

CAPITAL WARNED ON GAS WAR PACT

Delegate to U.N. Fears U.S.
Embarrassment if Accord
Isn't Sent to Senate Soon

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By ROBERT M. SMITH
Special to The New York Times

WASHINGTON, July 21 — Eight months after President Nixon endorsed the Geneva protocol to ban chemical and biological warfare, the American delegate to the United Nations has warned that Washington could face a "quite embarrassing" situation unless the treaty is sent to the Senate for approval soon.

In a message that has just become available here, the delegate, Charles W. Yost, reminded the State Department that the United States had announced to the General Assembly's Political Committee "with some fanfare" last November the President's decision to seek ratification.

If the Administration fails to send the protocol to the Senate by the time the General Assembly convenes in mid-September,

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nounced his decision to ask the Senate to approve the 45-year-old treaty, a White House official pointed out in a background explanation for the press that the United States did not interpret the treaty's ban to include tear gas or herbicides.

Assembly Interpretation

Last December, however, the United Nations General Assembly asserted, by a vote of 80-to-3, that the protocol does ban tear gas and herbicides. The three countries voting against that interpretation were the United States, Australia and Portugal.

Other sources say that the treaty is a marginal issue compared with Vietnam, Cambodia and the strategic arms talks in Vienna and that these concerns keep crowding the protocol aside.

In any case, the Administration knows that it is likely to have a difficult time at hearings on the protocol before the Senate Foreign Relations committee. Senator J. W. Fulbright, the committee chairman, indicated in a letter to the President in February that he thought the United States should interpret the treaty to include tear gas and herbicides.

In June, Mr. Fulbright raised the issue of the protocol again, as he sought to lay out the committee's hearing schedule for next fall. He wrote a letter to Secretary of State William P. Rogers asking when the Administration would send the treaty to the Senate.

According to reliable sources, Mr. Rogers asked the White House what date to give the Senator. The White House told Mr. Rogers to give him no date.

Move for Delay Is Seen

To some observers, this signaled a desire on the Administration's part to put hearings off until next year, when Vietnam and Cambodia may be quieter and the subject of using tear gas and herbicides in war would be more academic.

The Pentagon has said that American troops use tear gas in Vietnam as a regular weapon of combat. It has said that herbicides are used both to kill rice crops believed to be meant for the enemy and to clear base camps and infiltration routes.

There has been speculation here, particularly in light of Mr. Yost's message, that the President might try to solve the problem of the treaty by announcing to the United Nations in September that he was sending the protocol to the Senate.

This move would come soon enough to relieve any international pressure on the United States and would come late enough to prevent the Senate from debating the treaty this year.

Last week, however, Senators Charles E. Goodell, Republican of New York, and Gaylord A. Nelson, Democrat of Wisconsin, introduced legislation that

would cut off funds for the use of herbicides in Vietnam.

If this move attracts support, the Senate could begin to tackle one of the controversial aspects of the Geneva protocol without having the protocol before it.

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tember, Mr. Yost said, other countries will begin to press the American delegation publicly and privately on the issue.

The protocol, written in 1925, pledges that its signers will not be the first to use chemical and biological agents in war.

Reliable sources report that the paperwork for transmitting the treaty to the Senate has been finished by the National Security Council staff in the White House, but it is not clear when the treaty will be submitted.

Sources offer two explanations for the delay.

The sticking point, according to some sources, is the issue of tear gas and herbicides, both of which the United States has used in considerable quantities in Vietnam.

When the President an-



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PRODS ADMINISTRATION:
Charles W. Yost, U.S. Ambassador to United Nations, urged moving of Geneva warfare protocol to Senate.