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June 18, 1970

EXTENSIONS OF REMARKS

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happy result. I have received several letters from residents of Wallowa County, expressing dismay that despite their attempts to meet with the Secretary, they were turned away. I insert excerpts from these letters in the Record.

I greatly appreciate Secretary Hickel's interest in the future of Hells Canyon. I hope, however, that he will not consider that his trip was completely successful. Looking at the area of controversy is only one aspect of the investigation; listening to those most familiar with the country is certainly also a necessary part of the job.

The letters follow:

UNION, OREG., June 1, 1970.

Congressman AL ULLMAN, House of Representatives, Washington, D.C.

DEAR AL: While visiting in Wallowa County recently I was shocked to learn of the strange treatment given a group of the county's residents by Secretary of Interior Walter Hickel.

Upon learning of Secretary Hickel's schedule an attempt was made by the local people for an audience with him and his accompanying celebrities. This request was denied because Mr. Hickel did not want any power groups present. After it had been adequately explained this was not a power group they were denied an audience because three weeks' notice would be necessary for a security clearance. (It is very interesting to note the Hickel-Godfrey-Ives group visited with a group of Washington State University students who were conducting an environmental camp-in. I wonder if such a security check was made on this group.)

It is most disturbing that Secretary Hickel turned a deaf ear to local residents whose present and future depends so much on the decisions made by government officials. Certainly it is a sad situation when the Secretary of Interior completely ignores the judgment of the local residents before making his ill-advised decisions. In my opinion it was very thoughtless of him to completely deny them an audience.

One cannot help but compare this conduct with your kindness and consideration as demonstrated to the residents of this same area during your visit about two weeks ago.

I have visited with some of the local people regarding this situation and find they prefer the judgment of the residents of the area and their elected representative in Congress to the opinions of the Secretary's self-appointed "experts".

If my memory serves me correctly, only a few weeks ago Secretary Hickel was urging the President to listen to the voices of the disturbed college students. I am quite perplexed because it seems he did not show the same concern for the rights of Wallowa County people to be heard. Perhaps if we could visit with Secretary Hickel himself we might better understand his views.

Of course there is always the chance someone on the staff may have been overly protective and believed he was shielding Secretary Hickel from too many citizens demanding his attention.

This country was founded and has progressed through the years under the supposition that government is by the people and for the people. If our President believes this to be true he can do no less than advise Secretary Hickel of the obligations of his office to the people he is supposed to serve, and instruct the Secretary to meet with a Wallowa County delegation and listen to the views of the people most concerned.

Sincere wishes and best regards,

WILLIAM (BILL) COOPER.

WALLOWA COUNTY BOARD OF REALTORS, May 27, 1970.

Representative AL ULLMAN, U.S. House of Representatives, Washington, D.C.

DEAR AL: As we talked this morning you are aware that we have only 6330 people in Wallowa County and that our income is the lowest per capita of any County in Oregon and that we neither have numbers or wealth to stop the rich from making a discriminatory playground out of around a third of our County and keeping any more Hydro electric Dam projects from being built on the Snake River. If we had the Mountain Sheep or Appalouosa Dam built we would have enough power to ensure a continuing supply to an Industrialist that we have who has expressed interest in bringing in one or two payrolls in this County. You know we have lost all of our Sawmills except one and may loose it.

Friday afternoon and evening Mr. Walter Hickel, Secretary of the Interior, Arthur Godfrey, and Burl Ives were at the Lewis Clark Hotel in Lewiston, Idaho prior to going up the Snake River by boat. Several People asked that the Wallowa County Board of Realtors ask if they might bring a cross representative group of six people to Lewiston and talk with these gentlemen and bring them views of the people most effected by the proposed H.R. 15444, Sen. Packwood proposed Hells Canyon-Snake National River Bill, the 8 year no Hydro Development Moratorium on the Snake River, and your H.R. 16437 Hells Canyon Recreational Area Bill.

We were told no we could not come to talk with these gentlemen or attend the Social Hour or the Banquet. Mr. Floyd Harvey the man in charge who has chartered trips up the Snake said if the applications were in three weeks ago we may have been allowed to attend. (Three weeks ago no one here was aware of any forthcoming meeting of this type) He said "Wallowa County was represented, the Governor had been invited and some residents", when I asked him who he did not know who they were. No one seems to know anyone from Wallowa County that had an invitation.

Our Wallowa County Board of Realtors composed of members in Real Estate and Affiliate Members from many Interests and Civic groups including County Court voted against the two Park Bills and the Moratorium on the Snake as they feel any one of the three would be detrimental to the economy of Wallowa County.

Since there are to few of us to march on anything or demand Godfrey or Ives homes be turned into exclusive playgrounds we asked all Citizens to help us defeat the 8 year Moratorium Bill on the Snake and the Park Bills.

Sincerely yours,

PEARL H. INGLE, Secretary Treasurer.

ARE TEAR GAS AND HERBICIDES PERMITTED WEAPONS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

MR. FRASER. Mr. Speaker, yesterday my esteemed colleague from Wisconsin (Mr. ZABLOCKI) and I discussed in separate statements the failure of the administration to place before the Senate as pledged the question of ratifying the 1925 Geneva protocol. The protocol prohibits the use in war of asphyxiating,

poisonous or other gases and of bacteriological methods of warfare.

This delay in submitting the protocol to the Senate for advice and consent appears due, in part, to the administration's interpretation of the protocol. To hold that the protocol does not prohibit the use of tear gas and herbicides in war is controversial and a view held by a small minority of the signatories to the treaty. This is pointed out in the following comment by Jozef Goldblat which appeared in the April 1970 bulletin of the Atomic Scientists. Mr. Goldblat is presently a member of the Stockholm International Peace Research Institute in Stockholm.

The article follows:

ARE TEARGAS AND HERBICIDES PERMITTED WEAPONS?

(By Jozef Goldblat)

The present official position of the United States with regard to irritants such as tear (lachrymatory) gas, and chemicals affecting plants such as herbicides is, by and large, as follows:

1. The prohibition under the 1925 Geneva Protocol does not cover the use of tear gas in war.
2. The United States has been consistently opposed to such prohibition ever since the question arose.
3. Herbicides are not covered by the Geneva Protocol. The use of chemicals affecting plants is not prohibited. It was never seriously and conclusively discussed in international forums.

My purpose here is to examine whether these assertions are correct.

In 1924, a special Sub-Committee of the League of Nations Temporary Mixed Commission was set up to study the effects which would be produced by the use of chemical and bacteriological weapons and to give the public an accurate conception of the dangers which it had to fear.

The Sub-Committee consulted qualified experts—chemists, physiologists and bacteriologists from various countries including France, Italy, Germany, Belgium, Denmark and the United States—and received authoritative opinions. These were included in the report of the Temporary Mixed Commission of July 30, 1924, which stated that the agents used in chemical warfare could be classified according to their effect on the human body as (1) irritant (lachrymatory, sneeze-producing and blistering) agents, (2) suffocating or asphyxiating agents and (3) toxic agents.

The report was brought to the attention of governments by the Council of the League of Nations. It served as a basis for discussion at the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, convened at Geneva on May 4, 1925. No objection was voiced at that time to prohibiting chemical warfare in the sense given it by the Temporary Mixed Commission, and as classified by that Commission.

On June 17, 1925, the Conference adopted the Protocol prohibiting the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare. Since asphyxiating and poisonous gases were specifically mentioned, the word "other" could refer only to the third remaining category of chemical agents, namely irritant agents.

The first public controversy about tear gas started on December 2, 1930, at the twentieth meeting of the Sixth Session (Second Part) of the League of Nations Preparatory Commission for the Disarmament Conference, with the presentation of a memorandum by the British Delegation. Referring to the English text of the Geneva Protocol of 1925, it said: "Basing itself on this English

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text, the British Government have taken the view that the use of 'other' gases, including lachrymatory gases was prohibited."

The French stand, made known on the same day, was even more categorical. In a special note the French Delegation stated:

"I. All the texts at present in force or proposed in regard to the prohibition of the use in war of asphyxiating, poisonous or similar gases are identical. In the French delegation's opinion, they apply to all gases employed with a view to toxic action on the human organism, whether the effects of such action are a more or less temporary irritation of certain mucous membranes or whether they cause serious or even fatal lesions.

"II. The French military regulations, which refer to the undertaking not to use gas for warfare (gaz de combat) subject to reciprocity, classify such gases as suffocating, blistering, irritant and poisonous gases in general, and define irritant gases as those causing tears, sneezing, etc.

"III. The French Government therefore considers that the use of lachrymatory gases is covered by the prohibition arising out of the Geneva Protocol of 1925 or Chapter IV of the draft Convention.

"The fact that, for the maintenance of internal order, the police, when dealing with offenders against the law, sometimes use various appliances, discharging irritant gases cannot, in the French delegation's opinion, be adduced in a discussion on this point, since the Protocol or Convention in question relates only to the use of poisonous or similar gases in war."

The fact that the ban on the use of tear gases had been included in the French military regulations shows that the French government never entertained any doubt as to the applicability to such gases of the Geneva Protocol, which it was the first to ratify.

#### DIFFERENT VERSIONS

The dispute was ostensibly provoked by a discrepancy between the French and English versions of the text of the Protocol. The French word "similaires" (with reference to gases) appeared in the English text as "other." Thus the French version would have seemed more restrictive than the English. However, the French understanding of the word "similaires"—and it is this interpretation which must be considered authentic and therefore authoritative—is in fact all-embracing. In this particular case, "similaires" has the same meaning as "other."

Neither was there any doubt in the mind of other speakers at the same meeting of the Commission as to the correctness of the interpretation given in the British memorandum, namely that the use of tear gases was prohibited by the Protocol of 1925. The only exception was the U.S. Representative, Hugh Gibson, who said that there would be considerable hesitation on the part of many governments to bind themselves to refrain from the use in war, against an enemy, of agencies which they have adopted for peacetime use against their own population. And this in spite of the fact that the English version, accepted by the U.S. delegation in 1925 and containing the term "other," did not lend itself to ambiguity. If at the time of signing the Geneva Protocol the United States had wished to restrict the prohibition to lethal gases, it would have asked to employ an appropriate term in the text.

In any event, this was, to my knowledge, the only official U.S. statement, made before an international audience, admitting the possibility of use of tear gas in war, until American troops got involved in the Vietnam hostilities. A mere conjecture made in 1930, which the United States itself had subsequently discarded, took the shape of an ad hoc argument 36 years later when the U.S. representative at the twenty-first U.N. General Assembly spoke about the actual use of tear gas in Vietnam.

#### TEAR GAS BANNED

The record shows that after December 1930 a number of conclusions reached and resolutions adopted by the League of Nations bodies confirmed that tear gas was included in the category of banned weapons. The United States was no longer opposed to such an interpretation of the prohibition of chemical warfare and repeatedly stated that it was against the use of tear gas in war.

Further debate was concerned neither with the interpretation of the Protocol, which was clear to all, nor with altering its meaning, but rather with the strengthening of its provisions by extending the ban to cover the very possession of chemical weapons.

Divergencies arose only with regard to the question of whether the manufacture, import and export of substances suitable both for peaceful and warlike purposes, including tear gas, should and could be forbidden, or at least restricted within the framework of the then contemplated prohibition of preparations for chemical warfare. No one denied the right to use tear gas in time of peace for police operations.

The Special Committee of the Disarmament Conference in its Report of May 31, 1932, included in the definition of chemical weapons all substances having a harmful effect. No account was taken of the degree of harmfulness of these substances. The Committee accepted the U.S. view that the use of lachrymatory gases for police purposes could not be open to any objection, but was of the opinion that lachrymatory gases should not be considered separately from the point of view of their use in warfare.

Resolution I submitted by the Committee to the General Commission of the Disarmament Conference contained the declaration that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use." (Qualitative disarmament meant absolute prohibition of certain categories of weapons.)

On June 27, 1932, in the General Commission, the American representative read out a statement of the instructions issued by President Hoover to the U.S. Delegation to the Disarmament Conference. The program of disarmament presented to the Conference included a proposal for the abolition of all chemical warfare.

On November 8, 1932, in the course of the discussion on the report, submitted earlier by the Chairman of the Special Committee in the Bureau of the Conference, U.S. Representative Wilson said: "There was no question of its [tear gas] use in time of war, but the U.S. Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." He also suggested the inclusion in the report of a provision authorizing the training of the police in the use of gas for local police purposes. (It was taken for granted that the training of armed forces in the use of tear gas should be forbidden.)

In the course of the discussion in the Special Committee on Chemical, Bacterial and Incendiary Weapons, meeting in November and December of 1932, the U.S. representative said that the American government was willing to forego the use of lachrymatory substances for military purposes in war time. While therefore in favor of prohibition in this sense, the U.S. representative urged that the use of lachrymatory gases for police purposes and for protecting private property should be permitted. He felt that special regulations could be introduced which would prevent abuse.

The French delegate then drew attention to the difficulty of regulating the use of

lachrymatory substances. Thus, for instance, a lachrymatory substance used even before World War I by the French police in arresting dangerous criminals, was used for charging asphyxiating shells during the war. He stressed that in strong doses or when used under certain conditions, all lachrymatory gases could be poisonous, and some were even poisonous in small doses.

The Committee suggested that, in order to avoid abuse, a State wishing to use lachrymatory substances should be compelled to inform the Permanent Disarmament Commission. It should state the substances used, the implements which it proposed to employ and their number. The Commission would examine the question whether there was any disproportion between the arms notified and police requirements.

The U.S. Delegation did not object to the above suggestion. At the January 1933 meeting of the Bureau of the Conference, it questioned the requirement of submitting a list of lachrymatory substances and appliances, as imposing an extremely arduous task; but it was not opposed to the principle of restrictions.

#### U.K. CONVENTION

The United Kingdom Draft Convention, submitted to the General Commission of the Disarmament Conference on March 16, 1933, contained the following provision: "The prohibition of the use of chemical weapons shall apply to the use, by any method whatsoever, for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances."

It also stated: "The High Contracting Parties shall inform the Permanent Disarmament Commission of the lachrymatory substances intended to be used by their authorities for police operations as well as of the number of the various appliances by means of which they are to be utilized."

No opposition was voiced by the U.S. Delegation to the first provision. With regard to the second, the United States proposed the following amendment: "The High Contracting Parties undertake to inform the Permanent Disarmament Commission annually of the lachrymatory substances used by their Governmental agencies or instrumentalities for police operations, as well as of the number and character of the various appliances by which the said lachrymatory substances are utilized."

The proposed change again confirmed the readiness of the U.S. government to accept restrictions on the use of tear gas even for internal police operations.

Thus there is strong evidence that whatever changes it might have still undergone, the Draft Convention, when adopted, would have included clauses explicitly prohibiting the use of lachrymatory gas in war.

#### PLANTS AND ANIMALS

The above may apply to the use of chemicals harmful to plants.

In its Report of May 31, 1932, the Special Committee of the Disarmament Conference stated that the prohibition should extend not merely to substances harmful to human beings, but to those harmful to animals. The Committee explained that no special reference was made to vegetables because it was felt that in practice it would not be possible to employ, for the purpose of damaging vegetables, substances which were not also harmful to human beings or animals, or which were not likely to make the vegetables harmful to them.

The statement based on the level of science of the early thirties can hardly be interpreted as permitting the use of substances harmful only to plants. Any doubt on the subject will be dispelled on reading Resolution II adopted by the said Committee with

regard to bacteriological weapons. The Committee declared:

That all methods for the projection, discharge, or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example, by polluting the atmosphere, water, foodstuffs, or any other objects—should be included in qualitative disarmament.

The resolution was adopted unanimously; the United States was a member. It would follow by straight analogy that the use of chemicals to destroy plants of the adversary was never considered permissible.

The aim of all the discussions on chemical and bacteriological weapons was to prevent the use of weapons directed solely against living organisms. Certain recently developed chemicals capable of damaging plants, even though harmless to people or animals, were unknown when the question was before the League of Nations. But it can be assumed that if they had existed, they would have been explicitly banned. What mattered was the target—men, animals, plants—irrespective of whether the means used were chemical or bacteriological.

More recent history has confirmed this approach. Protocol No. III, modifying and completing the Brussels Treaty of 1948, which was signed by the Members of the Western European Union in October 1954, defined chemical weapons as "any equipment or apparatus expressly designed to use, for military purposes, the asphyxiating, toxic, irritant, paralyzant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance." The term "irritant" has all along been understood to incite tear gas. The term "growth-regulating" can apply only to plants.

The preceding analysis seems to provide sufficient evidence that the ban on the use of irritants such as tear gas and chemicals affecting plants such as herbicides constitutes part and parcel of the rule of international law prohibiting chemical warfare.

The opinion prevailing in the United Nations was best expressed by the U.N. Secretary-General. In his foreword to the report on chemical and bacteriological weapons and the effects of their possible use, issued in 1968, he urged the members of the United Nations "to make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist or may be developed in the future."

## NO BETTER WAY TO GET FACTS THAN BY PERSONAL VISIT

**HON. THADDEUS J. DULSKI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DULSKI. Mr. Speaker, there is no better way to have an understanding of problems in the field than to go to the scene and see for yourself, talk with the people, talk with local experts, and obtain a true feeling of the atmosphere.

Millard C. Browne, editor of the editorial page for the Buffalo, N.Y., Evening News, has just returned from a tour of the Far East, in which he visited several key countries.

Mr. Browne is a distinguished editor and columnist who has won many awards for his perceptive writing on matters of local, national, and international concern.

His trip to the Far East has given him an insight into the difficult international problems of that area with which our country has become so intimately concerned.

No matter how many books you read, no matter how many periodicals you study, no matter how many television reports you watch, it is only by on-the-spot study and reporting that you can obtain the real feel of the conditions and understand the complexities of the geography, of the economics, of the politics, and of the national spirit of a community, a state, or county.

### VALUE OF PERSONAL VISIT

Mr. Browne has set a fine example for his profession by taking the time to make this personal visit to the Far East. There can be no question of the value this information will be to himself and his readers.

Mr. Speaker, Mr. Browne already has a national reputation in the field of journalism, having been a repeated recipient of honors from the Freedom Foundation. He was a Nieman Fellow in 1942, and has been a member of the Pulitzer Prize jury for newspaper competition.

He is a former president of the National Conference of Editorial Writers, and as a longtime member of Sigma Delta Chi, he helped to found the Buffalo area chapter in 1966 and was its first president.

He is a member of the American Society of Newspaper Editors, and is chairman of the Right-to-Know Committee of the New York Society of Newspaper Editors.

He has been with the Buffalo Evening News since 1944, became its chief editorial writer in 1953, and recently was elevated to the position of editor of the editorial page. Mr. Speaker, Mr. Browne has begun a perceptive series of articles on his trip, and as a part of my remarks, I include the first two in the series:

### WEALTHY HONG KONG IS DAZZLING BUT JITTERY IN EAST-WEST MARRIAGE

(By Millard C. Browne)

(NOTE.—The News editorial page editor has just returned from the International Press Institute Assembly in Hong Kong and a post-assembly IPI tour of Taiwan, Korea and Japan. Here is the first of his reports.)

HONG KONG.—A cartoon book that neatly captures the sights and sounds of this vast, bustling, spectacular shoppers' and shopkeepers' paradise of the Far East sums it up in one neat phrase:

"Hong Kong is a money-splendored thing."

It is that indeed. Despite inflation and an ever-rising flood of tourism, Hong Kong remains the world's most fabulous shopping mart. It has one of the world's most spectacular harbors, and it is still a most dazzling place for bug-eyed sightseeing.

But Hong Kong is also, at another level, a great marriage of convenience between the free world and Communist China. It is not only where East meets West culturally and commercially, but it is also a great two-way window for Red China to peer out at the

rest of us, and for the outside world to peek as best it can into mainland China.

### "CHINA WATCHING"

Diplomatically and journalistically, this has long been the No. 1 listening post for information about Communist China, the No. 1 headquarters for the highly specialized profession known as "China watching."

What impresses even the casual tourist, however, is how bold and blatant Red China's presence has become in this capitalist merchants' heaven. Right in the heart of Hong Kong, Communist Chinese run their own schools and propaganda movies. And in the midst of the Kowloon tourist center, between the swank Peninsula Hotel and its newer sister, the Hong Kong, one can spend a fascinated hour just wandering through a great shopping arcade called "China Arts and Crafts Ltd."

Here the smiling visage of Mao Tse-tung and his revolutionary exhortations, blazoned in red, stare at one from nearly every pillar. Here may be purchased—at prices competitive with any Hong Kong capitalist—every kind of Chinese artware from antique to modern.

### NEW-STYLE GOODS

A few years ago, Americans had to beware of such lures, for nothing could be brought through customs without a certificate proving origin elsewhere than mainland China. But the Nixon administration has now somewhat eased this edict, so shoppers may buy at least the trinkets that catch their eye.

What they will quickly notice in this Peking showplace, however, is that most of the goods have been restyled in the revolutionary manner. In place of familiar lotus blossom figurines or jade Buddhas, one will find jade-carved Chinese peasants striking heroic poses, or a beautifully carved and inlaid lacquer chest with a worker astride a tractor, telling no doubt the story of Mao's revolution.

And in the book department, one will find 36 (count 'em) neat stacks of "Quotations from Chairman Mao Tse-tung," each published in a different language—from Swahili and Senegalese to Thai and Nepalese.

### FABULOUS VIEW

For all its accent on the dollar (\$1 U.S. equals \$6 HK), Hong Kong is, to any tourist, a many-splendored thing with or without money. The view, from almost anywhere, is fabulous—whether circling in for a landing, or seeing Hong Kong (Victoria) Island silhouetted across the harbor from Kowloon, or seeing the Kowloon side from Hong Kong.

The picturesque harbor itself is one of the endlessly fascinating sights, with its junks and sampans, ferries and freighters, tugboats and passenger liners all criss-crossing every which way in an ever-shifting kaleidoscope—marred only by drifts of smog created by the newly-motorized junks.

### TEEMING STREETS

Seen casually from the harbor, both Kowloon and Hong Kong look like very modern, western metropolises, except for neon-blazoned Chinese characters on many of the towering office buildings. But traveling through the streets, one quickly discovers that, for all of its very British facade, Hong Kong is at heart a swarming mass of Chinese humanity.

A Sunday stroll from the top of famous Cat Street down Ladder Street through alleyways bustling with literally thousands of Chinese shops is enough to make one wonder if this can be the same world one saw from the harbor. Only after a thorough saturation in the sights and smells, the clatter and clutter of these unbelievably crowded native streets do the population statistics begin to make sense.