

*Rodman*

MEMORANDUM

NATIONAL SECURITY COUNCIL

SECRET

August 19, 1970

MEMORANDUM FOR THE RECORD

FROM: Jeanne W. Davis *JWD*

SUBJECT: Monday Morning Staff Meeting, August 17

(The first few minutes of the meeting were filmed by CBS-TV)

Briefing on Geneva Protocol

Dr. Kissinger asked who was going to brief tomorrow on the Geneva Protocol. The President or himself?

Col. Behr said the President, and that the procedure would be the same as for the breakfast.

Dr. Kissinger said he wished to talk to Col. Behr about the matter, saying he did not understand what Fulbright is proposing.

[Omitted here is discussion of other subjects.]

Geneva Protocol

Dr. Kissinger told Col. Behr that if the President did not wish to brief on the Geneva Protocol tomorrow, he would use the material prepared for the President. He asked what Fulbright is proposing.

Col. Behr replied that he was asking for a uniform interpretation of the Protocol with regard to tear gas and herbicides.

Dr. Kissinger asked if he wished us to make a unilateral announcement.

Col. Kennedy said no -- he will say that we should discuss the issue with all parties to the Protocol with a view to reaching a uniform interpretation. He believes all will agree ultimately that tear gas and herbicides are covered and one way to handle the issue would be a conference of all the parties.

Col. Behr commented that this was a useless exercise.

Dr. Kissinger asked if we should state our view.

Col. Behr replied that if we do not enter a reservation and the member states want a uniform interpretation, we can't refuse to discuss it.

Dr. Kissinger asked if we are telling the Senate what we think.

Col. Behr said yes, but we are not making a formal reservation or interpretation.

Col. Kennedy said we are merely stating the understanding we have held from the beginning -- an understanding that is shared by the Australians and Japanese and, to an extent, by the UK.

DECLASSIFIED  
PA/HO Department of State  
E.O. 12958, as amended  
August 6, 2007

SECRET

- 3 -

Col. Behr said the Japanese and Australians had given their interpretations to their Parliaments. The new British Government hasn't yet taken a position.

Dr. Kissinger said he did not understand Fulbright's letter. On the one hand he says we should renounce the use of tear gas and herbicides and get other nations to go along with us. On the other, he says he has no objection to our reservation on tear gas and herbicides as long as others go along.

Col. Behr said he is playing cat and mouse, and waiting for the President to take a position.

Dr. Kissinger asked if he would then take a position in opposition?

Col. Behr replied he would not push it to the point that the Protocol goes down the drain.

Col. Kennedy added that Fulbright won't let the argument over tear gas and herbicides get in the way of ratification of the Protocol. He loses nothing by ratification now if he wants later to get a uniform interpretation by all parties. This issue does not have to be faced now. He reminded Dr. Kissinger that one reason for the procedure used was to avoid making the Senate state its view.

Dr. Kissinger said he understood our procedure but had trouble understanding Fulbright's two proposals -- neither of which we intended to do.

[Omitted here is discussion of other subjects.]