

SIMS

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13th April, 1972.

Professor Matthew Meselson,  
Harvard University,  
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16 Divinity Avenue,  
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cc. Dr. David Carlton.

Dear Professor Meselson,

Thank you very much indeed for your letter and enclosures of 16 February. We are of course following with keen interest over here the prolonged struggle between Administration and Senate over the question of <sup>the</sup> "understanding" with which President Nixon wishes to ratify the Geneva Protocol and the Senators' insistence on reconsideration of this as a precondition of their advice and consent to ratification. It was most kind of you to send me the very interesting documentation of this controversy.

David Carlton and I have consulted together and he will be replying to you regarding your point about the lack of continuity in US policy on restrictions on the use of tear gas in war. We agreed that I should reply on the earlier matter you raise in your letter, namely the influences on the policy process in London resulting in the Ministry of Defence's victory on the CS gas issue in the winter of 1969-70.

The inhibitions on disclosure of discussions internal to Whitehall that are imposed by our Official Secrets Acts (part of which has, happily, come under review by a Government-appointed committee in the last year) mean that, whether through prudential or ethical considerations, none of the principals involved are likely to provide a full 'inside story' of the controversy. Even if any of them did, verification of their account of events would be impossible until 1999 because of our 30-year embargo on Government records before they are accessible to academic - or any other - researchers. So we are all of us operating to a large extent in the dark, depending as we do on unverifiable and not exactly disinterested 'leaks' by those involved, and on journalistic speculation (of which I would readily admit my own article - enclosed in New Christian to be an example)!

I think part of the divergence of view over what impelled the British Government to reach the decision it did arises from the fact that different commentators have had in mind different stages in the policy process. Broadly, I would distinguish three stages:

(1) July 1969. The decision by Disarmament Department to seek a reaffirmation of the British interpretation of the Geneva Protocol.

(2) August 1969 - October 1969. The period of consultation between the Ministry of Defence, Disarmament Department, the FCO's Legal Advisers and the Attorney-General.

(3) October 1969 - February 1970. The controversy at Ministerial level, involving the Defence and Overseas Policy Committee, the Cabinet (in December 1969) and subsequently the two Secretaries of State - Healey and Stewart - and the Prime Minister.

Naturally enough it is stage 3, from the reopening of the issue by Healey personally to the PM's rejection of Stewart's Montreal telegram urging delay, that has attracted the most attention. On this I would accept the two-factor explanation proffered by your official source, with the riders that (a) I should be very surprised if personality factors did not also play a part in the tenacious attitudes that Healey and Stewart displayed on the issue at this stage, and (b) I am impressed by the evidence that at the December Cabinet some, if not most, members were less than fully aware of the significance of the issue confronting them and that the Cabinet decision was in fact a somewhat muddled 'gut-reaction'.

One would be interested to have evidence on these individual perceptions from Ministers' diaries. Wilson's book The Labour Government: A Personal Record makes no reference to the controversy, however, and neither Lord George-Brown nor Patrick Gordon-Walker, who have also revealed some Cabinet proceedings, was still in Cabinet at the relevant time. Crossman has not favoured New Statesman readers editorially with his recollections, although 'leaking' generously on other matters. Chalfont's article, 'The CS Gas Muddle', which we cited in our Survival essay, skates lightly over the second and third stages of the controversy - partly, I suspect, because he was absent from some of the decisive inter-departmental 'crunches' and partly perhaps because his own part in the proceedings, such as it was, seems not to have been covered in glory.

There remains an indirect indication of how Healey saw the whole issue which, if accurate, strongly suggests that he misunderstood the FCO position and was arguing at cross-purposes with its proponents. I refer to a curious paragraph near the end of Reed & Williams' book Denis Healey and the Policies of Power. I would not place much credence on this alone, as the book in my view is a hurried and largely uncritical hack work, over-influenced by a naive fascination with power and a dependence for inside information on one particular member of Healey's entourage. However, I find some, admittedly unverifiable, support for the Reed-Williams account of how Healey saw the issue (which his biographers, characteristically, accept as the reality of the issue!) in the reliably reported statement of Healey's at his meeting with Mulley, that he could see no use for CS by Britain as a weapon of war. On one interpretation, it fits this explanation neatly.

So much for the latter stages of the policy process. I accept that concern for President Nixon's difficulties on Capitol Hill was not an issue then. In fact I never thought it was; but in our Survival essay we were anxious not to exclude any possibility, either of prescription or of explanation, and I remain of the opinion that in the first stage of the issue American considerations played a major part. I am sorry that we did not distinguish the stages as clearly in Survival as I think, in retrospect, we ought to have done.

I rely heavily on Mulley's speech of 10 July 1969 in the ENDC, commenting on U Thant's second recommendation in the foreword to the UN Group of Consultants' Experts' report on CBW. From the passages I have quoted in my New Christian article, I think it likely that he was feeling under pressure from delegates of other countries to reaffirm Britain's interpretation of the Protocol not only because of U Thant's recommendation but more particularly because of Britain's support for the war in Vietnam. I believe this view is supported by Chalfont in his New Statesman article, although of course he did not take over from Mulley as the responsible Minister until October 1969. Mulley's reference to the possibility of parties to the Protocol failing to oblige I now think related probably to Australia, but it may have been that even in July 1969 Mulley's advisers realised that they might encounter difficulties with the Ministry of Defence. The situation changed radically, of course, with the first riot control use of CS by the Royal Ulster Constabulary on the night of 12/13 August and its first use by the Army a month later. I am convinced that, had he been able to foresee those developments, Mulley would have resisted all the pressures in the <sup>ENDC</sup> ~~CCD~~ to restate the British interpretation of the Protocol, pressures which arose from the Wilson Government's general support for the American position over Vietnam.

I should point out, à propos of my New Christian article, that I have of course been proved quite wrong by events in the CCD regarding the long-term repercussions on Britain's biological disarmament initiative. Apart from that, I would if rewriting the article today probably make more play with the role of the FCO Legal Advisers and the Attorney-General, but in general it still represents my belief as to what happened, to be confirmed, disproved or altered in 1999, or earlier if retired politicians and diplomats reveal more than they have already. Incidentally, I do not think much weight should be placed upon the factors adduced by Hugh Jenkins MP (British sales of CS to the USA) and the SIPRI study on CBW (Anguilla-type situations), any more than the 'Trucial Oman Scouts' idea which was suggested at the time of the 2 February announcement.

I hope you will let me know if you have any comments on all this. As you can tell from the length of this letter, I am still very much concerned with this issue and eager to consider alternative interpretations whenever possible.

Thanking you again for your most interesting documentation,

Yours sincerely,

*Nicholas A. Sims*

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