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Dear Don,

Here is a notebook with several background items on chemical warfare and the Geneva Protocol.

Briefly, the situation is this: In August 1970 the President submitted the Geneva Protocol to the Senate for its advice and consent. According to its terms the Protocol the first use in war of "...poisonous, asphyxiating and other gases and all analogous liquids, materials and devices." Every important nation in the world except the United States has already ratified the Geneva Protocol. The majority of the approximately 100 existing parties have stated the belief that it prohibits all forms of chemical warfare, including riot gas and herbicides. The Nixon and Johnson Administrations have taken the opposite view. When the question of the scope of the Protocol came up in the UN General Assembly in 1969, two nations (Australia and Portugal) supported our position, 36 abstained and 80 voted against us.

The Foreign Relations Committee held hearings on the Protocol in March and April of last year. As a result the Chairman sent a letter to the President asking that he reconsider our current interpretation of the scope of the Protocol. Receipt of the letter was acknowledged by the White House but no substantive response was ever made to my knowledge.

Last month the UN General Assembly overwhelmingly voted its endorsement of a new treaty prohibiting not merely the use but the possession, production and development of germ and toxin weapons. The treaty does not deal with chemical weapons. By its terms the germ treaty does not come into force until ratified by the great powers. The President has not yet sent the new treaty to the Senate. The Foreign Relations Committee would be unlikely to report out the germ treaty without a resolution of the stalemate of the older and more fundamental treaty covering both chemical and biological weapons. Thus, the Administration's current position that riot gas and herbicides are allowed in war will keep us from ratifying the Geneva Protocol and will keep the treaty on germ weapons from coming into force.

The bottleneck would be broken if the United States would agree that in spite of possible historical or legal ambiguity regarding the exact meaning of the Geneva Protocol we will henceforward consider that it applies to all forms of chemical warfare (as defined by the UN resolution). We have stopped using herbicides in Vietnam except for base maintenance but the South Vietnamese are

still spraying canals and forests, although not on a very large scale. Riot gas munitions are still in use but very much less so than in the peak year 1968. Very knowledgeable officers of field grade and higher believe that neither riot gas nor herbicides are important weapons. If other nations are willing not to use them in war, we can easily accept the same standard.

I think the importance of this issue has more to do with the future than the present. The great momentum in research in biology and medicine will continue and ultimately place in our hands the power to manipulate the living process to whatever purpose we wish. Ratifying the Protocol and the germ treaty now and making a clear no first use commitment on all chemical weapons can help insure that mankind does not turn his knowledge of the living process against himself in the future. I think that, even though these questions don't often dominate the headlines, the man in the street will appreciate their importance if he knows the issues.

It was good to see you the other night. Please let me know if I can be of any assistance.

Sincerely yours,

Matthew Meselson

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