

Original US interpretation of the BWC

Recently, the US interpretation of the **Biological Weapons Convention** has come to reflect the point of view that Article I, which forbids the development or production of biological agents except under certain circumstances, does not apply to non-lethal biological weapons. This position is at odds with original US interpretation of the Convention. From the perspective of this original interpretation, current **non-lethal weapons research** clearly exceeds the limits of acceptability defined by Article I. The following documents contain expressions of this original interpretation, and highlight how the current US stance breaks with historical precedent.

President Nixon's Statement

On November 25, 1969, several years before the BTWC was negotiated and signed, the US stance on biological weapons was articulated in a unilateral **statement** made by President Nixon in which he said:

"I have decided that the United States of America will renounce the use of any form of deadly biological weapons that either kill or incapacitate."

President Nixon's Message to the Senate on Ratification of the Geneva Protocol

In this **message**, President Nixon states:

"In submitting this **Protocol** for approval, I consider it desirable and appropriate to make the following statements:

The United States had renounced the first-use of lethal and incapacitating chemical weapons.
The United States has renounced any use of biological and toxin weapons."

The **National Security Archive**, through Freedom of Information Act requests, has received several declassified Nixon administration documents that reflect the US government's position on biological weapons at that time:

- **Draft of NSDM 35 on United States Policy on Chemical Warfare Program and Bacteriological/Biological Research Program**
- **The President's Talking Points – Congressional Leadership Meeting re the results of the review of US chemical and biological warfare programs and policies**
- **Memorandum, Ronald I. Spiers to Secretary of State William Rogers, Subject: US Policy on Chemical and Biological Warfare**

US Legislation

The **Biological Weapons Anti-Terrorism Act of 1989** is the implementing legislation for the Biological Weapons Convention. After being passed it was incorporated into **Title 18, Part I, Chapter 10** of the US Code. In **Section 178** of Chapter 10, a biological agent is defined as:

"any micro-organism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing death, disease, or **other biological malfunction in a human, an animal, a plant, or another living organism; deterioration of food, water, equipment, supplies, or material of any kind...**" (emphasis added)

Additional Resources

- **The U.S. Government's Interpretation of The Biological and Toxin Weapons Convention** - FAS Working Group on Biological Weapons, November, 2002
- **A Farewell to Germs. The U.S. Renunciation of Biological and Toxin Warfare, 1969-70.** By Jonathan B. Tucker. *International Security*, Vol. 27, No. 1 (Summer 2002)
- **US Arms Control Policymaking: The 1972 Biological Weapons Convention Case.** By Forrest Russel Frank. PhD Dissertation, Stanford University, November 1974.