

Federation of American Scientists Working Group on Biological Weapons

Position Paper

Secret Biodefense Activities Are Undermining the Norm Against Biological Weapons

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The Biological Weapons Convention (BWC), which came into force in 1975, outlaws the possession of biological weapons (BW) in order to ensure that they will never be used. Considering that the BWC has no verification provisions and that two of its parties (the USSR and Iraq) are known to have violated the treaty, a strong monitoring regime with on-site provisions is obviously much needed. Growing military interest in BW, and consequent suspicions, led to the initiation in 1991 of a process to develop a legally-binding Protocol for monitoring compliance with the ban on BW. But after ten years of effort, the process is stalemated over the implacable opposition of the Bush administration. Even in the absence of international monitoring, however, states parties can demonstrate their good faith through transparency and strict interpretation of the Convention's prohibitions.

The Convention permits the use of biological agents of appropriate types and quantities for "prophylactic, protective and other peaceful purposes." This is construed to include the development of defences. There is no such escape clause for "weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict." These are categorically banned. As the Soviet defector Ken Alibek has pointed out, when you "start modelling or mimicking actual weapons, you come into very sensitive areas" that can imply offensive preparations, especially if the details are kept secret.

Just before the US rejected the draft Protocol in July, 2001, the Chief Negotiator for the US admitted under questioning before Congress that a number of US government agencies conduct biological activities that raise "ambiguities" regarding their purpose. The kinds of biodefense activities that prompted his testimony and the hardline US opposition to a Protocol were illuminated by a *New York Times* article on September 4, 2001, exposing three secret biodefense projects that push up against the permissible limits of the BWC.

The secret projects detailed in the *Times* were: construction from off-the-shelf materials of a plant for production of microbial anthrax simulants, known as Project Bacchus and conducted by the Defense Threat Reduction Agency (DTRA); a Defense Intelligence Agency (DIA) plan to genetically engineer a vaccine-resistant strain of anthrax developed by the Russians; and a Central Intelligence Agency (CIA) project, called Clear Vision, to construct and test a Soviet-model biological bomblet.

Are these projects just the tip of an iceberg? According to a knowledgeable source, all three projects had predecessors that have not yet come to light, most notably a DoD bomblet project run in the late 1990's at the Army's Edgewood Arsenal in Maryland. (For more information see "Defending Against Biodefense: The Need for Limits" [LINK](#))

The bomblets were probably constructed for use in a DOE project that collaborates with Edgewood to develop models to predict agent distribution and potency as a function of the dispersal method, variations in the source over time, the agent type, the amount of agent and its state (dry or wet), size distribution, environmental conditions, etc. (For more information see “Who’s Afraid of a Germ Warfare Treaty?” and “Additional Comments.....LINK)– data that appear to have considerably greater offensive than defensive potential.

At a Senate hearing in May 1989, Colonel David Huxsoll, Commander, US Army Medical Research Institute for Infectious Diseases, testified: “To create a weapon...the issues of stability, dissemination and weapons delivery systems would have to be addressed. These activities are clearly prohibited by the Biological Weapons Convention.”

In addition to the construction and testing of delivery systems, we now know, as a result of the investigation launched in the wake of the anthrax letter attacks, that the US has been secretly “weaponizing” anthrax, i.e., preparing it in a readily aerosolizable and highly infectious form, for many years. It had been assumed that this activity had ceased by 1972 after President Nixon ordered all BW agent stocks destroyed.

None of these questionable US activities has been declared in the US annual CBM reports. It appears to have been conveniently assumed that only activities conducted under the official DoD biodefense program need be declared, although other DoD units–DIA, DTRA–and other agencies–CIA, DOE–have increasingly taken on biodefense functions. It is startling to find, in the Assessment Report of a meeting of US and UK defense officials in 2000, that “in the US these [relevant treaties, including the BWC] do not apply to the Department of Justice or Department of Energy”. The Report recommends “If there are promising technologies that DoD is prohibited from pursuing, set up MOA with DOJ or DOE.”

These secret projects, carried out for “threat assessment,” degrade the BWC and encourage other countries to follow suit. The United States has already experienced the first fruits of its threat assessment fixation: the anthrax attacks, which were almost certainly generated by someone inside the biodefense establishment.

Secrecy is particularly corrosive. Open declaration of biodefense projects would go a long way toward dispelling suspicions. There would be no need to disclose project results that impinge on national security. After the *New York Times*’ revelation of US secret activities, the Pentagon declared that no critical information obtained through the programmes had been lost.

The secret development of offensive capabilities for threat assessment purposes is increasingly undermining the very meaning of the BWC. Although all the examples here come from US biodefense projects – some of which have become known through investigative activities – there is no reason to suppose that the same kinds of secret activities are not occurring in other states parties with less-open societies but similar military interests. For this reason, in November 2002 a group of non-governmental organizations drafted recommendations for a code of conduct for biodefense programs (LINK). If the norm against biological weapons is to be preserved, international agreement on limits such as those recommended will be critical.

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