

March 12, 1969

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Dear George:

I notice that on page 30 of the draft paper you showed me in Washington it is stated that "no further resolution of this problem was achieved", referring to the question of whether or not the use of tear gas in war was to be prohibited.

In reading the Proceedings of the Conference for the Reduction and Limitation of Armaments, I find some further developments that may be of interest. When the Disarmament Conference got underway in 1932, The General Commission set up a special committee to consider CBW and incendiary warfare. The United States was represented on the committee. In its report, which appears to have been unanimous, the committee recommended that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use" (Conference Document 120, May 31, 1932, pg.5). Reviewing the report of the Special Committee, the General Commission, in a resolution adopted on July 23, 1932, accepted the terms of the prohibition on gas recommended in the above Special Committee report.

Turning to the problem of preventing preparations for chemical and biological warfare, the Bureau of the Disarmament Conference forwarded to the Special Committee a detailed questionnaire including an appendix containing a number of questions specifically directed to the problem of lachrymatory substances. In Chapter 3 of its response to the questionnaire, the Special Committee reaffirmed its view that "the question of lachrymatory substances cannot be treated separately as far as the prohibition of the

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use of poisonous substances in wartime is concerned". Regarding production, the Committee recommended that arrangements be made to allow the production of lachrymatory substances for police purposes (Conference Document 152, pg.8-9).

The Bureau of the Conference discussed the report of the Special Committee on January 25 and 30, 1933. In the course of the discussion, the representative of the United States of America Mr. Wilson was quoted as saying, regarding tear gas, "There was no question of its use in time of war, but the United States Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." (Minutes of the Bureau, Series C, Vol.1, pg.57). At the conclusion of its discussions on July 30, the Bureau instructed a Drafting Committee to frame articles concerning chemical and biological warfare for embodiment in the draft Disarmament Convention.

Article 2, prepared by the Drafting Committee, prohibits the use ". . . by any method whatsoever, for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid, or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances" (Conference Document/Bureau 45, March 7, 1933).

The wording of Article 2 prepared by the Drafting Committee was embodied without change in the draft Disarmament Convention submitted to the General Commission by the Delegation of the United Kingdom on March 16, 1933 (Conference Document 157 (1). To be found in Conference Documents Vol.2, pg.488.) The British Draft Convention was read before the General Commission of the Disarmament Conference on May 30, 1933. The General Commission accepted this part of the Draft Convention. So far as I know, no further action in the matter was taken by the Disarmament Conference although it seems likely that the substance of Article 48 of the British Draft Convention would have been accepted had the Disarmament Conference itself been successful.

I am curious to know what you think of the above, both as regards its significance, its accuracy. I have not yet had the opportunity to read all of the relevant documents so that the above chronology may have left out something significant.

Can you let me know when your article will be available in final form and where it will appear? I should like to send it to a number of persons.

With best regards,

Sincerely yours,

Matthew Meselson
Professor of Biology