

May 10, 1969

Mr. Irving Gubman
United States Arms Control
and Disarmament Agency
Washington, D.C. 20025

Dear Mr. Gubman:

It was a great pleasure to meet you yesterday. Following our discussion, I am enclosing some items concerning the use of tear gas in war.

You already have the Report of the Advisory Board of the American Delegation at the Washington Conference along with a list of the members of that Board. In addition, you have the Report of the General Board of the United States Navy. All of these items appear in the Conference on the Limitation of Armament, Washington Government Printing Office, 1922 (Sixty-Seventh Congress, Second Session, Senate Document 126).

You also have the British Memorandum on Chemical Warfare of November 18, 1930 (Command Paper 3747, Miscellaneous No.17, HMSO 1930) and its subsequent discussion in the Preparatory Commission for the Disarmament Conference in Geneva, January 15, 1931 (Official No.: C.4.M.4.1931.IX.pp.311-314.)

When the Disarmament Conference got underway in 1932, its General Commission set-up a special committee to consider CBW. The United States was represented by Brigadier-General George S. Simonds and Major B. Ord. In its unanimous report, the Committee recommended that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid, or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use." (Conference Document 120, May 31, 1932 p.5. See also pp.1-6.)

Reviewing the report of the Special Committee, the General Commission in a resolution adopted on July 23, 1932, decided

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that "chemical, bacterial and incendiary warfare should be prohibited under the conditions unanimously recommended by the Special Committee."

Having reached apparent agreement on the prohibition of the use of all gases in war, the Conference next turned to the problem of controlling preparations for chemical and biological warfare. The Bureau of the Disarmament Conference forwarded to the Special Committee a detailed questionnaire including an appendix containing a number of questions specifically directed to the problem of production controls on lachrymatory substances. In Chapter 3 of its response to the questionnaire, the Special Committee reaffirmed its view that "the question of lachrymatory substances cannot be treated separately as far as the prohibition of the use of poisonous substances in wartime is concerned." Regarding production, however, the Special Committee recommended that arrangements be made to allow the production of lachrymatory substances for police purposes. At that time the United States was represented on the Special Committee by Lieutenant Colonel A.V. Strong. There was a special rapporteur for lachrymatory gases, Mr. Davidson Pratt of the United Kingdom (Conference Document 152 December 13, 1932 p.8. See also pp.1-25).

The Bureau of the Conference discussed the reply of the Special Committee on January 25 and 30, 1933. In the course of the discussion, the representative of the United States of America, Mr. Wilson, was quoted as saying, regarding tear gas, "There was no question of its use in time of war, but the United States Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." (Minutes of the Bureau, Series C, Vol.1, p.57).

At the conclusion of its discussions of July 30, the Bureau instructed a Drafting Committee to frame articles concerning chemical and biological warfare for embodiment in the draft Disarmament Convention. Article 2, prepared by the Drafting Committee, prohibits the use ". . . by any method whatsoever, for the purposes of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid, or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances" (Conference Document/Bureau 45, March 7, 1933).

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The wording of Article 2 prepared by the Drafting Committee was embodied without change in the Draft Disarmament Convention submitted to the General Commission by the Delegation of the United Kingdom on March 16, 1933. (Conference Document 157 (1). To be found in Conference Documents Vol.2,p.488.)

The British Draft Convention was read before the General Commission of the Disarmament Conference on May 30, 1933. The General Commission accepted this part of the Draft Convention. So far as I know, no further action in the matter was taken by the Disarmament Conference although it seems likely that the substance of Article 48 of the British Draft Convention would have been accepted had the Disarmament Conference itself been successful.

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If you experience any difficulty in obtaining copies of the above materials, I would be glad to make Xerox copies for you.

Relatively recently, I believe on August 20, 1968, Ambassador Alva Myrdal of Sweden presented a proposal at the ENDC which I believe bears on the question of tear gas. I do not have Ambassador Myrdal's proposal before me. However, as I recall she proposed that a register be established at the United Nations so that nations interpreting the Protocol in its broadest sense, namely as prohibiting the use of all gases, might so indicate. I once spoke with Ambassador Myrdal about this proposal and obtained the impression that she still favors it but was awaiting further studies from her staff before bringing it up again.

I am not at all certain, but I have the impression that the Netherlands' representative at the 1966 General Assembly discussion of the Geneva Protocol indicated his support for a broad interpretation of the Protocol. If you find a reference to this, I would appreciate receiving a copy.

Lastly, I am including a short memorandum entitled "Possible Rules Concerning the Use in War of Non-Lethal Gas" and also a table of German Gas production in World Wars I and II. I have not yet obtained production figures for other countries. The relevant points are that considerable amounts of lachrymatory gases were produced in World War I and World War II, that much more was produced in World War II, and that, in terms of area coverage capability, the amount of tear gas made in World War II was not much different from the amounts of the two other

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gases produced, tabe^uon and mustard.

I hope these various items are of some use. I would appreciate receiving from you anything you think might be of help in studying these matters.

Sincerely yours,

Matthew Meselson
Professor of Biology

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