCS favor Option 1 since Option 1 provides maximum flexibility, deterrent capability and is more consistent with the President's announced policy on chemicals.
- Other chemicals, in Packard's view, will provide adequate deterrent capability until synthesized toxins can be produced.

Attachment

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 THE DEPUTY SECRETARY OF DEFENSE
 WASHINGTON, D. C. 20301

12 FEB 1970

MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

SUBJECT: Program Options on Toxins

Your office advised the Department of Defense on 10 February 1970 that you requested the Department's preference from among the three Options presented in the revised report of 30 January 1970 on U.S. Policy on Toxins (NSSM-85) with the understanding that the report and the choice of Options by the several departments will be sent to the President without further Review Group or National Security Council discussion.

The Secretary of Defense, after consideration of all relevant factors, favors and recommends Option II. The Secretary further recommends that in the final report transmitted to the President, the follow-on parenthetical explanation in Option II (2) be reworded as follows: "Research and development program for the development of chemically-synthesized toxins and related delivery systems/weapons."

The Secretary of Defense does not believe it is urgent to announce U.S. policy on toxins in the immediate future. Further, he feels that the President should await the appropriate time and circumstances to announce whatever option he chooses, making clear that any policy chosen, short of Option I, represents an important concession and restraint on the part of the U.S. in view of established U.N. and other general views on toxins.

For the President's information, it is noted that the Joint Chiefs of Staff have addressed the options with an emphasis on the military implications and have selected Option I with a recommended rewording as follows: "Reserve the option to develop and stockpile toxins produced by either biological processes or chemical synthesis and thereby retain maximum flexibility in chemical retaliation." The rationale in support of this recommendation by the Joint Chiefs of Staff is attached.

I recognize that for the near term, three to five years, there is a similarity between Options II and III since we now lack the technical ability to create toxins through chemical synthesis. From the military point of view, I further recognize the JCS concerns. However, through the near term we will retain a deterrent capability against chemical warfare with other types of chemicals. These other chemicals will also provide a capability for retaliation as necessary. For the longer term, beyond five years, I feel that there is little difference between Option I recommended by the JCS and Option II, the recommendation of the Secretary and myself.

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In that time period, we expect to have the ability to chemically synthesize toxins, thus meeting the JCS military concerns.

I recognize the military judgment of the JCS in their recommendations. However, in view of the factors outlined above, and the political considerations in this issue, Option II is recommended as rewritten above.



Attachment.

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APPENDIX

RATIONALE

- It is agreed by all agencies that toxins are chemicals.
- Option III, and a portion of Option II, provide essentially the same program for biologically produced toxins as is provided by recent US biological research policy despite the fact that toxins are not biological agents.
- The best evidence available indicates that the US does not now have the capability to synthesize chemically toxins of military interest. Chemical synthesis would require at least 3 to 5 years and extensive resources, with no assurance of success. Thus, selection of Option II is tantamount to selection of Option III, for the present and near future.
- Both Options II and III have an inherent danger in future arms control discussions, since it will be argued that the US unilaterally renounced some "chemicals" while not being willing to renounce all chemicals without verification.
- Option I as changed is the only option which would be fully consistent with the President's recently announced policies on chemical warfare.
- Selection of Option I as changed has the advantages of retaining maximum flexibility in chemical retaliation, maximum bargaining positions should it later be decided to renounce a toxin capability, and avoidance of a premature decision prior to full and complete study of toxin potentials.

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Appendix