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

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
WASHINGTON

August 15, 1972

OFFICE OF
THE DEPUTY DIRECTOR

MEMORANDUM FOR DR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: NSSM 157

In your memorandum of August 13, 1972, you requested the views of ACDA on the options set forth in the NSSM 157 review of the United States position on chemical weapons prohibitions.

On the basic question of whether the US should enter into negotiations or continue to maintain the position that further study is needed, we urge that the US seize the opportunity it now has to establish the basis on which negotiations regarding chemical weapons will move forward. We therefore believe it would be to our advantage to put forward a specific treaty proposal at Geneva this summer.

ACDA believes that both our national security and our political interests would be served by a broad ban on chemical weapons, covering at least a prohibition on production and the eventual elimination of stockpiles (Option 3 of the NSSM 157 review). If it is not judged desirable to put forward at this time a proposal as far-reaching as Option 3, then a treaty prohibiting production but allowing the retention of stockpiles (Option 2) should, in our view, be tabled without delay. We believe it would be contrary to our interests to put forward a proposal along the lines of Option 1.

The following considerations underlie our support for Option 3.

-- We doubt that the US or NATO needs chemical weapons to deter, through the threat of retaliation in kind, the possible first use of chemical weapons by the Soviets. We believe it would be in our interest to work toward the

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elimination of both US and Soviet CW and to rely ultimately on our conventional and nuclear capabilities for both deterrence and retaliation against any residual threat of chemical attack.

-- There is no realistic prospect that the United States or our NATO allies would make the substantial commitment of resources to the CW field needed to provide the military basis for a credible strategy of retaliation-in-kind. Nor do we believe that CW should be given that priority.

-- We would expect political opposition from European governments to any movement of additional US chemical weapons to Europe whether or not binaries were available.

-- If we attempt to build up our CW capabilities through the introduction of binaries and other steps, we must expect that the Soviets will increase their CW capabilities. Both countries would clearly be moving in a direction that was in the interest of neither; but the problems for the US in attaining a credible CW posture in Europe would be particularly difficult. On the other hand, the US would gain an advantage to the extent that Soviet CW capabilities are constrained by international treaty commitments.

For these reasons, I believe that our goal with respect to chemical weapons should be the most comprehensive feasible controls. In our view, Option 2, a prohibition on the production of lethal and other highly toxic agents for weapons purposes, would be a sound and appropriate step toward this goal. It would enable us to move ahead now to develop international cooperation and confidence in achieving controls on chemical weapons.

If we decide to put forward a specific arms control proposal regarding chemical weapons, we believe it essential that this proposal appear sound and meaningful. Therefore, if Option 2 is chosen, I urge that our proposal prohibit the production of chemical munitions and the loading of agents into munitions as well as the production of agents. If the proposal were limited only to agents, I believe it would be viewed as leaving open broad

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possibilities for activities relating to chemical weapons production and it might well not have the desired impact in Geneva and elsewhere.

We cannot, of course, be certain of the international reaction to a proposal like Option 2 until we put it forward. It is noteworthy, however, that the Soviets at Geneva have clearly indicated their willingness to consider a partial measure in the CW field. Some of our allies have spoken of the desirability of prohibiting stockpiles as well as production, but they are also interested in taking practical steps that might be possible at this time. We expect that a number of non-aligned will continue to support a comprehensive approach regardless of what we propose. However, as in the seabed and biological weapon negotiations, they are likely to welcome whatever concrete steps can be agreed upon by the US and USSR.

I believe that Option 1, which suggests a treaty limiting stockpiles but allowing new production, is not negotiable, nor could it be a basis for negotiations. It would be viewed as a chemical weapons modernization proposal and would be criticized accordingly, both domestically and internationally. Moreover, as one of the two major nuclear powers, it is not in our interest to undertake programs aimed at achieving general acceptance of the deployment of substantial quantities of chemical weapons.

With respect to the merits of an announcement of unilateral action by the US rather than a proposal for a treaty, I strongly recommend that we propose a treaty. A unilateral US statement in lieu of a treaty would not deal with pressures for negotiations nor serve to channel the efforts of others in this field toward the constraints we think desirable. It would involve restraints on the US without securing the comparable restraints on others that a treaty would provide. Unilateral action, if we request that others emulate it, would result at best in a variety of differing responses by other countries and a confusing situation in which the stated policies of governments regarding their chemical weapons programs were at variance and

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were subject to unilateral changes. Treaty negotiations will lead to clearly defined and compatible positions on the part of all parties. Finally, unilateral action would not provide a basis for the international cooperation, in particular between us and the Soviets, which could serve to make less likely a chemical arms race and tensions in general.

A unilateral statement joined to a treaty proposal could, however, be quite useful in connection with the problem of stockpiles. Since we plan to reduce our stockpiles in any case, there would seem to be no reason not to make this fact public. Such an announcement could be quite helpful in gaining acceptance for a treaty proposal which placed no legal constraint on stockpiles. It would also be important for us to acknowledge as a valid objective - not yet attainable - the eventual elimination of stockpiles.

On timing, I would emphasize that as the CCD moves to the end of its present session and the UNGA approaches, it is in our interest to begin to discuss with others a specific treaty proposal. If we can in the immediate future begin to consult with our allies regarding a specific proposal, the Geneva Conference would be prepared to remain in session for some time in order to await the outcome of these consultations. ACDA has devoted considerable study to the legal and technical aspects of a possible treaty. We believe that we are now in a position to deal effectively with the issues involved and that we could put forward at an early date a practical and workable proposal for constraints on chemical weapons.


Philip D. Farley
Acting Director

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