

May 5, 1971

Mr. Jozef Goldblat
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Dear Mr. Goldblat:

The situation with the Protocol is that the Committee on Foreign Relations has completed its hearings, has met to discuss the course of action it should take, and has decided to ask the Administration to reconsider its "understandings" with regard to tear gas and herbicides. The majority of the Committee would prefer U. S. ratification without any special exemptions. The Administration now has several choices. They could attempt to force the Protocol through with the current "understandings." I rather doubt this would be done because it would only generate an unpleasant debate that would reflect little credit on the Administration and might result in actual defeat of the Protocol on the floor of the Senate.

Another possible course of action would be to abandon the understandings in the near future and seek prompt Senate ratification. I believe the Senate would easily support the treaty on this basis but I am doubtful that the Administration could suddenly change its policy without considerable disruption in its working relationship with the military. Still, I don't rule out this possibility all together.

Finally, the Administration could reconsider the understandings in the course of its detailed study of the political and military aspects of the use of tear gas and herbicides. These two studies were mentioned by Secretary Rogers in his testimony before the Foreign Relations Committee. They are full-fledged government wide studies which will take several months to complete. It may be that the contents of these studies will provide the Administration with enough flexibility within its own house to abandon the understandings if it wishes to do so. There is, of course, no way to predict the outcome now. In any case I doubt very much that two-thirds of the Senators can be persuaded to support the Protocol unless there is some change in the understandings. If the Protocol should not be ratified under the Administration of President Nixon, there would, of course, still be considerable pressure from various sides upon the next Administration to do so.

Mr. Jozef Goldblat

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Although I cannot be very sure, I remain optimistic that the Protocol will be ratified either by this Administration or the next and without any specific exemptions.

With best wishes.

Sincerely,

Matthew Meselson

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