

Law School of Harvard University

Cambridge, Mass. 02138

DEC 19 1972

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Professor Matthew Meselson
Biological Laboratories
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Dear Matt,

Here are the promised two pieces of paper. What they contemplate is that the United States would inquire about to see who thinks RCAs and herbicides are prohibited by the Protocol or are willing not to use them. Having asked all parties about that, the United States would then ratify with the understanding (in the instrument) that the Protocol does not prohibit RCAs and Herbicides. However, it would agree not to use these weapons first against countries which interpret the Protocol to exclude these weapons or would be willing reciprocally to refrain from their use. What it boils down to is that the United States would not use these weapons against others seeing their duty in the same way.

One might hope that if the "postal ballot" before ratification went strongly against the U.S., the Government might be persuaded to take a different position. It would look sort of silly to include this complicated language in the instrument of ratification if it only related to our right to make first use of RCAs against a few friendly states.

If this procedure is unacceptable to the Government, it really means the Government wants to retain the option to use these weapons against everybody. The only way we can be sure of the right to do this is by way of a reservation.

I would prefer not to be identified as the author of any of this material. It's yours to do with as you like. Bear in mind that these are only rough drafts and that defects may easily be discovered in them.

Bon voyage. See you in January. Season's
greetings.

As ever,

Dick Baxter