

16 November 1971

Professor George Bunn
Law School
University of Wisconsin
Madison, Wisconsin

Dear George,

I spent a morning at the State Department last week with Dick Baxter, Bill Hancock and Steve Nelson. We talked about situations in which states might reject U.S. ratification of the Protocol with the current understandings. Dick made some enquiries on the same subject the next day and sent the following paragraph:

"In response to your inquiry about the capacity of existing parties to a multilateral treaty to reject treaty relations with a state that has ratified or acceded without reservations, I subsequently consulted with several of my friends here who are well informed on treaty law. We know of no precedents for any such action except in cases in which the objecting state asserts that the party acceding is not a state or that it is not the recognized government of a state. Nothing other than what is communicated to the depositary may be the basis for rejecting treaty relations. A state by the mere act of signing a treaty extends a binding offer to other states to enter into treaty relations with them."

Can you mention the possible precedent you mentioned the other day involving a latin american country? Regarding Dick's statement that "nothing other than..." I wonder if the actual use of riot gas in Southeast Asia at the time of U.S. ratification could be considered as a basis for rejecting treaty relations with the U.S.

With warm regards,

as ever,

Matthew Meselson

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