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*Legal --
Chemical
Wpms*

MEMORANDUM

NATIONAL SECURITY COUNCIL

August 10, 1982

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ACTION

MEMORANDUM FOR WILLIAM P. CLARK

FROM: WALTER RAYMOND, JR.

SUBJECT: War Crimes Grand Jury

Leo Cherne and Frank Barnett have developed a very creative plan for a "War Crimes Grand Jury" which would put the Soviets on "trial" for the use of toxic chemicals in Asia. They have a comprehensive program which they are prepared to implement if private funding can be found. (FYI only: Leo and Frank have discussed this with Bill Casey who thinks it is an excellent concept.) Timing would be particularly good if it could coincide with the UN General Assembly meeting this fall.

Barnett and Cherne would like to approach Edward Bennett Williams to enlist his support to participate in this program and to help in fund raising. I think it is a particularly important move and Williams is an excellent potential candidate. Given the Congressional difficulties with the budget for CBW build up, the least we can do is to launch an all out effort to condemn Soviet violations.

Dick Childress and Sven Kraemer^{SK} concur.

RECOMMENDATIONS

OK No

- _____ 1. That you call Ed Williams and underscore your interest in the matter.
- _____ 2. That you encourage him to see Leo Cherne and Frank Barnett about a proposal they have developed.

Attachment

Tab I First Draft Outline of "The Yellow Rain of Russia"

cc: Dick Childress
Sven Kraemer

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NLS F96-12412 #1

BY smf NARA, DATE 7/21/00

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"THE YELLOW RAIN OF RUSSIA"

I — Proposal

1. To set up a privately organized WAR CRIMES GRAND JURY to assess mounting evidence that the USSR is a "poisoner" in the family of nations.
2. To collect and publicize data on the use — by the Russians and their proxies — of toxic chemicals against the peoples of Asia.
3. If the verdict is "guilty," to recommend to the UN and the International Court that the USSR be formally brought before a war crimes tribunal.

II — Premises

1. The UN "investigation" will continue to drag its feet and/or dilute its findings, blurring the "criminality" of Moscow.
2. The evidence, however, is irrefutable; and a number of expert witnesses with impeccable credentials can be brought to testify, including actual victims.
3. An independent GRAND JURY can create a world climate of outrage, whereas the UN "investigators" will be constrained by Soviet bloc and Third World forces to mute the charge and minimize the publicity.

III — Specifics

1. Paris might be an ideal site for the WAR CRIMES GRAND JURY. France is sufficiently "independent and socialist" so as to avoid the charge that she is simply a client state of the U.S. Many French intellectuals, including some socialists, are anti-Soviet. Moreover, the world press and electronic media people consider Paris a pleasant place to be assigned.
2. The GRAND JURY should consist of eminent retired statesmen, jurists, publishers, university presidents, authors, labor leaders, scientists, et al. If possible, Third World personages should be in a majority. (After all, the chemical poisons of the USSR have been used against Asians.)

3. The testimony of witnesses at the trial should be directed by all Western radios into the USSR and Eastern Europe. If true, perhaps one of the Polish Ambassadors who recently defected to the West should talk about his fears that Russia is "imposing" chemical warfare offensive preparations on Warsaw Pact armies. (Subsequently, NATO leaders could ask the Governments of Hungary, Poland, Czechoslovakia et al to repudiate the use of such weapons. They won't, of course, but the effort could drive another psychological wedge between the Russian imperialists and their colonies in east Europe.)
4. Assuming the findings of the GRAND JURY prove Soviet barbarism, demonstrations should be organized in front of Soviet embassies in Tokyo, New Delhi, Stockholm, Bonn, Brussels, Rome and London. The Peace and Disarmament Movements — country by country — should be directly challenged to focus part of their effort against Soviet chemical warfare aggression.
5. Environmental groups should be energized in the U.S. and in Europe for acts that could culminate with resolutions to expel Moscow from the World Health Organization, etc.

IV — Questions to be Researched

1. What are the lessons learned from the Stockholm Trials of U.S. "Crimes" in Vietnam, organized by Bertrand Russell? Structure of Tribunal? Procedures? Press facilities and briefings? Use of quasi-governmental transmission belts? Petitions to the UN? Resolutions in UNESCO?
2. Accurate data and credible witnesses? (These can be provided.)
3. Eminent chairman or co-chairmen? (Multinational commissions tend to be identified by the world press with the name of their leader — the Palme Report, the Brandt Report, the Bertrand Russell Tribunal) The following are eminent Asian statesmen whose names are known internationally, assuming the value of Third World leadership:
 - a. Thanat Khoman, Foreign Secretary of Thailand;
 - b. Dr. Goh Keng Swee, former Defense and Education Ministries of Singapore;
 - c. Carlos Romulo of the Philippines;
 - d. Ex-Prime minister Sirimavo R.D. Bandaranaike, leader of the Sri Lanka Freedom Party.
4. Gifted administrative personnel with a flair for organizing "world theater"? (Existing talent resides in Paris)

5. Budget and financing? (Thought might be given to asking existing groups like International Rotary, CARE, International Rescue Committee, Amnesty, et al to "lend-lease" one talented person to this operation -- i.e., continue to pay salary but let the person work for the GRAND JURY in Paris) Direct mail solicitation in Europe, Canada and the U.S. might not net much money, but it would involve millions in the "cause."
6. Legal technicalities? Should the concept be reviewed by eminent American lawyers to ensure that the structure and procedures might enlist the support of the free jurists and various European and Asian Bar Associations?

V -- Benefits to Asian and Western Security

1. The primary humanitarian goal of the GRAND JURY would be to use world opinion to "stop the killing." Without the GRAND JURY, the Russians and Vietnamese (next the North Koreans?) may well continue to use chemical weapons in Afghanistan and Southeast Asia.
2. Publicity and demonstrations in Third World nations will focus attention on Soviet imperialism and make it more difficult for local Marxists to vilify the U.S.
3. As the "yellow rain of Russia" comes to the forefront of public opinion, the Peace & Disarmament Movements (in the U.S. and Europe) will be placed on the defensive on such issues as "mutual" trust, "leniency" in verifying treaties with Moscow, the symmetry of the morals of the superpowers and the worthlessness of un-enforceable "no first use" pledges by the Soviets.

VI -- What Organizational Next Steps?

1. Although the enterprise will be private -- and should derive its momentum chiefly from Europeans and Asians -- should informal soundings be taken around Washington, given the sensitivity of the issue? (If so, what bases should be touched? By whom?)
2. Assuming green lights, do we need an ad hoc committee of Americans to
 - a. nominate and recruit candidates to serve on the GRAND JURY;
 - b. help nominate and/or select the executive personnel;
 - c. ensure that accurate data and credible witness are forthcoming;
 - d. help organize the world media campaign?

3. How much seed money will be needed for six months to set up the GRAND JURY? What sources?
4. How much will be required for, say, a year's full-scale GRAND JURY operations, plus collateral world publicity? What sources?
5. What American of prominence will take primary responsibility for the initial steps?