

Rogers Asks Vote for Germ War Ban And Senate Critics Hold Their Fire

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WASHINGTON, March 5 — Secretary of State William P. Rogers urged the Senate today to approve the 1925 Geneva protocol banning chemical and biological warfare but with the understanding that the United States would remain free to use tear gases and herbicides.

Mr. Rogers argued before the Senate Foreign Relations Committee that American ratification of the treaty, which was originally sponsored by the United States, could provide "a positive and constructive movement toward arms control" and "strengthen the legal prohibitions against the use of chemical and biological weapons."

The committee greeted Mr. Rogers with only passing and then good-humored reference to the controversy over whether he is overshadowed as Secretary of State by Henry A. Kissinger, the President's national security adviser.

Senator Stuart Symington, Democrat of Missouri, who set off the controversy by asserting that Mr. Rogers was Secretary of State in title only, drifted into a line of questioning about arms control without any rebuttal to President Nixon's rebuke last night that the Senator had taken a "cheap shot" at Mr. Rogers.

Accountability Stressed

Later in the Senate television gallery, Senator Symington explained that his comments in a Tuesday speech were not intended as personal criticism of Mr. Rogers or Mr. Kissinger but rather were directed at the principle that policy-makers such as Mr. Kissinger should be "accountable" to Congress.

From the generally favorable reaction of the committee to Mr. Rogers's appeal, it appeared that the Senate would finally approve the 46-year-old protocol, as requested by the President last August. The United States is the only major power that has not ratified the treaty.

The only controversy expected during Senate consideration was whether to accept the Administration's interpretation — to be stated as an informal "understanding" rather than as a formal reservation to the treaty — that the protocol did not prohibit use of riot-control agents such as tear gas or chemical herbicides used for

defoliation and crop destruction.

By an 80-to-3 vote, the United Nations General Assembly in 1969 adopted a resolution contending that the use of all chemicals, including tear gas and herbicides, would be contrary to the protocol. The United States voted against the resolution along with Australia and Portugal. Which Senator Clifford P. Case, Republican of New Jersey, later noted in a letter to Secretary Rogers was reportedly using herbicides in her African territories against insurrectionist groups.

Different Interpretation

While acknowledging that there was room for argument, Mr. Rogers said it was the Administration's interpretation that the treaty's prohibition against the use of "asphyxiating, poisonous or other gases and all analogous liquids, materials or devices" was not intended to cover tear gases and herbicides, such as the United States has been using in South Vietnam.

A move, lead by Senator

Gaylor Nelson, Democrat of Wisconsin, is expected to be made in the Senate to attach a reservation specifically stating that in ratifying the treaty the United States accepts a prohibition against the use of tear gases and herbicides. But Mr. Rogers warned that if such a reservation were approved by the Senate, then President Nixon might refuse to ratify the treaty.

"I think if that interpretation is included, it would jeopardize and might well kill the treaty," he said in response to a question by Senator Case.

In a statement distributed at the hearing, the Federation of American Scientists criticized the Administration's interpretation of the Geneva protocol as "highly questionable legally, absurd politically, repugnant morally and foolish strategically." The federation charged that the Administration's efforts to exclude tear gases and herbicides were based on "no reason" except the present use of such chemicals in the Vietnam war.