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DEPARTMENT OF STATE
ACTION MEMORANDUM

S/S *RS*

August 15, 1972

CIA - C
DOD - C
NSC - C

To: The Deputy Secretary

From: PM *R* Ronald I. Spiers

CW: NSSM-157 Review of US Position

The President on July 28, in NSSM-157 (Tab G), directed a prompt review of the advantages and disadvantages of the present US position on CW at the CCD, as well as possible alternatives. The NSSM-157 study, which analyzes a range of possible CW arms control initiatives, is to be considered by the Senior Review Group. A summary of the study is attached (Tab B). The memorandum transmitting the study (Tab C) requests written views of SRG members by COB August 16.

Secretary Laird wrote Secretary Rogers and ACDA Director Smith July 12 to state his judgment that it is in the US interest to take a limited CW arms control initiative now (Tab D). Mr. Laird proposed the development of a proposal focusing on the prohibition of production and transfer of lethal chemicals for weapons purposes for the President's consideration. The considerations which led Mr. Laird to his conclusion are the following:

-- Such an agreement would not seriously affect present US capabilities;

-- Congressionally imposed constraints on CW and public attitudes in this country make any substantial expansion of our CW program unrealistic.

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-- Similar constraints would be placed on other countries; and

-- It would help limit proliferation of significant chemical weapons capabilities.

Secretary Rogers, in his reply to Mr. Laird, stated his agreement that it is "very much in our interest to take an early initiative in the CCD to meet legitimate demands for concrete steps on chemical arms control consistent with US and Allied security." (Tab E). Ambassador Smith also replied to Mr. Laird expressing support for an early initiative such as Laird suggested.

NSSM-157 was issued as a result of this correspondence. It calls for a consideration of proposals aimed at achieving broad international restraints on the production and transfer of lethal chemicals for weapons purposes. Furthermore, it directs that the study assess methods of verification, related procedures and necessary constraints in terms of their effectiveness, their acceptability to the USG and their negotiability. Should the President decide to take an initiative in this field, we will, of course, undertake appropriate consultations with our Allies.

There are arguments against going the route Mr. Laird proposes: 1) such a ban would be unverifiable, and thus establish a further precedent in an undesirable direction; 2) we would freeze ourselves into our existing posture, which may or may not be sufficient for deterrence; 3) it may be difficult to avoid extension of the ban to RCAs, herbicides and non-lethal agents; 4) the assumption that we could not get Congressional support for stockpile modernization may be incorrect.

On balance, however, we believe the Department of State should support an early initiative, preferably during the current CCD session (which could end by August 31), calling for a ban on the production and transfer of lethal chemicals for weapons purposes. This would be consistent with Mr. Laird's position that such a proposal--put forward as soon as possible--would be in the US interest.

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The JCS is likely to propose a provision permitting modernization of our remaining stockpile. This would be almost impossible to formulate and negotiate, and would in effect undercut the essential purposes of a production ban. ACDA, we understand, will press for a decision to propose a comprehensive ban, but indicate a willingness to support a production and transfer ban. Mr. Laird, we are informed, will confirm his earlier judgment that the US should promptly propose a production and transfer ban.

We favor a ban on the production and transfer of lethal chemicals for weapons purposes because:

1. Such an agreement would place international treaty constraints--albeit essentially non-verifiable--on the production of CW by the USSR and other countries similar to present fiscal and Congressional constraints on the US.

2. The restraints of an agreement prohibiting modernization would not seriously affect present US CW capabilities for at least into the 1980s, and perhaps for several decades. R&D would be permitted and therefore the agreement would not curtail current US activities.

3. An agreement of this kind would help us offset pressures at the CCD and in the next UNGA session for a comprehensive CW ban, which are increasing as a result of the Soviet CW draft--tabled last March--based closely on the BW Convention. There is a good possibility that an agreement of the type we have in mind would be negotiable in Geneva, particularly in view of private and public Soviet expressions of willingness to compromise.

There is a strong reluctance on the part of many, including some of our Allies, to accept a CW ban which bears similarities to the NPT. An agreement banning both production and transfer, however, would probably be acceptable. Unlike the NPT, the production ban on CW would apply to all signatories.

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L believes it would be even more in the US interest to add the elimination of stockpiles to a production and transfer ban. The L view is contained in a Salans to Spiers memorandum of August 10 (Tab F). L will, however, support seeking a ban on production and transfer.

Recommendation:

A draft reply to Mr. Kissinger supporting a production and transfer ban is attached (Tab A). It is recommended that you sign the reply.

Attachments:

- Tab A - Draft reply to Mr. Kissinger
- Tab B - Summary of NSSM-157 Study
- Tab C - NSSM-157 Study and Transmittal Memorandum
- Tab D - Laird Initiative July 12
- Tab E - Secretary Rogers' Reply July 19
- Tab F - Salans to Spiers Memorandum August 10
- Tab G - NSSM 157

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Drafted: PM/DCA:DRHerspring:sac
X29750 8/11/72

Concurrences: PM:RLGarthoff *RLG*
PM/DCA:JPShaw *JPS*
INR/RSG:JHKelly *JHK*
L:SNelson *SN*

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