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House Unit to Seek Action To Ban Chemicals in War

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WASHINGTON, May 14 — A House Foreign Affairs subcommittee plans to issue a report tomorrow urging President Nixon to make good on his promise of nearly six months ago to send to the Senate for ratification the Geneva Protocol of 1925 prohibiting chemical - biological warfare.

At the same time, according to reliable sources, the group will urge the Senate not to go along with any Presidential moves to exempt tear gas and herbicides from the treaty.

Instead, their report calls on the Senate to ratify the treaty without trying to settle the controversial question of the use of tear gas and herbicides in war.

The report suggests that the issue be settled either by the International Court of Justice

or by a meeting of the 84 countries that have pledged themselves to observe the protocol. Many of those countries interpret the treaty as banning tear gas and herbicides.

As a result of the action of the House Subcommittee on National Security Policy and Scientific Development, it was held, the Government will have to untangle or explain the problems delaying the submission of the protocol. These reportedly center on the issue of tear gas and herbicides, both of which American forces are using in large quantities in Southeast Asia.

According to reliable sources, the National Security Council has received conflicting advice from the Pentagon and the State Department on what to do about the protocol.

The State department, sensitive to political and international reaction, has urged the White House to send the treaty to the Senate with no explicit reservation excluding tear gas and herbicides.

The Defense Department is reportedly to be pushing for a reservation because it wants to be able to continue to use tear gas and herbicides.

The President said on Nov. 25 that he would send the protocol to the Senate for ratification. He announced at that time that the United States would never engage in germ warfare and renounced all but defensive uses of chemical weapons.

All the major powers except the United States are parties to the protocol.