

March 17, 1969

Mr. William Epstein
UN Disarmament Staff
United Nations Building
New York, New York

Dear Bill:

I enclose a copy of a summary of the work of the League of Nations Disarmament Conference on the subject of chemical and biological warfare prepared by the President of the Conference, Arthur Hendersen.

You will note that the General Commission of the Disarmament Conference appointed a Special Committee to consider chemical and biological warfare. Whether or not any of their discussions would be of use to the present United Nations study, I do not know. However, you may wish someone on your staff to make a study of the old League of Nations discussions, in case there should be something useful there.

On a related matter, there was an extended discussion of the applicability of the Geneva Protocol of 1925 to tear gas as a result of a British query regarding the status of tear gas directed to the Preparatory Commission of the Disarmament Conference. I enclose a copy of the relevant minutes of the Preparatory Commission.

I am sorry I missed hearing you speak on the Today show. I almost invariably watch it but must have slept late that morning.

With best regards,

Sincerely yours,

Matthew Meselson

MM:ls
Encl.

December 15, 1969

Mr. William Epstein
United Nations Disarmament Staff
United Nations Building
New York, N.Y.

Dear Bill,

I notice that several speakers in the First Committee have stated that fewer than half of the members of the United Nations are parties to the Geneva Protocol. This is not in agreement with the enumeration of parties to the Protocol recently completed by the Treaty Office of the United States Department of State. For your interest, I enclose a summary of their conclusions. If they are correct, more than sixty percent of the states maintaining permanent missions to the United Nations are parties to the Geneva Protocol. If you are unable to bring this possible discrepancy to the attention of the Netherlands delegation and others who seem to be unaware of it, please let me know and I shall attempt to do so by another means.

Incidentally, I notice that Saudi Arabia is absent from the State Department's list of parties. However, I find that the statements of Mr. Baroody are so strong in support of the Protocol as to make me wonder if our State Department is correct. This leaves me to ask how many delegations to the United Nations consider their countries to be parties to the Geneva Protocol. Is there any way in which they could be polled in this regard? It is rather an absurd situation in which seriously divergent views are put forward regarding how many states are parties.

With warm regards,

As ever,

Matthew Meselson

MM:ls
Encl.

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REF. No :
(à rappeler dans la réponse)

6 March 1970

Professor Matthew Meselson
The Biological Laboratories
Harvard University
16 Divinity Avenue
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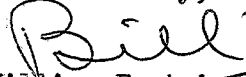
Dear Matt,

I duly got your note of 14 February from Martin. The news wasn't good, but I am glad you alerted me. I went to work immediately from this end. Unfortunately, your information was correct although the situation is not quite as bad as it is in London. My friends and I are doing what we can from this end and urging most strongly that no public statement be made pending some further re-thinking of the matter. I can only hope that the efforts of us workers in the vineyard will help in some degree to keep the lovely little grapes from turning sour.

If you have any contacts in Ottawa, it would be very useful if you could go to work on them. Did you meet Peter Dobell at Sochi?

Robert Neild was in Geneva this past week following up in person the material in the provisional edition of SIPRI's massive work on CBW.

Yours sincerely,


William Epstein

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REF. No :
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12 March 1970

PERSONAL AND CONFIDENTIAL

Dear Matt,

.....

I enclose herewith the press releases of statements made at today's meeting by Ambassador Husain of India and by Alva Myrdal which I think you might find interesting and perhaps also useful.

You will be interested in the remarks made by them on ~~SDS~~ CS, in particular pages 8, 9 and 10 of the Indian statement and pages 1 and 2 of the Swedish statement.

Since these are press releases, the information has been made public here and the texts have been given to the press, which of course means the information can be made public anywhere.

Efforts are still being directed at Ottawa and these two statements, particularly if given wide publicity, should help.

With best wishes,

Yours sincerely,

Bill

William Epstein.

Professor Matthew Meselson
The Biological Laboratories
Harvard University
16 Divinity Avenue
Cambridge
Mass. 02138
United States

March 31, 1971

Mr. William Epstein
Alternate Representative of the Secretary-
General to the CCD
Room 190
Palais des Nations
1211 Geneva, Switzerland

Dear Bill:

Here are some recent items connected with the Geneva Protocol hearings before the Foreign Relations Committee. I do not believe the Committee is likely to report out the Protocol for some time to come. I think that a large majority oppose the Administration's "understandings" regarding riot gas and herbicides. Aiken and Church have gone so far as to say repeatedly and in public that the Protocol should be put aside until the "understandings" can be withdrawn.

I have heard from officials in Washington that some of the neutral nations at Geneva have expressed the view, in private, that it would be better for the U. S. to ratify the Protocol now than to delay any longer, even if delay might allow the understandings to be withdrawn. In particular, this view has been attributed to Ambassador Myrdal. I would certainly like to know if this is the general impression of those directly involved with the discussions at Geneva. I would of course consider any information on this score as strictly confidential.

I believe there is a reasonable chance that the understandings can be withdrawn, either within the next few months or, failing that, after the next elections.

With warm personal regards.

As ever,

Matthew Meselson

P.S. I have sent the enclosed items to Ambassadors Myrdal, Ignatieff, Krishnan, and Tanaka without ~~any~~ ~~consent~~. I have also sent them to Martin Kaplan along with a letter explaining the situation. Please note the third paragraph in the third column of the John Finney article.

SUMMARY LIST OF POSITIONS CONCERNING THE USE OF
TEAR GAS IN WAR DEVELOPED BY PROFESSOR M. MESELSON AND
WILLIAM EPSTEIN AT CBW SEMINAR AT QUEEN'S UNIVERSITY, CANADA,
ON 23 JANUARY AND AT NEW YORK ARMS CONTROL SEMINAR ON 3 FEBRUARY 1971

I. MILITARY CONSIDERATIONS

1. The old humanitarian argument is simply not borne out in practice either in Vietnam or elsewhere. Tear gas has been used as an adjunct to other conventional weapons in order to kill more people.
2. Nevertheless the use of tear gas has been of marginal or even minor importance from the military point of view.
3. The danger of escalation. The use of any gas could lead to the use of more lethal gases.
4. The exercise of the right of reprisal or retaliation could also lead to escalation.
5. While it is true that tear gas might be used mainly in guerrilla-type of wars, its use can spread and escalate.
6. The use of tear gas could also lead to proliferation in other chemical weapons for use in war. It would be an incentive to others to acquire a CBW arsenal. Some people already regard CBW as a poor country's "atom" bomb or mass destruction weapon. Moreover, if any kind of C/W is used, why not BW? The use of any one of CBW would tend to make use of others accepted.

II. POLITICAL CONSIDERATIONS

1. The use of any form of CBW tends to anger people or create a feeling of horror. It is regarded as something barbaric and horrible and creates a bad image.
2. As indicated above, if you can use incapacitating CW, why not incapacitating BW? Any use of CW might lower restraint and create acceptability for use of other C and B weapons.
3. The use of tear gas can lead to domestic arguments and turmoil.
4. The use of tear gas in war and the resultant domestic reaction can undermine the case for and the will to use tear gas for domestic riot control and civilian police purposes, ~~where~~ ^{where} its use does actually result in saving lives and is better than the use of guns or police truncheons.
5. It encourages the argument that the technologically advanced/industrialized countries are the ones who use tear gas against the backward countries, guerrillas and liberation movements.

III. LEGAL CONSIDERATIONS

1. The historical weight of legal opinion is that tear gas is banned by the Geneva Protocol.
2. This was reinforced by the UN Declaration in resolution 2603 A (XIV).
3. A rule of "no gas" is clear and easy to understand and to enforce, whereas a rule permitting the use of "some gas" is confusing and arguable.
4. It is easy to draw a clear and simple line, namely, that where the intent and the effect of the use of gas is to save lives, such as in civilian riot control, domestic police action or international peace-keeping (as was the case when it was used in Gaza), its use should not only be permitted, but perhaps even encouraged. On the other hand, if it is used for any military purpose whatsoever in war, its use should be banned. A clear example of the distinction is that American military police used tear gas for riot control and police purposes against American soldiers during World War II, but not against the enemy.

IV. MORAL OR ETHICAL CONSIDERATIONS

1. False reasons are given for using tear gas in war, e.g. humanitarian purposes, saving lives and other corrupt excuses.
2. From time immemorial the use of CBW has been regarded as immoral. Even in the days of the Romans, it was said "Arms bellis non venenis geri" -- war is waged with weapons, not with poisons.
3. A better moral climate both internationally and domestically is created by erecting a moral barrier or fire-break against the use of any kind of C weapon.



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REF. No :
(à rappeler dans la réponse)

6 April 1971

Personal and Confidential

Mr. Matthew Meselson
Harvard University Biological Laboratories
16 Divinity Avenue
Cambridge 38, Mass.

Dear Matt,

... Thanks very much for your letter of March 31st enclosing material on CBW. I am myself enclosing herewith a copy of a tabulation of points made by yourself and myself regarding tear gas which I have given to a few interested persons. I also enclose herewith for your information ... a copy of the draft convention on banning the production etc., of biological weapons and toxins put forward by the Soviet Union and its allies. The Eastern countries have thus come over to the point of view urged by the US and the UK of a BW convention as a first step on the grounds that the West simply refuse to agree now to ban chemical weapons and that a partial agreement was better than none ... at all. I also enclose herewith a copy of an editorial from last week's Times of London.

As regards the specific question you asked in your second paragraph, the information you have heard from officials in Washington appears to be the exact opposite of the facts. Mrs. Myrdal strongly holds the view herself that it would be better for the US to delay ratification of the Geneva Protocol until the "understandings" or reservations concerning tear gas and herbicides are abandoned rather than to ratify the Protocol subject to these "understandings" or reservations. In addition, I am informed that she stated these views yesterday at a group meeting of the 12 non-aligned members of the CCD. Not one of them spoke up in opposition to these views while several of them mentioned that it was a "positive" act for the Senate Foreign Relations Committee to delay ratification of the Protocol.

Apart from the non-aligned, there are a number of other delegations which apparently hold the same view as Mrs. Myrdal. One of the senior officials of the Soviet delegation here expressed his views to me sometime ago in an identical manner, which means that all the Eastern European members think that way. In addition, several of the Western allies also hold similar views.

On the very day you gave your evidence to the Senate Foreign Relations Committee and there were some reports that the Committee might not report out the Protocol for sometime, members of both the American and British delegations told me that they felt the result would be to delay or make less likely the Soviet Union's accepting a convention limited to BW only, since they felt that ratification of the Protocol by the US might provide the basis for the Soviet Union retreating from its long-held position for a simultaneous ban on CBW in one convention. I told both the American and British delegation people that I just do not believe that the Soviet attitude on a single convention or several conventions hinged in any way on ratification by the Senate of the Protocol. As it turned out, the following Monday, 29 March, the Soviet Union gave us their new draft Protocol restricted to BW alone.

... While the British and Americans are of course elated by this development, they are somewhat concerned by the indirect or implied incorporation of General Assembly resolution 2603 A interpreting the scope of the Geneva Protocol. This morning the British representative gave public expression to this concern. I enclose herewith also a copy of the press release of his statement. A number of the non-aligned countries (led by Mexico, Sweden and ~~Yugoslavia~~ ^{India}) and even some of the Western allies (such as Japan) are quite disappointed and even irritated by the Soviet concession to the Americans in dropping the demand for a joint simultaneous ban in a single convention of all CBW. These delegations, who had supported the original approach, feel that they have had the rug pulled out from under their feet.

You seem to be making great headway in your campaign. I keep being continually impressed by what a few dedicated people can achieve!

With best wishes and warm regards.

Yours,

Bill

... P.S. It would do no harm if you were to send some of your material to Ambassador Alfonso Garcia Robles who is the leader of the Mexican delegation here and who has just returned to New York City where he can be reached care of the Mexican Permanent Mission to the United Nations and also to Mr. Bozinovic and Ambassador Tanaka here. In case you do not have their current addresses, I enclose herewith a delegation list.

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REF. No :
(à rappeler dans la réponse)

2 July 1971

Dear Matt,

The extract you sent me from the Congressional Record containing the text of the Fulbright letter to Nixon on the Geneva Protocol was very useful and arrived in very good time. I made good use of it in New York with the Secretary General and the Canadians; in London with the British, and Geneva with some others. If you would send me a copy of the Toronto Star article that you told me about, I could put that to good use too.

In London I was told that good headway is being made on the subject (c) and some people are quite hopeful that the Government may reverse its position. It would do no harm if you could push the Canadians a little faster.

I was very glad to learn that you are taking your family to the St. Tropez area (Ramatuella?) for the month of August. It was most kind of you to suggest that I visit with you. I would dearly love to, but I fear that I won't be able to get away. Still, you never know, so if you can let me have your address and telephone number and your dates, I would be grateful.

As it so happens, very good friends of mine from New York - Bob and Irene Towbin - will be renting a house for the month of August in the village of Gassin, which is right next to Ramatuella. Their address is c/o Coxon, Gassin, Var, Tel. No.: 97-~~74~~74-23. He is an investment banker, but has very advanced political and social views and, for your private information, he has contributed to the campaigns of some of the more liberal democrats in the US. I think you and Sarah would like them. *I'll send you address to them when I get it.*

We are, as usual, moving rather slowly at the Disarmament Conference, but fortunately are moving in the right direction. At least the weather here is much pleasanter than in New York.

All the best,

Professor Matthew Meselson
Harvard University
The Biological Laboratories
6 Divinity Avenue,
Cambridge, Mass. 02138

Yours,

Bill
William Epstein

31 July 1971

Mr. William Epstein
Director, Disarmament Affairs Division
UN Disarmament Staff
United Nations Building
Room 3570
N.Y., N.Y.

Dear Bill,

I enclose for your interest three copies each of resolutions recently filed in the Senate by Senators Brooke and Humphrey. I have sent these items to Alva Myrdal, but to no one else at the CCD. I feel too distant from the situation there to know whether my sending them to other delegates would be useful. That is why I am enclosing more than one copy.

With warm regards.

Sincerely yours,

Matthew Meselson



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REF. No :
(à rappeler dans la réponse)

11 August 1971

Personal

Dear Matt,

Your letter of 31 July and the enclosed material was forwarded to me by my office. Thank you for sending it to me. I have put it to good use.

Although things seem to be moving in the right direction, they sure move slowly!

All the best.

Yours sincerely,


William Epstein

Mr. Matthew Meselson
Harvard University
The Biological Laboratories
16 Divinity Avenue
Cambridge, Mass. 02138

UNITED NATIONS



NATIONS UNIES

NEW YORK

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

16 November 1971

Dear Matt,

The Canadian Government has finally come through and announced its renunciation of tear gas and herbicides in war.I enclose herewith a copy of Amb. George Ignatieff's speech in the First Committee today and have marked the relevant passages on pages 8 and 9.

All the best.

Sincerely yours,

Bill

William Epstein

NOV 18 1971

Prof. Matthew Meselson
Biological Laboratory
Harvard University
16, Divinity Avenue
Cambridge, Mass., 02138

23 November 1971

William Epstein
Disarmament Affairs Division
Room 3570
United Nations Building
N.Y., N.Y.

Dear Bill,

I was very glad to see the Canadian statement of last Tuesday. Although the implication may be there, it is not clear whether Canada now views herbicides and riot gas as prohibited by the Geneva Protocol. If you have any information on this point, I would very much like to have it.

Would it be asking too much for you to send me copies of items from the current First Committee discussions relating to CBW and from the upcoming discussions in the General Assembly?

It's certainly a pity that the Canadian announcement got no publicity. I contacted several dailies but news two days old is pretty hard to sell.

I am particularly anxious to know what position Japan will take on riot gas and herbicides this year at the UN. Is it expecting too much to hope for some forward motion there?

With warm regards and thanks,

as ever,

Matthew Meselson

P.S. I am almost certain that I sent you a copy of the Sierra Club Bulletin long ago but, just in case, I enclose one now.

MM:mm
encl:1

UNITED NATIONS NATIONS UNIES
NEW YORK

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

3 December 1971

PERSONAL

Dear Matt,

Thanks very much for your letter of 23 November.

There is no doubt whatsoever that Canada now views herbicides and riot gas as prohibited by the Geneva Protocol, or at the very least prohibited for use by Canada in war. There is a rather complicated internal explanation for the very turgid and somewhat vague statement issued by the Government in this regard, but there is no doubt whatsoever that it is intended to bar the use of tear gas and herbicides. I have this on the most direct authority both from New York and Ottawa.

Perhaps you might write to Polanyi and get him to write an article for one of the Canadian newspapers, as he did before, which could become the basis for having the decision made more widely known. Also it is possible that there was an announcement and some discussion of the matter in the House of Commons in Canada which would be available in Hansard.

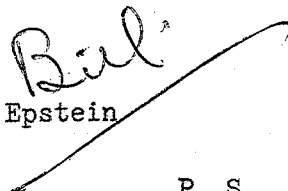
As requested, I am enclosing herewith the following material:

1. Extracts from statements by Canada, Mexico, Sweden, Byelorussian SSR, Norway and Tanzania, all of whom reiterated the official UN position on the interpretation of the Geneva Protocol.
2. A copy of the draft resolutions dealing with the CBW.
3. Marked copies of the records of the First Committee containing substantive comments on the question of CBW.

Japan is being very cautious, as usual, and has taken no position at all on the interpretation or the scope of the Geneva Protocol at this session. I cannot make an intelligent assessment as to whether we can look forward to some movement on their part. Privately, they give vent to all the correct views.

With best wishes and warm regards,

Yours,


William Epstein

Prof. Matthew Meselson
c/o Biological Laboratories
Harvard University, 16 Divinity Avenue
Cambridge, Massachusetts 02138

P. S. Item No. 3 above containing the records is being sent by separate cheaper mail.

DEC 06 1971