

## TEAR GAS IN WAR: THE HISTORICAL RECORD OF U.S. OPPOSITION

Opposition to use of tear gas in war has been the consistent policy of the Government of the United States from the end of World War I well into the Vietnam War. Here is the record.

1922. The complete prohibition of "chemical warfare, including the use of gases, whether toxic or non-toxic," was called for by the Advisory Committee to the American Delegation to the Washington Conference on the Limitation of Armament. Members of the Committee included Herbert Hoover, Admiral Rodgers and General John J. Pershing, who was the chairman. (Conference on the Limitation of Armament, Government Printing Office, 1922; pages 385-86)

1922. The General Board of the U.S. Navy, also called on to advise the U.S. Delegation to the Washinton Conference, resolved that "there will be great difficulty in a clear and definite demarcation between the lethal gases and those which produce unnecessary suffering, as distinguished from those gases which simply disable temporarily." The Board held it to be "sound policy to prohibit gas warfare in every form and against every objective." (Op. cit.; page 387)

1930. The U.K. submitted a memorandum to the Preparatory Commission for the League of Nations Disarmament Conference, asking for opinions on whether tear gas was covered by the Geneva Protocol and stating that "His Majesty's Government have taken the view that the use in war of 'other' gases, including lachrymatory gases, was prohibited." Delegates of France, Roumania, Yugoslavia, Czechoslovakia, Japan, China, Spain, the U.S.S.R., Italy, Canada and Turkey agreed with the British position. The U.S. delegate, Hugh Gibson, expressed hesitation about restricting the use of tear gas in war. However, it appears that Gibson was not speaking under instructions from Washington. Gibson began his remarks by saying, "I had hoped that it would not be necessary to make a statement on this subject, as I confess that I am not in a position to offer a sound and valuable opinion on the problem..." He proposed no specific interpretation of the Protocol but "careful study and consideration." (Minutes of the Sixth Session (Second Part), December 2, 1930, p.312)

1930. The Preparatory Commission found itself unable to give a definite opinion on the coverage of the Protocol, but in their report they also noted that "very many delegations stated that they were prepared to approve" the U.K. interpretation, and called for study "so that the problem may be settled in all its respects by the Conference." (Report of the Preparatory Commission: Annex to the Minutes of the Sixth Session, Second Part,.. page 585)

1932. When the Disarmament Conference itself got underway in 1932, its General Commission set up a special committee to consider CBW. The U.S. delegates were Brigadier-General George S. Simonds and Major B. Ord. The report of the committee was unanimous. It recommended that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant..." (Conference Document, Vol. I, May 31, 1932, page 5)

1932. Reviewing the report of the special committee, the General Commission in a resolution adopted July 23, 1932, decided that chemical warfare should be prohibited under the conditions unanimously recommended by the special committee. This vote was 41 to 2, with 8 abstentions. The United States voted affirmatively. (Minutes of the General Commission, Vol. I, July 23, 1932, see page 205)

1932. The Bureau of the Conference, an executive organ, discussed the report of the special committee on November 8, 1932, when the U.S. representative, Hugh Wilson, said about tear gas that "there was no question of its use in time of war, but the United States Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." (Minutes of the Bureau, Series C, Vol. I, page 57)

1932. Accordingly, the Drafting Committee of the Conference wrote its Article 2, prohibiting use in war of "any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances." The Drafting Committee was made up of the United States, France, Germany and Greece. (League of Nations: Conference Documents, Vol. II, page 734)

1933. The wording of draft Article 2, without change, was incorporated as Article 48 of the draft disarmament convention, which was submitted by the U.K. on March 16, 1933. (op. cit., page 488) Secretary of State Cordell Hull cabled the official U.S. position on each section of the treaty. His cable made the

same distinction earlier made by Hugh Wilson: "Articles 48 to 51 inclusive are acceptable, provided it is understood that article 48 does not prohibit the use of lachrymatory gases for domestic police purposes." (Foreign Relations, 1933, Vol. I, page 75)

1933. The British Draft Convention was read before the General Commission on May 30. No delegation objected to the inclusion of tear gas in the ban. The Conference adjourned in June; consideration of the Draft Convention was never completed. (Preliminary Report on the Work of the Conference, July 1936)

World War II. The Chemical Warfare Service procured 1,281,560 pounds of tear gas. This included 785,383 tear gas pots, 689,610 grenades, 54,310 mortar shells, and other tear gas munitions. According to the official history of the Chemical Warfare Service, in such cases as "attacks upon Japanese caves and bunkers, or upon isolated positions, in the Pacific Islands, the gases might have brought about surrender or have driven the enemy into the open." Nonetheless, these weapons were never used in combat. (The Chemical Warfare Service: from Laboratory to Field, Chapter 3, "Toxic Agents")

Korean War. Large stores of tear gas weapons were available. None was ever used in combat. (loc. cit.)

Vietnam, 1965. When the U.S. use of CS gas in Vietnam was first reported in the press, Secretary of State Dean Rusk said that "The anticipation is, of course, that these weapons will be used only in those situations involving riot control or situations analogous to riot control," and further that "We do not expect that gas will be used in ordinary military operations."

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