



American Chemical Society

OFFICE OF THE
PRESIDENT

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Alan C. Nixon, *President*

September 17, 1973

The Honorable J. William Fulbright
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Senator Fulbright:

In a September 15, 1970 letter addressed to you from the 1970 President of the American Chemical Society, Dr. Byron Riegel, the actions of the Society's Board of Directors and Council with regard to ratification of the Geneva Protocol of 1925 were enumerated. The resolution that reversed the long-standing opposition of the American Chemical Society to ratification of the Geneva Protocol of 1925 passed the Board of Directors on September 13, 1970 and the Council on September 15, 1970. It reads as follows:

WHEREAS the Board of Directors and the Council of the American Chemical Society at its 160th National Meeting in Chicago, September 13-18, 1970, thoroughly considered the Geneva Protocol relative to Chemical and Biological Warfare and the position of the President of the United States recently requesting Senate ratification of same, now therefore:

BE IT RESOLVED That the Board of Directors and Council of the American Chemical Society support the recent action of the President of the United States in submitting to the United States Senate for ratification the Geneva Protocol of 1925 prohibiting the use of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and urge the United States Senate to ratify the Protocol; the Board of Directors and Council of the American Chemical Society note further that this resolution supersedes a contrary resolution on the Geneva Protocol which was adopted by the Council of the American Chemical Society on August 3, 1925.

That resolution, of course, supports President Richard M. Nixon's submission of the Geneva Protocol of 1925 for the advice and consent of the Senate to ratification. Since the Geneva Protocol was transmitted with the report of the Secretary of State which set forth understandings and a

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reservation with respect to the Protocol, the ACS Joint Board-Council Committee on Chemistry and Public Affairs deliberated at several executive sessions earlier this year on whether the Society had gone far enough in that resolution. The renewed interest of the Committee on Chemistry and Public Affairs on behalf of the Society was prompted especially by President Richard M. Nixon's understanding that the Protocol does not prohibit the use in war of riot-control agents and chemical herbicides, or of weapons utilizing smoke, flame or napalm.

During its deliberations, the ACS Committee on Chemistry and Public Affairs reviewed your letter of April 15, 1971 to President Richard M. Nixon on behalf of the Senate Committee on Foreign Relations which followed hearings on the Protocol in March 1971 and requested that the President reconsider the Administration's interpretation that the Protocol does not prohibit the use of tear gas and herbicides in warfare. Attention eventually focused on endorsement of Senate Resolution 48, reintroduced by Senator Hubert H. Humphrey, as a means of both clarifying the Society's position with regard to the Protocol and encouraging a reinterpretation of the Administration's position. Thus, the Board of Directors of the American Chemical Society took the following action at its meeting on June 1, 1973:

VOTED, with one dissent, on recommendation of the Committee on Chemistry and Public Affairs, that the American Chemical Society endorse Senate Resolution 48, a resolution to register the support of the United States Senate for approval without qualification the Geneva Protocol on the use of chemical and biological weapons in warfare, thus reaffirming the Society's support in 1970 of ratification of the Geneva Protocol, but without the reservations then expressed in the Administration's recommendation.

Subsequently, at its meeting on Tuesday, August 28, 1973, the Council of the American Chemical Society endorsed the June 1, 1973 action of the Board of Directors with regard to Senate Resolution 48.

I wish to express to you and the Senate Committee on Foreign Relations the interest of the American Chemical Society in any forthcoming hearings on Senate Resolution 48, which we understand are now pending before the Subcommittee on Arms Control, International Law and Organization. It is the Society's hope that there will be an opportunity at those hearings to present a detailed policy statement on ratification of the Geneva Protocol of 1925 in support of the passage of Senate Resolution 48.

I would like to add that the Society's interest in chemical and biological weaponry is not restricted to the Geneva Protocol of 1925. The ACS Committee on Chemistry and Public Affairs has begun initial planning jointly with the Scientists' Committee on Chemical and Biological Warfare for a symposium on the broad issues involving chemical and biological weaponry. The symposium will be a part of a continuing program of symposia and public affairs topics to be held

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at the Society's National Meetings, and is to be held at the 167th National Meeting in Los Angeles, California in the spring of 1974.

So that you might place the actions of the American Chemical Society in proper perspective, I should mention that it is a member organization, with no chemical or other companies as members, consisting of approximately 109,000 individual chemists and chemical engineers reflecting a broad spectrum of engagement in academic, governmental and industrial professional pursuits. About 70% of our members are employed by industry, about 20% by academic institutions, and 10% by government and nonprofit institutions. The American Chemical Society was founded in 1876 and chartered by an act of Congress in 1937 as a nonprofit, scientific and educational organization. Its Federal incorporation replaced a New York State Charter which had been effective since November 9, 1877. Under its National Charter the Society is charged with the responsibility to work for the advancement, in the broadest and most liberal manner, of chemistry, "thereby fostering the public welfare and education, aiding the development of our country's industries, and adding to the material prosperity and happiness of our people." Also, the Charter imposes an obligation on the Society to provide assistance to the Government in matters of national concern related to its areas of competence. The ACS Committee on Chemistry and Public Affairs was established in 1965 as a joint "policy" committee of the Board of Directors and the Council to consider policy questions in public affairs areas and also to provide guidance on public issues to the "technical" committees of the Society.

Again, I wish to express to you the interest of the American Chemical Society in ratification of the Geneva Protocol without qualification and the Society's desire for the opportunity to present its views on the subject at any forthcoming hearings on Senate Resolution 48.

Sincerely yours,



Alan C. Nixon
President

cc: Senator Edmund S. Muskie, Chairman
Subcommittee on Arms Control,
International Law and Organization
of the Senate Committee on Foreign
Relations

Senator Hubert H. Humphrey