



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
1155 Defense Pentagon
Washington, DC 20301-1155



John Greenewald, Jr.
27305 W. Live Oak Rd.
Suite #1203
Castaic, CA 91384

Subject: OSD MDR Case 20-M-0534

Dear Mr. Greenewald:

We have reviewed the enclosed document in consultation with Joint Staff (JS). OSD has no objection to declassification in full. However, JS has determined that the document requires continued protection and have declassified it in part. JS excised information is exempt from declassification under Executive Order 13526, 3.3(b)(5), which protects information that could be expected to reveal formally named or numbered U.S. military war plans that remain in effect, or reveal operational or tactical elements of prior plans that are contained in such active plans.

OSD stands as the appellate authority and will coordinate any appeals regarding this case. A written appeal must be filed within 60 days explaining the rationale for reversal of the decision. Reference should be made to OSD MDR Case 20-M-0534. Letters of appeal should be sent to the following address:

WHS/ESD Records
and Declassification Division
Attention: John D. Smith
4800 Mark Center Drive
Suite 02F09-02
Alexandria, VA 22350-3100

If you have any questions please contact Mr. Jonathan P. Bennett by email at whs.mc-alex.esd.mbx.records-and-declassification@mail.mil.

Sincerely,

John D. Smith
Chief, WHS, Records and
Declassification Division, ESD

Enclosures:

1. MDR request
2. Document 1

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

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Department of Defense
DIRECTIVE

July 23, 1987
NUMBER S-3145.2

USD(A)

SUBJECT: Chemical Weapons Policy (U)

- References:**
- (a) 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," June 17, 1925
 - (b) 1972 Biological Warfare Convention, "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction," March 26, 1975
 - (c) Public Law 91-121, "Armed Forces, Appropriation Authorization, 1970," November 18, 1969
 - (d) Public Law 91-190, "National Environmental Policy Act of 1969," January 1, 1970
 - (e) Public Law 91-441 "Armed Forces - Military Procurement, 1971," October 7, 1970
 - (f) Public Law 91-672, "Foreign Military Sales Act - Amendment," January 12, 1971
 - (g) DoD Instruction 4120.13, "Safety Program for Chemical Agents and Associated Weapon Systems," April 30, 1970

A. PURPOSE

(U) This Directive implements U.S. national policy and establishes policy within the Department of Defense for planning the employment of lethal and incapacitating chemical weapons during time of war or hostilities (references (a) through (f)). Riot control agents, herbicides, smoke, and incendiaries are specifically not included. Employment of riot control agents and herbicides is governed by Executive Order 11850, "Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents," April 8, 1975. (See enclosure 1.)

B. APPLICABILITY AND SCOPE

1. (U) This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, and the Organization of the Joint Chiefs of Staff (OJCS). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps (hereafter referred to as "the Services").

2. (U) This Directive shall guide all planning pertaining to the acquisition and employment of chemical-capable forces.

C. POLICY

1. (U) The U.S. long-term objective is to eliminate the threat of chemical use by achieving a worldwide, verifiable ban on the development, production,

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and stockpiling of chemical weapons. Until we can achieve a verifiable chemical weapons ban, U.S. policy is to deter chemical, toxin, and biological weapons use against us or our Allies by attaining and maintaining the military capabilities to deny an enemy a significant military advantage from such use.

2. (U) The U.S. reservation to the Geneva Protocol of 1925 (reference (a)) states that the treaty will "cease to be binding as regards use of chemical agents with respect to any enemy state whose Armed Forces or Allies do not observe [the treaty] provisions." Consistent with this reservation, the U.S. may retaliate with chemical weapons against a violator if chemical, toxin, or biological weapons are used against U.S. Allies even if U.S. forces are not directly attacked.

3. (U) U.S. deterrent capabilities shall include:

a. (U) The ability to survive and sustain military operations in a chemical, toxin, and biological warfare environment.

b. (U) The capability to retaliate with chemical weapons in response to enemy use of chemical, toxin, or biological weapons.

c. (U) The capability to sustain retaliatory chemical operations in response to continued enemy chemical, toxin, and biological weapons use.

4. (U) The United States does not possess biological or toxin weapons, but shall maintain the military capability to employ chemical weapons in retaliation to enemy chemical, toxin, or biological weapons use.

(U) There are no single-purpose, chemical weapons employment forces; rather, chemical employment is and shall remain an additional role for conventional or dual-capable forces.

5. (S) Chemical weapons play a critical, although limited, role in U.S. defense; they are tactical assets.

6. (U) It is U.S. policy not to attack the civilian population deliberately with any weapon. Chemical weapons shall be employed only against suitable tactical targets of military value. All practical precautions shall be taken to avoid civilian casualties to the extent consistent with military considerations, including safety of friendly forces.

7. ~~(S)~~ The use of chemical weapons in response to enemy use of chemical, toxin, or biological weapons requires the approval of the President of the United States. The Secretary of Defense may authorize the deployment of chemical weapons from Continental United States (CONUS) storage depots and Johnston Atoll. Unless suspended by the President or by a declaration of a national emergency, all provisions of public law must be followed. In times of crisis, the Commanders in Chief (CINCs) are authorized to disperse in-theater stocks to assure survivability and readiness for retaliatory employment. Conditions permitting, advance notice of the planned dispersal shall be provided to the Joint Chiefs of Staff (JCS) and the Secretary of Defense.

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8. ~~(S)~~ The United States shall consider providing chemical weapons for deterrent and/or retaliatory use by Allied nations or by a multilateral alliance if requested to do so by the Allied nations or by an alliance. The transfer of chemical weapons to Allies requires approval of the President. Chemical munitions may be prepositioned with Allied forces; however, the United States shall retain custody and control until transfer is approved. Transfer to Allies shall not be approved until employment authority is granted to U.S. forces in the theater. Unless suspended in time of crisis, all applicable public laws shall be followed (references (c) through (f)).

9. ~~(S)~~ U.S. force structure shall not be increased to employ chemical weapons for Allies; therefore, U.S. Allies should be encouraged to develop and meet standards of unit training and readiness to employ U.S. chemical weapons to satisfy their own retaliatory needs and those of an alliance. Memoranda of agreement to this effect should be established when possible.

10. ~~(S)~~

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(5)
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However, we must obtain maximum effectiveness from our current chemical capabilities by ensuring that our employment plans and capabilities evolve in parallel with the programmed improvements in our forces.

11. ~~(S)~~ Chemical munitions shall be stockpiled to meet U.S. forces' needs for 30 days of chemical conflict. Chemical munitions may be stockpiled for Allied countries only with specific authorization of the Secretary of Defense.

12. ~~(S)~~ A mobilization production base for chemical munitions shall be established by the Army. When production is in progress, a capability shall be maintained to increase to full capacity within 30 days. When production is not in progress, a capability shall be maintained to reach full capacity within 4 months.

13. ~~(S)~~ All forces that face a chemical, toxin, or biological weapons threat must be able to sustain military operations in such an environment for at least 30 days.

D. RESPONSIBILITIES

1. (U) All DoD Departments and Agencies shall support U.S. chemical and biological arms control efforts by providing technical and other assistance to the Department of State (DoS) and the Arms Control and Disarmament Agency (ACDA) as approved by the Secretary of Defense.

2. (U) The Under Secretary of Defense for Policy (USD(P)), in coordination with the Assistant to the Secretary of Defense (Atomic Energy) (ATSD(AE)), shall have staff responsibility for actively monitoring the implementation and continuing review of this policy.

3. (U) The Joint Chiefs of Staff shall:

a. (U) Ensure that Unified Command and Service plans are consistent with, and supportive of, the policy contained herein.

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- b. (U) In conjunction with the Services, support U.S. chemical and biological arms control effort by providing technical and other assistance to DoS and ACDA, as required and approved by the Secretary of Defense.
- c. ~~(S)~~ Develop expeditious procedures for requesting authority to deploy, transfer to Allies, and employ chemical weapons and for suspension of public laws restricting chemical weapons deployment.
- d. ~~(S)~~ Approve Unified Command quantitative requirements for chemical weapons and resolve instances of competing requirements for limited stockpile assets.
- e. ~~(S)~~ Integrate chemical weapons deployment and employment into joint and combined exercises.
- f. ~~(S)~~ Review Unified Command and Service chemical weapons deployment and employment plans to assess their scope and effectiveness and resolve any open issues.
- g. ~~(S)~~ Ensure Unified Commands and Services develop specific requirements and provide an adequate number of chemical weapons capable units.
- h. ~~(S)~~ In conjunction with the Services, develop employment concepts, doctrine, and munitions-effectiveness tables.
- i. ~~(S)~~ Develop and promulgate criteria for verification of enemy chemical, toxin, and biological weapons attacks.
- j. ~~(S)~~ Ensure readiness reports to the Secretary of Defense include the capability of the Services to deploy and employ chemical munitions.
- k. (U) Ensure that the Unified Commands:
- (1) ~~(S)~~ Develop preplanned targeting options (mission-oriented basis) and munition requirements for initial retaliation. Develop targeting guidance (level-of-effort basis) and munition requirements for follow-on and sustained retaliatory operations. Requirements calculations shall be performed in conjunction with the Services to ensure consistent assumptions and methodology.
 - (2) ~~(S)~~ Develop preplanned weapons deployment packages to support employment.
 - (3) ~~(S)~~ Develop in-theater deterrent stockpile requirements (i.e., a prudent portion of the initial retaliatory requirement to be on-hand as a deterrent during conventional conflict or periods of increased tension) and the capability to integrate those assets into the Time-Phased Force Deployment List.
 - (4) ~~(S)~~ Develop plans to disperse in-theater chemical weapons stocks in times of crisis to assure survivability and readiness for retaliatory employment.
 - (5) ~~(S)~~ Develop implementing procedures for requesting chemical weapons deployment and employment authority.

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(6) ~~(S)~~ In conjunction with the Services, develop procedures to assure control of chemical weapons to prevent inadvertent or unauthorized use of chemical weapons and to ensure reasonable safety.

(7) ~~(S)~~ Develop implementing procedures to transfer chemical weapons to Allies.

(8) ~~(S)~~ Develop requirements for, and monitor readiness of, chemical weapons capable units.

(9) ~~(S)~~ In conjunction with the JCS, develop theater-specific options for collateral effects constraints.

4. (U) The Military Services shall:

a. ~~(S)~~ Acquire and maintain in safe, secure storage and in a high state of readiness, chemical weapons to meet Unified Command requirements, in accordance with DoD Instruction 4120.13 (reference (g)).

b. ~~(S)~~ Designate, train, equip, and maintain in a high state of readiness, chemical weapons capable employment units to meet the requirements of the JCS and the Unified Commands. Report their capability in readiness reports.

c. ~~(S)~~ Deploy chemical weapons to meet Unified Command requirements, when authorized.

d. ~~(S)~~ Assure that all forces that can be reasonably expected to face a chemical, toxin, or biological weapons threat are capable of sustaining operations for 30 days in such an environment.

e. ~~(S)~~ In conjunction with the JCS, define the casualty levels that must be threatened to force an enemy commander to place his unit into a degrading protective posture and refine employment concepts, doctrine, and munitions effectiveness tables.

f. ~~(S)~~ The Army shall establish and maintain a mobilization production base capable of producing chemical weapons. When production is in progress, maintain a capability to reach full capacity within 30 days. When production is not in progress, maintain a capability to reach full capacity within 4 months.

g. ~~(S)~~ Assist the Unified Commands in calculating chemical munitions requirements to ensure consistent assumptions and methodology.

E. PROCEDURES

1. (U) General

a. ~~(S)~~ In peacetime, U.S. forces shall maintain readiness for chemical weapons employment through periodic weapons maintenance and thorough deployment and employment planning, training, and exercising.

b. ~~(S)~~ The Services must possess, and be capable of, employing chemical weapons to attack land and amphibious targets in support of a Unified Commander's

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contingency plans. Development and acquisition efforts shall be directed toward eliminating deficiencies by modernizing short-, medium-, and long-range systems. Life cycle logistical, security, safety, and weapon system survivability costs shall be considered for all future lethal or incapacitating chemical weapons.

c. ~~(S)~~ During peacetime, public law and safety concerns require elaborate safety and security provisions for the unitary chemical weapons stockpile. In times of declared national emergency or war, the President may suspend the application of certain public laws (references (c) through (f)). Upon suspension of these laws, chemical weapons shall be treated essentially as conventional ammunition except that effective controls must be maintained to assure reasonable safety and prevent inadvertent or unauthorized use.

d. ~~(S)~~ The U.S. chemical weapons stockpile is inadequate in terms of numbers of specific types of useful munitions and in certain critical military capabilities (such as deep-strike, persistent-agent munitions). Further, the United States presently lacks the production base to obtain replacement stocks rapidly or to redress capability deficiencies.

e. ~~(S)~~ The development of chemical weapons employment plans and improvements in U.S. chemical retaliatory capabilities shall be viewed as an iterative process between operators, planners, legal advisors, and policymakers.

2. ~~(S)~~ Deployment Considerations

a. ~~(S)~~ Since U.S. policy is to employ chemical weapons only in response to enemy use of chemical, toxin, or biological weapons, an unacceptable military advantage could accrue to an initiator if the United States could not respond promptly. Accordingly, Unified Commanders shall develop chemical munitions requirements for 30 days of retaliatory operations and should request early deployment from storage when they judge there is a significant risk that their forces might be attacked with chemical, toxin, or biological weapons.

b. ~~(S)~~ During wartime or periods of increased tension, readiness may be increased by moving weapons forward to designated employment units or forward staging areas. Preplanned deployment package options shall be developed and, where appropriate, integrated into overall deployment plans to meet the Unified Command requirements for deterrence and initial retaliation, and follow-on and sustained employment. Procedures must be established to assure the United States retains custody until approval for transfer to Allies is granted.

3. (U) Employment Considerations

a. ~~(S)~~ If hostilities are imminent or under way, Unified Commanders should consider requesting conditional employment authority prior to enemy chemical, toxin, or biological weapon use if they deem such authority to be necessary. The JCS shall develop procedures for requesting and authorizing chemical weapons deployment and employment authority. Such procedures should be designed to prevent automatic escalation to chemical warfare in the event of isolated or possibly accidental enemy use. These procedures will provide the

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Unified Commanders with definitive criteria upon which they can base justification for requesting deployment and/or conditional employment of chemical munitions.

b. ~~(S)~~ Our chemical weapons employment policy requires all the Services to develop capabilities to counter any chemical, toxin, or biological threat and to achieve our wartime objectives should deterrence fail.

c. ~~(S)~~ Should the United States be faced with a conflict involving chemical, toxin or biological weapons, careful allocation of existing weapons stocks shall be required. To assist the Unified Commands in developing realistic chemical deterrent and retaliatory plans, the JCS shall apportion the stockpile among the theater commands. Should the United States face a chemical conflict in a single theater, the chemical stockpile shall not be depleted below a reserve of 50 percent of the JCS-apportioned U.S.-only 30-day requirement for other theaters without specific approval of the Secretary of Defense. Weapons requirements and allocation planning may consider Allied capabilities and requirements.

d. ~~(S)~~ Flexibility in chemical employment planning is essential to permit effective and selective use of an inadequate weapons stockpile. Employment planning shall include preplanned options (particularly important for air-delivered weapons). Preplanning should be detailed and specific enough to permit the rapid execution of retaliatory chemical attacks. In those cases when detailed preplanning is not practical, specific employment guidelines must be established to permit rapid development, assessment, and execution of retaliatory attacks.

e. ~~(S)~~ In most cases, chemical munitions shall be employed in conjunction with conventional munitions to take advantage of synergistic effects. To simplify logistics and minimize chemical stockpile requirements, plans shall call for integrating into the conventional attacks the minimum number of chemical munitions required to achieve the desired result.

f. ~~(S)~~ Since the goal is to terminate the enemy's use, plans of Unified Commands, U.S. components, and combined commands must provide for increasing, decreasing, or terminating U.S. chemical employment dependent on the observed enemy response. Employment planning shall consider chemical weapons effects with the goal of using the minimum quantity of chemical weapons needed for the effect desired.

g. ~~(S)~~ Due to the characteristics of chemical weapons, precautions are required to protect noncombatants from off-target hazards. (This is not meant to prevent the use of chemical weapons against targets of military value such as logistics, transportation, and communications systems that may be manned by civilians). The use of chemical weapons against certain legitimate military objectives that may have substantial civilian components may risk escalation of enemy chemical, toxin, or biological weapons use against civilians per se. Thus, commanders should be sensitive to that risk in recommending specific targets.

h. ~~(S)~~ Operations and contingency plans of the Unified Commands shall include chemical weapons employment options appropriate to their theaters of operation.

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(1) ~~(S)~~ A U.S. response to enemy chemical, toxin, or biological weapons use should be scaled to deny the enemy a significant advantage from such use and thus encourage him to stop using such weapons. The U.S. response need not be the same as enemy use in terms of either weapons and agents used or targets engaged (e.g., artillery for artillery, bombs for bombs, or airfields for airfields). Rather, the U.S. response should be gauged in terms of overall impact on the conflict. Chemical weapons should be employed against the most suitable targets and to maximum effect with minimum expenditure of munitions.

(2) ~~(S)~~ A U.S. response to enemy chemical, toxin, or biological weapons use should be planned to cause

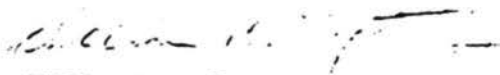
Casualty rates cannot be accurately determined because the number of casualties incurred is highly dependent on the state and readiness of an enemy's protective capability. For planning purposes, if an enemy commander chooses not to adopt protective measures, we want to inflict at least [redacted] (A casualty is defined as an individual who manifests symptoms severe enough to prevent his effectively performing his mission.)

JS 3.3(b)(5)
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(5)

(3) ~~(S)~~ The employment plans shall be designed to reduce any advantage the enemy has gained from chemical, toxin, or biological weapons use and to eliminate any incentive for their continued use. Factors to be considered include maximizing the military effectiveness of available conventional and chemical weapons, the scope of enemy use, anticipated enemy response to U.S. chemical retaliation, and limiting civilian casualties.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant to the Secretary of Defense (Atomic Energy) (ATSD(AE)) within 120 days.


William H. Taft, IV
Deputy Secretary of Defense

Enclosure - 1
1. Executive Order 11850

Declassified in Part
Authority: EO 13526
Chief, Records and Declass Div, WHS
Date: 30JUL2024

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Jul 23, 87
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Executive Order 11850

"Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents"

The United States renounces, as a matter of national policy, 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 first use of riot control agents in war except in defensive military modes to save lives such as:

- (a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.
- (b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.
- (c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.
- (d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists, and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

Now, therefore, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

Section 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

Gerald R. Ford

The White House

April 8, 1975

Office of the Secretary of Defense Chief, RDD, ESD, WHS
Date: 30JUL2024 Authority: EO 13526 + 5 U.S.C. § 552
Declassify: Declassify in Part: X Deny in Full:
Reason: 3.3(b)(5)
MDR: 20-M-0534

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