

Gen. Scowcroft

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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November 2, 1974

National Security Decision Memorandum 279

TO: The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency

SUBJECT: Geneva Protocol of 1925 and Riot Control Agents and
Chemical Herbicides

The President has reviewed the interagency report on the riot control agents and chemical herbicides issue and the Geneva Protocol of 1925 and associated agency views.

The President considers it important that the United States ratify the Geneva Protocol.

The President is therefore prepared, in reaffirming the current U.S. understanding of the scope of the Protocol, to renounce as a matter of national policy (1) first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and (2) first use of riot control agents as an offensive weapon of war to facilitate or increase casualties.

The President wishes, however, to preserve the option to use riot control agents in riot control circumstances (to include controlling rioting prisoners of war), in situations where civilian casualties can be reduced or avoided, in rescue missions, and in defensive military modes to save lives. The requirements regarding authorization for use of these agents in war, set forth in NSDM 78 on August 11, 1970, remain in effect.

Prior to deciding to take this step, however, the President has directed that the Director of the Arms Control and Disarmament Agency, in consultation with the Departments of State and Defense, promptly undertake the necessary discussions with key Senators with the aim of achieving

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By *let.* NLF Date *4/17/97*

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Senate advice and consent to ratification of the Geneva Protocol at the earliest possible date. These consultations should include the aim of achieving favorable Senate action on the Biological Weapons Convention at the earliest possible date.

Both the fact and nature of the foregoing decisions should be closely held prior to a report to the President on the completed consultations and his approval of a public statement. This report should include consideration of providing prior notification of U.S. intentions to those allies which have taken a view similar to that of the U.S. regarding the interpretation of the Geneva Protocol.


Henry A. Kissinger

cc: The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff

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