

# Nixon and Rogers Messages on Germ Warfare Ban

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WASHINGTON, Aug. 19—Following are the texts of a message by President Nixon on the Geneva protocol against the use of chemical and biological weapons and a report to the President on the protocol by Secretary of State William P. Rogers. Both were sent to the Senate today by Mr. Nixon:

## Nixon's Message

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, signed at Geneva June 17, 1925. I transmit also the report by the Secretary of State which sets forth the understandings and the proposed reservation of the United States with respect to the protocol.

In submitting this protocol for approval, I consider it desirable and appropriate to make the following statements:

¶The United States has renounced the first use of incapacitating chemical weapons.

¶The United States has renounced any use of biological and toxin weapons.

¶Our biological and toxin programs will be confined to research for defensive purposes, strictly defined. By the example we set, we hope to contribute to an atmosphere of peace, understanding and confidence between nations and among men. The policy of the United States Government is to support international efforts to limit biological and toxin research programs to defensive purposes.

¶The United States will seek further agreement on effective arms-control measures in the field of biological and chemical warfare.

Today, there are 85 parties, including all other major powers, to this basic international agreement, which the United States proposed and signed in 1925. The United States always has observed the principles and objectives of this protocol.

I consider it essential that the United States now become a party to this protocol, and urge the Senate to give its advice and consent to ratification with the reservation set forth in the Secretary's report.

## Rogers' Report

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for advice and consent to ratification, the protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, signed at Geneva June 17, 1925. The United States proposed the protocol in 1925 and submitted it to the Senate in 1926. Although the Senate never voted on the question of ratifying the protocol, which was returned to the President in 1947, the United States has always supported its principles and objectives and has pledged itself internationally to observe these principles. At present there are 85 parties to the protocol, the most recent of which, Japan, became a party on May 21, 1970. The United States is the only major military power which is not a party.

Recent support of the principles and objectives of the protocol was given by the United States in 1966, 1968 and 1969 at the United Nations. The United States has voted in the General Assembly for resolutions which called for "strict observance by all states of the principles and objectives of the protocol" and invited "all states to accede to" the protocol.

The protocol prohibits the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices and bacteriological methods of warfare. The protocol is the basic international agreement in this field, and its principles have been observed in almost all armed conflicts since 1925 by parties and non-parties alike.

While the protocol itself speaks in terms of flat prohibitions on the use of chemical and bacteriological agents in war, 39 states (including France, the Union of Soviet Socialist Republics, and the United Kingdom) have ratified or acceded with reservations. The reservations of most of the reserving states assert that the protocol is binding on them only with respect to other parties to the protocol and limit the prohibitions to no first use.

It is proposed that the Senate give its advice and consent to ratification subject to a reservation as follows:

"That the said protocol shall cease to be binding on the Government of the United States with respect to the

use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, in regard to an enemy state if such state or any of its allies fails to respect the prohibitions laid down in the protocol."

This reservation would permit the retaliatory use by the United States of chemical weapons and agents, but would not limit in any way the protocol's prohibition with respect to biological weapons.

Ratification of the protocol as qualified by the proposed reservation would put the United States in the following position:

¶Unlike France, the Union of Soviet Socialist Republics, the United Kingdom, and most other reserving states, the United States would not assert by reservation a limitation of its obligations under the protocol to the parties thereto.

¶Like France, the Union of Soviet Socialist Republics, the United Kingdom, and other reserving states, the United States would reserve the right to use the prohibited chemical agents in retaliation against any enemy state if such state or any of its allies fails to respect the prohibitions laid down in the protocol.

¶Unlike France, the Union of Soviet Socialist Republics, the United Kingdom, and all but one other reserving state, the United States would not assert by reservation the right to use bacteriological methods of warfare in retaliation.

The United States considers that the term "bacteriological methods of warfare" as used in the protocol encompasses all biological methods of warfare and the

use in warfare of toxins however produced.

It is the United States' understanding of the protocol that it does not prohibit the use in war of riot-control agents and chemical herbicides. Smoke, flame, and napalm are also not covered by the protocol.

The subject of arms control as it relates to chemical warfare and biological warfare is of continuing and increasing importance in the international field. At the 1969 summer session of the Conference on the Committee on Disarmament, the United Kingdom presented a draft convention establishing a comprehensive ban on the development, production, stockpiling, and use of biological methods of warfare. In accordance with your announcement of November 25, 1969, that the United States would associate itself with the principles and objectives of that draft convention, we have taken an active role in its negotiation. Other proposals on the subject of chemical and biological warfare have also been introduced in the United Nations General Assembly and the Conference of the Committee on Disarmament by other governments.

Members of the Conference of the Committee on Disarmament have indicated the need for universal adherence to the protocol as a condition precedent to agreement on more comprehensive measures.

The United States should become a party to the protocol to strengthen the general prohibitions on the use of chemical warfare and biological warfare and to facilitate our participation in the formulation of new arms control provisions in this area.