THE SALK INSTITUTE
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Joseph Elliott Slater
President

25 August 1969

Dr. Henry A. Kissinger
Assistant to the President
for National Security Affairs
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20050

Dear Henry:

On Friday, July 25, The Salk Institute and the American Academy of Arts and Sciences cosponsored a day-long meeting at the Academy House on chemical and biological warfare. The 29 participants included biologists, chemists, international lawyers, political scientists, physicists and disarmament experts, most of whom are well known to you. (see attached list)

The meeting was an unusually good one and brought out a number of facts, ideas and arguments that should be carefully weighed in re-examining national policy in this area. I list below some of these without any sense of advocacy at this point.

The evidence presented on the extent of use of "non-lethal" gas (CS) in Vietnam and the role it is playing in increasing casualties there indicated quite strongly that this initiative is opening up a new dimension of ground warfare.

Despite the present advantage that this is giving us, the long range view suggests that this may be temporary. Because chemical weapons are as readily produced as most ordinary ordnance, we can expect them to be used against us in future land engagements if these occur. Since in most circumstances, our forces would be more concentrated than those of the other side, the advantage may be reversed.

The widespread use of CS in Vietnam has brought gas masks into nearly routine use on both sides. This and the attendant growth of the capacity to use gas lowers the psychological barriers to the

use of lethal gases or more severely harassing gases that can in some circumstances be lethal. Indeed an opposing force could claim that our use of gas has, in effect, been lethal and justified thereby their own use of lethal gases. However, the group saw no difficulty in continuing the use of tear gas in domestic situations.

A large part of the meeting was devoted to the various options that face this country if the ratification of the 1925 Geneva Protocol on Chemical and Biological Weapons is again introduced to the Senate Agenda. The protocol as you know, has been ratified by 69 nations including members of NATO, the Warsaw Pact, Communist China and all of the major industrial powers except Japan and the United States. The group felt that the possibility that this Country might seek to ratify the protocol with the reservation that it did not apply to non-lethal gases, such as those that have already been used in Vietnam, warrants a careful, dispassionate study in public and private.

At the meeting, it was pointed out that when this technicality was discussed at the Geneva Disarmament Conference in 1930, a number of countries (Great Britain, France, Canada, Italy, Turkey, Rumania, Czechoslovakia, Spain, the USSR and China) went on record to state that the use of non-lethal gas was indeed prohibited by the terms of the protocol.

The group was somewhat troubled by the degree of slippage that seems to have occurred in our interpretation of the tear gas option (such as CS) since we began to use these agents in Vietnam. On March 24, 1965, Dean Rusk stated that we would use such agents "only in those situations involving riot control or situations analogous to riot control".

At the same time, as the group learned, materials such as CS have been modified in such a way as to make them last longer in combat and thereafter. Some of these modifications have been formulated in such a way that, unlike ordinary tear gas, their primary effect is on the lungs rather than the upper respiratory tract. Therefore, the arguments that supported their earlier use may no longer apply.

The group was concerned that ratification of the protocol with the non-lethal gas reservation would open the door to large scale experimentation with non-lethal gases, not only by our own country but also other countries who have felt restrained by the protocol in the past. The participants wondered whether the risks and costs of proliferation and escalation of these non-lethal agents and their modifications are worth the reservation.

On this point, some participants observed that at the conclusion of the Vietnam war, the government might be in a good position to state that we are no longer considering the use of non-lethal agents in military situations and then proceed toward the ratification of the protocol. Alternatively, the participants agreed, it would be a simple matter to cease their use in Vietnam now with no outward statement of policy change.

Whatever stance this country takes vis-a-vis the protocol, it might be emphasized that it prohibits first use of chemical and biological weapons which would interfere in no way with our developing, if it seemed necessary, an adequate chemical and biological warfare capability to meet the threats of others.

As for lethal chemical weapons, those at the meeting, after a wide ranging discussion of various options, recognized that a limited chemical deterrent in Europe in the face of a Soviet stockpile of such weapons might appear to be reasonable at this time.

As for biological weapons, lethal and non-lethal, the group judged that the need for a capability in biological weapons is probably minimized by the uncertainties involved in developing, delivering, detecting and protecting against such agents. Biological agents were seen to add nothing to our nuclear deterrent, unlike chemical deterrents, which might represent an acceptable middle ground in future land wars. The participants in the Massachusetts meeting were also very interested in a proposal by former UN Ambassador James Wiggins, who suggested that it might be worthwhile for many reasons, for the United States to announce a unilateral ban on the use, manufacture, stockpiling, and research of biological weapons, reserving for ourselves the option to retaliate with any other means if we were subjected to biological attack by some other nation.

It also was agreed at the meeting that the United States should take adequate time to evaluate its role as a participant in other international efforts toward the control of chemical and biological weapons now under way. These include new efforts in the UN following the lengthy report on chemical and biological weapons prepared by an international team of experts at U Thant's request and Great Britain's recent submission to the Geneva Disarmament Committee on banning biological weapons. Both may open many interesting avenues for careful exploration.

In discussing the forthcoming National Security Council study on chemical and biological warfare requested by President Nixon, the group felt that there were several important options and points of argument that call for a very comprehensive study and debate before the administration publicly announces its position on chemical and biological weapons. To assist this necessary public education process, the meeting participants suggest the formation of a private or public commission on chemical and biological warfare with the implication that it might somehow feed its own expertise into the government's considerations. Many of those who attended the meeting could certainly help form and/or man such a commission.

Potentially troublesome areas that might be analyzed comprehensively by the commission, in conjunction with the government's own studies include: present U.S. policy toward ratification of the Geneva Protocol on chemical and biological weapons, a probing study of the use of non-lethal gases in military and non-military situations, proliferation of lethal or non-lethal chemical and biological weapons, a discussion for the need of a chemical deterrent in Europe and other international efforts aimed at control of chemical and biological weapons.

In closing, I would point out that the meeting was a coherent discussion of the chemical and biological warfare area by extremely knowledgable men who desire to help in this area. To the extent that they can assist the government in its own weighty deliberations, I, on behalf of the group, offer any assistance that might be useful, whether it be through the commission I described or some type of ongoing consultive group.

Meanwhile, I am attaching a copy of Dr. Meselson's recent testimony to the Senate Foreign Relations Committee, which appears to be a very lucid presentation on the subject. The transcript of our meeting will follow soon.

If you have any questions on this letter or on the July 25 meeting, please let me know.

Warm personal regards.

Cordially,

J. E. Slater

Enclosures

AMERICAN ACADEMY OF ARTS AND SCIENCES

Salk Institute-American Academy Conference on
Chemical and Biological Warfare

House of the Academy
Friday, July 25, 1969

List of Participants

Co-chairmen

Dr. Paul Doty
Mallinckrodt Professor of Biochemistry
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7 Linden Street
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Biological Laboratories
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University of Minnesota
Minneapolis, Minnesota 55455

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16 Divinity Avenue
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Professor of Physics
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National Security Council
The White House
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The Honorable James Russell Wiggins
Former United States Representative to the United Nations
Sedgwick, Maine 04676

Mr. John Voss
Executive Officer
American Academy

Mrs. Thomas Oleson
American Academy

CBW

SEP 12 1969

THE WHITE HOUSE

WASHINGTON

September 10, 1969

Dear Joe:

Thank you very much for your most welcome and thoughtful letters of August 15 and August 27. As per your request the latter has been substituted for the former.

I appreciate your taking the time to set forth several of the very important questions and issues surrounding the subject of CBW which were discussed at the July 25 meeting. As you are well aware, the present study within the government is well underway. Your suggestions will be considered as the study progresses.

Once again, I appreciate your bringing these concerns and suggestions to my attention.

Warm regards,

Henry A. Kissinger

Mr. Joseph Elliott Slater
President
The Salk Institute
P. O. Box 1809
San Diego, California 92112

Copies made for: Dr. Bronowski
J. Henahan
S. Ross

Telecon
Prof. Messelson
6:30 p.m. 11/25/69

Messelson was very pleased with the statement today. He didn't see how the President could have achieved a better set of decisions. M told the New York Times and Washington Post that these are sound decisions following objective military and political considerations but there is only one problem -- it is the question of chemical warfare and we should continue to be open minded about it. There is also the political question as to what other countries would expect.

K said the thing we have to avoid now is that his colleagues here in the WH get the idea that every time they make what is not an easy move bureaucratically, the liberals judge them for not going the extra mile. M said the press exaggerates too -- but he made very strong statement to the press. On the technical basis, K said we are more than willing to talk about it, but didn't think we could reach major decision until the war is over.

M akaed when the protocol would be submitted. K indicated he hoped within the next few weeks. M was surprised and said he hoped the Foreign Relations would go slowly on it until the war has de-escalated a bit. K said he had no control over that. K indicated that he talked to Fulbright today. He was very pleased with the statement also. In fact, K remembered that Meselson had testified before Fulbright. Fulbright remembered the testimony and mentioned it to K.

M asked if his paper was of any use. K said that it was. K said it was good because it showdd the outside and inside communities working together. We did it quietly which made it hard to mobilize objection. M mentioned that the Swedes are going aheadxx on question of gases.

M mentioned that this was so horribly handled previously. K agreed.

November 26, 1969

Dr. Henry A. Kissinger
The White House
Washington, D.C.

Dear Henry,

I enclose a copy of the telegram I sent to the President today. I have tried to express my great admiration and respect for the courage and far-sighted wisdom of his decisions.

Clearly there is some remaining question about just how the Protocol is to be interpreted. As the issue is developed before the Senate, I would hope we can take the position that (1) the Protocol excludes the use of all chemicals in war when used for inflicting casualties on an enemy (2) the Protocol does not exclude the use of riot control agents by domestic police or its similar use for humane purposes in war. This is quite close to the concept embodied in Article 48 of the Draft Treaty submitted by the British to the League Disarmament Convention in 1933.

Maybe this wording can help provide a uniform interpretation of the Protocol. The enclosed memorandum gives some additional background.

The New York Times today called me a close friend and neighbor of yours in Cambridge. I would be very glad if it were true but I don't even know where you lived in Cambridge. I seriously regret any embarrassment the Times' dramatization may have caused down there.

Sincerely yours,

Matthew Meselson

MM:ls
Encl. telegram
Prop Comm.

November 26, 1969

President Richard M. Nixon
The White House
Washington, D.C.

Your extraordinarily wise and courageous decision to abandon all preparations for offensive biological warfare, to commit the United States never to initiate the use of lethal or incapacitating chemical weapons and your historic action in submitting the 1925 Geneva Protocol to the Senate serve the best interests of our own country and of all mankind. I hope that the United States can now exert its leadership to obtain similar renunciations of germ weapons by all other nations, to persuade all nations that have not yet ratified the Protocol to do so, and to agree upon a clear-cut and workable interpretation of the Protocol that will ensure its uniform application by all.

Matthew Meselson

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

UNCLASSIFIED

ACTION

4 December 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Michael A. Guhin

THRU: Robert M. Behr

SUBJECT: Summary of Responses for the President regarding Announcement of Decisions on November 25

Attached at Tab A is an information memorandum from you to the President which summarizes the responses to his announcement on November 25 regarding the renunciation of all offensive preparations for biological warfare, the destruction of stocks of biological agents, and the submission of the Geneva Protocol to the Senate for its advice and consent to ratification. The list includes:

The Honorable Alastair Buchan
Dr. Joseph E. Slater
Dr. Paul Doty
Dr. Jerome Wiesner
Dr. Arthur Galston
Dr. Matthew Meselson
Dr. George W. Rathjens
Mr. Edward F. Snyder

A separate package containing letters of reply for your signature is now being prepared.

RECOMMENDATION:

That you sign the information memorandum to the President at Tab A

MEMORANDUM

5214

THE WHITE HOUSE

WASHINGTON

INFORMATION

December 9, 1969

Excellent idea! Be sure Rogers gets a copy of this

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger

SUBJECT: Summary of Responses to Announcement of Decisions on Chemical Warfare and Biological Research Programs and on Submission of the Geneva Protocol to the Senate

Several distinguished scientists and scholars have called or written to commend your decisions with regard to the renunciation of all offensive preparations for biological warfare, the destruction of stocks of biological agents, the reaffirmation and extension of the "no first-use" policy and the submission of the Geneva Protocol to the Senate for its advice and consent to ratification.

Some also recommended that the United States interpret the Protocol to prohibit the use in war of tear-irritant agents and chemical herbicides.

1. The Honorable Alastair Buchan [Commandant Designate of the Imperial Defence College and past Director of the Institute for Strategic Studies] wrote me on November 27 extending congratulations on your initiative to scrap work on biological warfare and to ratify the Geneva Protocol (Tab A).

2. Dr. Joseph E. Slater [President of The Salk Institute which recently sponsored a conference on "CBW" at the American Academy of Arts and Sciences] forwarded a telegram to me on November 26 describing the decisions as a "great step forward both for this nation and its leadership in the world" (Tab B).

3. Dr. Paul Doty [Mallinckrodt Professor of Biochemistry at Harvard University] called me on November 25 to say that he was "very pleased with the very good statement of decisions".

4. Dr. Jerome Wiesner [Science Adviser during the Kennedy and Johnson Administrations and now Provost of M.I.T.] called me on November 25 to say the announcement was "absolutely great".

5. Dr. Arthur Galston [Professor of Biology and Director of the Marsh Botanical Gardens at Yale University] wrote you on November 26 to express "heartfelt approval of your announcement...a decided step for peace, and we are all in your debt for having done so" (Tab C).

6. Dr. Matthew Meselson [Professor of Biology at Harvard University and one of the most active young scientists in the public and international discussions on these subjects] called me on November 25 to say he was "very pleased with the excellent set of decisions" and then forwarded a telegram to you describing "your courageous decision...and historic step" as serving "the best interest of our own country and of all mankind" (Tab D).

7. Dr. George W. Rathjens [Professor of Political Science at M. I. T. and past Director, Weapons System Evaluation Division of the Institute for Defense Analysis] wrote me on November 26 describing the initiatives as a step to be "commended...which will redound to the credit of this Administration" (Tab E).

8. Mr. Edward F. Snyder [Associate of The Friends Committee on National Legislation] wrote you on November 26 to "heartily endorse your initiative" and "leadership by example...the most persuasive and effective way to create a climate for world peace" (Tab F).

9. Former Senator Joseph S. Clark wrote you to send his congratulations and commend your announcement. He said, "You have begun to recapture the momentum toward peace that has been stalled for several years." (Tab G)

10. Cyrus Vance and Governor Harriman also mentioned to me their favorable reaction to your decision.

All of these messages are being acknowledged.

THE WHITE HOUSE

WASHINGTON

December 17, 1969

Dear Matthew:

Thank you for your helpful letter of November 26, including the copy of your telegram to the President, your concise memorandum on national positions during the interwar period on the question of the Geneva Protocol and the prohibition of the use in war of tear and irritant agents, and the other related material.

I hope you know how much I appreciate your taking the time to prepare and send me this work.

Warm regards,

Henry A. Kissinger

Professor Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

I was flattered by the N.Y. Times description of our relationship

HK

January 20, 1970

Dr. Henry A. Kissinger
The White House
Washington, D.C.

Dear Henry,

Here is a paper entitled "What Policy for Toxins?" that I hope can be of some help to the current discussions of the subject. I amssending it to several persons who I know are concerned with this problem. My conclusions and recommendations are listed on the last page. It seems to me that we would lose nothing of important value and would gain a great deal by grouping toxins with biological weapons for policy purposes. We would then have gone a long way toward insuring that mankind closes the door against the use of disease as a weapon of war.

With warm regards,

Sincerely yours,

Matthew Meselson

MM:ls

January 22, 1970
(revised)

WHAT POLICY FOR TOXINS?

Matthew Meselson
The Biological Laboratories
Harvard University

Characteristics of Toxins

Toxins are poisonous substances produced by living organisms including plants, animals and bacteria. Examples are ricin (from the castor bean), tetrodotoxin (from the globe fish), and botulinal toxin (from the bacterium Clostridium botulinum). Today, their production entails the growth or harvesting of large quantities of plants, animals or bacteria from which the toxin may then be separated and purified. Looking several years ahead, it will be possible to synthesize a number of toxins directly, without the need for toxin-producing organisms. Eventually, direct chemical synthesis will provide a practical alternative to extraction from living organisms, although the latter method is likely to remain the least expensive for bacterial toxins.

In contrast to the organisms that produce them, toxins are not capable of reproduction. For this reason, illness caused by toxins is not transmissible from man to man. Toxins cannot themselves cause spreading epidemics. Nevertheless, toxins do cause disease. The principal pathological symptoms of many bacterial diseases are in fact caused by toxins produced within the human body by living bacteria. In this sense, bacteria make toxins, toxins cause disease. Examples of diseases that can be produced either by bacterial infection or by direct administration of the corresponding toxin are anthrax, cholera, diphtheria and tetanus.

Some toxins are highly lethal to man (botulin) while others usually cause only temporary incapacitation (staphylococcus enterotoxin). Many

toxins cause illness or death only after a considerable delay. This varies with the particular toxin and with the dosage and can range up to several days. For use as weapons, toxins may be dispersed as aerosol clouds over or up-wind from a target, to be inhaled by the target population. Because toxins are not absorbed effectively through the skin, a gas mask provides good protection, as do shelters with properly filtered air. Protection can also be afforded by prior immunization with specific toxoid. However, each toxoid is effective only against a particular kind of toxin and, for some toxins, the margin of protection is not enough to be of practical significance.

Are Toxins Chemicals or Biologicals?

Some texts classify toxins as chemical agents because they do not multiply and cannot cause spreading epidemics. Other texts define toxins as biological agents because the technology of their production resembles that of biological agents rather than that of chemical agents and because the symptoms produced by bacterial toxins are like those produced by bacterial infections. The report of the U.N. Secretary General on chemical and bacteriological weapons defines toxins as chemicals whereas, until recently, U.S. military writings defined them as biological agents. The intermediate status of toxins is manifest in the United Kingdom draft BW convention. Although this treaty does not explicitly prohibit the possession of toxins it does prohibit the production and possession of bacteria for the manufacture of toxin weapons. Apparently in recognition of these points, the British Government has declared its willingness to consider amendments that would extend the convention's prohibitions to cover toxins explicitly. In any case, the United States should not attempt to derive its policy for toxins from purely technical arguments regarding their definition. Instead, our treatment of toxins should aim to achieve our major policy objectives.

Policy Choices

The United States is already pledged not to initiate the use of lethal or incapacitating chemical weapons and to refrain from all use whatsoever of germ weapons. Thus, whatever policy is decided for toxins, there is no question of initiating their use in war. Rather, the principal questions for decision are:

1) Should the United States reserve the right to use toxins in retaliation for CB attack against us?
2) Should the United States pursue the development and production of toxin weapons?

Our answers to these question should be decided in terms of our major policy objectives. These are (1) meeting military requirements, (2) achieving arms control and non-proliferation, (3) maintaining the authority and credibility of the President. Each of these objectives is discussed below.

Military Requirements

Today, lethal toxins are militarily inferior in almost every important respect to our standardized lethal chemical agents, the nerve agents. Nerve agents act rapidly, many toxins do not. Nerve agents can attack through the skin, thus forcing an enemy into cumbersome protective suits. Toxins do not act through the skin, protection is afforded by a mask alone. Nerve agents can be chosen to contaminate territory for several days, denying it to unprotected troops. Toxins, once they are deposited on the ground, do not constitute an important hazard. We already have a substantial supply of nerve agent munitions and have spent much effort in learning their field characteristics. The research, development and testing necessary to produce satisfactory toxin weapons, assuming that can be done, would entail considerable cost.

With enough development effort, some of the military shortcomings of toxins relative to nerve agents could probably be overcome. The main possibility of technological change that requires closer analysis of the value of toxins to the U.S. would be the development of lethal toxins substantially more poisonous under military field conditions than are existing nerve agents. Such development is probably feasible. The weight of toxin munitions needed to cover a given area would then be lower than the corresponding requirement for nerve agent munitions. For example, substantial chemical operations in Europe would require some tens of tons of nerve agent munitions per day. If developed to anything like their full potential, a much smaller quantity of toxin munitions would suffice to cover the same area. However, this reduction of logistic requirements in a major war zone is not so great as to provide an overwhelming argument for having toxins instead of nerve agent. For comparison, we expend thousands of tons of munitions per day in Vietnam and would expect to use considerably more in a major conventional war in Europe.

U.S. policy proscribes the first use of lethal or incapacitating chemicals. Our ability to use chemicals in retaliation against a chemical attack on us would force enemy troops to don protective equipment. This provides such a high order of protection that our chemicals would not be very effective in causing casualties directly. Instead, the military effectiveness of using chemicals against an enemy prepared to protect himself resides mainly in the reduction of mobility and general fighting efficiency caused by the cumbersomeness of protective equipment and by the complexity of the precautions needed to survive in a chemical environment. The chief argument for our possession of chemicals is that it enables us to force the enemy into the same awkward protective posture as his chemicals would force on us, reducing his incentive to initiate chemical warfare and denying him a comparative advantage in case deterrence fails. Although this argument deserves critical examination, it is accepted here without challenge in order to assess the requirement for toxins as a replacement for nerve agent weapons.

There would be little military advantage in having agents much more toxic than nerve gas. Even a very large increase in toxicity would not overcome the high degree of protection afforded by sophisticated defensive gear. Indeed, in spite of their potential for extraordinary toxicity, toxins are likely to be less effective for tactical purposes than are nerve agents. Toxins do not penetrate the skin and therefore would not force enemy troops to wear protective equipment as cumbersome as the suits required for defense against nerve agents. Their dissemination over large areas would cause high casualty levels among unprotected civilians while not greatly impeding the activities of enemy soldiers. Indeed, even if skin penetrating toxins could be developed, contrary to present expectation, their only advantage would be the rather modest reduction of logistic requirements discussed above.

The situation with incapacitating agents is somewhat different because no very satisfactory incapacitating agent now exists. It is conceivable that a satisfactory incapacitating toxin could be developed, whereas no conventional chemical may be found with the necessary properties. However, so long as we are committed to use incapacitating agents only in retaliation for chemical attack upon ourselves, we have no major need for an incapacitating chemical capability.

Arms Control and Non-Proliferation

Today no nation appears to have operational toxin weapons or even to have generated any great momentum toward developing them. In the context of both tactical and strategic war, it is very much in our interest to preserve this situation. Our great wealth allows us to expend enormous quantities of conventional munitions in tactical combat. Very few countries even approach this capability. Toxin weapons have the potential of large

area coverage at low cost. If effective toxin weapons are developed and if there are no strong restraints against their acquisition, countries and forces less wealthy than the U.S. will wish to acquire them, to our disadvantage.

At the strategic level, the hazard for us is much more serious. Toxins could open up a whole new dimension of strategic threat. For strategic purposes, their potential for large area coverage per pound of agent could make them more like germ weapons than like chemicals. Countries not possessing nuclear weapons and unwilling to accept the odium and uncertainties of reliance on strategic germ weapons might well be tempted to acquire a population-killing capability based on toxins.

Clearly, it is in our interest to discourage other nations from diverting resources to the development and procurement of toxin weapons. We do this by creating the expectation that such weapons will not be used, by not pioneering their technology, and by strengthening the psychological and legal barriers against them.

The arms control benefits of our newly decided policy of not using germ weapons for any purpose will be reduced if we maintain biological laboratories where secret work is done and if we keep military facilities capable of the large-scale production of germ weapons. An active U.S. toxin weapons program would prevent us from demilitarizing and declassifying our biological research laboratories at Fort Detrick and our germ weapons production facility at Pine Bluff Arsenal. Conversely, if we choose not to develop toxin weapons, Pine Bluff can be completely demilitarized and our defensive biological research program can be done at Fort Detrick or other locations with little or no secrecy. This would constitute a comprehensive and convincing renunciation of the use of disease

as a weapon of war. It would deprive present and potential advocates of biological weapons in other countries of the time-honored argument that such weapons must be made because the other side is doing so. It would reinforce the psychological attitudes which incline political leaders not to divert resources to biological weapons and which incline technical personnel not to work in this area. Such a policy would allow us to focus maximum political pressure on other nations in order to discourage them from undertaking or prosecuting biological weapons programs of any kind.

Maintaining the Authority and Credibility of the President

The initiative of the President in renouncing the use of biological weapons under all circumstances was greeted with praise and admiration throughout the world and across a broad political spectrum. However, the toxin issue threatens to undermine the credibility and authority of the President's policy, even in the eyes of persons generally counted as supporters of Presidential policy. Many senior scientists have expressed the view that a toxin weapons program would be inconsistent with the President's initiative in attempting to forestall the use of disease as a weapon of war. A toxin weapons program would require us to divert many of the recent and forthcoming advances in biology and medicine toward new methods of killing and of controlling living processes for military purposes. Most persons hold this to be unnecessary and abhorrent. This attitude was stated editorially in the Washington Post of January 9. "The revulsion generally felt against biological warfare arises from the conviction that disease should not be used as a weapon of war. Surely the President did not mean that, while a disease induced by living bacteria is out of bounds, a disease induced by a toxin is acceptable. He can scarcely have renounced typhoid only to embrace botulism." This view is likely to be shared by a large segment of responsible opinion in the United States and abroad. To the extent that this is the case, a decision to

maintain a toxin weapons program would rob the President of the initiative he has gained and would generate cynicism and disaffection amongst persons who would otherwise come strongly to the support of his policy.

Conclusions and Recommendations

1) U.S. military requirements for toxin weapons are no more than marginal.
2) The proliferation of toxin weapons would be disadvantageous to us in tactical war and would pose a major new strategic threat. Our principal objective should be to discourage interest in developing toxin weapons. This can best be done by grouping toxins with biological weapons for policy purposes.
3) Doing this would allow the President to take an unequivocal and convincing stand against any use whatsoever of disease as a weapon of war.

THE WHITE HOUSE

WASHINGTON

January 27, 1970

Dear Matt:

Many thanks for sending me your paper on Toxins. I am glad to have your thoughts and am passing them along to the man on my staff most directly involved with their study.

I'm sorry I've not been able to make connections with Slater's group yet. I still have that meeting in mind.

Warm regards,

Henry A. Kissinger

Professor Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

RET ATTACHMENT
FIDENTIAL

INFORMATION

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

February 9, 1970

MEMORANDUM FOR DR. KISSINGER

FROM: Michael A. Guhin

THRU: Robert M. Behr

SUBJECT: Your Meeting with Matt Meselson, Wednesday February 11 (5:00 PM)

You are scheduled to see Matt Meselson early Wednesday evening. We understand that the meeting will be devoted primarily to possible Senate strategy regarding ratification of the Geneva Protocol and to the subjects of irritant agents (CS or "tear gas") and herbicides.

Recent Biographical Information on Matt Meselson

-- Matt was recently appointed by the American Association for the Advancement of Science to plan a study of the effects of the use of herbicides in Vietnam. This one-year study is to serve as the basis for a later extensive examination.

-- He is also organizing a study for the Carnegie Endowment which will consist of papers on (1) the legal aspects of the Protocol, (2) arms control steps beyond the Protocol, (3) military aspects of the use of tear gas and herbicides, and (4) herbicides. The plan is to present these papers at a very high level meeting and to publish any conclusions in a form similar to the Academy report on "CBW".

-- He has sent you a few letters over the past months, several of which contained background information and data on these subjects. Particularly, during the NSSM 59 study on chemical and biological policy, he sent you a paper on "The U.S. and the Geneva Protocol" (Tab C).

-- He recently sent you (January 22) a paper entitled "What Policy for Toxins?" (Tab B). [Since the subject may come up in your discussion, we have prepared a very brief outline of the paper's main points (Tab A).]

Purpose of the Visit [Based upon recent conversations and his papers]

-- His main concern will probably center about the Administration's proposed method of handling its position on irritant agents (CS) and, to a lesser degree perhaps, herbicides used for defoliation and anti-crop with respect to the Protocol.

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-- In recent conversations, he has agreed that the primary purpose should be to gain near if not unanimous support for the Protocol without splitting the vote on the "tear gas-herbicides" issue.

-- To achieve such unanimity, the Administration could, as it were, "leave the door open" by not making a hard and fast reservation.

-- The Administration could show some flexibility (a) by announcing a willingness to enter into discussions concerning the status of such agents under the Protocol or the control of their use through further agreements; (b) by at least indications that the policy on tear gas and herbicides will be reviewed after hostilities in Vietnam come to a close; (c) by announcing a very high level citizen's advisory group to review the questions and make recommendations; or (d) by a Presidential statement that the U.S. would seek a uniform interpretation of the Protocol.

-- [Dr. DuBridge made some similar recommendations in January.]

-- Matt may suggest that the best position would be a version of the "seeking a uniform interpretation" approach: that is, have the Senate pass a resolution to this effect as its advice to the Administration. [Thus, all sides could attach whatever interpretation they wished onto the issue.]

-- These steps could ease the Protocol through the Senate without having the proceedings and vote turn into a debate on "tear gas-herbicides-Vietnam".

Background on Irritant Agents (CS)

-- With respect to such agents, his main point will probably be that there is no unique and simple standard once the rule of "no gas" has been abandoned and that this rule should not be altered unheedingly. He may stress:

-- The limited military utility of such agents. (Why have the VC not found it worth logistics efforts or political costs to obtain a retaliatory capability with CS?)

-- More limited utility in other theaters and greater risks of escalation and proliferation.

-- A 1967 Edgewood Arsenal Technical Report found that very high concentrations of CS under tropical conditions produce second degree chemical burns which may incapacitate for up to 10 days (Tab D).

-- The effects of CS progress to the deep recesses of the lungs and its possible chronic toxicity is not known.

-- CS has rarely been used in Vietnam with the primary intent of sparing civilian lives and/or property, but is most commonly used for area denial and in offensive military operations (RAND Study, Tab E). [FYI: CS usage in Vietnam is running approximately 100 tons per month.]

Background on Herbicides

-- On defoliation, he may make the point that we have no idea of the overall, long-range ecological effects of the large-scale defoliation and may question its military utility.

-- On anti-crop, he may mention that even U.S. Government reports show that the main impact of crop destruction falls upon the civilian populations of enemy-held or contested areas (Tab F).

Suggested Talking Points for You

You might wish to:

-- Acknowledge receipt of his papers, "The U.S. and the Geneva Protocol" and, particularly, the more recent paper "What Policy for Toxins?" [Main points of the latter paper at Tab A]

-- Sketch the Administration's approach to ratification of the Protocol with respect to tear gas and herbicides: that is, no formal reservation, but more a unilateral statement of understanding.

-- Ask him if, in his opinion, a Senate resolution to the effect that the Administration "should seek a uniform interpretation of the Protocol" could carry the day.

[FYI: Last week, British Foreign Secretary Stewart announced that the UK does not believe the Protocol prohibits the use of CS in war. This is a reversal of the 1930 UK position, and has been a matter of some in-fighting there (Article & Cable, Tab G). Also, although the following is still classified information, Japan will be ratifying the Protocol with a similar understanding as the U.S.]

-- Tell him that the Administration hopes to have the package completed for submission to the Senate within the next few weeks.

-- If he brings up the subject of toxins, you might wish to ask him how he would draw a lasting functional policy line between toxins and other chemicals.

MAIN POINTS OF "WHAT POLICY FOR TOXINS?"

Submitted by Matthew Meselson

1. [The paper first defines and describes toxins, in a manner similar to the NSSM 85 exercise.]

2. The U.S. should not attempt to derive its policy for toxins from purely technical arguments regarding their definition.

3. Whether or not the U.S. decides to reserve the right to use toxins in retaliation and to pursue the development of toxin weapons should be decided in terms of major policy objectives:

   -- Meeting military requirements;
   -- Achieving arms control and non-proliferation;
   -- Maintaining the authority and credibility of the President.

4. Lethal toxins are militarily inferior in almost every important respect to the standardized lethal chemical agents.

5. The easier logistics argument is not convincing because it fails to point out the relationship to the overall picture: that is, the requirements still for other chemicals and the very large requirements for conventional munitions in a major war zone.

6. As long as the U.S. is committed to use incapacitating agents only in retaliation, the U.S. has no major need for an incapacitating capability.

7. A toxin weapons program would be construed by many as inconsistent with the President's initiative in attempting to forestall the use of disease as a weapon of war: "The President. . . . can scarcely have renounced typhoid only to embrace botulism" (Washington Post, January 9, 1970).

8. Conclusions and Recommendations

   -- U.S. military requirements for toxin weapons are no more than marginal.

   -- The proliferation of toxin weapons would be disadvantageous to the U.S. . . . Our principal objective should be to discourage interest in developing toxin weapons. This can best be done by grouping toxins with biological weapons for policy purposes.

   -- Doing this would allow the President to take an unequivocal and convincing stand against any use whatsoever of disease as a weapon of war.

January 22, 1970
(revised)

Tab B

WHAT POLICY FOR TOXINS?

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Characteristics of Toxins

Toxins are poisonous substances produced by living organisms including plants, animals and bacteria. Examples are ricin (from the castor bean), tetrodotoxin (from the globe fish), and botulinal toxin (from the bacterium Clostridium botulinum). Today, their production entails the growth or harvesting of large quantities of plants, animals or bacteria from which the toxin may then be separated and purified. Looking several years ahead, it will be possible to synthesize a number of toxins directly, without the need for toxin-producing organisms. Eventually, direct chemical synthesis will provide a practical alternative to extraction from living organisms, although the latter method is likely to remain the least expensive for bacterial toxins.

In contrast to the organisms that produce them, toxins are not capable of reproduction. For this reason, illness caused by toxins is not transmissible from man to man. Toxins cannot themselves cause spreading epidemics. Nevertheless, toxins do cause disease. The principal pathological symptoms of many bacterial diseases are in fact caused by toxins produced within the human body by living bacteria. In this sense, bacteria make toxins, toxins cause disease. Examples of diseases that can be produced either by bacterial infection or by direct administration of the corresponding toxin are anthrax, cholera, diphtheria and tetanus.

Some toxins are highly lethal to man (botulin) while others usually cause only temporary incapacitation (staphylococcus enterotoxin). Many

toxins cause illness or death only after a considerable delay. This varies with the particular toxin and with the dosage and can range up to several days. For use as weapons, toxins may be dispersed as aerosol clouds over or up-wind from a target, to be inhaled by the target population. Because toxins are not absorbed effectively through the skin, a gas mask provides good protection, as do shelters with properly filtered air. Protection can also be afforded by prior immunization with specific toxoid. However, each toxoid is effective only against a particular kind of toxin and, for some toxins, the margin of protection is not enough to be of practical significance.

Are Toxins Chemicals or Biologicals?

Some texts classify toxins as chemical agents because they do not multiply and cannot cause spreading epidemics. Other texts define toxins as biological agents because the technology of their production resembles that of biological agents rather than that of chemical agents and because the symptoms produced by bacterial toxins are like those produced by bacterial infections. The report of the U.N. Secretary General on chemical and bacteriological weapons defines toxins as chemicals whereas, until recently, U.S. military writings defined them as biological agents. The intermediate status of toxins is manifest in the United Kingdom draft BW convention. Although this treaty does not explicitly prohibit the possession of toxins it does prohibit the production and possession of bacteria for the manufacture of toxin weapons. Apparently in recognition of these points, the British Government has declared its willingness to consider amendments that would extend the convention's prohibitions to cover toxins explicitly. In any case, the United States should not attempt to derive its policy for toxins from purely technical arguments regarding their definition. Instead, our treatment of toxins should aim to achieve our major policy objectives.

Policy Choices

The United States is already pledged not to initiate the use of lethal or incapacitating chemical weapons and to refrain from all use whatsoever of germ weapons. Thus, whatever policy is decided for toxins, there is no question of initiating their use in war. Rather, the principal questions for decision are:

1) Should the United States reserve the right to use toxins in retaliation for CB attack against us?
2) Should the United States pursue the development and production of toxin weapons?

Our answers to these question should be decided in terms of our major policy objectives. These are (1) meeting military requirements, (2) achieving arms control and non-proliferation, (3) maintaining the authority and credibility of the President. Each of these objectives is discussed below.

Military Requirements

Today, lethal toxins are militarily inferior in almost every important respect to our standardized lethal chemical agents, the nerve agents. Nerve agents act rapidly, many toxins do not. Nerve agents can attack through the skin, thus forcing an enemy into cumbersome protective suits. Toxins do not act through the skin, protection is afforded by a mask alone. Nerve agents can be chosen to contaminate territory for several days, denying it to unprotected troops. Toxins, once they are deposited on the ground, do not constitute an important hazard. We already have a substantial supply of nerve agent munitions and have spent much effort in learning their field characteristics. The research, development and testing necessary to produce satisfactory toxin weapons, assuming that can be done, would entail considerable cost.

With enough development effort, some of the military shortcomings of toxins relative to nerve agents could probably be overcome. The main possibility of technological change that requires closer analysis of the value of toxins to the U.S. would be the development of lethal toxins substantially more poisonous under military field conditions than are existing nerve agents. Such development is probably feasible. The weight of toxin munitions needed to cover a given area would then be lower than the corresponding requirement for nerve agent munitions. For example, substantial chemical operations in Europe would require some tens of tons of nerve agent munitions per day. If developed to anything like their full potential, a much smaller quantity of toxin munitions would suffice to cover the same area. However, this reduction of logistic requirements in a major war zone is not so great as to provide an overwhelming argument for having toxins instead of nerve agent. For comparison, we expend thousands of tons of munitions per day in Vietnam and would expect to use considerably more in a major conventional war in Europe.

U.S. policy proscribes the first use of lethal or incapacitating chemicals. Our ability to use chemicals in retaliation against a chemical attack on us would force enemy troops to don protective equipment. This provides such a high order of protection that our chemicals would not be very effective in causing casualties directly. Instead, the military effectiveness of using chemicals against an enemy prepared to protect himself resides mainly in the reduction of mobility and general fighting efficiency caused by the cumbersomeness of protective equipment and by the complexity of the precautions needed to survive in a chemical environment. The chief argument for our possession of chemicals is that it enables us to force the enemy into the same awkward protective posture as his chemicals would force on us, reducing his incentive to initiate chemical warfare and denying him a comparative advantage in case deterrence fails. Although this argument deserves critical examination, it is accepted here without challenge in order to assess the requirement for toxins as a replacement for nerve agent weapons.

There would be little military advantage in having agents much more toxic than nerve gas. Even a very large increase in toxicity would not overcome the high degree of protection afforded by sophisticated defensive gear. Indeed, in spite of their potential for extraordinary toxicity, toxins are likely to be less effective for tactical purposes than are nerve agents. Toxins do not penetrate the skin and therefore would not force enemy troops to wear protective equipment as cumbersome as the suits required for defense against nerve agents. Their dissemination over large areas would cause high casualty levels among unprotected civilians while not greatly impeding the activities of enemy soldiers. Indeed, even if skin penetrating toxins could be developed, contrary to present expectation, their only advantage would be the rather modest reduction of logistic requirements discussed above.

The situation with incapacitating agents is somewhat different because no very satisfactory incapacitating agent now exists. It is conceivable that a satisfactory incapacitating toxin could be developed, whereas no conventional chemical may be found with the necessary properties. However, so long as we are committed to use incapacitating agents only in retaliation for chemical attack upon ourselves, we have no major need for an incapacitating chemical capability.

Arms Control and Non-Proliferation

Today no nation appears to have operational toxin weapons or even to have generated any great momentum toward developing them. In the context of both tactical and strategic war, it is very much in our interest to preserve this situation. Our great wealth allows us to expend enormous quantities of conventional munitions in tactical combat. Very few countries even approach this capability. Toxin weapons have the potential of large

area coverage at low cost. If effective toxin weapons are developed and if there are no strong restraints against their acquisition, countries and forces less wealthy than the U.S. will wish to acquire them, to our disadvantage.

At the strategic level, the hazard for us is much more serious. Toxins could open up a whole new dimension of strategic threat. For strategic purposes, their potential for large area coverage per pound of agent could make them more like germ weapons than like chemicals. Countries not possessing nuclear weapons and unwilling to accept the odium and uncertainties of reliance on strategic germ weapons might well be tempted to acquire a population-killing capability based on toxins.

Clearly, it is in our interest to discourage other nations from diverting resources to the development and procurement of toxin weapons. We do this by creating the expectation that such weapons will not be used, by not pioneering their technology, and by strengthening the psychological and legal barriers against them.

The arms control benefits of our newly decided policy of not using germ weapons for any purpose will be reduced if we maintain biological laboratories where secret work is done and if we keep military facilities capable of the large-scale production of germ weapons. An active U.S. toxin weapons program would prevent us from demilitarizing and declassifying our biological research laboratories at Fort Detrick and our germ weapons production facility at Pine Bluff Arsenal. Conversely, if we choose not to develop toxin weapons, Pine Bluff can be completely demilitarized and our defensive biological research program can be done at Fort Detrick or other locations with little or no secrecy. This would constitute a comprehensive and convincing renunciation of the use of disease

as a weapon of war. It would deprive present and potential advocates of biological weapons in other countries of the time-honored argument that such weapons must be made because the other side is doing so. It would reinforce the psychological attitudes which incline political leaders not to divert resources to biological weapons and which incline technical personnel not to work in this area. Such a policy would allow us to focus maximum political pressure on other nations in order to discourage them from undertaking or prosecuting biological weapons programs of any kind.

Maintaining the Authority and Credibility of the President

The initiative of the President in renouncing the use of biological weapons under all circumstances was greeted with praise and admiration throughout the world and across a broad political spectrum. However, the toxin issue threatens to undermine the credibility and authority of the President's policy, even in the eyes of persons generally counted as supporters of Presidential policy. Many senior scientists have expressed the view that a toxin weapons program would be inconsistent with the President's initiative in attempting to forestall the use of disease as a weapon of war. A toxin weapons program would require us to divert many of the recent and forthcoming advances in biology and medicine toward new methods of killing and of controlling living processes for military purposes. Most persons hold this to be unnecessary and abhorrent. This attitude was stated editorially in the Washington Post of January 9. "The revulsion generally felt against biological warfare arises from the conviction that disease should not be used as a weapon of war. Surely the President did not mean that, while a disease induced by living bacteria is out of bounds, a disease induced by a toxin is acceptable. He can scarcely have renounced typhoid only to embrace botulism." This view is likely to be shared by a large segment of responsible opinion in the United States and abroad. To the extent that this is the case, a decision to

maintain a toxin weapons program would rob the President of the initiative he has gained and would generate cynicism and disaffection amongst persons who would otherwise come strongly to the support of his policy.

Conclusions and Recommendations

1) U.S. military requirements for toxin weapons are no more than marginal.

2) The proliferation of toxin weapons would be disadvantageous to us in tactical war and would pose a major new strategic threat. Our principal objective should be to discourage interest in developing toxin weapons. This can best be done by grouping toxins with biological weapons for policy purposes.

3) Doing this would allow the President to take an unequivocal and convincing stand against any use whatsoever of disease as a weapon of war.

Tab C

THE UNITED STATES AND THE GENEVA PROTOCOL OF 1925

This paper outlines the history and present status of the 1925 Geneva Protocol for the prohibition of gas and germ warfare. The principal considerations bearing on possible United States ratification of the Protocol are presented and briefly discussed.

WHAT THE PROTOCOL PROHIBITS

The Geneva Protocol prohibits (1) "the (first) use in war of asphyxiating, poisonous, or other gases, and of all analogous liquids, materials or devices" and (2) "the use of bacteriological methods of warfare."

The Protocol does not prohibit research, development, testing, or production of gas or germ weapons. It does not prohibit the use of such weapons in reprisal against their first use by the enemy. It does not prohibit the use of riot control gases or other agents for police purposes. It does not prohibit the use in war of chemicals used for concealment ("smokes") or of flame throwers, napalm, or other incendiary weapons.

WHAT CONNECTION HAS THE U.S. TO THE PROTOCOL

The language of the Geneva Protocol dealing with gas derives from the peace treaties of World War I, which treated gas warfare as already prohibited and specifically forbade the manufacture and importation of war gases by Germany and her wartime allies. These provisions were incorporated in the bilateral treaties between the United States and the defeated powers.

On the initiative of the United States, an article based on the language of the peace treaties was incorporated in the 1922 Washington Treaty on Submarines and Noxious Gases. At the urging of President Harding, Secretary of State Hughes, Senator Elihu Root, and a Presidentially appointed advisory committee of prominent citizens, the Treaty passed through the Senate with no dissenting votes. Although ratified by the United States, Great Britain, Italy, and Japan, the Washington Treaty never came into force because France, whose ratification was required, objected to its provisions on submarines.

The United States again pressed for a prohibition against gas warfare at the 1925 Geneva Conference on the Limitation of Arms, proposing language on gas essentially identical to the Washington Treaty. The prohibition was extended to cover "bacteriological methods of warfare" at the suggestion of [redacted]land. The resulting treaty, the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, was signed by representatives of thirty-eight nations on June 17, 1925.

The Coolidge Administration and the various supporters of the Protocol seem to have assumed the Senate would give its consent as readily as it had to the Washington Treaty. Almost nothing was done to prepare the case for ratification or to mobilize public support. Meanwhile, the Army Chemical Warfare Service, the American Legion, the American Chemical Society, and segments of the chemical industry organized the opposition. The arguments made against ratification were that the Protocol would be ignored in time of war and that poison gas was more humane than bombs and bullets. The Protocol was debated but not acted upon by the Senate — apparently because the majority leader did not have the votes. It remained on the Foreign Relations Committee

docket until 1947 when President Truman withdrew it, together with several other long-pending treaties.

By 1939, the Protocol had been ratified by forty-four nations, including all major European powers. At the outbreak of World War II, England, France, and Germany exchanged assurances that they would abide by the Protocol. In 1943, President Roosevelt declared that gas warfare was "outlawed by the general opinion of civilized mankind" and that "we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies." Japan is believed to have used gas against China before our entry into the war but otherwise gas was not used in World War II. The threat of retaliation provided a sanction; the restraint was reinforced by widespread abhorence of gas and germs, and by military skepticism regarding their utility; however, it was the Protocol that placed gas and germs in a distinct category and provided a clear standard upon which the belligerents could base their conduct.

Since World War II, the United States has repeatedly declared its support for the no-first-use principle of the Geneva Protocol. In 1952, our representative at the United Nations Disarmament Commission declared our support for "the general objective of the (Geneva) treaty, the effective outlawing of poison gas and biological weapons against human beings". When President Eisenhower was asked at a 1960 press conference whether he planned a change in our no-first-use policy, he said "No official suggestion has been made to me, and so far as my own instinct is concerned, it is not to start such a thing first". During President Johnson's Administration, the United States supported resolutions passed in 1966 and 1968 by the United Nations General Assembly, calling for "strict observance by all states of the principles

and objectives of the Protocol" and "inviting all nations that have not done so to accede to the Protocol".

Our statements supporting the objectives of the Protocol have generally stopped short of declaring that we will be legally bound by its provisions. The United States Army Manual, "The Law of Land Warfare", states that the Geneva Protocol is "not binding on this country". However, in 1967 the Department of State held that "We consider that the basic rule set forth in (the Protocol) has been so widely accepted over a long period of time that it is now considered to form a part of customary international law". Whether or not this position is confirmed, it is clear that we are closely associated with the Protocol by virtue of our leading role in its promulgation, our practice over the years, and our recent statements at the United Nations and [redacted]ewhere.

WHAT COUNTRIES ARE PARTY TO THE PROTOCOL

A total of 84 nations are now parties to the Protocol — 16 of them have ratified since the 1966 United Nations resolution. The parties include all NATO members except the United States, all members of the Warsaw Pact including the Soviet Union, and all nuclear powers (other than the United States), including the People's Republic of China. All major industrial nations except Japan and the United States are parties. The Protocol has been signed but not ratified by the United States, Brazil, El Salvador, Japan, Nicaragua, and Uruguay.

[redacted]

WHAT ARE THE MAJOR SECURITY IMPLICATIONS OF A NO-FIRST-USE TREATY COMMITMENT

While the Protocol places gas and germ weapons under the same prohibition, distinguishing several classes of weapons and their characteristics is useful in order to evaluate the security implications of ratification. This is done both in the context of strategic and of limited war.

Lethal Germ Weapons - These weapons operate by disseminating clouds of lethal disease germs over or up-wind from the target area, to be inhaled by target personnel. The lethal effects would not occur until a number of days after attack. Very small quantities of disease germs would be efficient to cover large areas: a light aircraft can deliver enough to kill populations over several thousand square miles.

Although diseases can be chosen that are normally not highly contageous, the extremely unnatural conditions inherent in military employment make it unintentionally possible to spread the disease far beyond the target area or to create a long-term epidemic hazard.

Since the attacker's choice of germs is wide and mixtures could be used, medical defense can be rendered ineffective. Significant protection can be provided only upon advance warning to a population previously provided with protective masks or air-filtered shelters and trained in their use. Reliable early warning systems have not yet been devised. Active defense against the delivery of germ weapons must be able to deal with a variety of offensive techniques, including aircraft and missle delivery and cloud dissemination by offshore ship or submarine

or by land-based saboteurs. We might wish to deter strategic nuclear attack upon ourselves by having the capability to retaliate with lethal germ weapons. The deterent threat posed by our germ weapons would be that of destroying populations. However, since our stategic nuclear forces already provide this capability we have no need to rely on lethal germ weapons and would lose nothing by giving up the option to use them first. Our major interest is to keep other nations from acquiring them.

If the nuclear non-proliferation treaty succeeds, the acquisition of lethal germ weapons would still remain as an alternative means for non-nuclear nations to acquire a strategic capability. Germ weapons that could threaten a large city are much simpler and cheaper to acquire than the corresponding nuclear weapons.

Although many non-nuclear nations could develop germ weapons, none is thought to have done so yet. We reinforce the political and psychological restraints against acquiring germ weapons by strengthening the expectation that they will not be used. We do this more effectively with a binding treaty commitment than with statements of de facto policy. A treaty commitment would resolve much of the uncertainty that may have been aroused in the minds of others in recent years by our germ weapons development and testing programs at Fort Detrick, at Dugway Proving Ground and in the South Pacific, and by our construction of large-scale facilities for germ weapons production at Pine Bluff Arsenal.

Lethal Chemical Weapons - Modern lethal chemical weapons are the organophosphorous nerve agents first developed, but not used, by Germany in World War II. They are several hundred times more poisonous than the lethal gases of World War I and are lethal when inhaled or when deposited as liquid droplets on the skin. The Soviets and ourselves have stockpiled a variety of tactical nerve gas weapons. Soldiers can be defended against them with protective masks and suits: however, the latter are cumbersome and tiring to wear. Fighting efficiency is severly reduced by the wearing of protective equipment and by the strict observation of various special precautions necessary to survival in a lethal chemical environment.

For tactical use against an enemy equipped with protective gear and able to retaliate in kind, chemical weapons would greatly complicate the battlefield [redacted]tion without giving either side a major advantage; therefore, against sophisticated forces, we do not require an option for the first use of lethal chemical weapons. If the enemy possesses them, we remove the incentive for his first use by having protective equipment and chemical weapons ourselves.

Lethal chemicals could be used in anti-guerilla warfare for territory denial and to attack enemy personnel sheltered from the effects of high explosive and flame weapons. However, the effectiveness of such operations would be largely nulified if the guerillas can devise or obtain protective equipment. Moreover, our first use of these weapons would seriously risk opening up sources for their supply to the enemy and to other dissident forces to which we may be opposed in the future. Lightweight munitions such as mortar cartridges and rockets containing nerve agent would enormously enhance the guerilla's disruptive and [redacted]tructive capability, both against government troops and base camps and as terror

weapons against cities. Government forces would often be compelled to encumber their soldiers and supporting personnel with protective equipment and would be confronted with demands for protection by urban populations. The guerillas, with their ability to disperse and to mingle with civilians, would offer no comparable targets. Therefore, the introduction of lethal chemicals into guerilla warfare would greatly escalate the level of violence and complicate combat operations without offering anti-guerilla forces any advantage.

A concluding but often overriding constraint on the tactical use of lethal chemicals, especially when the battlefield is on friendly soil, is that their large scale employment would inevitably cause heavy fatalities among undefended civilians in the combat zone and out to considerable distances downwind.

Lethal chemical weapons could be produced by non-nuclear nations to provide a l[redacted]ed capability for the attack of urban populations. Under meteorological conditions favorable to the attacker, a medium bomber or converted commercial air transport can deliver enough nerve agent to kill a high proportion of unprotected persons throughout the central region of a large city - and future technical developments may well lead to the appearance of lethal chemicals with considerably greater area coverage capability than those now available. Moreover, chemical weapons and germ weapons are often considered together, so that proliferation of the former risks proliferation of the later.

To summarize, where our forces face a lethal chemical threat, we can remove the advantage of their use against us by having the ability to defend ourselves and to retaliate in kind. However, the costs and complications of possible retaliation and of the proliferation of lethal chemical capability make the first use of lethal chemicals by us unattractive at any level of combat. Beyond that, i[redacted] in our interest to discourage non-nuclear nations from pursuing the development

of strategic chemical weapons. If we can accept a treaty commitment against the first use of lethal chemicals, we undercut arguments in other countries for the development and deployment of these weapons and reinforce the restraints that have acted to keep them from being used.

Incapacitating Germ Weapons - Several infectious diseases which usually cause severe temporary disablement, but normally kill less than one or two percent of the persons infected, have been considered for use as incapacitating germ weapons. Like lethal germs, they can be dispersed over large areas as aerosol clouds to take effect after an incubation period of several days. Masks provide good protection but existing detection systems cannot be relied upon to give warning of suprise attack.

The functioning of these weapons is subject to great uncertainties. A germ [redacted]n designed as an incapacitant might actually cause a very large number of deaths among enemy personnel and intermingled civilians. Conversely, it might cause too little incapacitation to be militarily effective.

Unlike lethal germ weapons, incapacitating ones are not potential deterrents but rather are weapons whose first use we might consider in certain unusual and extreme situations such as the entrappment of a large American force by unprotected enemy troops. In this situation, the employement of incapacitating germ weapons in forward and rear support areas might impede the enemy advance long enough to allow reinforcement or evacuation of our force. Of course, any decision to employ incapacitating germs must take into account their intrinsic uncertainty as well as the escalation and enlargment of the conflict that might result from the outbreak of germ warfare of any kind.

The facilities required for the production and delivery of incapacitating germ [redacted]

[redacted]ons are essentially the same as those for lethal ones. Furthermore, the Geneva Protocol does not distinguish between lethal and incapacitating germs nor is there any technical basis for a clear distinction. The long term military benefit of our accepting the no-first-use commitment of the Protocol, especially when most other important nations have already done so, would be the reinforcement of existing restraints against the acquisition and possible use of all germ weapons, including lethal ones.

Incapacitating Chemical Weapons - These weapons include harassing agents which disable only during the period of immediate exposure as well as chemicals which incapacitate for several days. Both types are available to United States forces in a variety of munitions. The chemical agent is released as an aerosol cloud to be inhaled by target personnel. Gas masks provide adequate protection.

[redacted]Our standard long-lasting incapacitating chemical, agent BZ, causes unpredicatable and often violent behaviour and can have severe side effects. Therefore, it is not regarded as a satisfactory incapacitating agent. Although much effort has been spent in attempting to develop an effective long-lasting incapacitating chemical without these undesirable qualities, none has been found.

The principle harassing chemical now provided to the army is CS, developed by the British in the 1950's as a more effective agent than ordinary tear gas for dispersing rioters. Exposure to CS causes intense pain in the eyes and upper respiratory tract, progressing to the deep recesses of the lungs where it causes a feeling of suffocation and acute anxiety. These symptoms generally pass quickly after restoration to fresh air. The lethal dose for man is very much higher than that required to cause intense irritation. Nevertheless, very heavy or prolonged exposures, as may sometimes be experienced in confined spaces, would almost certainly [redacted]e permanent lung damage and deaths, especially among infants, ill persons and

the aged. No long-term after-effects of moderate exposure to CS have been demonstrated; however, a thorough study of this possibility has not yet been made.

Tear gas and other harassing gases were the first chemical warfare agents employed in World War I. The total amount disseminated during the war was approximately 13,000 tons, equalling the amount of mustard gas used then. During World War II, Germany and the United States prepared large stocks of tear and other harassing gas munitions but refrained from using them. No gas of any kind was used on the battlefield in Korea. The first combat use of harassing gas by any major power since World War I has been in South Vietnam where our forces have employed agent CS since 1965.

Harassing agents can sometimes facilitate the attack or capture of unprotected enemy soldiers mingled with civilians when the alternatives would otherwise be to kill civilians or not to attack the enemy. However these situations are generally uncommon in warfare because civilians usually flee from firefights and because harassing agents can drive civilians who have found shelter back into the line of fire. The chief use made of harassing agents in World War I and also in Vietnam has been to assist the conduct of ordinary military operations. Harassing agents are employed against the enemy to upset his fire, to deny him territory, and to drive him from cover to face attack by high explosive and flame weapons. Most of the approximately 7,000 tons of CS disseminated in Vietnam has been employed for these purposes, utilizing a variety of newly developed CS munitions including grenades, rockets, mortar and howitzer projectiles, high capacity spray devices, and several types of aircraft bombs.

The arguments for incapacitating chemicals in war are that they enable us to deal with enemy soldiers mingled with civilians and they can enhance the effectiveness of ordinary military operations. However, once such chemical munitions are widely deployed the occasions on which they might be employed in battlefield conditions or in preparation for bombing strikes greatly exceed the occurrance of mixed enemy population targets. This almost inevitable shift of use of chemical agents to increase enemy casualities in battle or bombardment has occured and has now become routine. Yet this cannot be considered a stable phase because the enemy's resort to the wide use of masks will cut this effectiveness and the eventual use of such weapons against us may well effect our operations more severely than those of the enemy.

The further hazard in our employement of incapacitating chemicals in war, particularly when done on a large scale in conjunction with ordinary military operations, is that it stimulates other nations to initiate or expand their own programs for chemical (and possibly germ) weapons and erodes the restraints on their use. Even if the first result is only the deployment of harassing agents on both sides in a future conflict, the introduction of weapons, defenses, and logistic arrangements all suited to chemical warfare would facilitate the progression to more powerful and deadly agents. Once the long-observed rule of "no gas" has been abandoned, there is no unique and equally simple standard for international agreement on which agents and which means of employement are to be allowed.

THE STATUS OF INCAPACITATING CHEMICALS IN THE GENEVA PROTOCOL

Whether the Protocol prohibits the use of harassing agents and other chemical incapacitants is a subject of some dispute. On the only occasion when nations were canvassed for their views on this point, at a League of Nations Commission in 1930, Canada, China, France, the Soviet Union, and several other nations agreed with the declared British position that "The use in war of 'other' gases, including lachrymatory (tear) gases was prohibited." However, the United States delegate expressed hesitation over any commitment to refrain from the use in war of agencies used in peace time by domestic police and whose use in combat would be "more clearly humane than the use of weapons to which (nations) were formerly obliged to resort." The [redacted]ing ended without formal action but with an agreement to discuss the matter again. Two years later, the League Disarmament Conference unanimously recommended that the use of all gases, including tear gas, be prohibited in war. This view was accepted by the United States with the understanding that it did not apply to the use of tear gas for local police purposes. However, the discussions were not directed at the Geneva Protocol but on devising a comprehensive disarmament treaty, an attempt that was disrupted by the approach of World War II. The question did not come up again until 1965 when questions were first raised about our employement of CS and other chemicals in Vietnam.

In response to these questions, our representative to the United Nations General Assembly in 1966 adhered to our 1930 position, stating that the Protocol does not prohibit "the use in combat against an enemy, for humanitarian purposes, of agents that Governments around the world commonly use to control riots by their own people." At [redacted] time, this view was contested by the Soviet Union and its allies but not by other members of the United Nations. However, as the scale of CS usage in ordinary

military operations increased, our position has come under mounting attack. This July, United Nations Secretary General U Thant urged that the Protocol be interpreted to prohibit the use of all chemical agents in warfare. Shortly afterwards, India, Mexico, Pakistan, Sweden, and eight other nations at the Geneva Disarmament Conference proposed a resolution holding that the use in international conflict of "any chemical agent of warfare" is contrary to international law. These views have received substantial attention and are likely to have the support of most United Nations members.

EDGEWOOD ARSENAL

TECHNICAL REPORT

EATR 4075

THE EFFECTS OF THERMALLY-GENERATED CS AEROSOLS ON HUMAN SKIN

by

Alfred Hellreich, CPT, MC
Richard H. Goldman, CPT, MC
Nicholas G. Bottiglieri, LTC, MC
John T. Weimer

January 1967

Medical Research Laboratory
Research Laboratories
EDGEWOOD ARSENAL
EDGEWOOD ARSENAL, MARYLAND 21010

Conclusions (p. 3)

Tab F

SUMMARY, CONCLUSIONS & RECOMMENDATIONS (p. v)

MEMORANDUM
RM-5914-ARPA
JULY 1969

OBSERVATIONS ON THE EMPLOYMENT OF RIOT CONTROL AGENT CS IN VIETNAM (U)

S. N. Blumenfeld

This research is supported by the Advanced Research Projects Agency under Contract No. DAHC15 67 C 0142. Views or conclusions contained in this study should not be interpreted as representing the official opinion or policy of ARPA.

The RAND Corporation
1700 MAIN ST • SANTA MONICA • CALIFORNIA • 90406

SECRET

Tab F

Principal Findings

1. Defoliation. The defoliation program has been instrumental, and at times decisive, in overcoming the difficulty of locating the enemy in heavily forested combat zones. It has thereby helped enable Allied forces to maximize their advantage of superior mobility and firepower. It has also enhanced the security of Allied lines of communication and facilities by helping to eliminate enemy ambush sites and by providing defensive fields of fire. Thus, both offensively and defensively, defoliation has reduced the number of men and the equipment required for combat missions, has protected war material, and most importantly, has helped to save many Allied lives.

2. Economic Costs. The defoliation program, however, has incurred some substantial costs for the United States as well as for the people and Government of the Republic of Vietnam.

(a) Large stands of merchantable timber in War Zones C and D have been damaged and many trees killed. The forests of Vietnam are one of its most important renewable natural resources and future sources of employment. Repeated application of defoliants in these Zones could seriously retard regeneration of these forests.

(b) Damage to crops in III CTZ has been attributed to defoliation operations. Further investigation indicates that these crop losses resulted from a combination of causes including plant diseases, lack of effective farmer care, herbicide drift, targeting and navigational errors, abortion of spray missions, and defective equipment on spray planes. It has not been possible to determine how much defoliation operations have been responsible for this damage.

(c) The alleged threat to the life of the rubber plantations in 1967 did not materialize.

3. Ecological Consequences. The ecological impact of herbicide operations to date does not appear to be serious. The herbicide program has no effect on precipitation, caused very minimal laterization of the soil, and apparently has had little or no effect on micro-organisms in the soil system. It has killed large stands of mangrove which will probably re-establish themselves

Date Crop Sections Circled

Tab 6

Britain Asserts CS Gas Is Not Banned

By ANTHONY LEWIS
Special to The New York Times

LONDON, Feb. 2—The British Government took the position tonight that international convention does not bar the use of disabling gas.

The announcement was a surprise and a severe disappointment to campaigners against chemical weapons. Britan had been widely expected to take a leading role in seeking a broader legal ban on gases.

President Nixon, in making a pledge against use of chemical and biological weapons Nov. 25, specifically exempted CS gas. Today's move brings Britain into line with the American view.

Secretary General Thant has urged a more complete ban on gas weapons, including CS.

CS produces sensations of choking and blistering. It has been used by the United States in Vietnam and also by the police in domestic disturbances, such as one in Berkeley, Calif., in 1968.

2 Put Forth Arguments

The usefulness of CS in domestic situations evidently swayed the British Government after a long internal argument. The gas has been used n recent riots in Northern Ireland.

Reliable reports said the argument for keeping CS in the armory had been made especially by the Home Secretary, James Callaghan, and the Defense Minister, Denis Healey. Mr. Callaghan has general responsibility for Northern Ireland, and Mr. Healey for the British troops now maintaining order there.

The exact medical effects of CS have been the subject of intense controversy here.

An official inquiry held after the gas was used in Londonderry, Northern Ireland, last summer found that it caused acute asthma attacks and bronchitis among those with impaired health.

Three doctors reported to Mr, Callaghan that healthy people suffered no lasting damage after exposure. But they asked for a further study, which has not yet been completed.

This inquiry said the effects ranged from "a mere pricking sensation in the eyes and nose," to "streaming from the eyes and nose, spasm of the eyelids, marked salivation and retching or sometimes vomiting, burning of the mouth and throat, and a gripping pain in the chest of such intensity that breathing became restricted to shallow gasps."

The argument about the legality of CS gas turns on the 1925 Geneva Protocol against the use of chemical weapons. The question is whether a non-lethal gas falls within the scope of the protocol.

Michael Stewart, the Foreign Secretary, disclosed the British decision in a written answer to a question in the House of Commons. He quoted a statement made in 1930 by Hugh Dalton, then a Foreign Office Under Secretary.

Mr. Dalton said that "smoke-screens" were "not considered as poisonous and do not therefore come within the terms of the Geneva gas protocol." But he said that "tear gases" and "shells producing poisonous fumes" were prohibited.

"That is still the Government's position," Mr. Stewart said.

"However, modern technology has developed CS smoke which, unlike the tear gases available in 1930, is considered to be not significantly harmful to man in other than wholly exceptional circumstances.

"We regard CS and other such gases accordingly as being outside the scope of the Geneva Protocol. CS is in fact less toxic than the screening smokes which the 1930 statement specifically excluded."

Kissinger

February 16, 1970

Dear Henry,

I thought you might like to see the letter I sent to the President yesterday.

With warm regards,

HARVARD UNIVERSITY
THE BIOLOGICAL LABORATORIES
16 DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

February 15, 1970

President Richard M. Nixon
The White House
Washington D.C.

Dear Mr. President,

Your decision to renounce all biological and toxin weapons goes far toward preventing man from turning his growing understanding of fundamental life-processes against himself.

The wisdom of your course is apparent today. Generations from now, it may be seen as a crucial choice in the life of our species.

Respectfully yours,

Matthew S. Meselson

Matthew S. Meselson
Professor of Biology

CBW

THE WHITE HOUSE

WASHINGTON

March 5, 1970

Dear Matt:

Many thanks for your note and the copy of your letter to the President. Your comments are always welcomed, and your approval is greatly appreciated.

I'm sorry I wasn't able to see you last week, but hopefully we'll be able to arrange something when my schedule loosens up.

Warm regards,

Henry A. Kissinger

Professor Matthew S. Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

MEMORANDUM

NATIONAL SECURITY COUNCIL 22734

ACTION

OFFICIAL USE ONLY October 20, 1970

MEMORANDUM FOR DR. KISSINGER

FROM: Michael A. Guhin

THRU: Robert M. Behr

SUBJECT: Proposed Reply re Matt Meselson's Nomination for Award

Mr. Nayer (Director of University of Chicago Alumni Affairs) wrote you (Tab B) requesting your comments on Matt Meselson's role as a "scientist-citizen". Matt has been nominated for the Professional Achievement Award of the University of Chicago Alumni Association.

Per your request, at Tab A is a proposed positive reply to Mr. Nayer. Mr. Nayer trusts you will keep his inquiry confidential.

RECOMMENDATION:

That you sign the letter to Mr. Nayer at Tab A.

Attachment

File Cover: None
copy attached

Ed

Cover memo for
22734

OFFICIAL USE ONLY October 21, 1970

MEMORANDUM FOR GENERAL HAIG

FROM: Jon Howe

SUBJECT: Meselson

I have talked to Dave Young, Peter Rodman and Col. Behr concerning Meselson's credentials. All concur that Meselson has acted responsibly and pointed out that HAK indicated on the letter from Nayer that he wanted a positive reply.

Behr states that Meselson is a liberal and anti-CBW but he has been candid and helpful to us.

JTH:mlc 10-21-70

OFFICIAL USE ONLY

22734

The University of Chicago Alumni Association
5733 UNIVERSITY AVENUE / CHICAGO, ILLINOIS 60637 / TELEPHONE (312) 643-0800 EXT. 4291

September 24, 1970

Dr. Henry A. Kissinger
The White House
Washington, D.C.

Dear Dr. Kissinger:

Matthew Stanley Meselson, PhB'51, PhD'57, has been nominated for the Professional Achievement Award of the University of Chicago Alumni Association.

The Professional Achievement Award recognizes those alumni whose attainments in their vocational fields have brought distinction to themselves, credit to the University, and real benefit to their fellow citizens.

should be committed fine ✓

We are seeking information to assist the Awards Committee of the Alumni Association in making its selection, and I am writing to ask your help. Evaluative letters from qualified persons form an important part of the resume prepared for the consideration of the Awards Committee. Your comments about Dr. Meselson's role as scientist-citizen and his work in exposing to the government the problems and dangers in the continued production and use of chemical and biological weapons would be most welcome. I am sure you will keep this inquiry confidential.

Your assistance in this matter would be appreciated.

Cordially,

Arthur R. Nayer
Director of Alumni Affairs

ARN:kw

THE WHITE HOUSE

WASHINGTON

OCT 30 1970

Dear Mr. Nayer:

Thank you for your letter of September 24 regarding Matthew Meselson's nomination for the Professional Achievement Award of the University of Chicago Alumni Association.

Somewhat ironically, I have had more contact with Dr. Meselson since coming to Washington than previously at Harvard. Through these contacts, I would not hesitate to support his nomination.

As a scientist-citizen, he has played a very active and effective role in terms of both adding to the public understanding of issues relating to chemical and biological warfare programs and policies and as a consultant to government agencies. His approach to these matters is one of sober, serious concern.

As an example of his peer group's recognition of his expertise in the area, last December the American Association for the Advancement of Science appointed Dr. Meselson to design a study plan with respect to the effects of the use of herbicides on the ecology and human welfare of Vietnam. I would expect that his work during this past year, which included a field trip to Vietnam, will provide valued insights in the continuing examinations of this important issue.

Best regards,

(Signed) HENRY A. KISSINGER

Henry A. Kissinger

Mr. Arthur R. Nayer
Director of Alumni Affairs
The University of Chicago Alumni
Association
5733 University Avenue
Chicago, Illinois 60637

MEMORANDUM

NATIONAL SECURITY COUNCIL

INFORMATION

SECRET

MEMORANDUM FOR: DR. KISSINGER

FROM: MICHAEL A. GUHIN

THRU: ROBERT M. BEHR

SUBJECT: Memcon of Meeting with Professor Meselson (December 15, 1970)

Professor Meselson opened the conversation with the subject of the Geneva Protocol, stating his views on the subject were well known and that he had been studying the issue of tear gas and herbicides since 1963. He stated that by using these agents extensively in Vietnam and by attempting to exclude them from our "no first use" policy on other chemicals we are developing and adding momentum to a technology or method of warfare which should remain closed. He maintained that our shorter-range and slight interests in the use of these agents in Vietnam should not cloud our vision of our longer-range interests in not having chemicals accepted as a method of warfare and in establishing the rule of "no gas in war".

Dr. Kissinger pointed out that there are generally two approaches to this type of problem: (1) to attempt legal prohibitions, or (2) to give low priority to the programs within the government. He noted the first approach brings in the more difficult qualitative question.

Professor Meselson said that one of the great assets of the chemical warfare (CW) field in general is that it is still comparatively primitive and has not received high priority. However, he believed the CW field has gained in importance with our use of tear gas and herbicides in Vietnam where an operational capability upon which certain careers depend has been developed. In his view, the easiest line to establish and hold was "no gas" and, once this line was broken, it was difficult to devise meaningful standards which could be accepted. He mentioned that Portugal has recently used herbicides and perhaps some anticrop in Angola.

SECRET

Dr. Kissinger stated that he believed the tear gas issue could not really be dealt with formally until we were in a post-Vietnam environment.

Professor Meselson asked whether or not there could then be a delay in ratification of the Geneva Protocol until Vietnam had wound down to a level where the question would be addressed formally and a policy of "no first use" established for these agents. He said another alternative would be to have the Senate ratify the Protocol, but delay U.S. deposit of the instrument of ratification until such time as we were in a position to state that our past understanding had been clear but, in the interests of seeking a uniform interpretation accepted by all, the U.S. would extend its understanding to include tear gas and herbicides as coming under the "no first use" rule.

In response to Dr. Kissinger's query as to where this position would lead us, Professor Meselson stated that it would bring our position in line with other nations and thereby establish a more viable rule of "no gas in war". He added that during his visit to Vietnam, he found the field forces considered the military utility of these agents to be only slight. He believed that while our shorter-term interests do not necessarily demand a uniform agreement on the scope of the Protocol, our longer-term interests did.

Professor Meselson illustrated his point on developing the technology by photographs of the effects of herbicides on certain forested areas near the water where the vegetation was not only defoliated but killed. He said the scientists could devise a herbicide which would do this for all vegetation given the resources and priority.

Dr. Kissinger asked whether this vegetation would come back.

Professor Meselson replied that the area could be replanted but the vegetation would probably not regenerate itself as it will in other areas over the years. He found it surprising that the herbicide "worked so well" on this particular type of vegetation, and questioned whether it was in the U.S. interest to continue to develop this method of warfare.

Showing other pictures of defoliated areas, Professor Meselson repeated that he really found no enthusiasm for tear gas or herbicides in the field, although people were defensive on the subject when questioned.

Dr. Kissinger mentioned that the primary argument on tear gas related

to flushing out enemy troops from bunkers or cover, adding that it obviously has some utility in some situations.

Professor Meselson pointed out that tear gas was not used primarily for flushing out the enemy. He recalled a conversation with General Stone in which the latter reportedly stated that the budget process alone would probably soon eliminate these programs in Vietnam because of their relatively low priority. Professor Meselson said that simply having the budget process cut the programs tied our hands in taking an initiative and revising our policy.

[Dr. Kissinger requested that we get a look at the recent budget figures.]

Professor Meselson stated further that a change in our policy on tear gas and herbicides would leave the impression abroad (particularly in Europe) that U.S. policy is no longer hand-tied in Vietnam.

Dr. Kissinger asked how this policy suggestion would relate to the issue of riot control.

Professor Meselson noted that the Protocol has no limitations whatsoever on domestic use of these agents; he added there was a minor psychological problem in why agents should be banned in war while allowed domestically.

Dr. Kissinger said that the Protocol would probably pass sometime next session. He asked whether Professor Meselson's position meant the President should state, after Senate advice and consent to ratification, that post-Vietnam the "no first use" rule would apply to tear gas and herbicides.

Professor Meselson stated that if such a policy were adopted, it should be made clear before Senate consideration of the Protocol so that the issue of our use of these agents and the scope of the Protocol would not be exploited by the "doves". The basis for such a change could be explained in terms of the need for a clearer understanding as technology moves forward.

Dr. Kissinger said he takes this matter seriously and we should see where we are in Vietnam when the Protocol matter comes up and what the alternatives would be after ratification.

Professor Meselson stated that any policy change should be made clear before the Senate's consideration of the Protocol, otherwise the Administration would unnecessarily find itself in the Senate vigorously defending and

making rigid a position which would be contrary to our longer-term interest in a uniform interpretation of the Protocol.

Dr. Kissinger stated that the issue should be formally considered within the next few weeks and that a NSSM asking for such a review would be prepared shortly.

Guhin, Michael A.
24457

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION
~~INFORMATION~~

SECRET/EXDIS

December 17, 1970

MEMORANDUM FOR: DR. KISSINGER

FROM: MICHAEL A. GUHIN

THRU: ROBERT M. BEHR

SUBJECT: Memcon of Meeting with Matt Meselson and Information as Requested

Attached for your approval is a memorandum of your conversation with Matt Meselson on December 15, 1970. We plan no further distribution of this memorandum.

You will recall that Matt mentioned a conversation he had with General Stone some time ago in which the latter reportedly stated that the budget process alone would probably soon eliminate or drastically reduce the tear gas and herbicide operations in Vietnam because of their relatively low military priority.

You requested some recent budget figures on expenditures for these operations. Below are the procurement figures (in millions of dollars) for Vietnam. These figures were supplied to us by the Army through the Office of Management and Budget:

	Tear Gas	Herbicides
1968	$65.8	$44.9
1969	$69.8	$21.2
1970	$25.5	$2.4
1971	$5.8	$6.9*

The FY 1971 figures are of course still based on earlier projections and not actual consumption. *We understand the Army has informed OMB that the actual herbicide costs for FY 1971 will not be $6.9 million but right around $2 million or less.

RECOMMENDATION

(1) THAT YOU APPROVE THE ATTACHED MEMORANDUM OF CONVERSATION

APPROVE ✓ DISAPPROVE ____

(2) THAT IT RECEIVE NO DISTRIBUTION OUTSIDE NSC STAFF

APPROVE ✓ DISAPPROVE ____

SECRET/EXDIS

MEMORANDUM

NATIONAL SECURITY COUNCIL

INFORMATION

SECRET

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SECRET

Dr. Kissinger stated that he believed the tear gas issue could not really be dealt with formally until we were in a post-Vietnam environment.

Professor Meselson asked whether or not there could then be a delay in ratification of the Geneva Protocol until Vietnam had wound down to a level where the question would be addressed formally and a policy of "no first use" established for these agents. He said another alternative would be to have the Senate ratify the Protocol, but delay U.S. deposit of the instrument of ratification until such time as we were in a position to state that our past understanding had been clear but, in the interests of seeking a uniform interpretation accepted by all, the U.S. would extend its understanding to include tear gas and herbicides as coming under the "no first use" rule.

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making rigid a position which would be contrary to our longer-term interest in a uniform interpretation of the Protocol.

Dr. Kissinger stated that the issue should be formally considered within the next few weeks and that a NSSM asking for such a review would be prepared shortly.

24507

THE WHITE HOUSE

WASHINGTON

December 18, 1970

Henry,

This is a rough proposed statement -- to be issued hopefully on or before December 23 if we are to meet the "Messelson" deadline. Packard says DOD will sign off on this policy--they may want a slightly different version of the announcement. Ehrlichman has a copy of this and the background documentation. As soon as we are all agreed, if we do, the President ought to be informed. I'd like to be included in that meeting.

E. E. David, Jr.

MEMORANDUM

INFORMATION-24507

NATIONAL SECURITY COUNCIL

SECRET

December 19, 1970

MEMORANDUM FOR: DR. KISSINGER

FROM: MICHAEL A. GUHIN

THRU: ROBERT M. BEHR

SUBJECT: Dr. David's Proposed Vietnam Herbicide Policy and Draft Announcement

In late November, Dr. David wrote you (Tab C) proposing a reconsideration of our herbicide policy in Vietnam (SVN). He basically recommended that we adopt a policy for the use of herbicides in SVN which would establish the same standards for use there as are in effect in the US.

On December 10, you asked (Tab B) Secretary Laird for his views on this suggested policy by December 21.

Yesterday (December 18), Dr. David gave you a note and a draft public release announcing such a policy (Tab A). Dr. David reports that Mr. Packard says DOD will sign off on this policy guideline, though DOD may want a slightly revised version of the announcement. Copies of this proposed release and background materials have been sent by Dr. David to John Ehrlichman.

Dr. David's main concern now is that a release be issued before December 23 to make our position far less vulnerable to the criticism of our herbicide operations which is most likely to appear in the report of the Herbicide Assessment Commission (Matt Meselson and Company) to the annual meeting of the American Association for the Advancement of Science in late December. Moreover, Dr. David has noted (Tab C) that this criticism will have some bases in fact.

We generally agree with the proposed policy and with the suggestion that the public record be set clear now, particularly in light of the decision of General Abrams and Ambassador Bunker to discontinue the herbicide operations in SVN when the stocks on hand are consumed (Tab D).

However, we do not believe this matter should be forwarded for decision and implementation until DOD's reply to your request is in hand. DOD's views are expected on Monday (December 21) and we will ensure that a final package is forwarded to you ~~the day their response is received~~ by COB December 21.
(FYI: We are not satisfied with Dr. David's draft announcement and a revised version will be included in the final package.)

SECRET

SECRET/EYES ONLY

December 31, 1970

MEMORANDUM FOR: DR. KISSINGER

FROM: MICHAEL A. GUHIN

THRU: ROBERT M. BEHR

SUBJECT: Proposed NSSM on Post-Vietnam Policy on Use of Tear Gas and Herbicides in War

You will recall that, during your conversation with Matt Meselson (Tab B), he asked whether or not there could be a delay in ratification of the Geneva Protocol until Vietnam had wound down to a level where the question of whether the US should adopt a policy of "no first use in war" for tear gas and herbicides could be formally addressed and resolved.

He added that another alternative would be to have the Senate ratify the Protocol, but delay US deposit of the instrument of ratification until such time as we were in a position to state that, despite our past understanding, in the interest of seeking a uniform interpretation the US would modify its understanding by now accepting tear gas and herbicides as coming under the "no first use" rule.

You requested that the issue be the subject of a NSSM.

At Tab A is a proposed NSSM which accomplishes this. There is a short suspense on this review. The review should be completed before Senate hearings on the Geneva Protocol, not in anticipation of policy changes, but because we believe we should not enter the hearings without having accomplished this review of our longer-range policy. The memorandum directs that the fact and nature of this review be very closely held, with restricted distribution of the document itself.

At Tab I is a memorandum for the President advising him that you have requested such a review.

RECOMMENDATIONS:

1. That you initial the memorandum for the President at Tab I.

2. That you sign the NSSM at Tab A.

SECRET/EYES ONLY

from Study Memorandum - H179
NSSM 112 (FCA/malor), 2 of 4

Telecon
Professor Doty
12/22/70 10:15 a.m.

D: I feel like I'm having breakfast with you every morning.

K: How so?

D: On the TODAY program.

K: Oh yes. What do you think of it?

D: Very good so far. Low key. It comes off very well. She's a good interviewer.

K: Yes, very relaxed.

D: Three or four things to check with you. One, do you think there's any point, either looking at things outside or from inside for me or anyone else to going to Moscow in January?

K: Yes, I think it's a good idea. I told you that once before.

D: I know; I just wanted to check it out with you after you have had time to reflect on it.

K: I think it wouldn't be a bad idea at all.

D: It would just be a short one; I'd give a science lecture. I would have to take someone with me. Do you have any sense on that? Someone like Rathjens or Ruina?

K: I don't know; I would have to think about that. The major point to get across on this is philosophical. Both Rathjens and Ruina have the tendence to be Super Secretaries of State. This doesn't need a gimmick; it needs a new orientation. We can find a gimmick. But I'm in favor of it and will give all the support I can.

D: Okay, other things. Do you want a short memo on Wohlstetter's [800?].

K: Yes, very much.

D: Okay, I'll get that right off to you. This disarmament group of people. They've been meeting. Now with SALT in recess a smaller group of them would like very much to see you.

K: I am eager to do that. Why don't you work it out with David Young. I am most anxious to do that.

D. Okay good. Next, this is a delicate matter and I hate to bother you with it. It's the complicated case of Yuval Ne'eman the Israeli physicist who has had an appointment to the University of Austin. He has been very much involved in Israel -- was deeply involved in the six-day war. Now he is back and for the first time the Attorney General says he has to register as an agent.

K: Can you write me just two paragraphs on it?

D: Okay -- with so much hard feeling . . . Or Helms too could give some relief.

K: Can Helms do it?

D: Yes.

K: Okay, then I'll get it done.

D: Apparently you had a good session with Mat.

K: I like him very much. He's a fine man. I hope I can do something for him, & but I'm certainly most sympathetic.

D: Okay, well, happy holidays. YOu staying in Washington the whole time?

K: No, I may come up to Boston on Friday or Saturday.

D: How did you like Friedrich's speech?

K: I didn't stay for that.

D: He took off against the administration for requiring retirement at 70. He said he had talked with Dunlop . . . It was a fantastic speech.

K: He is something.

D: But to give this in response to all the long speeches that had been made in praise of him!

K: That's amazing. He was in his most obnoxious form; but it was good to see everyone.

D: Have you heard from the Department.

K: Yes, and their reply was very generous. D: Good.

Telecon
McGeorge Bundy/Kissinger
1/12/71 9:30 a.m. 1/21/71 ?

B: I've got a couple of questions, one of which I need some constructive judgment on. I hope to come and see you otherwise when you are back.

K: I'd love to see you. I planned to call you on Friday to see when.

B: I've got to come down next week or the one after.

K: You want to have lunch next week?

B: I think I could do that.

K: I think I could do it on Monday or Thursday.

B: While my secretary is bringing my calendar let me talk with you for a minute. I had a talk with Matthew Meselson and he and I are wondering whether there's a chance to getting people to look at the ecological restoration program, rather than an exchange of bad tempers as to how it happened. . . .He has a special concern with the Geneva Convention . . . oh well, that can wait till lunch [The "he" probably refers to someone else.]. I akked what we could do philosophically. He said have a program not to say what happened at this or that, but what is the ecological, constructive future. He found some very good Vietnamese scientists. What I need to know from you is where the most grown-up-input point is, where there ought to be a listening point. He says he is not going to _____ Goheen(?).

K: He's good on that and that office is going to take a major interest in it and David at OST is our best contact point.

B: I have great personal regard for Meselson . . .

K: He is a fine human being and I always use him as a sample of how concerned scientists can solve a problem. The only problem I have on this is that it doesn't surface in a way that's just pointing out moral ineptitude . . .

B: He is very sensitive to that. This kind of casual use of the preferred (?) weapon is one thing we don't seem able to control in American beligerency.

K: If the war in Vietnam were over and this were seen as a means of disciplining further use of it I would think it essential. We have banned the use of it now. It will be phased out by May. It is being stopped now.

B: Why not sooner?

K: It's a bureaucratic thing. It is not in practice being used now in any substantial way. It was easier to get it done that way and I don't know all the details.

B: One of the things I would like to do is to know who to talk to so this could be part of a reconstruction and not a judgment of the past. Is this something I should call on Mel Laird about?

K: Or J_____.

B: Or should we talk about it at lunch? If you could get two sentences about it from the _____ _____. My main thing is that if Meselson is half-way right the government of Vietnam and some scientists are doing some constructive things there. I don't think the President is locked on this.

K: No, he has a good record on it.

B: If he were to say, without anything in the past . . . this is a good thing to say. So why don't you get a sniff of that and we'll discuss it further at lunch. Now what day? Thursday, is that workable?

K: Yes, that's workable.

B: Good. See you then. We'll check on it later next week.

25328

MEMORANDUM

NATIONAL SECURITY COUNCIL

INFORMATION

CONFIDENTIAL/EYES ONLY

January 25, 1971

MEMORANDUM FOR: GENERAL HAIG

FROM: MICHAEL A. GUHIN

SUBJECT: Study of Restoration of Defoliated Areas in South Vietnam

With regard to the information I gave you Thursday (January 21, 1971) on the status of the Defense-National Academy of Sciences discussions to arrange a comprehensive study of the ecological and physiological effects of the defoliation program in Vietnam, you will recall the current terms of reference do not include consideration of how best to restore the defoliated areas and of possible measures to stop any deterioration of the situation.

The Under Secretaries Committee will forward its report on the annual review of chemical and biological programs this week. This report will include the recommendation that Defense and the Academy complete its arrangements for the herbicide study before the Geneva Protocol hearings which are expected to begin in February. To ensure that the "restoration of the environment question" is addressed in the Academy's study, we will simply add the necessary direction when staffing the reply to the Under Secretaries Committee's report.

For your information, I understand that McGeorge Bundy contacted Matt Meselson a few days ago regarding the Ford Foundation's idea for a study of this matter. One of Matt's concerns has been that Vietnamese scientists in both the universities and ministries start thinking now about the problem of restoring these areas. Bundy apparently discussed the idea of a conference on this subject and thought he could get the support of the Saigon Mission.

You will recall that Matt's comments, as compared to his written report, and particularly those of some members of his "team" at the American Association for the Advancement of Science meeting in late December were apparently very unfair. People in Defense who have cooperated with Matt

in the past are naturally very reluctant to cooperate at all now.

At any rate, I understand that Matt and his "team" are willing to agree with Ford to try to phase the problem into the hands of the Vietnamese scientists, probably through a scientific conference later this year somewhere in Southeast Asia along the line of Bundy's original idea. To accomplish such, Bundy would seek to secure the interest and cooperation of the Mission. The Vietnamese contingent of this conference would apparently need spray data which Defense would naturally be reluctant to provide in light of the National Academy study.

I believe the best thing we can do now is to ensure that the National Academy study considers this aspect of restoration and involves the appropriate Vietnamese officials to the extent possible. We will make this recommendation when staffing the annual report of the Under Secretaries Committee.

25328

MEMORANDUM

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I believe the best thing we can do now is to ensure that the National Academy study considers this aspect of restoration and involves the appropriate Vietnamese officials to the extent possible. We will make this recommendation when staffing the annual report of the Under Secretaries Committee.

COPY
(hand-written)

January 31, 1971

Dr. Henry Kissinger
The White House
Washington, D. C.

Dear Henry:

It was wonderful seeing you Friday night. I was very glad to hear that our discussion last month was useful.

When the staff work on the matter is done, I would greatly appreciate a chance to speak with you again.

I'll keep in touch through David.

Warm regards,

Matt

telcon
MCGeorge Bundy/Kissinger
11:40 a.m. 3/8/71

B: Have you got a minute?

K: Certainly.

B: I have been talking with Mat Meselson and I have found myself persuaded that in the long run in what our Administration started in defoliation and tear gas the ~~dex~~ ditch between these weapons and man I am in marginal disagreement with your statement that herbicides and _____ are okay. I want to talk but in a way as little complicating to you as possible. I talked to Farly and may be careful in relation to the Secy. ? ? ? ? ? ? ? ? and other peiple with their interpretations? Any advice on this point?

K: Countries will put their interpretations on it?

B: We suggest control events and then they become _____ and what we said in '65 and the 6 available combat uses of CS there is no difference between fixing a junle trail and --

K: We would suffer no pain here if you indicated what you said to me privately that good fences are ? ? ?. We have had tough arguements here. If you do it with compassion for the President.

B: The Administration made gains in '69. The reason I suspect that Messelson and Fulbright want me to testify is that you authorize in one context and the process of war and saving lives carry ~~ex~~ you downstream in ways you cannot control. I don't think a Senate reservation is a healthy way. If I read the Secy's resume it would be hard for the President to work this out and I sympathize but a deep ditch and a stronger fence wouldn't bother me. One more year isn't the end of the world. Any communication with the committee that gives you a feeling for their thought?

K: Their thinking hasn't crystallized yet. But I am not the best witness on Congressional relations!

B: If you have Mark Childs on your side then a lot will follow you. That was a nice thing for him. It's a tempest in a teapot now. Max Lerner mkes the same point in the NY Daily News.

K: I really do stay away from Congress for reasons which you know.

B: You don't have time in the day. If ~~Dylx~~ Fulbright has you testifying --

K: And eclipsing the Secy. of State --

TELCON
McGeo. Bundy/Kissinger
11:40 a.m. 3/8/71

B: I hope they ask that question.

K: If we disagree we will have a merry time.

B: It's a clear cut case. It's a built in example wheere they fail to take an honest concern -- there's a problem but this is not the answer to it.

K: When you make farreaching decisions without anyone knowing that is a concern. Considering they have had Rogers on and he didn't tell them before then it's not going to help to have the Security Advisor ~~xxx~~ not to tell them

B: Do you have a wise man on your staff who is handling this other?

K: Michal Guhin on my staff has been following this and he is sympathetic to you position. I will also check with our Congressional people.

B: I want it in the least harmful way.

K: I will let you know the feeling here.

and I ...

... more year

... communication with the committee that gives ... bought?

... wasn't crystallized yet. But I am not the best witness on ... lations!

... have Mark Childs on your side then a lot will follow you. That was a ... for him. It's a tempest in a teapot now. Max Lerner makes the same ... in the NY Daily News.

... really do stay away from Congress for reasons which you know.

... You don't have time in the day. If ~~Exx~~ Fulbright has you testifying --

... and eclipsing the Secy. of State --

April 16, 1971

Dr. Henry A. Kissinger
The White House
Washington, D. C.

Dear Henry:

Here is the testimony I gave before the Foreign Relations Committee during the recent hearings on the Geneva Protocol. The paper deals mainly with the military implications of the use of tear gas and includes a summary of the opinions of field-level commanders who I have talked with here and in Vietnam.

Some of these officers impressed me as being especially thoughtful on the subject and I will pass their names along to Michael Guhin in case that would be of any help.

With warm regards.

As ever,

Matthew Meselson

MM:mcm
Enclosure

May 24, 1971

Mr. Henry A. Kissinger
White House
Washington, D. C. 20506

Dear Henry:

Here is an editorial I wrote at the request of the Christian Science Monitor concerning the present status of the Geneva Protocol.

I hope this finds you well and in good spirits.

Sincerely yours,

Matthew Meselson

MM:mcm
Enclosure

JUN 7 1971

THE WHITE HOUSE

WASHINGTON

June 3, 1971

Dear Matt:

Please excuse this tardy thank you for your note of April 16 forwarding a copy of your testimony before the Senate Foreign Relations Committee on the Geneva Protocol. My thanks also for the copy of your recent editorial.

As usual, I value your thoughts on such subjects and am sure that my staff would appreciate any further information you have on this matter.

Warm regards,

Henry A. Kissinger

Professor Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

To Matt

SEP 2 1 1971

THE WHITE HOUSE

WASHINGTON

September 17, 1971

Dear Paul:

Many thanks for forwarding a copy of Matt's memorandum on the present situation regarding the Geneva Protocol. The issues he presents will be given careful consideration in our reviews of riot control agents and chemical herbicides.

Warm regards,

Henry A. Kissinger

Professor Paul Doty
Department of Chemistry
Harvard University
12 Oxford Street
Cambridge,
Massachusetts 02138

THE WHITE HOUSE

WASHINGTON

NOV 22 1971

November 18, 1971

Dear Matt:

Thank you for having a copy sent to me of the recent telegram from the Council for a Livable World, congratulating the President on his far-sighted initiatives in the area of biological and chemical warfare.

Your attached note was also received in the good spirit in which it was sent.

Warm regards,

Henry A. Kissinger

Professor Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

1683

HARVARD UNIVERSITY
DEPARTMENT OF CHEMISTRY

12 Oxford Street
Cambridge, Massachusetts 02138
U.S.A.

May 16, 1972

Dr. Henry A. Kissinger
The White House
Washington, D.C.

Dear Henry:

Since it wasn't possible for us to see you we are sending you the product of our labors on finding a way to get the Geneva Protocol settled in this term. Hopefully you will have a chance to look at this on the plane and be ready to recommend some action upon your return.

Having seen the much greater evidence that has now accumulated on the marginal value of CS and herbicides we are convinced that a non first use policy is in our interests. On this basis we have examined three ways the log jam on the Protocol could be broken and the President's initiatives in this area brought to a successful culmination. This examination included an estimate of the political acceptability of these measures in the Senate as of a month ago: this showed Options B and C to be particularly favorable. Matt has some further ideas about implementing Option B.

While this problem cannot compete with your most urgent preoccupations it may represent a last chance to insure that the World will not over time slide into this particularly dangerous and unpredictable dimension of warfare.

With warm regards.

Sincerely,

Matt
Matthew Meselson

Paul
Paul Doty

encl:

...cept an obligation under ...made our view
...rst use in war of chemical riot control
...clues if such an interpretation is advised by the Court

DRAFT STATEMENT BY THE PRESIDENT ON OBTAINING A UNIFORM UNDERSTANDING OF THE GENEVA PROTOCOL

(On April 10 the United States signed the Biological Weapons Convention. Along with his message transmitting the Convention to the Senate for its advice and consent to ratification, the President may wish to send a separate statement dealing with the Geneva Protocol of 1925, which was submitted to the Senate on August 19, 1970.)

This Administration has made substantial efforts, on its own initiative and in concert with other governments, to reinforce the constraints against chemical and biological warfare. The Convention on the Prohibition of the Development, Production, and Stockpiling of Biological Weapons and Toxins that I have submitted to the Senate today is a major component of our effort in this important area of arms control.

On August 19, 1970, I transmitted to the Senate for its advice and consent to ratification the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. It is essential that the United States become a party to this basic international agreement. The United States has always supported the principles and objectives of the Protocol, which has been influential throughout its nearly fifty years of existence in deterring the use of chemical and biological weapons.

There is, however, some uncertainty and difference of opinion among nations as to what chemical substances are prohibited by the Protocol. The United States has maintained that chemical riot control agents and herbicides do not come under the scope of the Protocol. A considerable number of states parties to the treaty have indicated a differing view, and nearly half of the parties have stated no position on the question.

We cannot welcome a situation in which the obligations prescribed by an important treaty are subject to uncertain or conflicting interpretations by the various parties. Moreover, legal and historical ambiguity regarding the applicability of the Protocol to riot control agents and herbicides should not be allowed to stand in the way of United States ratification of the treaty or of progress toward further constraints on chemical and biological warfare.

OPTION A

Therefore, in the interest of obtaining a common understanding of the obligations entailed by this important treaty, we propose to seek an advisory opinion from the International Court of Justice at the Hague. At the next session of the United Nations General Assembly the United States will offer a resolution asking for such an opinion in accord with procedures established by the Charter. Although we have made our view clear, we would be willing for our part to accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if such an interpretation is advised by the Court

and accepted by the General Assembly. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

OPTION B

Therefore, in the interest of obtaining a common understanding of the obligations entailed by this important treaty, we propose to seek an expression as to the scope of the Protocol from its parties by informing them that the United States will accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if a substantial majority (e.g., two-thirds/three-quarters) of the parties agrees to be governed by the same obligation. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

OPTION C

Therefore, after a thorough review of the security and other issues involved, I have decided that it is in the interest of the United States to promote general agreement regarding the scope of the Geneva Protocol by extending our obligations under the Protocol to include a restraint on the first use in war of chemical riot control agents and herbicides. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

NOTES:

1. It is quite clear that the Protocol by its use of the terms "war" and "warfare" in no way applies to or regulates the use of riot control agents in the control of civil disturbances. Such agents have been in widespread use for such purposes for more than fifty years and no party to the Protocol or recognized legal authority has ever expressed the view that this is contrary to the Protocol.

2. Regarding Option B, an invitation to the parties for expressions of opinion regarding the scope of the Protocol would in no way represent an attempt to change or revise the treaty. Rather, it would constitute an effort to find a basis for a uniform interpretation. A similar canvass regarding the status of tear gas under the Protocol was initiated but never completed by Great Britain at the Preparatory Commission of the Disarmament Conference in 1930. Many of the most important parties of the time responded, including Canada, China, France, Italy and the Soviet Union. On December 16, 1969 an attempt was made to define the scope of the Protocol by means of a resolution of the UN General Assembly. The view that all chemical agents including riot control agents and herbicides are prohibited was supported by fifty-two parties to the Protocol and opposed by two. Thirty parties abstained from voting, mainly on the ground that the General Assembly is not an appropriate body to interpret the treaty. In addition, twelve parties to the Protocol were absent at the time of the vote or were not members of the UN. See Appendix.

United Nations resolution 2603 A(XXIV) on the question of chemical and bacteriological (biological) weapons 16 December 1969

The General Assembly,

Considering that chemical and biological methods of warfare have always been viewed with horror and been justly condemned by the international community,

Considering that these methods of warfare are inherently reprehensible, because their effects are often uncontrollable and unpredictable and may be injurious without distinction to combatants and non-combatants and because any use would entail a serious risk of escalation,

Recalling that successive international instruments have prohibited or sought to prevent the use of such methods of warfare,

Noting specifically in this regard:

(a) That the majority of States then in existence adhered to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

(*b*) That since then further States have become Parties to that Protocol,

(*c*) That yet other States have declared that they will abide by its principles and objectives,

(*d*) That these principles and objectives have commanded broad respect in the practice of States,

(*e*) That the General Assembly, without any dissenting vote, has called for the strict observance by all States of the principles and objectives of the Geneva Protocol,

Recognizing therefore, in the light of all the above circumstances, that the Geneva Protocol embodies the generally recognized rules of international law prohibiting the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments,

Mindful of the report of the Group of Experts, appointed by the Secretary-General under General Assembly resolution 2454 A (XXIII) of 20 December 1968, on chemical and bacteriological (biological) weapons and the effects of their possible use,

Considering that this report and the foreword to it by the Secretary-General add further urgency for an affirmation of these rules and for dispelling, for the future, any uncertainty as to their scope and, by such affirmation, assure the effectiveness of the rules and enable all States to demonstrate their determination to comply with them,

Declares as contrary to the generally recognized rules of international law, as embodied in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, the use in international armed conflicts of:

(*a*) Any chemical agents of warfare—chemical substances, whether gaseous, liquid or solid—which might be employed because of their direct toxic effects on man, animals or plants;

(*b*) Any biological agents of warfare—living organisms, whatever their nature, or infective material derived from them—which are intended to cause disease or death in man, animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked.

[redacted]

States voting for UNGA resolution of 16 December 1969.

Parties to the Protocol:

Argentina	Iran	Poland
Brazil	Iraq	Romania
Bulgaria	Ireland	Rwanda
Burma	Ivory Coast	Saudi Arabia
Central African Republic	Jamaica	Spain
Ceylon	Kenya	Sweden
Cuba	Lebanon	Syrian Arab Republic
Cyprus	Lesotho	Togo
Czechoslovakia	Maldive Islands	Trinidad & Tobago
Dominican Republic	Mauritius	Uganda
Ecuador	Mexico	U.S.S.R.
Ethiopia	Mongolia	United Arab Republic
Finland	Morocco	United Republic Tanzania
Ghana	Nepal	Upper Volta
Guyana	Niger	Yemen Arab Republic
Hungary	Nigeria	Yugoslavia
India	Pakistan	
Indonesia	Panama	

Non-parties:

Afghanistan	Mali
Algeria	Mauritania
Cameroon	Peru
Chad	Senegal
Columbia	Somalia
Congo (Brazzaville)	South Yemen
Congo (Kinshasa)	Sudan
Costa Rica	
Dahomey	
Equitorial Guinea	
Gabon	
Guatemala	
Guinea	
Haiti	
Honduras	
Jordan	
Kuwait	
Libya	

States voting against UNGA resolution.

Parties to the Protocol:

Australia
Portugal

Non-parties:

United States

States abstaining from voting on UNGA resolution.

Parties to the Protocol:

Austria	Japan	Singapore
Belgium	Liberia	South Africa
Canada	Luxembourg	Swaziland
Chile	Madagascar	Thailand
China	Malaysia	Tunisia
Denmark	Malawi	Turkey
France	Netherlands	United Kingdom
Greece	New Zealand	Venezuela
Iceland	Norway	
Israel	Paraguay	
Italy	Sierra Leone	

Non-parties:

Bolivia
El Salvador
Laos
Nicaragua
Philippines
Uruguay

UN members not present at UNGA vote of 16 December 1969.

Parties to the Protocol:

Barbados	Gambia	Zambia
Botswana	Malta	

Non-parties:

Albania
Cambodia

Existing states parties to the Protocol but not members of UN in December 1969.

China, Democratic Peoples Republic
Fiji
Germany, Federal Republic
Holy See
Monaco
Switzerland
Tonga

* * *

Total number of existing states parties to the Protocol = 96

Of these, 52 voted for the UNGA resolution. Although France abstained, the French delegate stated his delegation's agreement with the substance of the UNGA resolution.

See next page.

Statement of the French Delegation explaining its abstention from voting on UNGA resolution of 16 December 1969

"Concerning the draft resolution, the French delegation confirms that it is true that through Mr. Paul Boncour in Geneva in 1925; in connexion with the preparation of the Conference on Disarmament in 1932, France made it clear that the Protocol of 1925, in our view, was of very general scope. That is still our position. However, we have constantly maintained that the text of 1925 left no doubts on that point. For that precise reason, we do not think it is up to the General Assembly, as called for in the text of the draft resolution, to give an interpretation of an international convention. Now, while favoring in substance that draft resolution of the twelve countries, my delegation will have to abstain in the vote on it."

THE WHITE HOUSE

WASHINGTON

May 22, 1972

Dear Professor Meselson:

Dr. Kissinger departed for the Soviet Union before he had an opportunity to respond to the letter from you and Professor Doty dated May 16. I will be sure he focuses on it as soon as he returns.

Sincerely,

Alexander M. Haig, Jr.
Major General, U.S. Army
Deputy Assistant to the President
for National Security Affairs

Professor Matthew Meselson
Department of Chemistry
Harvard University
12 Oxford Street
Cambridge, Massachusetts 02138

Kissinger

THE WHITE HOUSE

WASHINGTON

July 27, 1972

Dear Matt:

Many thanks for your and Paul's thought-provoking letter of May 16 on the Geneva Protocol and for the follow-on paper outlining the procedural aspects of the option you highlighted.

The various alternatives suggest different nuances and arguments, and I hope we can soon discuss them further.

Warm regards,

AUG 0 1 1972

Henry A. Kissinger

Professor Matthew Meselson
Harvard Biological Laboratories
Harvard University
Cambridge, Massachusetts 02138

sorry for the delay in replying.

HK

IMPLEMENTATION OF OPTION B--

SEEKING AN EXPRESSION AS TO THE SCOPE OF THE PROTOCOL FROM ITS PARTIES

There are several different procedures by which the parties to the Protocol could be canvassed for their opinions regarding its applicability to the use in war of riot control agents and herbicides. These include:

1. Convening a conference of the parties to resolve the question.

2. Inquiry by a U.S. diplomatic note sent directly to each party.

3. A declaration by the U.S. by a memorandum accompanying our instrument of ratification which states our willingness to accept the same obligations as accepted by a substantial majority (two-thirds/three-fourths) of the parties.

The disadvantages of a conference are that it would be difficult or perhaps impossible to organize-- and if it were held, it could become seized with issues beyond those we wish to address.

A direct inquiry to the parties or a memorandum accompanying our instrument of ratification do not suffer from these disadvantages and have the desirable feature of being self-executing. If and when the specified majority responds, the understanding of the U.S. would automatically include the obligations in respect to riot control agents and herbicides accepted by the majority.

The following draft memorandum shows how this approach could be formulated. Such a memorandum would be submitted to the Senate for its advice and consent along with the Protocol itself. If approved, the memorandum would be sent to the depository government (France) as part of the ratification, to be circulated to all parties by the French government.

MEMORANDUM TO ACCOMPANY INSTRUMENT OF RATIFICATION

It is the understanding of the United States that the Protocol carries no obligation to refrain from the use in war of chemical riot control agents and herbicides. However, the United States recognizes that many parties have expressed a differing view while still others have not addressed the question of obligations imposed by the Protocol in this regard.

It is the view of the United States that it would be in the interest of all the parties to have a common understanding of the obligations entailed by this important treaty. Therefore, in the interest of obtaining such an understanding, the United States would be willing to accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if two-thirds/three-fourths of the parties declare that they presently consider or would be similarly willing to accept that such obligations are entailed by the Protocol.

Press Score for the G.P.

The President submitted the Geneva Protocol of 1925 to the Senate last August and the Foreign Relations Committee held hearings in March and April. However, the ball is now back in the Administration court due to the fact that a substantial number of Senators on the Foreign Relations Committee, as well as others not on the Committee, do not want to see the Protocol ratified with the Administration's current understandings regarding riot control agents and herbicides. On April 15th Senator Fulbright wrote to the President on behalf of the Committee, asking that he "give further consideration to the tear gas and herbicide question."

At the end of last month Senator Brooke and Senator Humphrey filed separate resolutions dealing with the Protocol. Brooke's resolution asks the President to send the dispute to the International Court of Justice for an advisory opinion. It goes on to request that the President seek a specific treaty for prohibiting riot gas and herbicides in case the Court should find that they are not already prohibited. The Humphrey resolution is simpler and avoids sending dirty laundry to the Hague. It would put the Senate on record as supporting a broad interpretation of the Protocol, one that would cover both riot gas and herbicides. Senator Humphrey has become a co-sponsor of the Brooke resolution, apparently as a gesture of non-partisanship.

In the executive branch, the NSC is working on two National Security Information Memoranda, one on herbicides, the other on riot gas. All aspects, ranging from military utility to arms control considerations, are under study. These NSIM's are unlikely to contain anything fundamentally new. Their real significance will probably be to make possible a fresh discussion of a subject that seemed closed a year ago. These new studies, together with this year's developments in the Senate, have reopened the riot gas and herbicide question, extending the President's range of choices. If it is decided to ratify the Protocol as not excluding riot gas and herbicides, the problem arises of how to modify our previous policy in such a way as to maximize the benefits of our doing so.

On the purely legal side, the experts, both in the government and out, generally believe that a legal case can be made for either side, but that the case against riot gas and herbicides is the stronger. They believe that our current position would very probably lose before the International Court.

The best way to solve the problem is for the Administration to take the initiative, rather than wait for the Senate to quarrel. One approach would be for the President to say that he has given a great deal of his time to considering the control of chemical and biological weapons. He has done this not so much because these weapons pose an immediate threat, but rather because attention to the problem now can avert a terrible threat to mankind in the future. His considerations have led him to the view that the defense of our nation does not require our initiating the use of such weapons. Indeed, their very uncontrollability makes them unsuitable to our defensive purposes and commitments. However, in the hands of others, chemical and biological weapons could do us and all mankind great harm. Beyond these important considerations, he could say, he has become increasingly convinced that the great discoveries of biology and medicine must not be diverted to military purposes. All peoples should be able to agree not to use our expanding knowledge of the life processes for hostile purposes. The President could then recount the far-reaching steps he has already taken, ending up with his submission of the Geneva Protocol to the Senate.

After explaining the Protocol and the case for our ratification, he could bring up the matter of riot gas and herbicides. Although this is a subject of considerable current dispute, it should be presented in a low key and should not be allowed to upstage the more fundamental and general concerns with regard to CBW that have been discussed in the earlier part of his statement. In this spirit, the President might say that we have always supported the aims and objectives of the Geneva Protocol and that we have in good faith held the view that it does not prohibit the use in war of riot gas and herbicides. However, he could say, there is certainly room for honest disagreement since the wording and negotiating history of the treaty are unclear with regard to these particular chemical agents. For this reason, there is currently no authoritative or generally accepted international understanding of the precise meaning of the Protocol. Many nations have expressed views different from our own. Many others have not publicly stated their views at all. Now the purpose of the Geneva Protocol is to draw a clear line against chemical and biological warfare. Unless this line is clearly understood by all it cannot be expected to hold. He could then say that he would not want to allow legal and historical uncertainties to stand in the way of world-wide agreement on the meaning of a treaty aimed at the overridingly important objective of preventing chemical and biological warfare. The security interests of the United States dictate that we seek to end the disagreement and uncertainty.

At this point there would be several courses open. One is to utilize the International Court of Justice to obtain an authoritative interpretation of the Protocol. Another would be for the United States to canvass the parties to the treaty.

Although there is nothing presently on the docket of the Court, it is unlikely that an advisory opinion could be obtained in less than about a year. A canvass could be done in considerably less time. It would show that a majority of the parties to the Protocol consider herbicides and riot gas to be prohibited. However, it would not be a mere repitition of the 1969 General Assembly vote, since there were thirty-six abstentions in that case. If a canvass is conducted in preference to going the route of the Court, the Presidential statement outlined above should not be made until the results are in. The President would then be in a position to say that, after extensive consultation with the parties, it appears that the majority clearly favor including riot gas and herbicides within the scope of the Protocol. He could say that, in the interests of securing general agreement, we would broaden our understanding of the Protocol accordingly. Of course, we would regard our agreement to refrain from using these chemicals in war as a mutual understanding. Other nations would be expected to observe the same rule.

4 August 1971

DRAFT STATEMENT BY THE PRESIDENT ON OBTAINING
A UNIFORM UNDERSTANDING OF THE GENEVA PROTOCOL

(On April 10 the United States signed the Biological Weapons Convention. Along with his message transmitting the Convention to the Senate for its advice and consent to ratification, the President may wish to send a separate statement dealing with the Geneva Protocol of 1925, which was submitted to the Senate on August 19, 1970.)

This Administration has made substantial efforts, on its own initiative and in concert with other governments, to reinforce the constraints against chemical and biological warfare. The Convention on the Prohibition of the Development, Production, and Stockpiling of Biological Weapons and Toxins that I have submitted to the Senate today is a major component of our effort in this important area of arms control.

On August 19, 1970, I transmitted to the Senate for its advice and consent to ratification the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. It is essential that the United States become a party to this basic international agreement. The United States has always supported the principles and objectives of the Protocol, which has been influential throughout its nearly fifty years of existence in deterring the use of chemical and biological weapons.

There is, however, some uncertainty and difference of opinion among nations as to what chemical substances are prohibited by the Protocol. The United States has maintained that chemical riot control agents and herbicides do not come under the scope of the Protocol. A considerable number of states parties to the treaty have indicated a differing view, and nearly half of the parties have stated no position on the question.

We cannot welcome a situation in which the obligations prescribed by an important treaty are subject to uncertain or conflicting interpretations by the various parties. Moreover, legal and historical ambiguity regarding the applicability of the Protocol to riot control agents and herbicides should not be allowed to stand in the way of United States ratification of the treaty or of progress toward further constraints on chemical and biological warfare.

OPTION A

Therefore, in the interest of obtaining a common understanding of the obligations entailed by this important treaty, we propose to seek an advisory opinion from the International Court of Justice at the Hague. At the next session of the United Nations General Assembly the United States will offer a resolution asking for such an opinion in accord with procedures established by the Charter. Although we have made our view clear, we would be willing for our part to accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if such an interpretation is advised by the Court

and accepted by the General Assembly. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

OPTION B

Therefore, in the interest of obtaining a common understanding of the obligations entailed by this important treaty, we propose to seek an expression as to the scope of the Protocol from its parties by informing them that the United States will accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if a substantial majority (e.g., two-thirds/three-quarters) of the parties agrees to be governed by the same obligation. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

OPTION C

Therefore, after a thorough review of the security and other issues involved, I have decided that it is in the interest of the United States to promote general agreement regarding the scope of the Geneva Protocol by extending our obligations under the Protocol to include a restraint on the first use in war of chemical riot control agents and herbicides. It is with this provision that I ask the Senate to take early action in giving its advice and consent to ratification.

NOTES:

1. It is quite clear that the Protocol by its use of the terms "war" and "warfare" in no way applies to or regulates the use of riot control agents in the control of civil disturbances. Such agents have been in widespread use for such purposes for more than fifty years and no party to the Protocol or recognized legal authority has ever expressed the view that this is contrary to the Protocol.

2. Regarding Option B, an invitation to the parties for expressions of opinion regarding the scope of the Protocol would in no way represent an attempt to change or revise the treaty. Rather, it would constitute an effort to find a basis for a uniform interpretation. A similar canvass regarding the status of tear gas under the Protocol was initiated but never completed by Great Britain at the Preparatory Commission of the Disarmament Conference in 1930. Many of the most important parties of the time responded, including Canada, China, France, Italy and the Soviet Union. On December 16, 1969 an attempt was made to define the scope of the Protocol by means of a resolution of the UN General Assembly. The view that all chemical agents including riot control agents and herbicides are prohibited was supported by fifty-two parties to the Protocol and opposed by two. Thirty parties abstained from voting, mainly on the ground that the General Assembly is not an appropriate body to interpret the treaty. In addition, twelve parties to the Protocol were absent at the time of the vote or were not members of the UN. See Appendix.

* * * * * * *

APPENDIX

United Nations resolution 2603 A(XXIV) on the question of chemical and bacteriological (biological) weapons 16 December 1969

The General Assembly,

Considering that chemical and biological methods of warfare have always been viewed with horror and been justly condemned by the international community,

Considering that these methods of warfare are inherently reprehensible, because their effects are often uncontrollable and unpredictable and may be injurious without distinction to combatants and non-combatants and because any use would entail a serious risk of escalation,

Recalling that successive international instruments have prohibited or sought to prevent the use of such methods of warfare,

Noting specifically in this regard:

(a) That the majority of States then in existence adhered to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

(*b*) That since then further States have become Parties to that Protocol,

(*c*) That yet other States have declared that they will abide by its principles and objectives,

(*d*) That these principles and objectives have commanded broad respect in the practice of States,

(*e*) That the General Assembly, without any dissenting vote, has called for the strict observance by all States of the principles and objectives of the Geneva Protocol,

Recognizing therefore, in the light of all the above circumstances, that the Geneva Protocol embodies the generally recognized rules of international law prohibiting the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments,

Mindful of the report of the Group of Experts, appointed by the Secretary-General under General Assembly resolution 2454 A (XXIII) of 20 December 1968, on chemical and bacteriological (biological) weapons and the effects of their possible use,

Considering that this report and the foreword to it by the Secretary-General add further urgency for an affirmation of these rules and for dispelling, for the future, any uncertainty as to their scope and, by such affirmation, assure the effectiveness of the rules and enable all States to demonstrate their determination to comply with them,

Declares as contrary to the generally recognized rules of international law, as embodied in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, the use in international armed conflicts of:

(*a*) Any chemical agents of warfare—chemical substances, whether gaseous, liquid or solid—which might be employed because of their direct toxic effects on man, animals or plants;

(*b*) Any biological agents of warfare—living organisms, whatever their nature, or infective material derived from them—which are intended to cause disease or death in man, animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked.

States voting for UNGA resolution of 16 December 1969.

Parties to the Protocol:

Argentina	Iran	Poland
Brazil	Iraq	Romania
Bulgaria	Ireland	Rwanda
Burma	Ivory Coast	Saudi Arabia
Central African Republic	Jamaica	Spain
Ceylon	Kenya	Sweden
Cuba	Lebanon	Syrian Arab Republic
Cyprus	Lesotho	Togo
Czechoslovakia	Maldive Islands	Trinidad & Tobago
Dominican Republic	Mauritius	Uganda
Ecuador	Mexico	U.S.S.R.
Ethiopia	Mongolia	United Arab Republic
Finland	Morocco	United Republic Tanzania
Ghana	Nepal	Upper Volta
Guyana	Niger	Yemen Arab Republic
Hungary	Nigeria	Yugoslavia
India	Pakistan	
Indonesia	Panama	

Non-parties:

Afghanistan	Mali
Algeria	Mauritania
Cameroon	Peru
Chad	Senegal
Columbia	Somalia
Congo (Brazzaville)	South Yemen
Congo (Kinshasa)	Sudan
Costa Rica	
Dahomey	
Equitorial Guinea	
Gabon	
Guatemala	
Guinea	
Haiti	
Honduras	
Jordan	
Kuwait	
Libya	

States voting against UNGA resolution.

Parties to the Protocol:

Australia
Portugal

Non-parties:

United States

States abstaining from voting on UNGA resolution.

Parties to the Protocol:

Austria	Japan	Singapore
Belgium	Liberia	South Africa
Canada	Luxembourg	Swaziland
Chile	Madagascar	Thailand
China	Malaysia	Tunisia
Denmark	Malawi	Turkey
France	Netherlands	United Kingdom
Greece	New Zealand	Venezuela
Iceland	Norway	
Israel	Paraguay	
Italy	Sierra Leone	

Non-parties:

Bolivia
El Salvador
Laos
Nicaragua
Philippines
Uruguay

UN members not present at UNGA vote of 16 December 1969.

Parties to the Protocol:

Barbados	Gambia	Zambia
Botswana	Malta	

Non-parties:

Albania
Cambodia

Existing states parties to the Protocol but not members of UN in December 1969.

China, Democratic Peoples Republic
Fiji
Germany, Federal Republic
Holy See
Monaco
Switzerland
Tonga

* * *

Total number of existing states parties to the Protocol = 96

Of these, 52 voted for the UNGA resolution. Although France abstained, the French delegate stated his delegation's agreement with the substance of the UNGA resolution.

See next page.

Statement of the French Delegation explaining its abstention from voting on UNGA resolution of 16 December 1969

"Concerning the draft resolution, the French delegation confirms that it is true that through Mr. Paul Boncour in Geneva in 1925, in connexion with the preparation of the Conference on Disarmament in 1932, France made it clear that the Protocol of 1925, in our view, was of very general scope. That is still our position. However, we have constantly maintained that the text of 1925 left no doubts on that point. For that precise reason, we do not think it is up to the General Assembly, as called for in the text of the draft resolution, to give an interpretation of an international convention. Now, while favoring in substance that draft resolution of the twelve countries, my delegation will have to abstain in the vote on it."

GAS WARFARE AND THE GENEVA PROTOCOL

In November, 1969 President Nixon announced that the U.S. would not use lethal and incapacitating chemicals in war except in retaliation for their use by an enemy, nor use biological agents under any circumstances. Nine months after this widely acclaimed step he sent to the Senate the 1925 Geneva Protocol, which we had signed but never ratified. The Protocol prohibits "the use in war of asphyziating, poisonous or other gases, and of all analogous liquids, materials, or devices." Nearly a hundred nations are parties to the Protocol but the United States, alone among major powers, is not. In presenting the treaty, Secretary of State William Rogers said: "It is the United States' understanding of the Protocol that it does not prohibit the use in war of riot-control agennts and chemical herbicides." But the majority of nations that have stated their interpretation of the Protocol assert that it prohibits the use in war of all toxic chemical weapons, including tear gas and herbicides. Both of these substances had been heavily used by U.S. forces in Vietnam. Today, herbicide use has virtually ended, and the use of tear gas is only a small fraction of its 1969 peak of more than six million pounds. Nevertheless, the Administration has not changed the position it presented at the Senate Foreign Relations Committee hearings in March, 1971. Senators suggested that an interpretation that allowed the use of tear gas and herbicides might imperil the Protocol. After the hearings, the Committee sent a letter to President Nixon asking a re-examination of this question. This was hardly an unreasonable request, for Secretary Rogers had at the hearings revealed plans "to initiate a new review of riot control agents and chemical herbicides in the Vietnam conflict." Yet nearly a year later, the Committee has not received a reply, and is unlikely to commend the Protocol to the Senate with this question unresolved.

There is a strong case for a change in the Administration's position. A permissive reading of the Protocol is not justified by the document's historic observance, nor is it consistent with the tradional U.S. stand against <u>any</u> kind of CBW. Moreover, it is likely to weaken the treaty's restraints on more lethal weapons.

Tear gas was the first chemical agent used in World War I, our first and only experience with all-out chemical warfare. Starting in 1914, France and Germany made

massive use of a variety of tear gases in artillery shells and other weapons. In 1915 the gas war escalated following the German use of chlorine against French colonial forces at Ypres. Both sides raced to discover and use toxic agents more effective in defeating the newly introduced gas mask. Of the 275,000 U.S. casualties, more than one-fourth were caused by gas. It is not surprising that a prominent section of the 1919 Versailles Treaty prohibits German possession of "asphyxiating, poisonous, or other gases"-- wording which was later incorporated into the 1925 Protocol.

Americans strongly favored further treaties. Almost without exception, the public and its leaders sought the prohibition of all chemical weapons, as well as the biological agents that were becoming thinkable. In 1922 a committee of distinguished citizens, chaired by General of the Armies John J. Pershing and including Secretary of Commerce Herbert Hoover, recommended the complete prohibition of "chemical warfare, including the use of gases, whether toxic or non-toxic." The top brass of the Navy advised the Administration that "there will be a great difficulty in a clear and definite demarcation between the lethal gases... as distinguished from those gases which simply disable temporarily." This view was the consistent U.S. policy until only a few years ago.

The U.S. took the lead in fashioning an international agreement. Indeed, we drafted and sponsored the Protocol. It is ironic that, 47 years later, our country could represent a major threat to its success. It is the oldest and most successful arms control treaty now in force. The United States would be a party but for an unfortunate episode that foreshadowed later difficulties in limiting arms. For although the U.S. military leadership generally supported the Protocol, a few saw gas as the "ideal weapon." Officers of the Army's Chemical Warfare Service joined with the American Legion and the industry-oriented American Chemical Society to block the treaty. Few Senators wished to oppose this powerful coalition. The Protocol was tabled and, though it remained on the Senate calendar in later years, was not considered again. In 1947 President Harry Truman withdrew it as "outmoded."

The U.S. had not suspended its support of the Protocol's principles, however. As President Nixon noted in his 1969 announcement, "Since 1925, this proposal has

been affirmed by the United States as a matter of policy." Until 1965 this observance included a self-imposed prohibition of tear gas in war. This fact was obscured at the 1971 Senate hearings when Secretary Rogers quoted a 1930 statement by a U.S. diplomat that seemed to show our opposition to restraints on tear gas. The event in question occurred at a preparatory session of the 1932 Geneva Conference on the Limitation of Armament. But it appears that the official- U.S. Ambassador Hugh Gibson- was speaking without guidance from Washington. There is no published record of any State Department cable to the delegation advising Gibson what position to take. Thus, he began his remarks by saying: "I had hoped that it would not be necessary to make a statement on this subject, as I confess that I am not in a position to offer a sound and valuable opinion on the problem." Two years later, when the Conference itself got underway, the U.S. left no doubt as to its stand. On four separate occasions, we approved of wording that explicitly prohibited "lachrymatory" or "irritant" substances. Indeed, our only reservation was that a ban on tear gas in war not prevent its domestic use-- a position with which all other nations concurred. The Protocol explicitly refers to "use in war" and "methods of warfare." No party to the Protocol and no legal authority has ever argued that the use of riot gas to control civil disorders is prohibited by the Protocol. The U.S. has, thus, always asserted its right to use gas for riot control at home, but distinguished this from its battlefield uses, which we opposed in principle. Our official position, as cabled to Geneva by Secretary of State Cordell Hull in 1933, approved of a complete ban, provided that "it did not prohibit the use of lachrymatory gases for domestic police purposes." This position was to be reflected in national policy and practice until well into the Vietnam war.

The withdrawal of Germany and Japan in 1933 doomed the Conference, but the U.S. continued to press for restraints. In 1937 President Franklin Roosevelt declared: "It has been and is the policy of this government to do everything in its power to outlaw the use of chemicals in warfare." Throughout the Second World War, each side stockpiled huge amounts of chemical agents. But the U.S. never ordered the use of gas, and none was used against us. It is especially significant that not an ounce of the more than one million pounds of U.S. tear gas was ever used against the enemy, though much of it was combat-ready in the form of grenades, mortar shells, and tear gas pots. According to the official history of the Army's Chemical Warfare

Service, in cases such as "attacks upon Japanese caves and bunkers, or upon isolated positions, in the Pacific islands, the gases might have brought about surrender, or have driven the enemy into the open." Similarly, there were many opportunities for tear gas warfare in the Korean War but gas was quite deliberately never used in combat. This strict policy in no way interfered, however, with the use of tear gas off the battlefield.

The first U.S. involvement with gas warfare since 1918 was in late 1964 in Vietnam. Public outcry caused Washington to order a total ban. In March, 1965 Secretary of State Dean Rusk declared that the gas would be used only for "situations analogous to riot control." The original rationale was that tear gas would save the lives of civilians held hostage. But the enemy rarely used "human shield" tactics. Peasants learned to flee from firefights or to take cover. It was soon realized that tear gas could drive them from their shelters into the line of fire. Meanwhile, despite Rusk's assurance that "we do not expect that gas will be used in ordinary military operations," it became a deadly and ubiquitous military tool. It was an open secret that U.S. troops made massive use of gas to expose enemy soldiers to the line of fire. Indeed, before the present official silence, Brigadier General William Stone, then a top Army chemical warfare officer, told the House Appropriations Committee how the troops used gas: "It flushes out Charlie, gets him out of the bushes, and they are able to see who they are fighting." Only a month later, in July, 1969, he was more guarded,telling the House Armed Services Committee: "I would like to think that with all American soldiers, if a Viet Cong comes out of a hole or building and appears to want to surrender, we won't shoot him, but if he comes out firing, we will fire back." In reality such chivalrous use of tear gas has been exceedingly rare. Far more often, it has been used simultaneously with firepower to obtain maximum casualties. Since tear gas munitions were now in the field, their combat use expanded rapidly and the ban was quietly relaxed. A 1968 article in Army Digest asserted that tear gas was "helping to win battles and to achieve military objectives."

Dr. Herbert York, the Pentagon's research chief under President Eisenhower, in May 1970 indicated regret at his former belief "that some chemical and biological

weapons, especially of the non-lethal variety,...might, in some degree make war more humane. I have come to realize that the situation is very much more complicated than I had then thought." If tear gas is less humane than originally thought, it is also disappointing as a weapon. High ranking U.S. officers in Vietnam have privately reported that tear gas has been of little military value. Just as in World War I, gas masks are now standard equipment for enemy soldiers, and the North Vietnamese have begun using tear gas themselves.

President Nixon inherited this problem from the previous administration, which bears major responsibility for this extraordinary escalation in chemical warfare. And it is harder to reverse a policy than to avoid it in the first place. Clearly, the simplest and most workable ban on gas warfare is one that covers all chemical weapons. The presence of tear gas and its stronger cousins on the battlefield clouds the important barrier between today's conventional warfare and the terrible possibilities that were only hinted at in World War I. No war is humane, but by international consensus the use of lethal gas is so undesirable as to merit special precautions. Former national security adviser under Presidents Kennedy and Johnson McGeorge Bundy testified at the 1971 Senate hearings on the Protocol that "a clear and agreed international understanding is much more important than the debatable combat value of herbicides and tear gas."

In December 1969 the United Nations General Assembly disagreed with the U.S. view of the Geneva Protocol. Eighty nations voted for an interpretation encompassing "any chemical agents." The U.S., Australia and Portugal (which uses herbicides against rebel forces in its African colonies) were opposed to the resolution, while 36 nations abstained. This decision might have been even more lopsided but for the decision of some of our allies to politely abstain rather than publicly differ with our stand. The Administration has argued that such a vote cannot determine a question of international law. Indeed, nearly half the parties to the Protocol have not yet indicated their view of the scope of the ban on gas. However, agreement would certainly be almost unanimous if the U.S. were to return to its traditional stand against the use of chemicals in war. If the Administration finds itself unable to adopt a complete ban outright, then an honorable and constructive course might be for the President to determine the opinion of countries that have ratified the Protocol, agreeing to accept their view if it is sufficiently unanimous. Another possible action is to ask

the U.N. to seek an opinion on the Protocol from the International Court of Justice at the Hague.

The present impasse over U.S. ratification may well be preferable to a unilateral decision that might erode the Protocol. And a major fight on the Senate floor might be just as damaging, whatever the ultimate outcome. But we tempt fate by leaving the question open. Our hesitation is hardly worthy of the traditional U.S. leadership and of the Administrations far-sighted initiatives to prevent gas and germ warfare. The responsibility has fallen to us to foster a worldwide consensus on the meaning of the 1925 Geneva Protocol. We must strengthen the world's oldest continuously effective treaty on war.

Christopher Leman
Harvard College, Class of 1973

Matthew Meselson
Professor of Biology
Harvard University

THE SECRETARY OF STATE

WASHINGTON

November 4, 1973

Dear Matt,

Many thanks for your very kind note on my appointment. I deeply appreciate it.

Warm regards,

Henry A. Kissinger

Mr. Matt Meselson,
The Biological Laboratories,
Harvard University,
16 Divinity Avenue,
Cambridge, Massachusetts.

CBW; HAK

Study of Dioxin Contamination of Fish of Asian Waters

SEE: 197- File As Noted

December 3, 1973

The Honorable Henry Kissinger
Secretary of State
Washington, D. C. 20520

Dear Mr. Secretary:

For the past 30 months, the National Academy of Sciences has been engaged in a study to assess the effects of the military use in Vietnam of herbicides as defoliating agents and for localized crop destruction. This study was directed by the Congress and supported by an appropriation to the Department of Defense. Our report is nearing completion and should be available to the Secretary of Defense and to the Congress shortly after the first of the year.

Rather late in the study, it became known that an extremely toxic contaminant of the agent 2,4,5-T, an herbicide used extensively by the U.S. forces, had been detected in fish and shellfish in Vietnamese waters in concentrations believed sufficiently high to question their safety for human consumption. This information, based on relatively few samples, has been published in the United States and shortly thereafter, in Vietnam. As a result, there has been widespread alarm that much if not all of the catch from Vietnamese waters may have been made unfit for consumption. As you may know, the Japanese government has impounded all shipments of shrimp from Vietnam pending determination of its safety as a foodstuff.

The toxin in question, TCDD (dioxin), has also been found in commercial 2,4,5-T commonly used in the United States until its ban by action of the Environmental Protection Agency in 1969. Toxic effects of dioxin are said to be manifest after ingesting materials in which it is present in concentrations measured in parts per trillion. Only recently have instrumental methods been developed capable of measurements of this sensitivity.

When the field studies of our Committee were being planned and carried out, information concerning the presence and persistence of dioxin in marine food chains was not known. Indeed, the specific techniques for detection at these low concentrations had not yet been developed. As a result, it has not been possible for our

Committee to assess the degree or extent of this herbicide-related hazard. Nevertheless, the hazard could well be serious and indeed is so regarded by knowledgeable individuals in this country as well as in Southeast Asia. We believe that if steps are not taken by the United States to determine whether there does exist a significant and continuing health hazard, we will be subject to severe criticism both internationally and at home.

The present arrangements with DOD do not allow the Academy to carry the matter further. Under Congressional urging, Defense and the Academy have sought the interest of other departments, notably the Agency for International Development and the Department of State, in supporting the necessary investigations. Several interagency meetings have been held to consider this matter, the most recent being on October 25, 1973 at which State was represented by Mr. William Salmon and AID by Messrs. Cuddy, Jacobs, and Long. At that meeting it was argued that AID is the logical government entity to provide support for a dioxin sampling and analysis project, that NAS should oversee the sampling in Vietnam and that the National Institute of Environmental Health Laboratory in North Carolina should conduct the analyses of the samples. The cost of such a study was estimated at approximately $250,000. The group attending agreed that the studies should be carried out as soon as possible for both scientific and political reasons. Our Committee on the Effects of Herbicides in Vietnam has arrived at the same conclusion and will so recommend in its final report to the Congress.

Being convinced of the importance of this sensitive matter, I do hope that you share our deep concern and will take such action as you believe appropriate in light of the circumstances I have outlined above. I can assure you of the interest of the Academy in providing assistance in such ways as you may find helpful.

Sincerely yours,

Philip Handler
President

cc: Mr. Malcolm R. Currie, DOD
Mr. Thomas R. Dashiell, DOD

bcc: Dr. Anton Lang
Dr. Saunders Mac Lane
Dr. Philip Ross
Mr. W. Murray Todd

NATIONAL ACADEMY OF SCIENCES
2101 CONSTITUTION AVENUE
WASHINGTON, D. C. 20418

February 27, 1974

Dr. M. S. Meselson
The Biological Laboratories
Harvard University
16 Divinity Avenue
Cambridge, Massachusetts 02138

Dear Matt:

Thank you for your letter of February 7 and its enclosure. We had previously been furnished a copy of the November 6 letter and report by AID and, about the same time, a copy of the message from the U. S. Embassy in Saigon reacting to the latter and reporting the action of the Japanese in lifting their embargo.

In the event you do not already have them, I am enclosing a copy of the cable message as well as a copy of Handler's earlier letter to Secretary Kissinger. In light of subsequent developments, Dr. Handler believes a second letter to Kissinger is in order. The material you have provided should be helpful for this purpose.

Sincerely yours,

John Coleman

John S. Coleman

Enclosures

OFFICE OF

HENRY A. KISSINGER

April 5, 1979

Dear Mr. Meselson:

Dr. Kissinger who is presently out of town asked me to thank you for your letter and the copy of your book on the issue of chemical weapons control. He appreciates having the record of the conference you chaired on this important issue.

Sincerely,

William G. Hyland

William G. Hyland

Mr. Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Massachusetts 02138

HENRY A. KISSINGER

August 8, 1989

Dear Matt:

I appreciated having an opportunity to read an advance copy of "Prospects for a Chemical Weapons Disarmament Treaty". It was of much interest, and you were thoughtful to bring it to my attention.

With every good wish,

Warm regards,

Henry A. Kissinger

Dr. Matthew Meselson
Department of Biochemistry
& Molecular Biology
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HARVARD UNIVERSITY
THE BIOLOGICAL LABORATORIES

16 DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

14 March 1980

Dear Henry,

The enclosed article by Robinson and me will appear in next month's Scientific American. There is so much misinformation circulating about the subject of chemical weapons that, even without access to classified material, we thought we would make a positive contribution.

I do not see U.S. procurement of additional chemical weapons, binary or not, as an effective counter to Soviet chemicals, given West German unwillingness to integrate chemicals into their forces and given some of the military characteristics of chemical weapons and chemical protective equipment discussed in our paper. On the basis of the bilateral chemical arms control talks last August and before the Soviet invasion of Afghanistan, I thought there was reason to be midly optimistic about chemical arms control. Defense Department members of the chemical working group were similarly encouraged. When U.S.-Soviet relations are on a more even keel again, I hope that chemical arms control will continue to find favor in the two governments.

As you know, molecular biology is going through another peak of exciting developments, although so far they are mainly inexplicable discoveries revealed by powerful new techniques. The new insights and generalizations have yet to come. I still spend most of my working time in research and teaching. A few weeks ago we bought from Harvard the little brick house on Kirkland Place where the Shulmans used to live behind the Semitic Museum and we are expanding it to accomodate our increasingly active daughters, now aged eight and nine.

With warm regards,

as ever,

Matthew Meselson

Encl.

Trip Notes Thursday, Feb. 21, New York City

2002

We left Boston on the USAir shuttle to New York at 8 and arrived at around 9:45 in the city. We took a taxi to Lexington and 53rd--near the Brook Club between Lexington and Park, where lunch was set for one o'clock. We went to the club, introduced ourselves to the manager (Gregory?) And then went for breakfast at the Palladium, a cafe a few blocks away. After that we left the two binders of documents MM had prepared at the Brook Club and walked around the area, stopping by the Waldorf.

We went over some questions to ask: what were the presdient's real considerations about the banning of biological weapons. Were there documents from primary actors? Were HK's personal observations on record. Would he remember the Key Biscayne phone call reported by Paul Doty about toxins? Was there anyone close to the president who influenced him?

We were at Brook Club at 12:50 and, after checking our coats and the binders (not allowed in third floor lunch room), we were shown upstairs. (Matthew used the first floor men's room while the manager and I waited and discussed how the second floor is reserved for men only, except on certain days of the year, and has a communal table; we would have lunch on the third floor). On the third floor we waited in a room to the left of the elevator that had Gilbert Stuart's portrait of John Jay and a Samuel F.B. Morse of some other similar fellow and three other lesser portraits of the same kind. We were served perriers. Two men waited in the hall by the elevator, on the watch. Henry called to say he would be a few minutes late. By around 1:20 we were seated for lunch.
He was shorter than I had imagined, slightly tanned, his face familiar but wrinkled.
After lunch, MM and I went back to the Waldorf and I took notes on what we both remembered about the meeting.

Right after we were seated, MM went directly to the question of what HK remembered about the 1969 decision. HK said that he had not looked over his files. The decision was made early in the administration, he said, before Nixon began to tape. (thought he gave me an embarassed glance at the mention of the word tape).

About Nixon, HK made the point that Nixon did not have to be persuaded to ban bw. It was an easy issue. MM repeated the "seeds of destruction" quote. HK agreed that this sentiment was central, that nuclear weapons already had the power of mass destruction. He thought that the phrase probably came from his own office, though he said he did not write them himself. Later he mentioned that the process at the time was for his office to write papers that were always judged too academic, so someone in the president's office would distill the ideas, and that HK always had veto power over the ideas. The question of who influenced Nixon seemed to fall flat. Later in the lunch, I told the story of George Bush being influenced by his mother regarding the ban on chemical weapons. Henry had not heard this story. Before I could relate this story to Nixon, MM brought the conversation to the present tense. I suggested that President Bush might be influenced by family members to give more support to the BWC.

Then began a discussion about verification. HK asked about Iraq and about the difficulty of detecting bw. MM responded with his "wrong end of the telescope" argument.
HK asked about the level of bw use and the question of proof. MM introduced the idea of a threshold of bw use but HK and MM agreed that all bw use was meant.
JG added that "natural" versus "unnatural" incidents could be distinguished--as in Sverdlovsk.
JG promised to send HK a copy of her book.
HK said we were in a new era. Once if someone did something there was a response. Now nuclear and bw justified a response before use, didn't they?
MM made point that bw is difficult to find, so how can you have a response? MM talked about how US and USSR had vast scale of bw. He clarifies that Iraq had an anthrax slurry, not up to US or USSR standards. Henry is taken with the idea that a small amount of bw can have large repercussions.

HK had no recollection of Key Biscayne phone call. (Aside here that he had recently read Philip Roth saying that growing old was losing your memory. MM tells of teaching and having a short term memory problem with all new scientific facts. JG adds that he also didn't much care about the new facts.)

HK not interested in writing about bw decision except in memoir--no interest in self-achievement piece.

MM about whether the USSR thought US had held on to a standby bw capacity, mentions leaving our stuff in South Pacific in the 1960s--did the Soviets think then that we had standby.
HK says we had no standby capacity.
MM asserts that experts were let go, that they were disgruntled. (Later MM not sure if all experts were let go in 1969-70)
MM asked HK who was the teacher who most influenced him. HK replied that --gandel Elliot--a man who was not especially great, who later became a kind of second-class consultant--had paid HK a lot of attention. He assigned HK an essay on Kant--this after HK had been in the army and returned to college--and then he told HK that he had "a first-rate mind" something that HK said he had not thought of himself.
MM asked about HK working for Rockefeller after Harvard. HK said he limited the amount of money from NR to what his academic salary would have been, that he didn't want to be taken in by the Rockefeller money. HK said that at Harvard he had a Saturday group (not his seminar) that concentrated on mid-range and long-term policy issues. He said that with the Vietnam war protest, academics either were revolutionaries who wanted to change government radically or they were applying for jobs at assistant secretaries and above. In government, short term tactics fill the days. There is little mid and long range planning, which is where academics can be useful. But today academics try to be tactical while knowing not much about government present time activities.
HK remarked that Bush will have to show he is against BW, with the inference that this would

be a move against Iraq, before getting to the treaty issue. MM asked whether the UN could have an ad hoc tribunal for cases of bw use, pre arranged and not subject to veto. HK agreed this could be done.

Henry asked JG about herself, she told of meeting MM at Aspen and then getting involved in yellow rain as person who did interviews via connection from MM for CIA (Stuart S.--whom MM didn't seem to remember as CIA) and then on to Russia. JG said she was raised in Cold War atmosphere and was somewhat afraid to go to USSR in 1988 but eager to go in 1992.
MM told story of getting invitation to Ekaterinburg iva Gubanov.
JG praised opera house in Ekaterinburg, said city was removed from Moscow. HK has never been much beyond Moscow. HK said his musical apprecation stops at R Straus and maybe Stravinsky.
MM asked HK what he did for leisure. Answer: walk, read, swim. HK said when young he thought age was an affliction that would happen to others not him. He said he is 78 but does not think of retiring because he loves what he does, it is not work. MM agrees. JG makes reference to MM's father working until 91. JG refers to Larry Holmes book about MM and relentless work schedule.

JG mentioned she had worked as Congressional Fellow in DC. HK comments that DC is demoralizing when you are not in power--unless you write. Politicians at present do not want substance; they want impact. HK remembered and liked Durrenberger, Senator JG worked for who ran afoul of ethics committee on book selling deal.
JG mentioned power of media in DC. HK recounted that contrary to what some think he did not let information leak--that he held substantive press briefings and that good journalists could find information in them if they looked.
HK on Putin: Putin worked in the analytic part of KGB and cares about world affairs. Last summer (?) HK spent several hours with him. He has a good opinion of Putin.

JG asked about Homeland Security. HK said Ridge seemed good but he had no power, no money and no programs. JG pointed out that he had influence with Bush, that he influenced the increase in the NIH budget. HK replied that you cannot keep pestering the president for money.

On Korea and Iran, HK said Bush will never touch them. But Iraq could be different.
MM thought that UNMOVIK might be a solution, that Hans Blick (?) Would know.

MM verifies that HK brought the book Andromeda Strain to Nixon who read it. HK presumed that MM was influential in decision, that he MM must have his set of documents. MM tells HK that there is a binder of information for him downstairs.
HK laughed when he said that he had no plan to visit Harvard.
To JG he commented that teaching in the social sciences must be difficult now, implication of some reduced freedom (don't know if he meant pc issue or patriotism issue). JG emphasized that

MIT atmosphere was open.

MM and HK discuss treaty promotion. MM emphasizes the "voice" or tone that the argument must make.

On elevator down to lobby, guard explained that ssecond floor was just for men and then gave details on once a year ladies dinner, etc. HK seemed not to know any of these rules. In lobby, MM gave him the big three ring binder with documents, which HK handed to an assistant with instructions that it should go to the country this weekend. In it were also the Science article, the NYRB article, and JGs Proceedings of the American Philosophical Society article. Very friendly good by at around 2:50.

JG and MM went back to Waldorf (3-4:15), tried to reach Chris Vlasto at ABC news who had tried to reach us in Boston. We left a few messages for him but did not hear back.
We went to the UN at 5 to meet Igor L and others (Harry, Peter) involved with UNMOVIK. Left there at 6:45 to get the 8 pm shuttle to Boston. We helped the UN people get the DRES report off the web. Igor recounted how in 1993 Nikita asked him to arrange our meeting with General Y. Igor said he made sure the general read the draft (in Russian) of the Science paper. Which made the general angry, but Igor encouraged him to have a conversation with the Americans, to explain his views. Igor is in the file photo taken in 1993 in Moscow with General Y.

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22 March '02

Dear Henry.

Jeanne asked me to send you her book about the Sverdlovsk anthrax — as promised.

I do hope that you will prepare a memoir - even if only for your files - about the historic BW/toxin decisions of 1969/70. Imagine what would have developed if the old offensive program had been maintained, placing the US in the position of having to justify and therefor legitimize biological weapons.

Seeing you again was the greatest

Best Wishes

HENRY A. KISSINGER

April 1, 2002

Dear Matt:

I am just back from a rather long trip and have only had a chance to take a quick look at Jeanne's book. But already I know I will be reading it with the greatest interest, and I thank you both for sending me a copy.

I enjoyed our lunch enormously and hope we can get together again sometime soon.

Warm regards,

Henry A. Kissinger

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Cellular Biology
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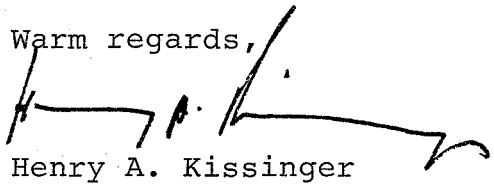
HENRY A. KISSINGER

February 11, 2005

Dear Jeanne:

Thank you for sending me a copy of Biological Weapons and for your gracious inscription. Your chapter on Nixon's decision to renounce their use is accurate as I recall it, and know I will find the rest of the book equally interesting and informative. The subject is of great importance, and I appreciate your bringing your excellent overview to my attention.

Warm regards,



Henry A. Kissinger

Professor Jeanne Guillemin
19 Chauncy Street
Cambridge, MA 02138

Gmail by Google

Matthew Meselson <mmeselson@gmail.com>

Re: Kissinger

Matthew Meselson <mmeselson@gmail.com> Sun, May 16, 2010 at 7:17 AM
To: "Ferguson, Niall" <nfergus@fas.harvard.edu>
Bcc: Janet Montgomery <jmontgom@fas.harvard.edu>

Dear Niall,
Tea at 6:00 would be fine. Where will I find you?
Many thanks,
Matthew

On Sun, May 16, 2010 at 3:25 AM, Ferguson, Niall <nfergus@fas.harvard.edu> wrote:

> Dear Matthew,
> That would be a pleasure. Would you care to meet on Tuesday for a cup of tea — say at around 5pm?
> Best wishes,
> Niall.
>
> On 5/15/10 8:33 PM, "Matthew Meselson" <mmeselson@gmail.com> wrote:
>
> > Dear Niall,
> >
> > I will be seeing Henry later this month partly in regard to his role in the Nixon CBW decisions. If you will be in Cambridge this week could you spare me a few minutes?
> >
> > Best regards,
> >
> > Matthew
> >
> > On Thu, Feb 11, 2010 at 2:18 AM, Niall Ferguson <nfergus@fas.harvard.edu> wrote:
> >
> > > Dear Matthew,
> > > I would love to talk to you about this. I am still in the foothills of his early years, but I hope before the end of the semester we can find time to discuss this.
> > > It's a hugely important subject.
> > > Best wishes,
> > > Niall.
> > >
> > > **From:** Matthew Meselson [mailto:mmeselson@gmail.com]
> > > **Sent:** Wednesday, February 10, 2010 2:12 PM
> > > **To:** nfergus@fas.harvard.edu
> > > **Subject:** Kissinger
> > >
> > > **Dear Niall,**
> > >
> > > **We once talked of Henry Kissinger's role in the decisions**

of President Nixon to renounce biological and toxin weapons. Important then, those decisions of 1969 and 1970 seem even wiser in retrospect, as our knowledge of fundamental life processes and how to manipulate them continues to advance.

So far as I know, Henry has never written or spoken on the record of this. Having been involved on the periphery as a friend and informal consultant to him during the relevant interagency reviews, I believe that Henry shares a good part of the credit for the President's. decisions. In overseeing the two principal reviews (pursuant to NSSM59 on biological and chemical weapons overall and NSSM 85 specifically on toxins) Henry required each agency and department, despite their preferences, to argue both pros and cons for each option, effectively preserving all the issues for the President. The (unpublished) record shows that Henry's own recommendations to the President were to renounce biological weapons and, in the end, also to renounce toxin weapons.

If you are interested in talking with me about this aspect of Henry's life, let me know and we can arrange a time and place -- perhaps at your Cambridge office or, next door, at my office in the Fairchild Biochemistry building on Kirkland Street.

Best regards,

Matthew

–
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MM Notes on Visit with HK May 24, 2010
4 p.m.

I arrived at K Associates at 4 pm He came out of office into waiting room and led me back to his office. He sat on my right because as he explained his left ear is better (same problem as with lunch years back). I was on sofa and he was in chair. His assistant brought in two cups of tea--automatically.

I told him about Paul Doty and gave him a sheet of paper on which Paul's telephone numbers were written and encouraged him to call on cell. That Paul would appreciate it. HK asked what PD medical problem was and I said congestive heart failure. HK said the best cardiologist in world was in Boston, Desanctus, but he wasn't available at this time. I said that Paul had been told by one physician that he had only a few weeks to live. Paul telephoned me right after that, very distressed. Subsequently his own cardiologist told him that nothing was that certain but that his condition was deteriorating.

I recently talked with Naill Ferguson and Henry said NF was slow in finishing the biography although HK had high regard for him. I asked him about NF history of Rothschilds and HK said it was good. NF now has a sabbatical I said and now planned to devote full time to HK biography.

HK said it was his policy not to respond to war criminal charges. (How did this subject arise?)
I didn't know what to say. Then I asked if he saw the world as a hierarchy of evils. That he had to make decisions based on the lesser evil. He looked very thoughtful at that and then paused and said he did.

He told me what he had written as undergrad thesis at harvard and then his grad thesis on council of Vienna which he wasn't able to get published by an American house but did get a British publisher that sent 2000 copies to US yet book was not well received. Now it is regarded as important. I had the impression he was telling me he was not appreciated when he was young.

I reminded him of lunch with JG in 2003 or 2004 and stsill hoped to make some record of his recollections of the events around Nixon decision to end BW. Hoped to have some event. He said he wouldn't step foot on Harvard.

No, I assured him, it should be in NYC and Tom Graham would help arrange it. Which Tom Graham? Your Tom Graham--who recently spoke at Harvard. I spoke with him and he is willing. HK the Tom G with beard? I couldn't recall a beard. HK siad he looks like revolutionary. I said he has the same telephone number as you. HK agreed it had to be his TG. I said I would follow through with TG.

I gave him a draft of my note on the toxin decision, including the five page memorandum "US policy on Toxins (NNSM #85)" Fill in exact words here.

He looked at handwritten words at option III and said it looked like his handwriting next to President's signature but said he couldn't be sure.

I asked if the BW decision was related RN's concern with the environment. Not that, HK said, but that the development of BW would be like opening a door that could not be closed. I said it is an entire dimension of mass destruction that once started could be obtained by anyone.

About the toxin decision, I explained that the purpose of my note was to ask if the Pres made his decision at Key Biscayne or had already made it earlier. I recounted that Paul Doty had telephoned me saying the previous night you had tried to reach me by phone but I didn't answer because I was at movies and the purpose of your call was to locate a copy of the paper on toxins I had written for you. Paul couldn't find his copy when you asked. According to Paul you called back the same night to say you had found copy and that the Pres had made decision. And that what had impressed Pres was part about presidential credibility. I explained that the reason for my note was to ask if the Pres as it appeared had made the decision at Key Biscayne or if he had already made it beforehand. The reason for asking was that there is a telephone record of a conversation between the President and HK—I read the words—in which the Pres says regarding "the toxin thing" is that "he isn't going to leak it." And that HK "should act as if we are still working on it."

I asked HK if it could be that a decision for option 3 had already been made but that he and the President did not want to reveal this prematurely in order for HK not be perceived by Joint Chiefs and DoD as opposing their policy on a military matter. HK said that he could not remember the particular case but that when you are national security advisor or secretary of state you have objectives and you also have the bureaucracy and sometimes it is necessary to take bureaucracy into account in achieving your objectives.

I asked HK what he thought about Obama versus McCain in role of president. HK said that he was very good friend of McCain and that he had reached his peak in 2000. HK said he was deeply concerned about President Obama. Thought he has not adequately connected to American people. He has known ten US presidents and that of all Obama seems the most remote. I mentioned that in his addresses Obama looks to the left and the right but not at the camera.

He said he had to work that night for next day's testimony to Foreign Relations Committee regarding new START treaty. He said that some of his republican friends would not be pleased but that he was going to endorse it.

I said that with Lugar and even Schlesinger supporting it, it could have a good chance. HK said yes but that Schlesinger had given a long list of objections to treaty and ended by saying he supported it.This was not necessarily an effective endorsement.

HK told about his mother Paula who after her stroke was on life support. HK refused to have it removed, against doctors advice. He said if tn hey took support away, he would sue them. She recovered and lived another five years. I talked about my own mother living a long time and showed him her photo at age 100 and that she had been in good health.

I said I had just turned 80 and he said he had also had a birthday that month too.

HK said be sure to come back again and bring your wife. He said this several times.

He walked me to the corridor.

He did well in chemistry taught at Harvard by Kistiakowsky. But when he asked Kisty if he should go into chemistry Kisty said if you need to ask you should not go into chemistry.

HENRY A. KISSINGER

June 8, 2011

Dear Matt:

Thank you for your and Jeanne's thoughtful e-mail on my birthday. It was good to hear from you, and I appreciated your thinking of me.

Warm regards,

Henry A. Kissinger

Professor Matthew Meselson
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November 19, 2012

Transcription of voicemail message

Memo on Meeting with Henry Kissinger. Meeting at 3:30, November 15, 2012

I came up to his office and sat in waiting room. And at about 4:00 he came out, he had been meeting with someone else, and escorted me into his office. We talked from about 4:00 until 4:30.

I started out by saying, "How are you, Henry?"

And He said at this stage, (and I can't quite remember the words, but basically it meant) distinctions are not relevant, something like that.

He started by asking "How old are you?"

I said I was 82.

Then he said "I arranged for you to have dinner at Harvard when I came up to speak."

I said it was very good that you came, and furthermore that you didn't ask that the questions from the audience be screened.

Henry said that the President of Harvard had advised him only to speak, he was the one that said there should be a question period.

I then said I thought of him as a teacher and I mentioned the case at Endicott House at MIT where years ago I saw him sitting on the floor/rug with students all around.

And then he asked why was I not invited initially to the dinner.

I said I am a chemist and my world is very separate from the world of Graham Allison.

Then I told him I had lunch with Fritz Stern.

Henry said he is an important, maybe he said eminent, historian, but critical of me over Viet Nam.

I said I did not know that, that I came to see Fritz Stern for quite a different reason. Because I had gone to school/college with the granddaughters of Fritz Haber and Fritz Stern was their uncle (the nephew of chemist Fritz Haber).

And we talked that a little a bit about Haber, and Henry asked if he was Jewish, I said yes but he was baptized.

Then we talked a little about Haber's first wife Clara committed suicide, and circumstances of that, how it was the son, Herman, her son that found her dead or dying. That son, that same son Herman in America killed himself and one of his daughters, Clair killed herself.

Henry said he didn't know about whether Fritz Haber was Jewish or not.

I said yes he was Jewish but baptized, so was Fritz Stern.

Then I asked Henry were you baptized? He said No, no, my father was orthodox. And he said was orthodox, maybe largely out of duty.

I ask did his father believe in a deity? And he said that was not clear.

Then I asked What do you believe about this?

He said words to the effect I believe there is maybe some intelligence that we don't understand, not that it would ever respond to me or answer the prayers of people.

Then Henry said he had I think he said a dinner but I'm not sure with a woman who was head of New York Natural History Museum, and she was furious with him and called him a creationist. It sounded friendly, but nevertheless. But Henry said couldn't there be an explosion and creation out of an explosion?

I don't know whether he meant a universe or of a species. I imagine he meant universe. I doubt that he's a creationist in the sense of species all being individually created I'm sure he's not.

And then I said you probably know why I've come – it's because of the Biological Weapons Convention. I reminded him of my concern that over time, biology with, especially now that we're beginning to understand the brain, be able to essential to manipulate people any way we desire. And that for the very long term, the norm established by the BWC , I said it was only 4 pages long and therefore probably a very good treaty.

Then Henry asked does it have any provisions for application. I thought that he used the word application, I forget what he said.

I said no, no, it just sets up…well I said yes, it does. It requires states parties to criminalize these activities within their own statutes.

And I said something like A treaty like garden, needs to be tended. But there is on record the statement of Nixon that it's a jackass treaty. I don't know if the President meant it that way or would have stood behind it. But that's it's really important that if child never has a single good word from parents, it's not good news for the child, and that the Treaty needs good words from Henry.

He said he had no problem with that. He said why don't we set up a lunch or breakfast to talk about it further.

That he had to go home now to dress, because he was having dinner with Finnish Ambassador, but set up a breakfast or lunch.

Second part of some notes from talking with Henry.

It is now 5:30, the previous phone call I guess I started around 5:15. I left his office at 4:30. This is just the very end, I don't know exactly where I left off.

He said to set up breakfast or lunch and we could talk about this. I said I would do that.

He said his assistant Tara was very nice, but not very competent.

Said my advice is to have Nancy interview your people before you take them on. He said you're right, she's much better at judging people. I said something similar.

ThenI said good bye, and Tara said she'd send me several dates for a lunch or a breakfast.

And that's about it, I'm probably forgetting some things, but this is the main part, this is what I remember.

It was very pleasant, good to see him. A little bit older and greyer.

As I left the building he was also leaving in an automobile with two people helping him. License plate for what it's worth was CBC 7615. I'll come back and we'll talk more.

He mentioned Niall Ferguson– The implication that Niall is not moving very fast on this, but I'm not really sure. Niall is writing an authorized biography.

He was clearly willing to do something along these lines. I suggested an Op-Ed, but Henry quite rightly said well, we needed to talk further about it.

I reminded him that once before we had lunch with Jeanne at the Brooks Club. I had asked him if he would write something about it, but he said he only had one or two research assistants any more but if I sent him some materials maybe they could do something, and I did I sent him a big notebook full of some things.

He put his arm around me and said "Oh, Matt, one does not brag about one's own accomplishments." And I said "You were teasing me but we really have to get something about this treaty. It's the norm for civilized behavior, it's important for the future. " He clearly agrees with that, and I hope we'll get something done.

That's it.

November 19, 2012

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I ask did his father believe in a deity? And he said that was not clear.

Then I asked What do you believe about this?

He said words to the effect I believe there is maybe some intelligence that we don't understand, not that it would ever respond to me or answer the prayers of people.

Then Henry said he had I think he said a dinner but I'm not sure with a woman who was head of New York Natural History Museum, and she was furious with him and called him a creationist. It sounded friendly, but nevertheless. But Henry said couldn't there be an explosion and creation out of an explosion?

I don't know whether he meant a universe or of a species. I imagine he meant universe. I doubt that he's a creationist in the sense of species all being individually created I'm sure he's not.

And then I said you probably know why I've come – it's because of the Biological Weapons Convention. I reminded him of my concern that over time, biology with, especially now that we're beginning to understand the brain, be able to essential to manipulate people any way we desire. And that for the very long term, the norm established by the BWC , I said it was only 4 pages long and therefore probably a very good treaty.

Then Henry asked does it have any provisions for application. I thought that he used the word application, I forget what he said.

I said no, no, it just sets up...well I said yes, it does. It requires states parties to criminalize these activities within their own statutes.

And I said something like A treaty like garden, needs to be tended. But there is on record the statement of Nixon that it's a jackass treaty. I don't know if the President meant it that way or would have stood behind it. But that's it's really important that if child never has a single good word from parents, it's not good news for the child, and that the Treaty needs good words from Henry.

He said he had no problem with that. He said why don't we set up a lunch or breakfast to talk about it further.

That he had to go home now to dress, because he was having dinner with Finnish Ambassador, but set up a breakfast or lunch.

Second part of some notes from talking with Henry.

It is now 5:30, the previous phone call I guess I started around 5:15. I left his office at 4:30. This is just the very end, I don't know exactly where I left off.

He said to set up breakfast or lunch and we could talk about this. I said I would do that.

He said his assistant Tara was very nice, but not very competent.

Said my advice is to have Nancy interview your people before you take them on. He said you're right, she's much better at judging people. I said something similar.

Then I said good bye, and Tara said she'd send me several dates for a lunch or a breakfast.

And that's about it, I'm probably forgetting some things, but this is the main part, this is what I remember.

It was very pleasant, good to see him. A little bit older and greyer.

As I left the building he was also leaving in an automobile with two people helping him. License plate for what it's worth was CBC 7615. I'll come back and we'll talk more.

He mentioned Niall Ferguson– The implication that Niall is not moving very fast on this, but I'm not really sure. Niall is writing an authorized biography.

He was clearly willing to do something along these lines. I suggested an Op-Ed, but Henry quite rightly said well, we needed to talk further about it.

I reminded him that once before we had lunch with Jeanne at the Brooks Club. I had asked him if he would write something about it, but he said he only had one or two research assistants any more but if I sent him some materials maybe they could do something, and I did I sent him a big notebook full of some things.

He put his arm around me and said "Oh, Matt, one does not brag about one's own accomplishments." And I said "You were teasing me but we really have to get something about this treaty. It's the norm for civilized behavior, it's important for the future. " He clearly agrees with that, and I hope we'll get something done.

That's it.

HAK
Tuesday June 23, 2015
Made from my agenda and from
notes written after leaving Henry's office

Appointment was for 11:30.
350 Park Avenue, 26th floor
I arrived at 11:15

Katherine Matthews, Henry's new appointment secretary, greeted me and gave me coffee in the waiting room. Henry came in from his office across the hall at about 11:20 and we went into the office. I sat on the sofa, Henry on an adjacent upholstered chair, the same as last visit.

I said it was good to see him and asked how he was. He said he was well but aware of the actuarial tables. He asked how old I was. I said 85, seven years younger than he.

He said I should come with Jeanne next time. I said she was writing a book on the Tokyo war crimes trials of 1946-47. He made a comment that I do not remember.

I asked about his archive. Personal papers are at Yale, official papers are at State. A small percentage of papers at Yale contain classified material. He said he prefers to wait until the next administration before pressing for a security review of the Yale collection because of concern that the present administration might engage in selective release.

I asked when Niall Ferguson's biography would be published. Henry said it would be out in September and would cover the period up to 1969. [Added later: Kissinger: Volume I: The Idealist, 1923-1968]

I said I have the minutes of the January 12, 1966 session of the Harvard-MIT Arms Control Seminar in which Henry reported on his first trip to Viet Nam -- to consult for Cabot Lodge. He said he did not know there were minutes of the seminars and would like to have them. I said I had minutes of only that one session, in which I participated, and would try to find the minutes of other sessions. [I mailed the January 1966 minutes to him on June 29 and next day telephoned Katherine Matthews asking her to tell Henry I had done so and that I am looking for minutes of other sessions.]

I said his report to the seminar portrayed a divided and ineffective government in Saigon and in the provinces and an effectively organized VC opposition in the countryside. And that Westmorland's strategy was to attempt to locate, engage and destroy VC main forces while Viet Cong operations were based on psychological and political criteria so that, although not seeking to have any territory under their full-time control, they were able to collect taxes nearly everywhere. And that the VC controlled the entire delta even though there were no VC main forces there. Henry said that Westmorland was a nice person but limited by his experience in WWII.

I said I thought Abram's strategy was very different and that I had spent a morning with him in September 1970 at his headquarters, the last day I was in Viet Nam. That he asked me what I thought of the military utility of the herbicides and that I said I had not studied that aspect whereupon Abrams said he thought the herbicide program was "shit" but that he had to get the 55-gallon drums off the decks at Danang and Saigon so as to be able to offload the supplies he needed but that the decision to use them was made in Washington. Henry said that Abrams was a decent man.

I said I remembered a conversation we had on a late afternoon in his Semitic Museum office when he had just returned from his first trip to Viet Nam--that he seemed tired and had said “Matt now I know how the good Germans must have felt.” [This is quoted in the 1983 book by Seymour Hersh.] And that this had made a deep impression on me. Henry did not respond – just remained silent for a few moments. I did not pursue the matter. [Next time we are together I will ask to what he was referring].

I changed the subject, saying it was good that he had come to speak at Harvard this year and the year before. I recalled that after his talk at the Law School I met his son David [a television producer in Los Angeles] and asked how he was. Henry said he was well, living in California and had come with his daughter [a first-year Harvard student??].

I said I was sorry he had not come back after leaving government to teach and interact with students at Harvard--that I was one of a small group that Derek brought together to advise on whether or not to offer a University Professorship. Henry said he had not known how the decision was reached. I said that in addition to Derek, the group consisted of Seymour Martin Lipsett, Konrad Bloch, myself, and one other [maybe Dan Aron]. That the others were opposed and that I disagreed, that I had seen Henry with students and that considering Henry’s extraordinary experience in government it would be a loss for Harvard students not to bring him back. Henry said that he would (probably?) not have returned to Harvard and that not returning had left him freer to act.

I said that it was the Cambodian incursion that particularly upset some of his Harvard colleagues who had not spoken out strongly against the war before that. Henry said that we were being heavily attacked from what had been a sanctuary across the border and had to respond.

I had brought with me a copy of part of Henry’s doctoral dissertation from which I read aloud a passage that said “*If a society legitimizes itself by a principle which claims both universality and exclusiveness, if its concept of justice does not include the existence of different principles of legitimacy, relations between it and other societies will come to be based on force.*” I asked if he thought this applied to present US-Russia relations. Henry said that Putin was expecting the 2014 Olympic games in Sochi to portray Russia as a major part of the West and that the sudden anti-Russia political change in Kiev, including passage of a law prohibiting the use of Russian as an official language, had come as a shock. That Putin sees the US as seeking regime change. Henry said he had supported the inclusion of Poland in NATO but that Ukraine should not become a member of NATO. I asked what step the USG was specifically asking Putin to take in order to have the sanctions removed. Henry said that the objective of the Whitehouse seemed to be regime change.

On Russia-China relations, Henry said that China aims to create something like the old Silk Road, a trade and economic zone extending from China westward through Asia into Eastern Europe but that China is traditionally unlikely to want to expand its territory into areas populated by people who are not Chinese. That after the China-India war of 1962 the Chinese pulled back from Indian territory and even left the Indian weapons in the field intact. I mentioned that when China invaded Viet Nam in 1979, after advancing pretty far into Viet Nam, China had withdrawn without expanding its borders. [The question of Tibet did not come up.]

I had brought a copy of Henry’s 5-page undated memorandum for the President on “U.S. Policy on Toxins” in which Henry recommended Option II but on which someone (Henry? The President?) had handwritten “OPTION III” and on which Nixon had written his initials opposite “Approve”. I said that this was done at Key Biscayne in early February 1970 and asked Henry if he remembered what caused Nixon to approve Option III [renunciation of toxins regardless of how they are made] instead of accepting Henry’s apparent recommendation of Option II [renunciation of toxins if made biologically but not if made by chemical synthesis] Henry examined the memo and asked if he could keep it,

which he did. [Recall that Doty had told me the day after the decision that Henry had telephoned him asking if he had a copy of my memo “What Policy for Toxins” and that Henry had called again later that night to say they had found the paper and it was the part about maintaining Presidential credibility that had convinced the President to renounce toxins entirely.]

I mentioned Hans Morgenthau and remembered that he had early advocated leaving Vietnam at once while Henry had argued for leaving only after a stable RVN government could be formed. Henry said he had high regard for Morgenthau and had written a memorial of Morgenthau in the New Republic. That there had been a publication (where? by whom?) about some sort of scandal involving Morgenthau’s private life. I asked Henry if he had known Solly Zuckerman. He recalled that Zuckerman was UK science advisor but did not know him well—mainly in connection with their mutual opposition to the idea of the multilateral force during the Kennedy Administration.

Henry said he had to leave for an appointment. I left at about 12:20.

Gmail

Matthew Meselson <msmeselson@gmail.com>

Harvard-MIT Arms Control Seminar

Matthew Meselson <msmeselson@gmail.com> Fri, Nov 13, 2015 at 11:54 AM
To: "Dr. Henry A. Kissinger" <kmatthews@kissingerinc.com>
Bcc: Jeanne Guillemin <jguillemin6@gmail.com>, Janet Montgomery <jmontgom@mcb.harvard.edu>

Dear Henry,
When we met in your office in June you mentioned that you had not known that minutes were taken of the discussions at the Harvard-MIT Arms Control Seminar. I have a complete set for the academic years 1960-1970 including 21 at which you led the discussion or acted as a discussant. I made a set of the minutes for you and will bring it to your office on Monday of the coming week, the 16th.

Last week Niall Ferguson told me that Harvard Archives would not give him the minutes (!) so I gave him a set.

If you should be in the office on Monday and have about 10 minutes to spare there is something I would like to talk to you about--although it could be done some other time.

With warm regards,

Matt

spoke.

–
Matthew Meselson
Thomas Dudley Cabot Professor of the Natural Sciences
Department of Molecular and Cellular Biology
Harvard University
16 Divinity Avenue
Cambridge, MA 02138
Telephone 617-495-2264

HENRY A. KISSINGER

June 14, 2016

Dear Matt:

This letter has been delayed by a week-long trip to Germany. But I wanted to let you know how much I appreciated the thoughtful note you sent on my birthday. It was good to hear from you.

Hoping you and Jeanne are doing well,

Best regards,

Henry A. Kissinger

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HENRY A. KISSINGER

June 4, 2020

Dear Matthew:

How nice it was to hear from you. Thank you for your thoughtful note and for remembering my birthday. You have been a loyal friend for most of my life, and it means a great deal to me.

Hoping that you are staying well in these challenging times,

Warm regards,

Henry A. Kissinger

Dr. Matthew Meselson
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HENRY A. KISSINGER

August 16, 2023

Dear Matt:

Thank you for your letter on the occasion of my 100th birthday, along with your late wife's book of poetry and notes from our lunch in 2002.

Your wife's poetry was as moving as your efforts to publish it. With your touching foreword, the book symbolizes the mutual support that gives meaning to life.

Jeanne's notes on our 2002 lunch demonstrated the same powers of observation that inspired her poetry. At 100, as at 78, I continue to love what I do, and I still have no intention to retire. I applaud your own commitment to continued contributions and would welcome the opportunity to meet again.

Warm regards,

Henry A. Kissinger

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