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

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MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY  
AFFAIRS

SUBJECT: Geneva Protocol of 1925

This is in reply to the memorandum of the NSC Staff Secretary, dated September 8, 1971. The following views of the Department of Defense, including the Joint Chiefs of Staff, should be included in the proposed memorandum for the President.

The United States should preserve the option to use RCAs and herbicides in armed conflict (Option A). Department of Defense studies have clearly established that use of these agents in Vietnam has made it possible to accomplish military missions with fewer U.S. and allied casualties, military and civilian, than would otherwise have been incurred. RCAs proved to be of unique value in special circumstances where other types of conventional ordnance were ineffective, as against heavily armed troops in bunkers, or where lethal weapons could not be used, as when enemy troops mingled with civilians. Herbicides have been especially vital for keeping open important lines of communication such as the ship channel to Saigon and defoliating defensive fields of fire around firebases and other military installations. Commanders reported increased casualties when perimeter defoliation was temporarily suspended. These judgments are based on our review of data collected in connection with comprehensive studies on the military utility of RCAs and herbicides being conducted pursuant to National Security Study Memorandum 112. Detailed reports will be submitted by October 15.

As to the possible political costs of retaining the option to use RCAs and herbicides, we note the following. The policies announced unilaterally by the President in November 1969 renouncing any use of biological warfare and first use of chemical warfare extend far beyond the prohibitions of the Geneva Protocol and are applicable in our relations with all nations, whether or not they are parties to the Protocol. Our policies are in no way inconsistent with accepted rules and principles of international law. We should be under no compulsion, therefore, to revise our position with respect to RCAs and herbicides, which have proven their utility in reducing injuries and deaths in armed conflict. If there are governments which might look upon use of these agents as justification for introduction of lethal or incapacitating chemicals, we must rely on such political or military means as may be available to dissuade or deter them. We should not abandon our sound and

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basically humane policy because of the extremely remote possibility that a use by us of RCAs or herbicides would be the trigger for a lethal chemical response. It is our view that any decision to use lethal chemicals would be based on profound political judgments totally unrelated to any earlier use by the United States of RCAs or herbicides.

Ratification of the Geneva Protocol remains a desirable objective but we continue to believe strongly that the Senate's advice and consent to ratification should be sought on the basis of the understanding that the prohibitions of the Protocol do not extend to RCAs and herbicides.



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