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UNIVERSITY of PENNSYLVANIA

PHILADELPHIA 4, PENNSYLVANIA

Department of Chemistry

November 20, 1974

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The Honorable Jacob K. Javits
U. S. Senate
326 Old Senate Office Building
Washington, D. C.

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Dear Senator Javits:

An important unresolved issue before the U. S. Senate is ratification of the Geneva protocol on chemical and biological warfare. Because of your former connection with the chemical corps, we know your views are considered of especial significance by your colleagues in the Senate.

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As you may well know, the American Chemical Society opposed the Geneva protocol originally. In 1970 it reversed that position to support the Nixon ratification proposal, with its reservation on the use of herbicides and riot control agents. Then in 1973, it further changed its position to call for a "clean", unqualified ratification. I had the privilege of presenting an articulation of that view to the Zablocki subcommittee earlier this year (a copy of this testimony is enclosed). The House, by an overwhelming vote, later urged ratification of the Geneva protocol.

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The American Chemical Society has also urged President Ford to reconsider the reservation proposed to the Senate by President Nixon (a copy of this letter is enclosed).

We believe the U. S. Senate can, whenever it so wishes, pass an unqualified ratification of the Geneva protocol. We hope that you would support such a move and that our views in this regard will be of interest to you. We would be most pleased to discuss them with you in person, should

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you so desire.

Best wishes!

Sincerely yours,



Charles C. Price
Benjamin Franklin Professor of Chemistry
University of Pennsylvania;

Board Chairman, Council for a Livable
World;

1965 President, American Chemical Society

CCP:db

Enc.

BCC: Professor Mathew Meselson ✓
Mr. Richard M. Moose



American Chemical Society

OFFICE OF THE
PRESIDENT

1155 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
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Bernard S. Friedman, *President*

September 30, 1974

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I have been authorized by the Board of Directors of the American Chemical Society to bring to your attention the concern of the Society regarding ratification of the Geneva Protocol of 1925 by the United States. In 1925, the American Chemical Society originally adopted a position in opposition to ratification of the Geneva Protocol by the United States and after serious study over a period of years reversed that position.

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 supercedes 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, supported President Richard M. Nixon's submission of the Geneva Protocol of 1925 for the advice and consent of the Senate to ratification. Since the Protocol was transmitted with the report of the Secretary of State which set forth understandings and a reservation, the ACS Joint Board-Council Committee on Chemistry and Public Affairs deliberated at several executive sessions in 1973 on whether the Society had gone far enough in its support of U.S. ratification of the 1925 Geneva Protocol with that resolution. The renewed interest of the Committee on Chemistry and Public Affairs on behalf of the Society was prompted especially by the understanding that the Protocol does not prohibit the use in war of riot-control agents and chemical herbicides.

During its deliberations, the ACS Committee on Chemistry and Public Affairs reviewed a letter of April 15, 1971 to President Richard M. Nixon from Senator J. William Fulbright on behalf of the Senate Committee on Foreign Relations which followed hearings on the Protocol in March 1971 and which 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 in the 93rd Congress by Senator Hubert H. Humphrey, as a means of clarifying the Society's position with regard to the Protocol. 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 of 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.

Early in the second session of the 93rd Congress, the Society was invited to present testimony before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs on House Resolution 679 and related resolutions, which urge ratification of the 1925 Geneva Protocol and a review of U.S. chemical weapons policies. The statement of the Society was

presented by Past-President Charles C. Price on May 7, 1974 and is enclosed for your information. Our testimony, we believe, reflects the same concerns which led to recent passage of House Resolution 1258, recording the sense of the House that the 1925 Geneva Protocol should be ratified; that the position of the United States should be resolved by the President and the Congress; and that a comprehensive review of U.S. chemical weapons policies should be part of the re-consideration of the Protocol.

During the confirmation hearings on Dr. Kissinger's nomination as Secretary of State in September 1973, Senator Fulbright inquired about a review of the Administration's position with respect to the Geneva Protocol. Dr. Kissinger referenced an interdepartmental study and studies by the National Security Council on herbicides and riot control agents and assured the Senate Committee on Foreign Relations that a recommendation based on these studies would be forthcoming.

Therefore, the American Chemical Society respectfully requests the opportunity of meeting with you or members of the Administration to discuss in greater detail the thoughts and concerns underlying the Society's recommendation for unqualified U.S. ratification of the 1925 Geneva Protocol.

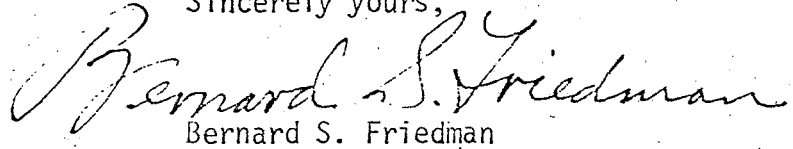
So that you might place the actions of the American Chemical Society in proper perspective, I should mention that it is a member organization, with no chemical or other companies as members, consisting of approximately 109,000 individual chemists and chemical engineers reflecting a broad spectrum of engagement of academic, governmental and industrial professional pursuits. About 60% of our members are employed by industry, about 25% by academic institutions, and 15% by government and nonprofit institutions. The American Chemical Society was founded in 1876 and chartered as a nonprofit, scientific and educational organization by an act of Congress signed into law on August 25, 1937.

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.

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Again, I wish to express to you the interest of the American Chemical Society in U.S. ratification of the Geneva Protocol without qualification and the Society's desire for an opportunity to meet with you at your convenience to discuss its views on the subject.

Sincerely yours,


Bernard S. Friedman

Enclosure

cc: The Honorable Henry A. Kissinger
Secretary of State