

15 July 1971

The Marquess of Lothian
Parliamentary Undersecretary of State
Foreign and Commonwealth Office
Downing Street
London SW 1A 2AH

Dear Lord Lothian,

I take the liberty of writing to you at the suggestion of Sir Solly Zuckerman, who was here yesterday on a visit. The question that concerns me is the applicability of the Geneva Protocol of 1925 to the use in war of CS gas and similar chemical irritants. I gather that the policy of Her Majesty's Government on this question is one of the areas of your official responsibility. Accordingly, I hope you will not take it amiss that I pass on to you several papers on this subject, some of which may not yet have reached you. I enclose the following:

1. Statement of McGeorge Bundy
2. Statement of Matthew Meselson
3. Letter to President Nixon from Senator J.W. Fulbright
4. Foreign Affairs article by L. Craig Johnstone

Craig Johnstone is an officer in the U.S. Foreign Service now stationed in Ottawa. Before that he had served as Chief of the Pacification Studies Group of the U.S. Military Assistance Command in Saigon.

As you know, our Administration is now reconsidering its position that the Geneva Protocol does not apply to the use in war of riot gas and chemical herbicides. However, I would be surprised if any decision were taken before the last part of August. Meanwhile, Senator Humphrey and Senator Brooke of Massachusetts plan to file resolutions dealing with these matters in the Senate. The Humphrey resolution would have the Senate declare its view that riot gas and herbicides are prohibited by the Protocol. The Brooke resolution would call upon the President to seek an advisory opinion from the International Court of Justice. Brooke has received a certain amount of encouragement from relatively senior Administration officials but I do not know how far this can be interpreted.

As you will see from the enclosed statement, my own view is that we would all be better off with a broad interpretation of the Geneva Protocol, prohibiting all forms of toxic chemical warfare. A good part of the problem is to find a politically acceptable way to climb down from our present position.

I hope the enclosures will be of some use.

Sincerely yours,

Matthew Meselson
Professor of Biology

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