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WASHINGTON, D. C. 20006

December 5, 1974

The Honorable J. W. Fulbright
Chairman, Committee on Foreign Relations
1215 New Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to note that the Committee has scheduled hearings on the Geneva Protocol of 1925. I should like to convey my wholehearted support for this important arms control treaty and also express, if I may, a view regarding the ongoing discussion of its scope.

The question that has held up United States ratification in recent years is whether the Protocol applies to the use in war of riot control agents and herbicides. Officers of the past two administrations have expressed the view that it does not. However, a majority of the more than one hundred states that are now parties to the Protocol have stated that they accept its prohibition of the use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" as including riot gas and herbicides.

It is almost a decade since a United States administration first expressed the view that riot gas and herbicides are outside the scope of the Protocol. During that time, there has been no indication that any substantial number of the parties, let alone a majority, are willing to come over to that interpretation. Thus, in preparing to ratify the Protocol, we have the choice either of perpetuating disagreement or of securing a uniform international understanding of where the line against gas warfare is to be drawn.

Considering the very limited utility of riot gas and herbicides as weapons of war, I think that our choice should be to accept the view prevailing among the parties rather than accept the risk of having no common standard. I feel reinforced in this opinion by the fact that the current Administration position, as I understand it, would interpret the Protocol as not applying to riot control agents and herbicides but would, as a matter of policy, renounce their use except in a few narrowly defined situations. These are situations, however, which in my view would not be covered by the Protocol even if it is interpreted as applying to these particular chemicals. This is because the few uses the Administration is proposing to retain are not in war or warfare, as those terms are properly construed, being instead more akin

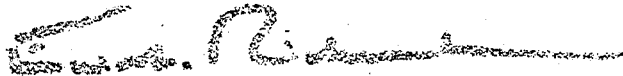
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to police measures to maintain order in areas under United States control or to rescue those out of action remote from the combat zone. The consequence therefore of the Administration's position is to leave open for other countries the use of riot gas and herbicides in war under conditions which we have renounced and to do so, moreover, on the basis of an interpretation which requires us to insist on an interpretation of the Protocol at variance with that of the prevailing view of the other parties. This seems to be the worst of both worlds. We can support the broader interpretation of the treaty while also retaining most or all of the options to use riot control agents and herbicides that are desired by the Administration.

With kindest regards,

Sincerely,

A handwritten signature in dark ink, appearing to read "E. L. Richardson", with a long horizontal flourish extending to the right.

Elliot L. Richardson