

Defense Aide Cites Luncheon Date in

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, March 18—An Assistant Secretary of Defense today invoked a new reason — a luncheon date — in declining to testify before the Senate Foreign Relations Committee in support of the Geneva protocol banning chemical and biological weapons.

G. Warren Nutter, Assistant Secretary of Defense for International Affairs, had been scheduled to testify before the committee as the Defense De-

partment witness on the 1925 treaty. His appearance had been arranged 10 days ago, but an hour before the hearing was to begin an aide called the committee staff to say that Mr. Nutter would not appear because he had a luncheon engagement at 12:30 P.M., which left insufficient time for his testimony.

To some of the committee members, Mr. Nutter's highly unusual action in canceling a Congressional appearance because of personal plans was a

further demonstration of what they regard the distrust if not contempt, with which the Administration views the Foreign Relations Committee.

Senator Frank Church, Democrat of Idaho and a committee member, commented to reporters that Mr. Nutter's action "demonstrates the Pentagon's priorities when lunch is more important than the treaty."

Later in the day, it was arranged that Mr. Nutter would testify Monday, but his snub, combined with the unwilling-

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THE NEW YORK TIMES, FRIDAY, MARCH 19, 1971

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ness of the Joint Chiefs of Staff to testify on the treaty, is likely to increase the reluctance within the committee to support ratification of the 1925 protocol.

Senator George D. Aiken of Vermont, ranking Republican on the committee, joined Democrats today in proposing that the treaty be allowed to "sleep" in the Foreign Relations Committee until the Administration brings its interpretation of the coverage of the treaty into line

with a majority of the members of the United Nations.

In 1969 the United Nations General Assembly adopted a resolution contending that the treaty covered the military use of tear gases and herbicides; the vote was 80 to 3, with the United States, Australia and Portugal voting "no." Largely to meet Pentagon objections, the Nixon Administration in submitting the treaty to the Senate has offered the informal interpretation that the treaty

does not cover tear gas and herbicides, which have been used in the Vietnam war.

Senator John J. Sparkman of Alabama, the acting chairman, observed that in the latter part of February the committee staff was informed that both Secretary of Defense Melvin R. Laird and Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, were willing to testify in support of the treaty. But early this month, Mr. Sparkman said, the committee was

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informed that the Joint Chiefs did not plan to testify, that Mr. Laird would be unable to appear because of other Congressional commitments and that Mr. Nutter would testify for the Defense Department.

Mr. Nutter was scheduled to testify today after Senator Gaylord P. Nelson of Wisconsin, who has proposed that the Senate attach a reservation prohibiting use of herbicides, and Richard Max McCarthy, a former Democratic Congress-

man from Buffalo who was instrumental in raising the gas-warfare issue that lead the Nixon Administration to resubmit the 1925 protocol for Senate approval.

Peter R. Knaur, an assistant to Mr. Nutter informed the committee this morning that Mr. Nutter, because of a luncheon engagement, would not have time to present his testimony if he appeared after the two other witnesses.