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Pentagon Argument for Using Tear Gas

Washington

The Defense Department argued yesterday that tear gases and plant killers were legitimate, humane weapons of war that should not be abandoned by the United States.

For example, G. Warren Nutter, assistant secretary of Defense for international security affairs, told the Foreign Relations Committee that the use of tear gases to

flush enemy troops out of bunkers in South Vietnam caused "less suffering" than burning them to death with napalm. Nutter appeared before the committee to urge Senate ratification of the 1925 Geneva Protocol banning chemical and biological warfare.

The administration has proposed ratification with the informal interpretation that the treaty would not prevent

the United States from continuing to use tear gases and plant killers.

Nutter's line of reasoning — previously used by Secretary of State William P. Rogers before the committee — failed to impress Senator J. W. Fulbright, the committee chairman.

Nutter had declined to appear before the committee last week because of a luncheon date, and yesterday he

made clear he was not speaking for the Joint Chiefs of Staff.

Noting that there were complaints from State Department officials that the committee was holding "unbalanced" hearings on the treaty, Fulbright observed in an opening statement that the Joint Chiefs had been invited to testify but had declined to appear. Nutter contended that tear

gases were different from other lethal and nonlethal gases in their effects and that their use fulfilled one of the objectives of the rules of war by "reducing the barbarity of war."

In response to a question by Fulbright, Nutter acknowledged that tear gases could also be used to flush out troops so that they could be subjected to artillery fire or air attack. *N.Y. Times Service*