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Subject: 06/20/03 letter R.L. Garwin to M.S. Meselson.

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(Via Email to msm at wjh.harvard.edu)

Dr. Matthew S. Meselson
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Dear Matt,

I hope this finds you and Jeanne well. It was good to see you in Moscow, and I expect you had a great trip to Ekaterinburg and an enjoyable stay at the monastery.

I write in regard to my Council on Foreign Relations Task Force on Non-Lethal Weapons. You recall that CFR had such a Task Force under Malcolm Wiener in 1995, of which I was a member. Then I chaired a successor TF in 1999. This time I am "Task Force Director," and the co-chairs are retired General Paul X. Kelley, USMC (Ret.) and Graham Allison. Kelley was the 28th Commandant of the Marine Corp.

We have a good panel, as listed on the attachment.

Our first session was held in Washington June 18, 0900-1400, where we heard from the Joint Non-Lethal Weapons Directorate (JNLWD) in the persons of its Director, COL David Karcher, USMC, and its Technical Director, Susan LeVine.

We heard also from M2 Technologies--Janet Morris, President, and Chris Morris, V.P., together with COL Pete Dotto, USMC?? (Ret.).

The importance of NLW for our military is indicated repeatedly, for instance in a NYT article of 06/19/03 reporting an angry demonstration by former Iraqi Army officers, turning violent "when an American soldier arriving in a convoy of military vehicles fired a volley into the crowd. Two Iraqis were killed and two wounded, military officials and witnesses said. Although witnesses said American forces demonstrated considerable restraint throughout a two and a half-hour standoff, the incident underscored their lack of crowd-control equipment. Lt. Col. Richard Douglass, a First Armored Division Officer in charge of the downtown district, acknowledged that his forces still lacked non-lethal forms of crowd control, like rubber bullets. ..."

So we do believe that NLW has capability for protecting U.S. forces in many circumstances, and also for offensive efforts in pursuing enemy forces when they are mixed with noncombatants or using civilians for hostages. There may be

more "operational" and "strategic" aspects to NLW, but I am not confident that we will get into them.

You know all this from ACNAB, and your other activities.

We will have another session July 17, and what is planned for a final meeting September 8. It is possible, however, that a further meeting will be held in October in order to review the draft final report.

What I would like from you is a presentation September 8 regarding chemical (and biological) NLW, especially for difficult situations in which adversary military forces are mixed with civilians.

Some pine for the days in which they could use tear gas (CS2) in warfare, as was done in Vietnam, and they see great merit in calmatives or simpler material such as anesthetics like Fentanyl.

The use of Fentanyl in Moscow resulted in the apparently safe rescue of 80% of the hostages (and the deaths of the others), but one can find considerable enthusiasm for improving chemicals in order to limit their adverse effects. It is also argued that better planning in Moscow would have resulted in fewer fatalities.

We will need references to legal rulings within the government about the use of CW and BW under various circumstances-- urban warfare, control of post-conflict riots, control of prisoners of war, and the like, and we will obtain these from the office of the legal counsel in OSD.

Where I think you could provide a unique perspective is on the scenarios which might follow the use or the statement that the U.S. feels free to use chemical or biological agents as NLW under various circumstances in warfare, as clearly banned by the CWC and the BWC.

If the United States contemplates doing that (following Rumsfeld's plaint that "the rules of war at present allow us to kill an adversary, but not to put him to sleep temporarily and capture him, or to calm his enthusiasm for fighting" (paraphrased)), it will not pass unnoticed. But if the United States maintains stocks and trains in the use of such materials and has research programs to provide better such materials, what is the likely response of the rest of the world? Would it be to sell similar materials or lethal materials for use by nations which do not have the advanced military tools of the United States?

On the other hand, if the United States and its coalition partners (particularly Britain) restate their common cause that CWC and the BWC forbid the use of such materials, will the rest of the world forbear from acquiring and using similar or even lethal BW or CW in conflict?

Even if there were a commitment by the U.S. to support the CWC and not to possess or use CW in warfare (even non-lethal CW), there will very likely be continued work under the National Institute of Justice or the DHS to provide "safer" materials than Fentaynl and to look for more effective and less damaging compounds and means of application for use in civilian riot control. That will, of course, make such materials available and perhaps even more attractive as a means of warfare.

You may recall my preference years ago as an alternative to CWC ban on tear gas or other chemicals in warfare, that the CWC permit each state to register two formulations it intends to use in warfare, with the proviso that these be documented as having been used in riot control within that state (or by reference elsewhere)-- e.g. GRAS ("generally recognized as safe"). What would be the consequences of the

U.S. proposing such an amendment to the CWC?

Our Task Force needs help in sorting this out, and I hope you can provide a 45-minute presentation the morning of September 8 on this last question.

Lois and I are in La Jolla now until August 7 (for the most part) aside from my return to DC for the July 17 NLW TF session, and I would be delighted to talk with you.

As usual at JASON sessions, I am often in meetings, so if you will send me Email to tell me when would be a good time to talk (and where you are), I would be glad to call you.

Very best regards from both of us to both of you-- or, as my friend Val Telegdi writes, "2x2".

I am looking forward to hearing from you.

Sincerely yours,

Richard L. Garwin

Encl:

-NLW Task Force Panel.

cc:

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Non-Lethal Weapon Task Force Panel

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