



Matthew Meselson &lt;msmeselson@gmail.com&gt;

---

## Economic oddments

---

**Matthew Meselson** <msmeselson@gmail.com>

Wed, May 8, 2013 at 12:22 PM

To: "Prof. R Neild" <rm20@cam.ac.uk>

Cc: Jeanne Guillemin <jeg@mit.edu>

Dear Robert,

I greatly enjoyed reading your memoir. Finding mention of Noel-Baker on many of its pages made me think you might like to have some letters from him and other materials related to a plan he and I devised at lunch together at the Royal Automobile Club in 1969. This was just days before President Nixon announced his decision to renounce BW, resubmit the 1925 Protocol and support the British draft BWC. I had feared that the Geneva Protocol would be dangerously weakened if US ratification included an explicit exemption for disabling agents like CS, then being massively used in Vietnam. The problem was how to delay Senate consideration until after the war, when Senators would not be asked in effect to condemn our own wartime actions. The key was the fact that Philip had been there--in Geneva with Cecil in 1925. (*Mea culpa* for my thinking Lord Russell and the wrong century during our walk in the Trinity gardens.) I have just posted to you a folder containing letters and draft articles from Philip along with some related materials.

Already knowing that Alva Myrdal would submit a resolution to the UN First Committee that would have the effect of affirming that the use in war of CS and herbicides comes under the Protocol's ban and that many members, already inclined to follow the Swedish lead, would be even more likely to do so given Philip's authority as an eye-witness and his high standing among the more peace-inclined delegations, we came up at lunch with the idea of having a letter or article from Philip appear in the NYT the day before the vote. I arranged with Herebert Mitgang, then an editor at the Times, and the woman who ran the letters section that the paper would hold Philip's letter until alerted that the vote was imminent. I would then forewarn Myrdal who would make sure that other delegations were aware of the letter on the day it came out. And that's what happened.

The First Committee vote was 58 to 3. The 3 were the US, Australia and Portugal. Australia was allied with us in Vietnam and Portugal was using herbicides in Angola. The subsequent vote in the General Assembly was 80 to the same 3.

Philip's letter to the NYT, the product of successive revisions that went back and

forth between him and me, and his subsequent one to the Times of London, together with your own article with Julian in the Sunday Times became part of a big effort that succeeded in persuading the Foreign Relations Committee to delay the Senate vote until well after we were out of Vietnam. In the event, there is no US reservation, only a policy and an Executive Agreement reached at another lunch, this one between President Ford and Senator Fulbright, limiting the use of agents like CS to a listed few improbable situations. Not perfect but no disaster. Someday it needs fixing.

You will find in the folder a spicy letter from Col. Gerald Draper to my friend Dick Baxter. A notation in my calendar book indicates that I met Draper in London in November 1969 but I cannot remember who he was in this business. If you know, could you enlighten me?

Thank you for sending the documents about national debt and your comparison of economies to evolution. May I show "Economics in Disgrace" to Jeff Frankel, a young economist friend here? During most of the early mathematical development of evolution theory, the equations were deterministic. No account was taken of stochastic factors. That is all changed now and chance plays a big part in models to explain such basic features as the near-universal prevalence of sexual reproduction and the early extinction of species that abandon it. I wonder if your analogy to evolution could be further developed in collaboration with a knowledgeable population geneticist.

All good wishes,

Matt

[Quoted text hidden]

--

Matthew Meselson  
Thomas Dudley Cabot Professor of the Natural Sciences  
Department of Molecular and Cellular Biology  
Harvard University  
16 Divinity Avenue  
Cambridge, MA 02138  
Telephone 617-495-2264

### Index to Noel-Baker Papers

Document	Pages	Document Description	Date
A	1	Letter from Philip Noel-Baker to Matthew Meselson	May 29, 1969
B	1-3	The Geneva Protocol of 1925 by the Rt. Hon. Philip Noel-Baker M.P.	Draft article for the NYT given to MM in London November 1969, possibly the 24th
C	1-2	Letter from Matthew Meselson to Philip Noel-Baker	November 26, 1969
D	1	Letter from Philip Noel-Baker to Matthew Meselson	December 2, 1969 cover letter to E
E	1-3	The Geneva Protocol of 1925 by the Rt. Hon. Philip Noel-Baker M.P. (with handwritten corrections by PN-B)	December 2, 1969 revised article in response to item C
F	1	Letter from Philip Noel-Baker to Matthew Meselson	December 3, 1969 cover letter to G
G	1	US Reservation on Chemical Weapons, London Times, Letter to the Editor from Philip Noel-Baker	December 3, 1969
H	1-3	The Geneva Protocol of 1925 by the Rt. Hon. Philip Noel-Baker M.P. (retyped by MM incorporating handwritten corrections by PN-B and further edits by MM)	Undated, probably December 4, 1969 revision of E
I	1	Letter from Matthew Meselson to Herbert Mitgang, New York Times	December 4, 1969
J	1	Protocol on C.B.W., New York Times, Letter to the Editor from Philip Noel-Baker	December 9, 1969 condensed from G
K	1	UN Rebuffs US on Tear Gas Use, New York Times	December 11, 1969
L	1	US Criticizes Vote in UN on Meaning of Chemical Weapons Ban, New York Times	December 12, 1969
M	1	Letter from Matthew Meselson to Philip Noel-Baker	December 15, 1969
N	1	UN Assembly Hears Appeal for Peace as It Ends 24 <sup>th</sup> Session	December 18, 1969
O	1	Banning Tear Gas	December 21, 1969
P	1	Letter from Philip Noel-Baker to Matthew Meselson	December 21, 1969
Q	1	Letter from Herbert Mitgang, New York Times to Matthew Meselson	December 31, 1969
R	1	Letter from Matthew Meselson to Herbert Mitgang, New York Times	January 13, 1970
S	1	Letter from Herbert Mitgang, New York Times to Matthew Meselson	January 19, 1970
T	1-3	Letter from R.R. Baxter to Editor, London Times	February 6, 1970
U	1	Letter from Matthew Meselson to Philip Noel-Baker	February 10, 1970
V	1	Use of Tear Gases in War: An American View, London Times, Letter to the Editor from Matthew Meselson and R. R. Baxter	February 12, 1970
W	1	Vietnam Tactics, London Times, Letter to the Editor from Philip Noel-Baker	February 12, 1970
X	1-2	Tear Gas: A Blunder, Sunday Times, Robert Neild and Julian Perry Robinson	February 15, 1970
Y	1-2	Letter from Colonel Gerald Draper to R.R. Baxter	February 18, 1970
Z	1	Letter from Philip Noel-Baker to Sarah Meselson	March 14, 1970
AA	1	Letter from Philip Noel-Baker to Matthew Meselson	April 9, 1970
BB	1-5	Parliamentary Debates, House of Commons, Philip Noel-Baker	March 5, 1970
CC	1-2	Letter from Matthew Meselson to Philip Noel-Baker	April 13, 1971
DD	1	Letter from Philip Noel-Baker to Matthew Meselson	May 24, 1971

EE	1	Letter from Matthew Meselson to Philip Noel-Baker	May 24 1971
FF	1-3	Letter from Philip Noel-Baker to Matthew Meselson	May 27, 1971
GG	1	Letter from Philip Noel-Baker to Matthew Meselson	January 4, 1973
HH	1	Letter from Matthew Meselson to Philip Noel-Baker	April 22, 1980
II	1	Letter from Philip Noel-Baker to Matthew Meselson	May 2, 1980

From: The Rt. Hon. Philip Noel-Baker, M.P.

16, South Eaton Place,

London, S.W. 1.

29th May, 1969.

JUN 3 1969

Dear Mr. Meselson,

Thank you for your letter. I agree with you that an early question in the House would probably provoke Fred Mulley to make a foolish answer. I will try to write him a letter in the next few days. I very much enjoyed our talk.

With kindest regards,

*Yours,* Philip Noel-Baker

P.S. I hope you will read the Air chapter which begins on page        in my book "The Arms Race".

M. Meselson, Esq.,  
Biological Laboratories,  
Harvard University,  
Cambridge, Mass. 02138,  
U.S.A.

The Geneva Protocol on CBW, 1925by the Rt. Hon. Philip Noel-Baker M.P.

All over the world, people are debating what the Geneva Protocol on CBW really means. Does it allow, as some Generals and diplomats assert, the use in war of C.S. gas and herbicides?

When I hear this question, I recall a talk I had while the Protocol was being drafted in the Conference in 1925. It was with a young French colleague, Henri Bonnet, later a long-term and well-trusted Ambassador of France to the United States.

"Oh, yes," he said, "The form of words they've got is good. It prohibits every kind of chemical or bacterial weapon that anyone could possibly devise. And it has to. Perhaps some ~~day~~ <sup>day</sup> a criminal lunatic might invent some devilish thing that would destroy animals and crops."

I still remember the shock I felt, as Henri Bonnet said these words. I had been four years at the front in the first world war; I was at the first German gas attack at Ypres, in April, 1915; I had seen the victims of the "flammenwerfer", the Germans law-breaking and atrocious use of fire. I thought I understood the horrors of war. But in spite of this ~~xxx~~ experience, it still seemed to me in 1925 unthinkable that anyone should conceive so monstrous a crime as the destruction of animals and crops; ~~that would~~ that would be condemning the civitian population, the old, the sick, the women, the children, to slow and torturing death by hunger.

In 1925 everyone in the Conference agreed with Henri Bonnet. It was their purpose to ban all c.B. weapons, including "harassing" or "lachrimatory" gases, and every kind of biological; and they were <sup>satisfied</sup> ~~skiffed~~ that the Protocol they had drafted would do that.

In 1930 a doubt was raised about the true interpretation of the Protocol. The U.S. delegate to the League of Nations Preparatory Commission was Mr. Hugh Gibson. He suggested in the Commission that the Protocol did not forbid the use of what were still called the "tear gasses."

In Britain we then had a Labour Government.

Arthur Henderson was our Foreign Secretary; I was his Parliamentary Private Secretary; our delegate to the League Commission was the great Lord (Robert) Cecil.

Cecil was ~~an~~xious that Hugh Gibson's suggestion should be killed without delay. Henderson agreed, and instructed me, in cooperation with the Legal Section of the Foreign Office to prepare a Memorandum setting out the British view that "tear-gases," like all other CB weapons, were forbidden by the Protocol, and calling on all other Members of the Preparatory Commission to state their view.

We drew up the Memorandum, and Cecil laid it before the Preparatory Commission on November 18, 1930. Only Gibson

any objection to the British view; every other Member of the Commission -- France, <sup>Canada, Spain</sup> ~~Germany~~, even Japan -- confirmed that the tear-gases were banned.

This view was accepted without question throughout the Disarmament Conference of 1925-3. A little later, a new U.S. delegate, Mr. Hugh R. Wilson, declared that his government had- changed their mind, and that the U.S. agreed that all CB weapons, without exception, were outlawed by the Protocol of 1925.

In the light of these facts, I find it difficult to understand how anyone can argue that the men who made the Protocol mistook its meaning, and that on a true interpretation it permits the use of "harassing" gases and herbicides.

This is to ~~twist~~ twist both the history and the law; having taken a personal part in those debates from 1925 to 1933, I ~~regret~~ reject the argument as wholly false.

Philip Noel-Baker

November 26, 1969

The Rt. Hon. Philip Noel-Baker  
Houses of Parliament  
London,  
England

Dear Philip,

You will have learned from the newspapers of the magnificent decisions announced yesterday by President Nixon. The only flaw, of course, is that the use of irritant chemicals and herbicides in war is said not to be covered by the Geneva Protocol, leaving the United States free to continue their use. It is now more important than ever to counter that argument squarely and effectively. I believe that there is a fighting chance to convince the Administration and key members of the Senate that we have very little to gain and much to lose by practicing any form of chemical warfare.

Because the focus of the CB debate has now swung so sharply to the question of irritant chemicals and herbicides, the article you gave me in London takes on a particularly great importance. It is a very powerful article. However, because it will be scrutinized mercilessly by skeptics and because you had to prepare it on very short notice, I am returning a copy so that you can review it one last time before it is transmitted to the New York Times.

I am enclosing several documents which may be of some assistance. They are:

- 1) The British Memorandum of 18 November, 1930 and the Minutes of the Preparatory Commission where the discussion of the subject
- 2) took place.
  
- 2) A Memorandum regarding "The Position of Various Nations...Regarding the Prohibitions of the Use in War of Tear Gas..."
  
- 3) A paper by Julian Perry-Robinson and myself on the "Escalation of Chemical Warfare"

November 26, 1969

2

- 4) Part of a legal study of the status of the Geneva Protocol conducted within the Swedish government. This document is to be considered confidential.

Upon reading your article again, I find several points that did not occur to me during our hurried visit yesterday morning.

1. Were you at Geneva in 1925 or did your conversation with Bonnet occur elsewhere?
2. Your description might lead some persons to think that the wording of the Protocol was devised in 1925 instead of coming, as it did, from the Treaty of Versailles via the 1922 Washington Treaty on Noxious Gases.
3. Do you think Hugh Gibson meant to assert that the Protocol does not forbid tear gas? Could it have been instead that he meant only to indicate his difficulty in arriving at any position on the question? I refer in particular to paragraph 4 of his statement on page 312 of the Minutes of the Commission. This view gains some support from the remark of the Turkish Delegate recorded on page 313.
4. So far as I have been able to find, Hugh Wilson made no specific reference to the Protocol although he did quite clearly state the the United States' view that the use of tear gas in war should be prohibited.

I shall contact the New York Times today to prepare the way for rapid publication of your article, either as a guest editorial or as a letter to the editor. I think your article will have a great effect, coming as it does from the most authoritative and distinguished witness to the events in question. If you think the article should stand exactly as it is, write or cable me and I shall send it to the New York Times immediately. If you decide to revise it in any respect, I urge you to do so speedily.

With great admiration, and warm personal regards from Sarah and me, I remain,

Yours sincerely,

Matthew Meselson

MM:ls  
Encl.



From: The Rt. Hon. Philip Noel-Baker, M.P.

16, South Eaton Place,  
London, S.W. 1.

2nd December, 1969.

Dear Matthew,

Unfortunately, I had left London for Vienna before your letter arrived. I got back last night, Monday, December 1st, at midnight and, in a few minutes, I am to speak at a Meeting in the House of Commons. I have, however, read all the documents which you sent me. I return herewith the article which I wrote for the New York Times, with changes which I hope will meet your points.

I was not a Member of the Conference which made the Protocol of 1925, but my conversation with Henri Bonnet took place while it was going on. *In Geneva - I was on some other mission which I do not recall.*

*The British delegation were all my friends they told me everything*

I expect it is too late for the article to be used now, but I leave that to your discretion. Also, please make any other changes in it which you think are required. That is to say, if it is still not too late to use it.

I wrote a letter from Vienna to the London "Times" in manuscript, and have not seen it since. They are going to print it tomorrow. I hope it will be all right!\*

In great haste, and with gratitude for your help,

Yours ever,

*Philip Noel-Baker*

Mr. Matthew Meselson,  
Harvard University,  
The Biological Laboratories,  
16 Divinity Avenue,  
Cambridge, Massachusetts 02138,  
U.S.A.

*\* I will send copies of the Times to you & Congressman MacCarthy tomorrow, if the Editor prints it then, as I understand he will*

*P.S. I enclose a note for your adorable Sarah.*

Matthew

2 This will need re-typing, if it is to reach any Editor! If I try to get it done here, I shall lose a day. Sorry. PNB

The Geneva Protocol on CBW, 1925

by the Rt. Hon. Philip Noel-Baker M.P.

All over the world, people are debating what the Geneva Protocol on CBW really means. Does it allow, as some Generals and diplomats assert, the use in war of C.S. gas and herbicides?

When I hear this question, I recall a talk I had <sup>in Geneva</sup> while the ~~Protocol was being drafted in~~ the Conference <sup>was going on</sup> of 1925. It was with a young French colleague, Henri Bonnet, later a long-term and well-trusted Ambassador of France to the United States.

"Oh, yes," he said, "The form of words they've got is good. It prohibits every kind of chemical or bacterial weapon that anyone could possibly devise. And it has to. Perhaps some ~~day~~ a criminal lunatic might invent some devilish thing that would destroy animals and crops."

I still remember the shock I felt, as Henri Bonnet said these words. I had been four years at the front in the first world war; I was at the first German gas attack at Ypres, in April, 1915; I had seen the victims of the "flammenwerfer", the Germans' law-breaking and atrocious use of fire. I thought I understood the horrors of war. But in spite of this ~~own~~ experience, it still seemed to me in 1925 unthinkable that anyone should conceive so monstrous a crime as the destruction of animals and crops; ~~that which would~~ that would be condemning the civilian population, the old, the sick, the women, the children, to slow and torturing death by hunger.

In 1925 everyone in the Conference agreed with Henri Bonnet. It was their purpose to ban all C.B. weapons, including "harassing" or "lachrymatory" gases, and every kind of biological; and they were <sup>satisfied</sup> ~~satisfied~~ that the Protocol ~~they had drafted~~ would do that.

In 1930 a doubt was raised about the true interpretation of the Protocol. The U.S. delegate to the League of Nations Preparatory <sup>Disarmament</sup> Commission was Mr. Hugh Gibson. He <sup>said</sup> ~~suggested~~ in the Commission that <sup>he did not feel able to give a final answer</sup> ~~the Protocol did not forbid the use~~ to the question whether the Protocol did or did not ~~prohibit~~ <sup>prohibit</sup> the use of what were still called the "tear gases."

In Britain we then had a Labour Government.

Arthur Henderson was our Foreign Secretary; I was his Parliamentary ~~Private~~ Secretary; our delegate to the League Commission was the great Lord (Robert) Cecil.

Cecil was anxious that Hugh Gibson's <sup>doubt</sup> ~~suggestion~~ should be <sup>settled</sup> ~~settled~~ without delay. Henderson agreed, and instructed me, in cooperation with the Legal Section of the Foreign Office, to prepare a Memorandum setting out the British view that tear-gases, "like all other CB weapons, were forbidden by the Protocol, and calling on all other Members of the Preparatory Commission to state their view.

We drew up the Memorandum, and Cecil laid it before the Preparatory Commission on November 18, 1930. Only Gibson

Voiced his doubt; no one opposed Cecil's ~~own~~ argument; ~~any objection to the British view,~~ every other Member of the Commission -- France, <sup>Canada, Spain</sup> Germany, even Japan -- Confirmed that the tear-gases were banned.

who spoke

This view was accepted without <sup>any</sup> question throughout the Disarmament Conference of 1925-3, ~~and during its later stages~~ a new U.S. delegate, Mr. Hugh R. Wilson, declared that ~~his Government had changed their mind, and that~~ the U.S. <sup>Government</sup> agreed that ~~all~~

the use of all

CB weapons, without exception, ~~was~~ <sup>was</sup> outlined by the Protocol including "harassing" or lachrymatory gases ~~was~~ banned by international law. Indeed, throughout World War two and

was steadily ~~the Korean war,~~ <sup>the Korean war,</sup> ~~using such gases~~ <sup>even though large stocks were available.</sup>

In the light of these facts, I find it difficult to understand how anyone can argue that, ~~the men who made the Protocol mistook its meaning, and that~~ on a true interpretation <sup>of the Protocol,</sup> it permits the use of "harassing" gases and herbicides.

This is to ~~twist~~ twist both the history and the law; having taken a personal part in those debates from 1925 to 1933, I ~~reject~~ reject the argument as wholly false.

Philip Noel-Baker

From: The Rt. Hon. Philip Noel-Baker, M.P.

16, South Eaton Place,  
London, S.W. 1.

3rd December, 1969.

Dear Matthew,

I enclose herewith the letter in the "Times" of which I spoke yesterday.

It seems to me surprisingly intelligible in view of the fact that I wrote it in the afternoon after my air journey to Vienna when I was four parts asleep. I also forgot to sign it, but fortunately someone at the "Times" office recognised my handwriting. I hope the letter avoids all the points of difficulty which you raised in the questions which you put to me. It is not a direct attack on the Foreign Office for failing to make their speech in the General Assembly in New York, but I have little doubt that Chalfont and Stewart will both get the point - not to mention the egregious Healey. I am sending a copy to Congressman McCarthy.

If you have comments on the letter, I would be very grateful if you could let me have them.

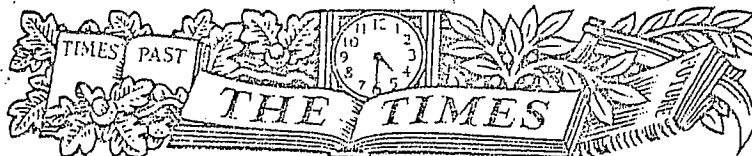
With all regards,

Yours ever,

*Philip Noel-Baker*

Mr. Matthew Meselson,  
Harvard University,  
The Biological Laboratories,  
16, Divinity Avenue,  
Cambridge, Massachusetts 02138,  
U.S.A.

*And more messages to Sarah, if your benevolence allows it.*



PRINTING HOUSE SQUARE, LONDON, E.C.4. TELEPHONE: 01-236 2000

THE TIMES WEDNESDAY DECEMBER 3 1969

## US RESERVATION ON CHEMICAL WEAPONS

*From Mr. Philip Noel-Baker, Labour M.P. for Derby, South*

Sir,—Everyone has welcomed President Nixon's decision to stop producing biological weapons, and to destroy his stocks. It would be ungenerous to suggest that the Pentagon may have discovered that biologicals have never made military sense. But they are a grave danger to mankind; they are cheap; easy to deliver; they have an immense "spread", are probably uncontrollable, and there is no known or probable defence. We must hope that all governments which have them will follow the President's example.

His action over chemical weapons is very different.

He says he will ratify the Geneva CBW Protocol of 1925, but will reserve the right to use "non-lethal" CS gas, defoliants and herbicides.

This would be no ratification of the Protocol. I was in Geneva while it was being drafted in 1925; everyone agreed that every kind of CB weapon must be abolished, and that the Protocol did that. They used to say: "Perhaps some day a criminal lunatic will invent something which destroys animals and crops." It seemed unthinkable wicked in 1925.

I helped to draft the British Government Memorandum which Lord (Robert) Cecil laid before the League Preparatory Disarmament Commission on November 18, 1930. This reasserted that the Protocol forbade *all* chemical

weapons, including tear gases. Only Mr. Hugh Gibson of the United States made objection. Throughout the Disarmament Conference of 1932-33 the Memorandum's view was accepted, and a little later, a new United States delegate, Mr. Hugh R. Wilson, endorsed the Memorandum and the Conference view. President Nixon's proposal is indubitably inconsistent with the Protocol.

It is a very grave inconsistency. CS has not been "non-lethal" in Vietnam. Used in 6in. shells, it has driven the NLF soldiers from their trenches and bunkers into the open, where artillery and machine-guns can kill them. It has been perhaps, the most lethal of all weapons. And it is an *offensive* weapon; it breaks down defence.

The herbicides not only kill crops. Some of them poison the land for more than a year. Many old people and children must have died as a result.

The defoliants kill most trees; a second dose kills them all. Some people in Vietnam get their water supply from the roots of trees. The defoliants could make this very dangerous.

H.M.G. and all other governments should protest against the President's reservation. If it were accepted, it would lend a false air of respectability to what has become war, not only on a whole nation, civilians and all, but on their environment as well.

Yours, &c.,

PHILIP NOEL-BAKER,  
House of Commons.

200  
300

THE GENEVA PROTOCOL ON CBW, 1925

by the Rt. Hon. Philip Noel-Baker, M.P.

1959

Chemical or biological warfare  
21

6  
[All over the world, people are debating] <sup>What does</sup> the Geneva Protocol on CBW really mean? Does it allow, as some Generals and diplomats assert, the use in war of ~~CB~~ <sup>war</sup> gas and herbicides?

2  
When I hear this question, I recall a talk I had in Geneva while the Conference of 1925 was going on. It was with a young French colleague, Henri Bonnet, later a long-term and well-trusted Ambassador of France to the United States.

42

"Oh, yes," he said, "The form of words they've got is good. It prohibits every kind of chemical or bacterial weapon that anyone could possibly devise. And it has to. Perhaps someday a criminal lunatic might invent some devilish thing that would destroy animals and crops."

46

10  
I still remember the shock I felt, as Henri Bonnet said these words. I had been four years at the front in the first world war; I was at the first German gas attack at Ypres, in April, 1915; I had seen the victims of the "flammenwerfer", the Germans' law-breaking and atrocious use of fire. I thought I understood the horrors of war. But in spite of this experience, it still seemed to me in 1925 unthinkable that anyone should conceive so monstrous a crime as the destruction of animals and crops; that would be condemning the civilian population, the old, the sick, the women, the children, to slow and torturing death by hunger.

11  
In 1925 everyone in the Conference agreed with Henri Bonnet. It was their purpose to ban all C.B. weapons, ~~including harassing or~~ "lachrymatory" gases, ~~(and every kind of biological);~~ and they were satisfied that the Protocol would do that.

29

11  
In 1930, [a doubt was raised about the true interpretation of the Protocol.] The U.S. delegate to the League of Nations Preparatory

~~By~~ <sup>Allyn</sup> ~~Allyn~~

Disarmament Commission [was Mr. Hugh Gibson. He said in the Commission that he did not feel able to give a final answer to the question] whether the Protocol did or did not prohibit the use of ~~which~~ <sup>23</sup> ~~were still called the~~ "tear gases". 33

In Britain we then had a Labour Government. Arthur Henderson was our Foreign Secretary; I was his Parliamentary Private Secretary; our delegate to the League Commission was the great Lord (Robert) Cecil. 32

Cecil was anxious that [Hugh Gibson's] <sup>all</sup> doubt should be settled without delay. Henderson agreed, and instructed me, in cooperation with the Legal Section of the Foreign Office, to prepare a Memorandum setting out the British view that "tear-gases", like all other CB weapons, were forbidden by the Protocol, and calling on all other Members of the Preparatory Commission to state their view. 62

~~We drew up the Memorandum, and~~ Cecil laid ~~it~~ <sup>the Memorandum</sup> before the ~~Preparatory~~ Commission on November 18, 1930. Only Gibson voiced his doubt; no one opposed Cecil's arguments; every other Member of the Commission who spoke -- France, Italy, Canada, Spain, even Japan -- confirmed that the tear-gases were banned. 46

This view was accepted without any question throughout the Disarmament Conference of 1932-3, and during its later stages, a new U.S. delegate, Mr. Hugh R. Wilson, declared that the U.S. Government agreed that the use of [all CB weapons, including "harassing" or] <sup>6</sup> ~~tear~~ [lachrymatory] gases was banned by international law. ~~Indeed, throughout World War two and the Korean War, all sides refrained from using such~~ <sup>62</sup> ~~gases, even though large stockpiles were available.~~

In the light of these facts, I find it difficult to understand how anyone can argue that ~~on a true interpretation of~~ the Protocol ~~and~~ permits 28 the use of "harassing" gases and herbicides.

This is to twist both the history and the law; ~~having taken~~  
~~a personal part in those debates from 1925 to 1933, I reject the argu-~~  
~~ment as wholly false.~~

10

19

Philip Noel-Baker

December 4, 1969

Mr. Herbert Mitgang  
The New York Times  
Times Square  
New York, N.Y.

Dear Mr. Mitgang:

I believe that Congressman McCarthy has already mentioned to you that Philip Noel-Baker was preparing an article giving his recollections of the international discussions held between the world wars regarding the prohibition of chemical warfare. I have just received the article with a request from Noel-Baker that it be sent to the New York Times.

I just saw him in London and, although 80 years old now, he is incredibly lively and immersed in many activities. His address in London is 16 South Eaton Place, London, S.W.1, England.

Sincerely yours,

Matthew Meselson

MM:ls  
Encl.

## Letters to the Editor of The Times

### Protocol on C.B.W.

To the Editor:

What does the Geneva Protocol on Chemical and Biological Warfare really mean? Does it allow the use in war of tear gas and herbicides?

When I hear this question, I recall a talk I had in Geneva while the Conference of 1925 was going on. It was with a young French colleague, Henri Bonnet, later a long-term and well-trusted Ambassador to the United States.

"Oh, yes," he said, "the form of words they've got is good. It prohibits every kind of chemical or bacterial weapon that anyone could possibly devise. And it has to. Perhaps someday a criminal lunatic might invent some devilish thing that would destroy animals and crops."

In 1925 everyone in the Conference agreed with Henri Bonnet. It was their purpose to ban all C.B. weapons; and they were

satisfied that the Protocol would do that.

In 1930, Hugh Gibson, the U.S. delegate to the League of Nations Preparatory Disarmament Commission, questioned whether the Protocol prohibited the use of tear gases.

In Britain we then had a Labor Government. Arthur Henderson was our Foreign Secretary; I was his Parliamentary private secretary; our delegate to the League Commission was the great Lord (Robert) Cecil, Banned by Protocol

Cecil was anxious that all doubt should be settled without delay. Henderson agreed, and instructed me, in cooperation with the legal section of the Foreign Office, to prepare a memorandum setting out the British view that "tear gases," like all other C.B. weapons, were forbidden by the Protocol, and calling on all other members of the Preparatory Commission to state their view.

Cecil laid the memorandum before the commission on Nov. 18, 1930. Only Gibson voiced his doubt; no one opposed Cecil's arguments; every other member of the commission who spoke — representing France, Italy, Canada, Spain, Japan — confirmed that the tear gases were banned.

This view was accepted without any question throughout the Disarmament Conference of 1932-3, and during its later stages, a new U.S. Delegate, Hugh R. Wilson, declared that the U.S. Government agreed that use of all tear gases was banned by international law.

In the light of these facts, I find it difficult to understand how anyone can argue that the Protocol permits the use of "harassing" gases and herbicides.

PHILIP NOEL-BAKER  
London, Dec. 4, 1969

The writer served in the League of Nations Secretariat and won the Nobel Peace Prize in 1959.

## U.N. REBUFFS U.S. ON TEAR-GAS USE

**Vote Declares Geneva Pact  
Also Bans Defoliants**

Special to The New York Times

UNITED NATIONS, N. Y., Dec. 10 — The United States suffered a new setback today in the United Nations debate on disarmament when the General Assembly's Political Committee declared that the wartime use of all chemicals—including tear gas and defoliants—was prohibited by international convention.

The committee's action, in an overwhelming vote, in effect reflected attitudes toward the United States policies in Viet-

nam, where tear gas and defoliants are being used.

Two weeks ago President Nixon solemnly renounced the use of biological weapons and all use of chemical weapons, except defensively, but he made it clear that this renunciation did not extend to tear gas and defoliants.

The action of the committee is certain to influence the forthcoming debate in Congress on ratification of the 1925 Geneva protocol on "poisonous gases and bacteriological methods of warfare."

Today's vote was on a Swedish resolution declaring that the "generally recognized rules of international law as embodied in the Geneva protocol" prohibit the use of "any chemical agents of warfare in international armed conflicts."

The vote was 58 in favor of

the resolution, 3 against and 35 abstentions. The United States, Australia and Portugal voted against the resolution. The Soviet Union voted for it.

Britain and France abstained. Because the composition of the General Assembly is the same as that of the committee, the Assembly is expected to endorse the vote.

James F. Leonard, the United States representative, objected to the Swedish resolution on the ground that the General Assembly had no right to interpret international treaties and conventions. Mr. Leonard is the chief United States representative at the Geneva Disarmament Conference.

"For the Assembly now to arrogate to itself the right to resolve by majority voting a matter of deep dispute and differing interpretation of inter-

national law" was a "disservice to the international community," Mr. Leonard said.

He argued that the protocol had long been subject to differing interpretations that efforts to "resolve this ambiguity" had been unsuccessful before.

The administration takes the position that today's action by the Assembly's committee is merely a recommendation and therefore not binding on the United States Government.

Informed sources said that President Nixon would reaffirm the Administration's contention that the Geneva protocol did not preclude the use of tear gas and defoliants in Vietnam. The President three weeks ago declared his intention to ask Congress for ratification of the protocol.

*The New York Times*

Published: December 11, 1969  
Copyright © The New York Times

# U.S. Criticizes Vote in U.N. on Meaning of Chemical Warfare Ban

By TAD SZULC  
Special to The New York Times

WASHINGTON, Dec. 11—The State Department asserted today that a majority vote yesterday in a United Nations committee interpreting a Geneva convention as banning the war-time use of all chemicals—including tear gas and defoliants—could not be regarded as “international consensus.”

This comment was made by Carl E. Bartch, the State Department spokesman, in connection with yesterday's action by the United Nations General Assembly's Political Com-

mittee, which approved a Swedish resolution putting such an interpretation on the 1925 Geneva Protocol on “poisonous gases and bacteriological methods of warfare.”

The resolution was approved by 58 votes to 3, with 35 abstentions. The United States was joined by Australia and Portugal in opposing the resolution on the ground that the Assembly had no right to interpret international treaties and conventions.

Mr. Bartch said the majority vote “does not in our view represent international consensus on the main issues raised by

the resolution” because fewer than one-half of the United Nations' 126 members supported it and one-third dissociated themselves from it by abstaining.

He said that in the opinion of the United States, the Geneva Protocol does not “prohibit the use in war of tear gas and herbicides” and that “we maintain that the United Nations General Assembly is not the proper forum to decide such disputed questions of international law.”

The United States has been using tear gas and defoliation agents in the Vietnam war.

When President Nixon announced on Nov. 25 that the United States had decided to renounce “the use of lethal biological agents and weapons, and all other methods of biological warfare,” Administration officials made it clear that tear gas and herbicides were not considered as such.

The same reservation is expected to be attached to the Administration's request to the Senate to ratify the 1925 Geneva Protocol.

Questioned whether Mr. Bartch's assertion that the absence of “international consensus” in yesterday's majority

action represented a departure from the United States' attitude toward United Nations voting procedures, the State Department's legal advisers said the Swedish resolution constituted a “law-making” or “law-declaring” intent and had to be considered in a special light.

They said that in this context “international consensus” was meant as “unanimity” or “near unanimity” that the United States and many others considered necessary when the United Nations dealt with matters of international law.

The New York Times

Published: December 12, 1969  
Copyright © The New York Times

December 15, 1969

The Rt. Hon. Philip Noel-Baker  
16 South Eaton Place  
London  
England

Dear Philip,

Thank you for a copy of your letter to the London Times. As you will know by now, the New York Times has published the letter you sent to them. I enclose two copies. At their request, I ~~shortened~~ shortened your letter somewhat to bring it under their word limit. If you find that it ~~still~~ still accurately conveys your views, I would greatly appreciate your letting me know in writing as a certification of the authenticity of the letter.

I also enclose a ~~trans~~ transcript of the discussions in the First Committee for December 9 and 10. You will see that Mr. Baroody and Mr. Leonard referred explicitly to your ~~letter~~ letter. I find some difficulty with Mr. Leonard's objections, as you will see from the enclosed letter I have sent to Mr. Irwin Gubman of the United States Arms Control and Disarmament Agency.

Sarah and I had tea yesterday afternoon in Concord, Massachusetts with Max and Gail McCarthy. We all ~~joined~~ joined in conveying our deepest admiration and affection.

With warm regards,

Sincerely yours,

Matthew Meselson

MM:ls  
Encl.

# U.N. Assembly Hears Appeal for Peace as It Ends 24th Session

By HENRY TANNER  
Special to The New York Times

UNITED NATIONS, N. Y., Dec. 17 — The 24th session of the United Nations General Assembly adjourned today after 13 weeks of frequently hot debate that made it clear that the small nations of the world were more determined than ever to force the big powers to heed their views.

The central theme of the session was the rebellion of the small nations, who used their numerical majority to overrule the Soviet Union and the United States on important issues concerning the nuclear and technological superiority of the two.

In the end, the United States fared worse than the Soviet Union in the votes.

At a luncheon today for Miss Angie Brooks of Liberia, this year's Assembly President, Secretary General Thant summed up the session by saying it was "an assembly of the poor against the rich, the weak against the strong, the young against the old."

Later, Miss Brooks, in a jade green African robe and turban, ended the session with an ap-

peal for a halt to the wars and threat of war in Biafra, the Middle East and Vietnam.

She called on both sides in Nigeria to accept an "immediate cease-fire" or, failing that, for a "cease-fire for humanitarian purposes, even for a limited period, to allow the delivery of food and medicines."

Then she invited the delegates to stand for a minute of "prayer or meditation," and the annual session in the magnificent, domed hall was over.

The delegates stood and applauded, then started milling in the aisles for the final handshakes. After a few moments they filed out in a mood of goodwill that had not always been evident during the debates.

Mr. Thant, like many a host after a party, stood below the podium shaking hands and expressing good wishes.

Most of the last hours of debate were spent on a wrangle over the commemorative stamps and medallion that will be issued next year on the 25th anniversary of the United Nations.

The assembly in late October chose "Peace, Justice and Progress" as the motto for the anniversary. However, some stamp sets had been printed

carrying an earlier, shorter version "Peace and Progress."

Rather than see the existing stamps wasted — at a loss of \$1.5-million — the Assembly finally agreed to issue stamps with both versions.

Many delegates hope that the anniversary will be an occasion for stocktaking if not overhaul.

Charles W. Yost, the American representative, told the assembly that the United States was pressing for an agreement on more effective United Nations peacekeeping operations which, he hopes, will be ready by next year.

The Soviet Union submitted to the Assembly a lengthy document on "The Strengthening of International Security," which was in effect a catalogue of Soviet positions on such issues as collective security, peaceful coexistence, colonialism, regional security systems and the primacy of the Security Council over the General Assembly and, by implication, the Brezhnev Doctrine of limited sovereignty for the members of the socialist bloc.

The United States was on the losing side on several key votes during this session. It was completely isolated; for

example, in its contention that tear gas and defoliants being used in Vietnam are acceptable weapons of modern warfare.

The Assembly voted 80 to 3 yesterday for a resolution stating that these chemicals are banned under the 1925 Geneva protocol on poisonous gases. Only Portugal and Australia, the latter a belligerent in Vietnam, voted with the American delegation. Thirty-six countries abstained.

In a committee vote earlier, the resolution was approved by 58 to 3, with 34 absentions.

The United States campaigned more energetically on this issue than on any other during the assembly. Cablegrams went out to virtually all

governments asking for support for the American position. And the State Department issued a statement after the committee vote last week that it did not regard the committee's verdict as an "international consensus."

But 22 more countries supported the resolution when it reached the assembly, making the American defeat that much more galling for United States officials.

Mr. Yost, at a news conference yesterday, noted that a rebellion of small and middle powers against the big nuclear powers had dominated the Assembly and had led to the adoption of several decisions to which the United States objected.

The New York Times

Published: December 18, 1969  
Copyright © The New York Times

## Banning Tear Gas...

The United States Government received a rebuff at the United Nations when the General Assembly declared that tear gas and defoliants are prohibited by the Geneva Protocol of 1925 banning chemical weapons.

President Nixon has said he will seek Senate ratification of the protocol which prohibits the use of "asphyxiating, poisonous or other gases and analogous liquids, materials or devices. . . ." But Administration officials have insisted the protocol does not cover tear gases and defoliants currently being used by American forces in Vietnam. The United States stands on shaky and lonely ground.

Two-thirds of the 84 nations that have signed the protocol, including the Soviet Union, Britain and France, have indicated in the past their belief that it bans tear gas. The United States itself refrained from using tear gas during World War II and in the Korean conflict. Initially in Vietnam, American officials contended that this type of chemical weapon would be used only in riot-control situations to prevent civilian casualties. But today tear gases are used widely to flush enemy troops into the open to be mowed down by shot, shell and bombs.

The U.N. vote on the resolution, which had been suggested by Secretary General Thant last July in connection with the release of a special international report on chemical and biological warfare, was 80 in favor to only 3 opposed, with 36 abstentions. If that does not suggest to Washington a consensus in favor of banning tear gas and defoliants, it certainly demonstrates an overwhelming lack of support for the United States' position.

The use of chemical agents by the United States in Vietnam, even with the most humane of intentions, represents a dangerous breach in the barrier against the horrors of chemical warfare which the United States along with other nations tried to erect at Geneva in 1925. It is in this country's own long-range interest to accept the verdict of the majority of the Political Committee and to ratify the Geneva Protocol without exceptions.



From: The Rt. Hon. Philip Noel-Baker; M.P.

16, South Eaton Place,

London, S.W. 1.

21st December, 1969.

My dear Matthew,

Thank you very much for your letter of December 15th which reached me yesterday.

I am most grateful to you for having edited my letter to the New York Times, and this note confirms that, as printed, it entirely expresses my point of view.

Thank you also for sending me your letter to Mr. Irwin Gubman, which seems to me extremely persuasive. Thank you also for the records of the Debates in the U.N. General Assembly on the 9th and 10th of December. They will help me very much.

I hope soon to send you an article which I have written for "Science Journal". You will not have difficulty in tracing the source of my information.

With all regards, to you and Sarah,

Yours as always,

*p. p. Philip Noel-Baker.*

(Dictated by Philip Noel-Baker,  
but signed in his absence)

Mr. Matthew Meselson,  
Harvard University,  
The Biological Laboratories,  
16, Divinity Avenue,  
Cambridge, Massachusetts 02138,  
U.S.A.

The New York Times  
Times Square

December 31, 1969

Dear Professor Meselson:

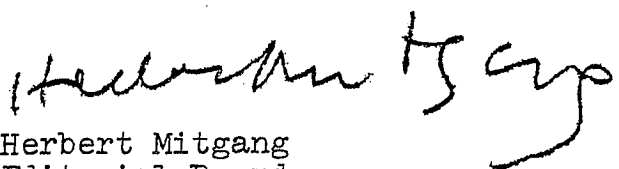
I hope you are proceeding with the article we discussed about the need for really restricting chemical warfare.

I am also interested in your study of the ecological effects of leaf-stripping. Would that be in the same area? If not, you may want to do a separate piece on ecology from your own viewpoint.

The length is 750 words, to appear on the editorial page, for which there is an honorarium of \$125. I hope you will undertake this while the subject is still very much alive. Your comments would get wide distribution via the Times News Service.

Thank you.

Sincerely,

  
Herbert Mitgang  
Editorial Board

Professor Matthew S. Meselson  
Biology Laboratories  
Harvard University  
Cambridge, Massachusetts 02138

January 13, 1970

Mr. Herbert Mitgang  
The New York Times  
Times Square  
New York, N.Y.

Dear Mr. Mitgang:

I am told that the President is expected to send the 1925 Geneva Protocol to the Senate sometime next month for its advice and consent to ratification. When the Senate reconvenes on January 19, the Foreign Relations Committee is expected to give its attention to the Foreign Aid Bill and possibly to new hearings on Vietnam before taking-up the Geneva Protocol.

I have already prepared a draft of my article but I should think that the best time to complete it and send it to the Times would be just after the President sends the Protocol to the Senate. Do you agree?

Sincerely yours,

Matthew Meselson

MM:ls

The New York Times  
Times Square

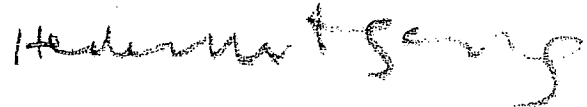
JAN 22

January 19, 1970

Dear Professor Meselson:

I am glad that you prepared a draft of your article and that it can be timed to run before the Senate Committee meeting next month. For scheduling purposes, I hope you will be able to get your piece to me the first week of February. A reminder: hard as it may be to squeeze in, the space is between 700 and 800 words.

Sincerely,



Herbert Mitgang  
Editorial Board

Professor Matthew Meselson  
Harvard University  
The Biological Laboratories  
16 Divinity Avenue  
Cambridge, Massachusetts 02138

6 February 1970

The Editor  
The Times  
Printing House Square  
London, E.C.4  
England

Dear Sir,

I enclose a letter from Professor M. S. Meselson and me, for which we hope you may be able to find space amongst the "Letters to the Editor."

Since we are probably not known to you, I have taken the liberty of sending a copy of a recent article about Professor Meselson that appeared in the New York Times. I shall be content to ride on his coat-tails and shall merely add that I am Professor of Law at Harvard University.

Yours sincerely,

R. R. Baxter  
Professor of Law

Enclosures

From Professors M. S. Meselson and R. R. Baxter

Sir.--We hope that it will not be taken amiss if two American academics comment on the recent statement by the Foreign Secretary on the applicability of the Geneva Protocol of 1925 to tear gas. The United States Senate is about to consider whether to give its consent to the ratification of the Protocol, and one of the central questions that will have to be considered by the Senate is whether the use of irritant chemicals, such as tear gas, is excluded by this treaty. The correct interpretation of the Protocol is thus of shared concern to our two countries.

Recalling that the British Government held in 1930 that tear gases are prohibited by the Protocol, Mr. Stewart said that modern technology has produced tear gases such as CS which he considered to be less toxic than those known then. CS and such gases, he said, accordingly fall outside the scope of the Geneva Protocol.

Neither the language of the Geneva Protocol nor previous statements by the British Government afford any basis for a distinction between more toxic tear gases prohibited by the Protocol and less toxic gases not so prohibited. The operative words of the Protocol are comprehensive in scope: The parties agree to refrain from "the use in war of asphyxiating, poisonous or other gases." Both Mr. Dalton and Mr. A. Henderson in reply to Parliamentary questions in 1930 stated categorically that tear gases are prohibited under the Protocol (Hansard for February 18 and November 24, 1930).

In a memorandum on chemical warfare presented by the Delegation of the United Kingdom to the Preparatory Commission for the Disarmament Conference on November 18, 1930, the British Government took the view that

-2-

"the use in war of 'other' gases, including lacrymatory gases, was prohibited." At the Preparatory Conference itself, the British view was endorsed by all the delegations which spoke to the question, with the exception of that of the United States -- then and now not a party to the Protocol. No delegation based its opposition to tear gas on a belief that it might be harmful to health. The United States delegate stated that tear gas caused "no real suffering or permanent disability." Toxicity was not at that time ~~understood~~ <sup>considered</sup> to be the issue, whatever may be our views on that question today.

The chief hazard in using irritant gas in war is that it abandons the unique and simple standard of "no gas." It spoils chances for a uniform understanding on where we hold the line. It stimulates military interest in gas warfare in many countries, creating pressure for the acquisition of chemical weapons where there had been little or none before. And it favors the application of existing and future knowledge in biochemistry and medicine to military purposes, opening up a new dimension of warfare that otherwise might be kept closed.

We can understand that a great deal of the current concern about tear gas arises out of its use in domestic disorders in the United States and in Northern Ireland. However, the Geneva Protocol has nothing to do with the use of gas in domestic disturbances, as it applies by its terms only to "war" and "warfare."

Yours faithfully,

M. S. Meselson

R. R. Baxter

Harvard University, Cambridge, Mass., U.S.A., Feb. 7.

February 10, 1970

Rt. Hon. Philip Noel-Baker  
16 South Eaton Place  
London, S.W.1  
England

Dear Philip,

Last Saturday I mailed a letter to the London Times from Richard Baxter and me regarding the British Government's abysmal policy for CS. I enclose a copy. Baxter is one of the foremost American authorities on the law of war. If you think help might be needed to persuade the Times to publish our letter, would you mind giving them a call?

Of course, toxicity is not the issue, the Protocol is. However, even on this point Mr. Stewart's statement is completely vulnerable. I am very reliably informed that the Himsworth Commission was not consulted with regard to this government policy shift and it is known to everyone that their final report on the toxicity of CS is by no means ready nor have they even finished with their meetings.

To my knowledge, there has been no reaction in Parliament and only a rather confused article in the New Statesman. This decision must not be allowed to stand. Surely, it must not go unchallenged. If there is any way in which I can be of assistance, please contact me immediately.

With great affection, and respect,

Sincerely yours,

Matthew Meselson

P.S. I enclose a paper on toxins that might interest you.

MM:ls  
Encl.2



PRINTING HOUSE SQUARE, LONDON, E.C.4. TELEPHONE: 01-236 2000

## Letters to the Editor

THE TIMES THURSDAY FEBRUARY 12 1970

### USE OF TEAR GASES IN WAR: AN AMERICAN VIEW

*From Professor M. S. Meselson and Professor R. R. Baxter*

Sir,—We hope that it will not be taken amiss if two American academics comment on the recent statement by the Foreign Secretary on the applicability of the Geneva Protocol of 1925 to tear gas. The United States Senate is about to consider whether to give its consent to the ratification of the Protocol, and one of the central questions that will have to be considered by the Senate is whether the use of irritant chemicals, such as tear gas, is excluded by this treaty. The correct interpretation of the Protocol is thus of shared concern to our two countries.

Recalling that the British Government held in 1930 that tear gases are prohibited by the Protocol, Mr. Stewart said that modern technology has produced tear gases such as CS which he considered to be less toxic than those known then. CS and such gases, he said, accordingly fall outside the scope of the Geneva Protocol.

Neither the language of the Geneva Protocol nor previous statements by the British Government afford any basis for a distinction between more toxic tear gases prohibited by the Protocol and less toxic gases not so prohibited. The operative words of the Protocol are comprehensive in scope: The parties agree to refrain from "the use in war of asphyxiating, poisonous or other gases". Both Mr. Dalton and Mr. A. Henderson in reply to Parliamentary questions in 1930 stated categorically that tear gases are prohibited under the Protocol (Hansard for February 18 and November 24, 1930).

In a memorandum on chemical warfare presented by the Delegation of the United Kingdom to the Preparatory Conference for the Disarmament Conference on November 18, 1930, the British Government took the view that "The use in war of 'other' gases, including lacrymatory gases, was prohibited". At the Preparatory Conference itself, the British view was endorsed by all the delegations which spoke to the question, with the exception of that of the United States—then and now not a party to the Protocol. No delegation based its opposition to tear gas on a belief that it might be harmful to health. The United States delegate stated that tear gas caused "no real suffering or permanent disability". Toxicity was not at that time considered to be the issue, whatever may be our views on that question today.

The chief hazard in using irritant gas in war is that it abandons the unique and simple standard of "no gas". It spoils chances for a uniform understanding on where we hold the line. It stimulates military interest in gas warfare in many countries, creating pressure for the acquisition of chemical weapons where there had been little or none before. And it favours the application of existing and future knowledge in biochemistry and medicine to military purposes, opening up a new dimension of warfare that otherwise might be kept closed.

We can understand that a great deal of the current concern about tear gas arises out of its use in domestic disorders in the United States and in Northern Ireland. However, the Geneva Protocol has nothing to do with the use of gas in domestic disturbances, as it applies by its terms only to "war" and "warfare".

Yours faithfully,

M. S. MESELSON,  
R. R. BAXTER.

Harvard University, Cambridge,  
Massachusetts, Feb. 7.



PRINTING HOUSE SQUARE, LONDON, E.C.4. TELEPHONE: 01-236 2000

## Letters to the Editor

### Vietnam tactics

*From Mr. Philip Noel-Baker, Labour  
M.P. for Derby, South*

Sir.—I write to support the letters about the Geneva Protocol of 1925 on chemical and biological warfare, written by Mr. Price Holmes, Sir Michael Wright and Mr. Hugh Walker on behalf of the United Nations Association (February 9), and by Mr. Arthur Hewlett and Mr. Kenneth Lee (February 10).

In his written answer to a Parliamentary question, the Foreign Secretary said on February 2 that "modern technology has developed CS smoke (sic) which, unlike the tear gases available in 1930, is considered to be not significantly harmful to man in other than wholly exceptional circumstances; and we regard CS and other such gases accordingly as being outside the scope of the Geneva Protocol".

With respect to the Foreign Secretary, this statement is disingenuous in a high degree.

What does he mean by "wholly exceptional circumstances"? In Vietnam, CS gas is used by United States forces almost daily, and in enormous quantities. Delivered by six-inch shells on the trenches and bunkers of the N.L.F. soldiers, it makes a concentration that can be lethal, and which is wholly intolerable, if the soldiers stay in shelter; if they come out, they are killed by concentrated artillery or machine-gun fire. Directly or indirectly, CS has been among the biggest killers in the Vietnam war. It is this to which the Foreign Secretary's answer gives approval.

And what are "other such gases"? I understand (from American friends) that they are the herbicides and defoliants which have made such a prolonged and barbarous attack on the civilians and the whole national environment of South Vietnam.

I can confirm from personal memories of the negotiations that your correspondents are right in saying that all these gases were, by the firm and unanimous intention of the parties, forbidden by the Geneva Protocol. The Protocol contains no escape clause, or provision for amendment: by what right does the Labour Government seek now unilaterally to change its binding, legal obligations?

The action is made graver by the context of political events. I have known since November (again from American sources) that there has been a conflict of opinion between those in the Foreign Office and the Ministry of Defence who wanted to make this change, and those who opposed it. In December the opponents gained a partial victory; Britain abstained in the General Assembly on the Swedish resolution, instead of voting with the United States. Now, after the Prime Minister's visit to President Nixon, the other side have won, and Britain helps to give a fig leaf of respectability to the illegal, and terrible, chemical campaign in Vietnam. As part of a political bargain, our rulers have agreed to distort the history and the law. Mr. Kenneth Lee is right to speak of shame.

Yours, &c.,

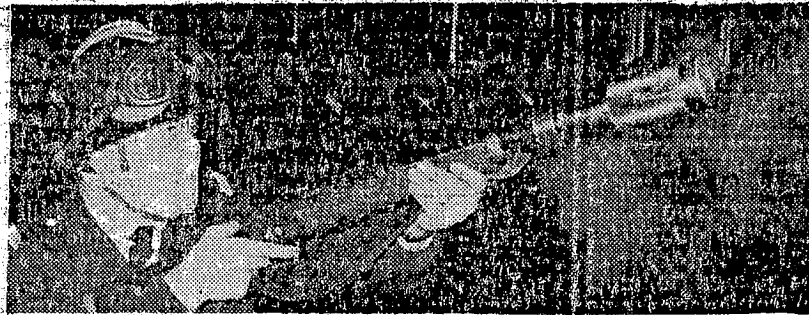
PHILIP NOEL-BAKER,

House of Commons, Feb. 10.

ONE OF THE FEW encouraging features in the history of the arms race and war since 1918 is that chemical warfare has been used rarely and biological warfare probably never. The most important piece of international law helping to inhibit wider use of chemical and biological weapons is the 1925 Geneva Protocol "for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological means of warfare." Now the British Government has adopted a position which may seriously weaken this constraint on chemical and biological warfare. On February 2, Mr Stewart declared in a Commons reply that the Government regarded "CS and other such gases" as being outside the scope of the Protocol.

CS is a tear gas widely used by the Americans and their allies in Vietnam as a chemical warfare agent and by police forces throughout the world as a riot-control agent. In exempting it, the Government is revoking an interpretation of the Protocol that was enunciated by the Labour Government of 1930 and has been upheld ever since. There are several reasons for concern over this decision.

On the four past occasions when highly lethal chemical warfare agents have been used extensively—World War I, the Italian invasion of Ethiopia, the Japanese invasion of China and the Yemeni civil war—the use of tear gas always preceded resort to more lethal gases. In Vietnam this has not happened. But in Vietnam the danger lies in the fact that the most modern army in the world is getting accustomed to using gas after fifty years' abstention. Expertise that was once the sole concern of a specialised—and somewhat despised—chemical corps is pervading the entire army. Tens of thousands of soldiers are fighting in gas masks; they are learning to recognise the situations that favour the use of gas; they are asking for (and getting) more and improved gas weapons. In short, they are becoming gas-minded. Such a lowering of the psychological barriers against gas warfare in the American Army can hardly fail to produce a similar loosening of inhibitions in other armies. The



Paris May 1968: CS gas first used in civil strife

# TEAR GAS: A BLUNDER

Robert Neild & Julian Perry Robinson

legal constraint represented by the Geneva Protocol has been one of the bulwarks against this.

The undermining of the legal constraints is likely to be a cumulative process. If some kinds of chemical warfare are practised and condoned, people will become used to them, the limits of the law will be blurred and the force of public opinion in support of the law will be weakened. Public opinion is about the only force making for the observance of international laws of this kind.

The Government's decision seems the more unfortunate since the chances of securing international agreement on chemical and biological weapons (C.B.W.) disarmament increased rapidly throughout 1969. Britain and the U.S.S.R. proposed draft treaties; Japan announced her intention of doing so; several other nations contributed working papers and expert reports on the subject; and the next session of the Disarmament Committee in Geneva is expected to concentrate on C.B.W. One point of discord in all this has been whether to take biological weapons first. Britain proposed the latter but did not receive majority support because it was feared that in isolating B.W. for special treatment, C.W. would be condoned, especially with

increasing American use of tear gas and anti-plant chemicals in Vietnam. Mr Stewart's announcement will certainly increase their concern. The British approach to C.B.W. disarmament has thus been sabotaged—and sabotaged without a credible justification.

In order to explain the Government's new position Mr Stewart quoted an answer to a Parliamentary question given by Dr Dalton in 1930: "Smoke-screens are not considered as poisonous and do not therefore come within the terms of the Geneva Gas Protocol. Tear gases and shells producing poisonous fumes are, however, prohibited under the Protocol." Mr Stewart went on to argue that modern technology has developed "CS smoke" which was less "harmful to man" than the tear gases available in 1930 and therefore outside the scope of the Protocol.

The degree of harmfulness to man, in any event a virtually indefinable term, is irrelevant. Dr Dalton's statement and the memorandum later circulated by the British Government in Geneva (Cmd 3747) stated without qualification that tear gases were prohibited under the Protocol.

The suggestion that CS was unknown in 1930 is wrong. The

## Continuation of Tear Gas: A Blunder

The Sunday Times, 15 February 1970, p. 12

discovery of CS and its irritant properties had been described in the chemical literature in 1928, two years before Dr Dalton spoke.

The Government's new position is at variance with that of the majority of other Governments. Two months ago, the U.N. General Assembly voted by 80 votes to 3 in favour of a resolution that declared for the extensive interpretation of the Protocol. Those voting against were the U.S. and Australia, both of whom are using tear gas in Vietnam, and Portugal, whose methods of warfare in Africa are obscure. Britain abstained; her subsequent defection to the American cause presumably pleased Washington.

What has Britain gained by her reinterpretation of the Protocol? It is said that pressure for the Government's new position came from those Ministers who value the use of CS in the control of civil disorders, in Northern Ireland and elsewhere. But the Protocol is explicit on this point: it proscribes the use of chemical agents in war, and has nothing to do with domestic use. This was a point frequently made in the inter-war years, and there are good reasons for the distinction. In police actions tear gas is used to disperse crowds without injury; in war it is used to aid killing or capture by smoking people out, rather as a ferret is used against rabbits, and escalation to more lethal gases has been usual.

A great many countries which uphold the Protocol use tear gas for police actions. Even the police forces of Sweden—the nation that most ardently promoted the General Assembly resolution in December—have used CS recently to control civil disorders.

In reality the main threat to the Government's freedom to continue to use tear gas in civil disorders probably comes from the risk that it will be misused and cause death or serious injury to immobile or feeble victims. The Government might be wise to concentrate on improving the regulations on the domestic use of tear gas instead of undermining the regulations on its use in war. In any event, it is profoundly to be hoped that this short-sighted and unprincipled decision will be reconsidered.



the Viet Cong, both of whom could disappear without such sense of loss. I have just declined to review Vol. 2 of Falk's book on Viet Nam. I was allowed 300 words for 40 articles (5 pages by Falk) of which about 17 had appeared in other places already. Johnson's learned contribution of 10 pages consisted, as to one half, of a review, published elsewhere, of a book. He had the effrontery to support an entirely inaccurate statement about the Battle of Hastings by reference to an article of mine. If he has read it he ought to do so again and avoid advertising his failure to understand it. Johnson was and is a stooge. I have accepted your good advice about Washington and shall not. No sooner said that I got a letter from your closest friend, Fritz Wiener, no less, who has, I fear, finally located me at Sussex. He thought I was still at London and I did nothing to destroy that illusion. A furious Conservative M.P. has just rung me up from Westminster to say that he has been libelled and slandered by the Sussex students who have passed a resolution in their Students' Union declaring said M.P. a "Fascist racist" and what is to be done about it? What fun we shall all have now. Glad you liked the marmalade. Come back soon. Yrs, G.

FIRST FOLD HERE

SENDER'S NAME AND ADDRESS

Colonel Gerald Draper  
 16, Southover High Street,  
 Lewes,  
 SUSSEX,  
 ENGLAND.

AN AIR LETTER SHOULD  
 NOT CONTAIN ANY ENCLOSURE;  
 IF IT DOES IT WILL BE SURCHARGED  
 OR SENT BY ORDINARY MAIL

SECOND FOLD HERE

BY AIR MAIL  
 AIR LETTER  
 PAR AVION, AEROGRAMME



Professor Richard R. Baxter,  
 Harvard Law School,  
 Cambridge, Mass. 02138,  
 U. S. A.



From: The Rt. Hon. Philip Noel-Baker, M.P.

16, South Eaton Place,

London, S.W. 1.

14th March, 1970.

Dear Sarah,

I send you the enclosed because I do not dare to send it to the Professor - I only quoted a rival Institution!

I had hoped very much that you and Matthew would be in Washington for the Congressional Conference to which I was invited two weeks ago. Unfortunately, I only found the Rival Institution.

It would be nice if you wrote me a letter and told me that you are coming to London. I know you can write.

With love, and good wishes,

Yours ever,

*Philip Noel Baker*

Mrs. Meselson,  
58, Washington Avenue,  
Cambridge, Mass, 02140,  
U.S.A.



From: The Rt. Hon. Philip Noel-Baker, M.P.

16, South Eaton Place,

London, S.W. 1.

9th April, 1970.

Dear Matthew,

I have to thank you very warmly for sending me a copy of the Hearings on Chemical and Biological Warfare held by the House of Representatives Foreign Affairs Committee last November and December. I have found this a mine of most valuable information. I was puzzled by a statement made on page 251 by Lemos, speaking for the Nixon administration, that the crop destruction in Vietnam has been less than 1% of the total South Vietnam's food production. How can this be true if, as Professor Galston said at the Congressional Conference in Washington in February, 50,000 tons of herbicide and defoliant have been used?

I am hoping very much that you will soon be over here again. In the meantime, I send you and Sarah my warm regards,

*With stretched again,*

*Yours ever,*

*Philip Noel-Baker*

Professor Matthew Meselson,  
58, Washington Avenue,  
Cambridge, Mass. 02140,  
U.S.A.

Column 686-692.

Volume 797  
No. 73

Thursday  
5th March 1970



HOUSE OF COMMONS  
OFFICIAL REPORT

PARLIAMENTARY  
DEBATES  
(HANSARD)

CONTENTS

WEDNESDAY 4th MARCH 1970

*[Continuation of Proceedings]*

Wool Textile Industry (Levies) [Col. 555]:  
*Motions—[Dr. Ernest A. Davies]—agreed to*

Scotland, Emigration [Col. 578]:  
*Debate on Motion for Adjournment*

THURSDAY 5th MARCH 1970

Oral Answers to Questions [Col. 591]:  
*Secretary of State for Education and Science  
Prime Minister*

Business of the House [Col. 620]:  
*Statement—[Mr. Peart]*

Defence [2nd Day's Debate] [Col. 627]:  
*Motion—[Mr. Healey]  
Amendment—[Mr. Rippon]—on a Division, negatived  
Motion, on a Division, agreed to*

Written Answers to Questions

LONDON

HER MAJESTY'S STATIONERY OFFICE

2s. 3d. [11p] net

*[Handwritten signature]*

[SIR I. ORR-EWING.]

My last point concerns the cuts which have been made in defence research and development. I do not take pride in the fact that there has been a slash in this area, as the Minister for Defence for Equipment did. As a country, we will not feel the result of this slashing for many years. What is seed today does not become corn for 10 years or more in our weapons system.

When right hon. and hon. Gentlemen opposite came to power we were spending £2,209 million a year on defence and in 1966-67 we spent £275 million, or 12½ per cent., on research and development. That was quite healthy. Now, out of a Defence Vote of £2,400 million, we spend £222 million, which is a fall to less than 9 per cent. This is taking a grave risk, and I would direct attention not only to surface-to-surface missiles which are so badly needed but also to the importance of updating our Polaris fleet. We initiated the multi-headed Polaris, and this has now come to fruition.

The Americans have found it necessary to bring in the multi-headed independent re-entry vehicle, or MIRV, which is much more sophisticated. The Polaris fleet costs us only 1½ per cent. of our Defence Vote. Surely it is a wise investment, especially after what we have heard today, to devote R and D to updating the fleet so that it can continue to act as a deterrent not only for ourselves *in extremis* but, above all, for N.A.T.O. as well.

I am sorry to leave the House at a time when our defence programme is in such disarray. If I may make a final appeal, it is to say that the Minister showed some signs of grace in saying:

"I know that many of my equipment decisions have been controversial and some may be proved mistaken."

As that is so, I ask him to leave open as many options as possible. Do not let us have the sort of political spite that we saw when the TSR2 jigs and tools were destroyed just before the last election and as was done with "Victorious", which was broken up within a few hours of arriving at the breaker's yard. Do not let us have political strife. Let the three parties be united in wanting to do the best for our defence, our forces, and our allies.

Several Hon. Members *rose*—

Mr. Speaker: Order. I remind the House that there are still many hon. Members who wish to speak.

\*6.30 p.m.

Mr. Philip Noel-Baker (Derby, South) *rose*—

Mr. Speaker: Order. If the right hon. Gentleman finds it difficult and painful to stand, he may address the House from his seat.

Mr. Noel-Baker: I am obliged to you, Mr. Speaker, but I think that I can stand.

We are debating defence, not defence for the next election or the election after that, but for the generations to come. We are debating defence, not to prevent a military defeat, but to prevent the outbreak of a war. The Secretary of State said it many times yesterday afternoon. During the last 60 years we have had two world wars, wars to end all wars. On each occasion, when they were over, the statesmen of the world agreed that their supreme objective must be to fulfil that pledge to the 30 million men who died in battle. They established international institutions to settle all disputes. They drew up a code of law that made aggression a crime. They agreed that drastic general disarmament under international control was the indispensable condition for the proper working of the institutions and for the proper maintenance of the law.

I want to deal with three points that affect the working of the law and the institutions of the United Nations. The first may seem to some hon. Members to be a minor matter. I believe that they are wrong.

The Foreign Secretary's Written Answer on 2nd February, on the use of "CS and other such gases" is the first point I wish to raise. That Answer purported to give a new interpretation to the Geneva Protocol of 1925. Of course, no unilateral declaration by one party can do that. The Written Answer alters nothing in the obligations by which this country is bound; and still less does it alter the customary and The Hague convention international law which was simply restated by the protocol—restated because poison gas had been so widely used in the First World War.

The purpose, and the only purpose, of the Foreign Secretary's Answer, and its

only paltry effect, was to give some kind of respectability to the illegal and barbarous chemical campaign conducted by the United States forces in Vietnam. Let hon. Members understand what this chemical campaign has meant. Every fact I shall give has come to me from American experts, who are among the highest authorities in the world and who have opposed the chemical campaign since it began.

C.S. is not a "smoke". To use the word makes no military sense. In Vietnam, it has been very evidently a heavy irritating poison gas of the kind that the Geneva protocol explicitly forbids. It is used in very heavy concentrations delivered in 6-in. shells and aerial bombs. Let me read an extract from a U.S. soldier's letter to his family last year:

"I hope you all had a groovy 4th July. Ours had a real groovy time. They walked into about 600-1,000 gooks and did not have anybody killed. We dropped a ton or so of C.S. gas and had a little turkey-shoot. We killed about 40-50, but we drove the gooks out of bunkers and the gunships have been having fun ever since."

A concentration from 6-in. shells or aerial bombs is so heavy, so intense, that if Vietnam soldiers had stayed in their bunkers they would probably have died. In other words, it was utterly intolerable for them to do so, and when they came into the open they were slaughtered by the gunships or by concentrated artillery and machine-gun fire. This bears not the least relation to the riot control of which members of the Government have spoken. In Vietnam, C.S., directly and indirectly, has been one of the biggest killers of all the weapons used.

What about the "other such gases" of which the Foreign Secretary spoke? They are the herbicides and defoliant used by U.S. forces. Last week, I was at a Congressional conference in Washington, attended by Senators, Congressmen and some other leading figures in American public life. I heard a moving speech by Professor Galston, of Yale. He is recognised as perhaps the highest authority in that country on plant physiology and on the herbicide and defoliant campaign. He told the conference that 50,000 tons of these chemicals had been used in Vietnam. They have destroyed the crops, they have made grievous shortages of food for the old, the babies, the children and the sick. They have made the fields sterile

for a year or more. They have caused heavy soil erosion with its long-term effects. They have depleted the microbial population of the soil and thus, perhaps, he said, have done irreparable harm.

Of the defoliant campaign, Professor Galston said the chemical 245T kills nearly all the trees with a first dose. A second dose kills them all. He said that in the wooded areas what he called "weed bamboo" was taking over, and Vietnam might never again have the lovely forests for which it was renowned. And 245T has been proved by experiments on rats to cause cancer and deformed offspring. There is already much evidence that deformed human babies are being born in Vietnam.

That is what the Foreign Secretary, by his answer, calls on Britain to approve. I am told, I hope incorrectly, that pressure is being brought on Canada to do the same. Mr. Trudeau would betray half a century of Canadian tradition if he yielded. Professor Galston ended his very powerful speech by saying that international law should have provision against a new crime. To match genocide there should be added the crime of ecocide, the murder of the ecology of a nation, as was happening in Vietnam. I hope that the Government will listen to his protest and to what I have said. I hope still that they will withdraw their unhappy declaration of 2nd February and will oppose the pressure brought on Canada, if such there be.

I speak with some feeling, because I was in Geneva in 1925 when the Geneva protocol was made. I helped to draft the documents on which Arthur Henderson and Robert Cecil took their stand in 1930; and I know that the so-called "legal" arguments used to defend this unhappy declaration are empty nothings which, to foreigners, will only show the Government's contempt for international law.

I turn to a far graver matter, with which I will deal far from adequately, N.A.T.O.'s plans for using nuclear bombs. I want to read again, since they are very important, the words which the noble and gallant Lord, Lord Mountbatten, wrote the other day in *The Times*:

"The actual use of tactical nuclear weapons could only end in escalation to total global nuclear destruction, and for that reason, no one in his senses would contemplate their use."

[MR. NOEL BAKER.]  
Of course, the same thing was said by other great commanders. I remember Lord Tedder saying it in another place, and President Eisenhower said very much the same.

I want briefly to review what the Secretary of State has said about nuclear weapons in recent years. In 1965, when he was new to office, he told us that if nuclear war should happen

"life in these islands would be extinct within three days"

In 1967, he told us that:

"... a Western nuclear response to deliberate aggression in Europe would be inevitable."

Then he made this astonishing statement:

"... there is no country on the Continent which does not believe that a prolonged conventional war would inflict damage on it quite as difficult to bear as the damage resulting from a strategic nuclear exchange."— [OFFICIAL REPORT, 27th February, 1967; Vol. 742, c. 112-3.]

I wish to God that that was true.

In 1968, the Secretary of State said that if there was an all-out Soviet attack on Western Europe

"N.A.T.O. exists to ensure that nuclear weapons would be used to resist it and tactical weapons have a role in this respect."

My right hon. Friend explained that that was primarily a question of taxation; no N.A.T.O. country was ready to bear the cost of the conventional forces that would be required. He used another phrase that I should like to quote:

"... not only victory or defeat on the battlefield, but even the survival of the human race as a whole might depend on the West prolonging to the maximum the period of effective conventional resistance."— [OFFICIAL REPORT, 4th March, 1968; Vol. 760, c. 61.]

I thought that was a very strange sequel to his argument about taxation.

In 1969, my right hon. Friend told us that, if Russia attacked, nuclear weapons must, of course, be used, but that he had persuaded N.A.T.O. that they could not be used on the battlefield; even the tacticals would produce such chaos that the battle simply could not go on. Therefore, he was working out new guidelines about how they could be used. He did not tell us what they were.

Also in 1969, my right hon. Friend made his Munich speech, in which he told us that his reliance on the nuclear stock-piles was still complete. He asked what

I thought was his terrible question, what he called the "unanswerable question",

"Why change a strategy which has worked and shows every sign of continuing to work very well?"

He said that the H bombs had given us 20 years of peace. What kind of peace? He added that it would give us 20 years more. How can he know?

Yesterday, my right hon. Friend told us that the nuclears would be used, but that the targets would be different. He said they would be used first for tactical purposes, and only later, if required, for strategic purposes as well. What does all this add up to? That the nuclears will be used, at first for a tactical purpose, but they will be used even if that leads to escalation which would destroy the human race. The Secretary of State said that there is no way out of this dilemma except conscription and a massive increase in conventional arms. With great respect, I would say that there is another way out.

I should like to quote what Lord Mountbatten said when in 1962, he was invited to give the first Annual Lecture on Defence in the University of Edinburgh, with another eminent naval member of the Royal Family in the chair. Lord Mountbatten began his lecture thus:

"In this University, what you should be concerned with is survival. A third world war would be suicide, after which there would be nothing left of our civilisation. If the West can destroy Russia several times over, it is not much good, if Russia can destroy the West once over. I think that eventually we must come to nuclear disarmament."

In 1961, while Lord Mountbatten was Chief of Staff, and at his instigation, the Commonwealth Prime Ministers made the following declaration, which I think might be historic:

"The Prime Ministers held a full discussion on the problem of disarmament. They recognised that this was the most important question facing the world today. The aim must be to achieve total world-wide disarmament, subject to effective inspection and control. In view of the slaughter and destruction experienced in so-called conventional wars, and of the difficulty of preventing a conventional war, once started, from developing into a nuclear war, our aim must be nothing less than the complete abolition of the means of waging war of any kind."

The Commonwealth Prime Ministers went on to say:

"All national forces and armaments must be reduced to the levels agreed to be necessary

for internal security. Once started, the process of disarmament should be continued without interruption until it is completed.

That declaration by the Commonwealth Prime Ministers in 1961 was due to Lord Mountbatten. It was decisive in persuading President Kennedy—and I know the facts of this matter—to make his plea to the United Nations General Assembly in favour of the total disarmament for which the Commonwealth Prime Ministers had declared. It was decisive in persuading the United Nations Assembly to endorse the McCloy-Zorin principles as the basis for disarmament negotiations. It was also decisive in persuading President Kennedy to put forward, with our support, the draft Treaty for general disarmament which he presented to the Committee of Eighteen in April, 1962.

If, when he came to office two years later, the Secretary of State had made that draft treaty the basis of his policy, history might have been very different. I find the present prospects of which he speaks rather bleak. Everyone hopes that the strategic arms limitation talks will succeed. But I have watched negotiations on disarmament since 1919, and I say with confidence that the two Powers have chosen to deal with the most difficult of all armament problems, to deal with it in isolation and, as history shows, by the method least likely to give results.

Mutual troop reductions by N.A.T.O. and the Warsaw Pact in Europe are envisaged in the White Paper and were mentioned in the Secretary of State's speech yesterday. Of course, if it happened, we should all rejoice. But does it relate to troops in Europe only? If so, does that make sense? Is it to include nothing about the 7,000 nuclear weapons in Central Europe? Can Russia accept reductions without China, without the CENTO Powers, without the rest of Asia?

I will not spend time on the pathetic section of the White Paper headed "The Search for Disarmament". It speaks of long debates in Geneva about the seabed, when the sea itself is full of proliferating warships, surface vessels and submarines whose nuclear warheads may soon be multiplied by ten. Forty years ago, Lord Grey of Falloden, who spent 10 years trying to stop the outbreak of the First World War, when it was over, said:

"The nations must disarm or perish."

The modern arms race has brought that very near. The first Resolution adopted by the League of Nations on the subject, in 1921, said:

"Disarmament, to be successful, must be general."

Everything that has happened since has proved that to be true. I go further back. John Stuart Mill, once a Member of this House, said:

"Against a great evil a small remedy does not produce a small result—it produces no result at all."

That is what is happening with the arms race now.

Our only hope is to go back to the Commonwealth Prime Minister's declaration and to the two draft treaties, Russian and United States, of 1962. There is still time for the great remedy to be adopted, but the time is getting short.

6.51 p.m.

**Sir Harry Legge-Bourke (Isle of Ely):** I am sure it will be the wish of the whole House that I should extend our sympathy to the right hon. Member for Derby, South (Mr. Philip Noel-Baker) on his physical discomfiture and to hope that he will soon be free of his crutches—[HON. MEMBERS: "Hear, hear."] However we may differ, we all recognise the deep sincerity of the right hon. Gentleman in everything that he says. My difficulty, when he speaks, is to put practicality into some of his pacifist ideas.

I loathe war. I think that anybody who has participated in war loathes it. The monopolisation of the love of peace, in which some people indulge, is infuriating to those who have experienced war in one of the three Services, or, indeed, in recent times as a civilian under bombing attacks. Nobody likes or wants war. The debate is about how to prevent it.

As many hon. Members have reminisced for a while, may I say that I do not recollect my father, because I was only six months old when he was killed in the first battle of Ypres. Many of my relations fell in World War I and in World War II. I had the privilege of being in the 1941 Greek campaign in World War II. I know how deeply attached to that country is the right hon. Member for Derby, South.

April 13, 1971  
The Rt. Hon. Philip Noel-Baker  
16 South Eaton Place  
London, S.W.1  
England

Dear Philip:

Sarah and I were very concerned to learn last week that you had been and may still be in the hospital with a serious fracture. But a copy of your letter to Mrs. Jane Sharp arrived yesterday to assure us that you are at least still in good spirits. I don't know if the enclosed will raise or lower your spirits. The situation on the Protocol now seems to be one of protracted review. Perhaps it came as something of a surprise in parts of the executive branch that the Committee on Foreign Relations should be unwilling to accept the administration's special "understandings" on riot gas and herbicides. What is needed now, I think, is some new vehicle to bring the matter to the President's serious attention. It would certainly help if HMG were to throw out the silly CS decision of the previous cabinet.

When your schedule allows you without much inconvenience to do so, I would greatly appreciate receiving copies of the letters you have received from various governments explaining the reasons for their abstention at the General Assembly in December 1969. I have

heard, for example, that the Danes say they would prefer a broad interpretation of the Geneva Protocol. Authoritative information on this point would be most usefull

Sarah sends her fond regards and we both hope that you are up and about again by now. There is a chance we may be able to visit England in September and if so would hope to find you there.

With esteem and affection.

As ever,

16, SOUTH EATON PLACE,  
LONDON S.W.1

27th May, 1971.

My dear Matthew,

Thank you very much for your letter of May 24th and for the enclosures. Zoe is enchanting. I think she is just reaching the peak of human perfection - 9 to 18 months. In my experience, most human beings start to deteriorate in greater or lesser degree, morally, intellectually and physically, after 18 months. So I hope your Professorial duties will allow you a lot of time with her during the academic year 1971-72.

Please give my best love to Sarah and ask her whether she has put Zoe down for Newnham for the year 1988.

Yours ever, *with all regards,*

*Philip N.B.*

P.S. My secretary assures me that you don't need to put Zoe down. All she has to do is to have her father and mother's brains and she will float into Newnham on her own merits when the time comes.

Professor Matthew Meselson.

May 24, 1971

The Rt. Hon. Philip Noel-Baker  
16 South Eaton Place  
London, S.W.1, England

Dear Philip:

It would appear from the minutes of the May 6 meeting of the International Continuing Committee on CBW that you are fully up and about again. I hope this letter finds you completely restored.

I think that the forces within the United States government on the two sides of the CS question are now just about evenly balanced. It might just help to tip the scales if a few of the nations that abstained from voting on the December 1969 UNGA resolution were now to state their preference for a broad interpretation of the Geneva Protocol. In this connection I wonder if you would be willing to let me have photocopies of the letter of inquiry sent to the UN delegates and of the responses? Not knowing in whose hands the material now rests, I am sending a similar request to Margaret Curwen.

I enclose a copy of an editorial from the Christian Science Monitor, as you know one of our less than radical daily newspapers. I barely resisted the temptation with the admonition that, after all, chemicals are bad medicine. Sarah and I send you our love and Zoe (who is now seven months) sends the enclosed pin-up.

With warmest regards.

As ever,

MM:mcm  
Enclosures

Noel Baker

JUN 1 1971

16, SOUTH EATON PLACE,  
LONDON S.W.1

27th May, 1971.

My dear Matthew,

I hope Mrs. Curwen will be able to send you copies of our letter of enquiry to UN delegates about CS Gas and of some, at least, of their answers. As I remember (but perhaps I am wrong) their answers were really of no value at all - written by junior clerks in the permanent UN delegations without reference home and only repeating the invalid "reasons" which led their delegates to vote in the General Assembly as they did. Our letter was therefore not a very valuable exercise; but possibly our letter itself may be of some minimal use to you. It would indeed be good if you could swing the US Government to give up its unhappy stand.

Your efforts as consultant to the ACDA and in the Senate, and your admirable article in the Christian Science Monitor (an honest if not always right-minded journal) should help President Nixon to take the right decision. You have already won a big victory in the fact that General Abrahams has called off the use of herbicides and defoliants in Vietnam. Your last paragraph shows the vast importance, not only of getting rid of existing stocks of biological weapons, but of halting all BW research.

- 2 -

If this can be done as a partial measure by the Treaty which Britain proposed and Russia and the US seem now to favour, of course, I should warmly applaud. If it happens, I think it will in part be due to the instinctive fear of the Generals that BW in practice might decimate their own forces as well as the enemy's. I am really much more afraid of the use in war of nerve gases. I do not believe the stocks of these will be abolished unless there is a treaty of general disarmament. I try here to use both the fact that large stocks of nerve gas exist, and that biological weapons were developed to the point where they could be used, to demonstrate the total barbarism of our present day militarists. I think it now vastly important that "militarism" should be made a dirty word and that all who have supported the development of armaments since 1945 should be recognised as the enemies of the human race.

In this regard, McGeorge Bundy has a lot of ground to make up. I am glad he gave good evidence to the Senate but I do not forget that he was the adviser (so Adlai Stevenson told me) who persuaded Kennedy to do the Bay of Pigs, who advised Johnson to expand the Vietnam War in 1965, and who urged the increase of the US military budget in 1961, '62 and '63, which smashed the hopes of a disarmament agreement then and which drove Khrushchev from power in 1964.

If McGeorge Bundy would now give \$10 million of the Ford Foundation's resources for a world campaign for general disarmament

- 3 -

(\$50 million would be still better) he would not only be fulfilling the purposes, which Henry Ford had in mind when he set up the Foundation, but he would do something to placate St. Peter when he arrives at the Pearly Gates. Can you persuade him?

*With thanks again, & all good wishes,*

Yours ever,

*Philip N.B.*

Professor Matthew Meselson,  
Harvard University,  
The Biological Laboratories,  
16 Divinity Avenue,  
Cambridge,  
Massachusetts 02138.

From: The Rt. Hon. Philip Noel-Baker.  
16, SOUTH EATON PLACE,  
LONDON S.W.1

JAN 09 1973

4th January 1973

Dear Matthew,

This is to thank you very much for sending me a copy of the Hearings before the Senate Committee on Foreign Relations on the Geneva Protocol of 1925.

It will be of the greatest value to me to have this up to date document with its very full information. I look forward in particular to reading your own evidence which I know will be a brilliant and inspiring performance.

It is a sadness to me that so many, many months have gone by since I had the chance to see you and Sarah. I hope you both flourish and that Zoe is as handsome, clever and enchanting as her parents.

With all thanks and love,

Yours ever,

*Philip Noel-Baker*

Professor Matthew Meselson,  
The Biological Laboratories,  
16 Divinity Avenue,  
Cambridge,  
Mass. 02138,  
U.S.A.

HARVARD UNIVERSITY  
THE BIOLOGICAL LABORATORIES  
16 DIVINITY AVENUE  
CAMBRIDGE, MASSACHUSETTS 02138

22 April 1980

The Rt. Hon. Philip Noel-Baker  
16 South Eaton Place  
London SW 1  
ENGLAND

Dear Philip,

I enclose for your interest  
an article by Julian Robinson and  
me on "Chemical Warfare and Chemical  
Disarmament."

Even though many weeks have  
passed since the first allegations  
of the use of poison gas in Afghani-  
stan, the U.S. government still has  
no solid evidence that such attacks  
have in fact taken place.

I hope you are well and in  
good spirits.

Warm regards,

Matthew Meselson

Encl.

From: The Rt. Hon. Lord Noel-Baker

Sand  
d  
NY letter  
US News

Noel B



page 1 of 1

House of Lords Westminister

2nd May, 1980.

Mr. M. Meselson,  
Harvard University,  
The Biological Laboratories,  
16 Divinity Avenue,  
Cambridge,  
Massachusetts 02138.

Dear Matt,

Thank you so much for your letter and the reprint of your most excellent article in the Scientific American.

I am interested that there is no solid evidence yet that the Russians have used poison gas in Afghanistan. In fact I shall be much surprised if they do although the Soviet General Staff seem to be in charge of Policy. I am so glad you are keeping up your pressure on nerve gases - they are hideous mass destruction weapons all too likely to be used if a war begins.

With my love to your darling wife and Zoe as always and all warmest regards to yourself,

Philip N.B.