

This Page Has Excerpts from Memorandums Between the President and All These Top People About "Policy Regarding the Use of Herbicides in Vietnam" Dated Between Dec 1970 and May 1971

Richard Nixon	President
Dr. Henry A. Kissinger	National Security Advisor
William P. Rogers	Secretary of State
Melvin R. Laird	Secretary of Defense
David Packard	Deputy Secretary of Defense
General Creighton Abrams	Commander of MACV
T. H. MOORER	Chairman Joint Chiefs of Staff
Jerry W. Friedheim	Assistant Secretary of Defense for Public Affairs

I would like to point out that Guam is in the United States and the same restrictions for herbicides apply to Guam and Vietnam at this time (1969-70)

Excerpts from White House Memorandums:

Conference of the Committee on Disarmament (CCD) in Geneva. These talks might lead to the effective controls, that the Protocol lacks, over chemical and biological agents (including herbicides)

As you know, all uses of herbicides in Vietnam are governed by the same restrictions for their use in the U.S.

On 16 January 1971, it was ordered that the use of chemical herbicides for crop destruction be terminated.

Consequently, Vietnam and its people are not being subjected to any greater risks than our own country and population through the use of herbicides.

I consider that these actions have made our current herbicide operations in Vietnam completely justifiable in light of current domestic practices.

See Attached Memorandums

Appeal - Document #2
is same as #6

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

83-FOI-1389
19 FEB 1971

MEMORANDUM FOR THE PRESIDENT

SUBJECT: The Geneva Protocol

This memo from the Secretary of Defense to the President tells the uses of herbicide in Vietnam are governed by the same restrictions as for their uses in the U.S. (Guam)

I refer to Secretary Rogers' memorandum concerning the future Congressional hearings on the Geneva Protocol of 1925.

I share Secretary Rogers' view that we reaffirm our position that riot control agents and chemical herbicides are not covered by the prohibitions of the Geneva Protocol. However, because of the safety of our forces, I cannot concur in his recommendation for "an immediate cessation of the use of chemical herbicides, in any form for any military purpose in Vietnam."

During the past two months, the policy regarding the use of herbicides in Vietnam has undergone intensive reviews by the NSC Under Secretaries Committee, by my Department, and by your Office. As you know, all uses of herbicides in Vietnam are governed by the same restrictions for their use in the U.S., and have been further restricted to use in remote, unpopulated areas or around firebases and U.S. installations. On 16 January 1971, it was ordered that the use of chemical herbicides for crop destruction be terminated. Consequently, Vietnam and its people are not being subjected to any greater risks than our own country and population through the use of herbicides. I consider that these actions have made our current herbicide operations in Vietnam completely justifiable in light of current domestic practices.

The above actions were taken with full awareness of the temporary risks to our forces and the detrimental effects on our military operations. I have concluded that any additional actions to speed up the phaseout of the herbicide operations prior to 1 May 1971 should be determined by General Abrams in reaction to the military situation in the field rather than dictated solely by the political situation in Washington. Retention of the option to employ herbicides around fire support bases and installations, and along certain important lines of communication is considered essential for the protection of U.S. and allied forces - especially as the VC/NVA forces revert to greater reliance on sapper and ambush tactics, and as we continue to withdraw more American troops.

In accordance with your directions, as indicated by Dr. Kissinger on 28 December 1970, we will seek your approval should we require an expansion of herbicide operations in Vietnam prior to 1 May 1971 or should it become necessary to extend herbicide operations beyond that date. We anticipate submitting a plan for an appropriate RVNAF herbicide capability for your consideration at a future date.

It was ordered, Chemical Herbicide for crop destruction be terminated. Jan 1971

[Handwritten Signature]
Declassified by 211 for sec
6 Dec 84 @

DOWNGRADED AT 12 YEAR INTERVALS; NOT AUTOMATICALLY DECLASSIFIED. EOD 01/01/2000

CONFIDENTIAL
NSC TAB 5
THE WHITE HOUSE
WASHINGTON

24597

CONFIDENTIAL
December 28, 1970

MEMORANDUM FOR

THE SECRETARY OF DEFENSE

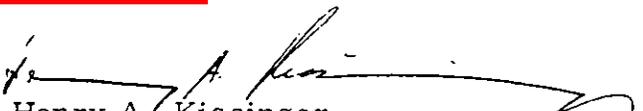
SUBJECT: Policy Regarding the Use of Herbicides
in Vietnam

The President has asked me to thank you for your report on the continuing actions you are taking to reduce the use of herbicides in Vietnam and particularly the steps taken to ensure that there will be strict conformance in Vietnam with policies governing the use of herbicides in the United States.

The President has noted the initiation of a program which will permit an orderly, yet rapid phase-out of herbicide operations in Vietnam, while preserving an option to reinstitute the program.

The President has directed that an extension or any expansion of the current program and plans, if any, regarding Vietnamization of chemical herbicide capabilities be submitted for his approval.

As you can see in this memo from the White House to the Secretary of Defense the use of the "Rainbow Herbicides" in Vietnam were to comply with the same rules of use as in the United States (Guam)


Henry A. Kissinger

cc: The Secretary of State
The Chairman, Joint Chiefs of Staff

Declassified by NSC
see memo of 4/17
F 84-06

"Sec Def Has Seen"

30 DEC 1970

BM - ISA action

CONFIDENTIAL
Sec Def Cont Mr. X-

7021 ✓
C12/239.7

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THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

Appeal Document #3
PT-FBI-1289
18 MAY 1971
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MEMORANDUM FOR THE PRESIDENT

SUBJECT: Policy Regarding the Use of Herbicides in Vietnam (U)

Reference is made to Dr. Kissinger's memorandum of 28 December 1970, which stipulated that any extension of the current herbicide program in South Vietnam be submitted for your approval.

X 7021/70

As you know, Ambassador Bunker and General Abrams indicated in December 1970 that US herbicide operations would be phased out in South Vietnam while preserving the option to reinstitute the program, if necessary. Since then, herbicide operations in Vietnam have continued to decline. During January, February and March 1971, only one fixed wing and approximately 25 helicopter missions were flown. The anticipated phase out date was 1 May 1971.

X-0713

In our memorandum of 19 February 1971, we indicated to you that we would seek your approval should it become necessary to extend herbicide operations beyond that date. The JCS have requested retaining the option to use herbicides around fire support bases and installations using helicopter and ground spray equipment. We support their request. Since the enemy is placing greater reliance on sapper and ambush tactics as we continue our redeployments, the option to use herbicides in this manner is deemed vital for the protection of US and allied forces. The perimeters of fire support bases and their surrounding fields of fire are the most critical areas requiring the use of herbicides. The presence of vegetation within and adjacent to their perimeter defenses compromises their security to an unacceptable degree. Most fire support base perimeters contain barbed wire entanglements, mines, booby traps, claymores and flame munitions. Burning or manually clearing unwanted vegetation would require physical removal of these devices, a procedure which not only constitutes an unwarranted personnel hazard, but also degrades the perimeter defense while the ordnance is inactive. Alternate non-mechanical means of clearing vegetation, such as using petroleum products are relatively inefficient, are more expensive to use than herbicides, and are known to cause permanent soil damage.

We are currently evaluating a JCS plan for a limited herbicide capability for the RVNAF. This plan will be forwarded for your consideration. However, until the RVNAF possess a herbicide capability (or until 1 December 1971, whichever is earlier), we request authority for US forces to continue to use herbicides as needed around fire support bases and installations. Our current military objectives do not call for more extensive use of chemical herbicides in Vietnam at this time. Furthermore, there are no restraints under international law nor under the Geneva Protocol, should the United States become a party to that agreement, regarding their use in Vietnam. If this request is approved, the existing stocks of herbicides

11 June 71

DOWNGRADED AT 5 YEAR INTERVALS;
DECLASSIFIED AFTER 12 YEARS.
DOD DIR 5200.10

Sec Def Cont Nr. X-2217

BLUE and WHITE in RVN will be used for such operations. The USDA restrictions governing the use of these herbicides in the US will still be applicable in RVN during this extension.

The Secretary of State will provide his comments concerning this request in a separate memorandum.

The added restrictions to Agent Orange didn't apply to Blue and White. We now know, of course, that Agents Blue and White were just as deadly as Agent Orange!

~~CONFIDENTIAL~~

TAB D

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

Appeal Document # 4
83-FBI-1389

22 DEC 1970

Handwritten notes:
M...
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MEMORANDUM FOR THE PRESIDENT

SUBJECT: Policy Regarding Use of Herbicides in South Vietnam

I want to report to you on the continuing actions we are taking, at your direction, to reduce the use of herbicides in Vietnam and to advise you that new steps will be taken so that there will be strict conformance in Vietnam with policies governing the use of herbicides in the United States.

The present ban on the use of the herbicide known as "ORANGE" remains in effect.

Additionally, Ambassador Bunker and General Abrams have advised that they are initiating a program which will permit an orderly, yet rapid phase-out of the use of other herbicides while preserving the option to reinstitute this program, if necessary, to assure the protection of American lives. During the phase-out, the use of herbicides in Vietnam will be restricted to remote, unpopulated areas or around firebases and US installations in a manner currently authorized in CONUS.

In short, any herbicides used in Vietnam henceforth will be used only under conditions which would apply in the United States.

As a result of new orders to the field, herbicide use in Vietnam will be such that the stresses and risks involved are no greater than those sustained by the United States population and the United States environment in normal peacetime activities.

I recognize, of course, that there could be some temporary risks to our forces as a result of these decisions. Should the military situation change as a result of an increase in the enemy level of activity, we would need, of course, to reassess this policy in order to assure the protection of American lives, particularly as we withdraw thousands of additional US military personnel from South Vietnam in accordance with your program.

Declassified by 20 Ex Sec
6 Dec 87 @

Any herbicides used in Vietnam henceforth will be used only under conditions which would apply in the United States (Guam)

~~CONFIDENTIAL~~

4 TAB Ha

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

19 FEB 1971

Honorable William P. Rogers
Secretary of State
Department of State
Washington, D.C. 20520

Appeal Document #5
83-FeJ-1389

Dear Bill:

I am unable to concur in the proposed memorandum for the President which you sent to me on February 2, 1971, calling for the President to decide to phase out immediately all herbicide operations in Vietnam. The main reasons for my non-concurrence are stated in the attached memorandum for the President.

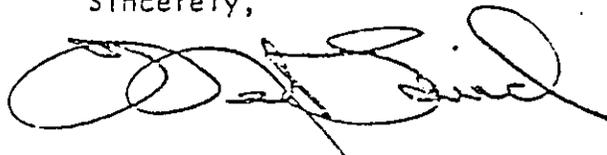
In view of our position that the use of herbicides in Vietnam is not prohibited under the Geneva Protocol, I do not believe that the Senate Foreign Relations Committee or the Senate as a whole would be influenced in favor of ratification by our immediate termination of the herbicide program. Indeed, herbicides have been used to satisfy urgent and legitimate military objectives in Vietnam in accordance with our current national policy which was formulated with full awareness of the provisions of the Geneva Protocol.

The Protocol, operating as a "no-first-use" agreement, is little more than an attempt to prevent any belligerent from resorting to the use of the prohibited weapons in warfare. Therefore, I believe that the President's decision to submit the Protocol to the Senate was primarily dictated by his expectation that ratification would be a useful and constructive step for proceeding with negotiations in the Conference of the Committee on Disarmament (CCD) in Geneva. These talks might lead to the effective controls, that the Protocol lacks, over chemical and biological agents (including herbicides).

The Senate Foreign Relations Committee should, of course, be kept advised of our herbicide policy--and in particular, that it satisfies our military objectives within the provisions of the Protocol. We have terminated the use of herbicides for crop destruction since this was no longer necessary to meet those objectives. They should further be advised that efforts at controlling such agents as herbicides or riot control agents (RCAs) should proceed in the form of effective arms control agreements at the conference of the CCD.

We have terminated the use of herbicides for crop destruction

Sincerely,



Attachment

Declassified by DAE See
6 Dec 87

DOWNGRADED AT 12 YEAR
INTERVALS; NOT AUTOMATICALLY
DECLASSIFIED. DOD DIR 5800 10

0714

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

MEMORANDUM FOR THE PRESIDENT

19 FEB 1971

SUBJECT: The Geneva Protocol

Appeal Document # 6
83-61-1329

I refer to Secretary Rogers' memorandum concerning the future Congressional hearings on the Geneva Protocol of 1925.

I share Secretary Rogers' view that we reaffirm our position that riot control agents and chemical herbicides are not covered by the prohibitions of the Geneva Protocol. However, because of the safety of our forces, I cannot concur in his recommendation for "an immediate cessation of the use of chemical herbicides, in any form for any military purpose in Vietnam."

Uses of herbicides in Vietnam are governed by the same restriction for their use in the U.S. (Guam)

During the past two months, the policy regarding the use of herbicides in Vietnam has undergone intensive reviews by the NSC Under Secretaries Committee, by my Department, and by your Office. As you know, all uses of herbicides in Vietnam are governed by the same restrictions for their use in the U.S., and have been further restricted to use in remote, unpopulated areas or around firebases and U.S. installations. On 16 January 1971, it was ordered that the use of chemical herbicides for crop destruction be terminated. Consequently, Vietnam and its people are not being subjected to any greater risks than our own country and population through the use of herbicides. I consider that these actions have made our current herbicide operations in Vietnam completely justifiable in light of current domestic practices.

The above actions were taken with full awareness of the temporary risks to our forces and the detrimental effects on our military operations. I have concluded that any additional actions to speed up the phaseout of the herbicide operations prior to 1 May 1971 should be determined by General Abrams in reaction to the military situation in the field rather than dictated solely by the political situation in Washington. Retention of the option to employ herbicides around fire support bases and installations, and along certain important lines of communication is considered essential for the protection of U.S. and allied forces - especially as the VC/NVA forces revert to greater reliance on sapper and ambush tactics, and as we continue to withdraw more American troops.

In accordance with your directions, as indicated by Dr. Kissinger on 28 December 1970, we will seek your approval should we require an expansion of herbicide operations in Vietnam prior to 1 May 1971 or should it become necessary to extend herbicide operations beyond that date. We anticipate submitting a plan for an appropriate RVNAF herbicide capability for your consideration at a future date.

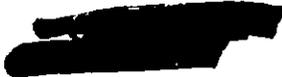
Jan 1971 it was ordered that the use of herbicides for crop destruction be terminated

Declassified by D.O. or [unclear]
6 Dec 87

DOWNGRADED AT 12 YEAR INTERVALS; NOT AUTOMATICALLY DECLASSIFIED. EGD BYR 5860.10



88. 1389



Appeal Document #
83-FOI - 1389

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

8 NOV 1971

Doc # 116

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Use of Herbicides

Reference is made to Dr. Kissinger's memorandum of 18 August 1971, which set forth your decision to permit the use of herbicides around fire bases and US installations when considered essential for the protection of US and allied forces. This memorandum called for the planned phase-out of herbicide operations in Vietnam and, as necessary, the introduction of alternate means for clearing perimeters be completed as rapidly as possible and not later than 1 December 1971.

Several alternative means for vegetation control have been attempted and although other means are practical in some circumstances, none are satisfactory for removal of vegetation in areas containing mines, booby traps and barbed wire. Continued use of herbicides BLUE and WHITE in these dangerous areas is essential. Lives have been lost as a direct result of the lack of adequate defoliation around fire bases and installations.

The date of 1 December 1971, was originally mentioned in a memorandum to the President dated 13 May 1971, which requested extension of the herbicide program until 1 December 1971, or until the RVNAF possess a herbicide capability of their own, whichever came earlier. The 1 December 1971 date, therefore, has no particular significance with respect to the involvement of US forces in RVN. It is expected that US personnel, fire bases and installations will still require adequate defense and protection beyond 1 December 1971.

Request authority, therefore, to continue the use of herbicides in areas which surround US fire bases and installations and contain mines, booby traps and barbed wire. This authority is required for as long as US forces are committed in RVN.

DOWNGRADED AT 3 YEAR INTERVALS;
DECLASSIFIED AFTER 12 YEARS.
DOD DIR 5200.10