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E.O. 12958, as amended, Sect 3.5

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

NSC/Soubers to Smith 09/06/2002

By *KK* Date *02/13/07*

November 25, 1969

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National Security Decision Memorandum 35

TO: The Vice President
 The Secretary of State
 The Secretary of Defense
 The Director, Central Intelligence Agency
 The Director, Arms Control and Disarmament Agency
 The Director, Office of Emergency Preparedness
 The Director, Office of Science and Technology

SUBJECT: United States Policy on Chemical Warfare Program
 and Bacteriological/Biological Research Program

Following consideration by the National Security Council, the President has decided that:

1. The term Chemical and Biological Warfare (CBW) will no longer be used. The reference henceforth should be to the two categories separately -- The Chemical Warfare Program and The Biological Research Program.
2. With respect to Chemical Warfare:
 - a. The objective of the U. S. program will be to deter the use of chemical weapons by other nations and to provide a retaliatory capability if deterrence fails.
 - b. The renunciation of the first use of lethal chemical weapons is reaffirmed.
 - c. This renunciation is hereby applied to incapacitating chemical weapons as well.
 - d. This renunciation does not apply to the use of riot control agents or herbicides. A special NSDM on authorization for their use will be issued.

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- e. The Administration will submit the Geneva Protocol of 1925, "Protocol for the Prohibition of the use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare," to the Senate for its advice and consent to ratification. An appropriate interpretive statement will be prepared by the Department of State in coordination with the Department of Defense to the effect that the United States does not consider that the Protocol prohibits the use of chemical herbicides or riot control agents, widely used domestically, in war. The statement will be unilateral in form and will not be a formal reservation.
 - f. Existing overseas stockpiles of chemical weapons can be maintained except in Okinawa without additional consultation. If the matter is raised by the FRG, we will agree to consultations about the future of stockpiles located in Germany.
 - g. The Secretary of Defense, in cooperation with the Director of the Office of Science and Technology, shall continue to develop and improve controls and safety measures in all Chemical Warfare programs.
 - h. The Director of Central Intelligence shall continue to maintain surveillance of the Chemical Warfare capabilities of other states.
 - i. The Under Secretaries Committee shall conduct an annual review of United States Chemical Warfare programs and public information policy, and will make recommendations to the President.
3. With respect to Bacteriological/Biological programs:
- a. The United States will renounce the use of lethal methods of bacteriological/biological warfare.
 - b. The United States will similarly renounce the use of all other methods of bacteriological/biological warfare (for example, incapacitating agents).

- c. The United States bacteriological/biological programs will be confined to research and development for defensive purposes (immunization, safety measures, et cetera). This does not preclude research into those offensive aspects of bacteriological/biological agents necessary to determine what defensive measures are required.
- d. The Secretary of Defense will submit recommendations about the disposal of existing stocks of bacteriological/biological weapons.
- e. The United States shall associate itself with the principles and objectives of the Draft Convention Prohibiting the Use of Biological Methods of Warfare presented by the United Kingdom at the Eighteen-Nation Disarmament Conference in Geneva, on 26 August 1969. Recommendation as to association with specific provisions of the Draft Convention should be prepared by the Secretary of State and the Director of the Arms Control and Disarmament Agency, in coordination with other interested agencies, for the President's consideration.
- f. The Secretary of Defense, in conjunction with the Director of the Office of Science and Technology, shall continue to develop controls and safety measures in all bacteriological/biological programs.
- g. The Director of the Central Intelligence Agency shall continue to maintain surveillance of the bacteriological/biological warfare capabilities of other states.
- h. The Under Secretaries Committee shall conduct an annual review of United States Bacteriological/Biological Research Programs and public information policy, and will make recommendations to the President.


Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff