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G-51-A

May 20, 1971

Professor R. R. Baxter
Law School of
Harvard University
Cambridge, Massachusetts 02138

Dear Professor Baxter:

I very much appreciate your thoughtful comments of May 10 concerning the review of treaties.

My impression is that your observation is accurate; that is, the Section has no systematic procedure for reviewing each treaty submitted. I believe it is fair to say that the Section has considered most treaties of considerable public interest, although there may have been instances where time factors precluded our review of significant ones. The usual procedure is for the imminence of Senate consideration to be raised before the Council or within a committee of the Section, after which the Council assigns the review to an existing or ad hoc committee of individuals having some expertise in the subject matter.

I think we would forfeit too much expertise if we attempted to handle all treaties through a single standing committee. I do believe, however, that it would be desirable to establish some regular procedure whereby the Chairman of the Section is notified of any treaty likely to be considered by the Senate. The difficulty will be one of timing; if we begin to study a particular treaty too late we shall not have any worthwhile comments in time for the hearings, but if we attempt to function on all treaties proposed for signature or signed and proposed for reference to the Senate, we shall dissipate our efforts in barren fields.

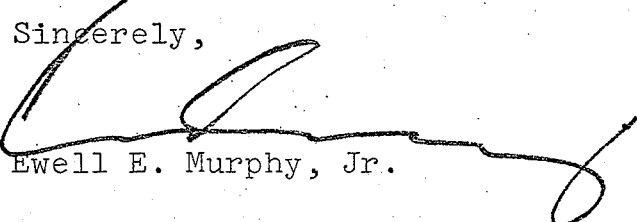
Professor Baxter

May 20, 1971

I will bring your letter of May 10 to the attention of the Council in New York City on July 4. If, in the meanwhile, you have any specific suggestions (e.g., a standing notification arrangement with the Legal Adviser's Office or the staff of the Senate Foreign Relations Committee) for an approach to the timing problem I shall be most grateful.

By copy of this letter I am asking Don Duvall, our Vice Chairman in charge of the International Law Division, to recommend to the Council on July 4 the appropriate committee for considering the Geneva Protocol of 1925 on Chemical and Bacteriological Warfare. The Council has voted to establish a new committee, within that division, on International Law and the Use of Armed Force, which may be the likeliest contender.

Sincerely,


Ewell E. Murphy, Jr.

EEM:116

cc: Harry A. Inman, Esq.
Donald K. Duvall, Esq.
Antonio R. Sarabia, Esq.
Mrs. Elvie A. Johnson