

~~MEMORANDUM~~

THE WHITE HOUSE
WASHINGTON

3 February 1970

*Decision with Richardson
to move*

~~SECRET~~

ACTION 7113

MEMORANDUM FOR DR. KISSINGER

FROM: Michael A. Guhin *MA Guhin*

THRU: Robert M. Behr *RM Behr*

SUBJECT: Deputy Secretary Packard's Request to Have the Under Secretaries Committee Review the State-Defense Draft Memorandum on the Geneva Protocol

State informed us informally today, 3 February, that Mr. Packard wrote Mr. Richardson, on 2 February, requesting that the Under Secretaries Committee review the State-Defense draft memorandum on the Geneva Protocol before forwarding it to the President. We understand that Mr. Packard's letter to Mr. Richardson was written at the suggestion of Secretary Laird.

* As noted in our memorandum to you, on 27 January (Tab A), the State-Defense memorandum is neither the formal package nor the interpretative statement for submission to the Senate, as requested in NSDM 35. It is a memorandum requesting decisions on two or more issues where State and Defense appear to disagree. Attached to our earlier memorandum was a description of the issues between State and Defense, along with some of the major arguments and agency positions (Tab B).

The Under Secretaries Committee could schedule a meeting on this subject next Thursday, 12 February, and we have recommended that the Committee aim toward this date at the latest.

Ken Belieu wrote you a memorandum (Tab C), on 2 February, stating that Democratic Hill leaders are becoming restive on the lack of the Administration's follow through on the Geneva Protocol and "unless action is completed very soon—the President may be embarrassed". (We are now preparing a reply for Mr. Belieu.)

One matter upon which there appears to be agency agreement is that the toxins issue should be settled before the Administration submits the

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Protocol to the Senate. The toxins paper has already been revised as per the instructions of the Review Group last Thursday. The toxins paper will be forwarded tomorrow (4 February) for comments by the members of the Review Group by the middle of next week.

It is necessary for us to have all of these matters in hand so that the Administration can move once decisions are made. Therefore, we recommend pushing on both the toxins issue and the Protocol package simultaneously.

In brief, we believe that an Under Secretaries Committee meeting on the State-Defense Geneva Protocol memorandum could serve useful purposes (1) perhaps by coming to the conclusion that some of the issues are not really substantive, and (2) by moving this matter off the dime. [FYI: We believe that, out of the three issues stated in the memorandum, there may be only one truly substantive issue relating to how the U. S. should handle its understanding on riot control agents and chemical herbicides (See Pp. 1-2, Tab B).] Our understanding of these issues will be presented in more detail in your briefing book for the proposed meeting.

The primary point now is that the Under Secretaries Committee consider the matter and forward it to the White House as soon as possible—hopefully, the day after the meeting.

RECOMMENDATION:

That you call Mr. Richardson to discuss these matters