THE final chapter is yet to be written in that 50-year squabble between the Administration and Congress over whether or not the United States should ratify the Geneva Protocol, which prohibits first use in war of chemical weapons. Although the Senate voted to ratify the Protocol in December last year and President Ford signed it on January 22, legal doubts about the Administration's interpretation of its terms have delayed the final stage in ratification—the articles have not yet been deposited with the government of France, which means that the United States is still not a formal party to the treaty.

The problem, according to sources in the Administration, involves the question of whether or not herbicides and tear gases are covered by the Protocol. When President Nixon resubmitted the treaty to the Senate for its approval in 1970, he did so with the understanding that a formal reservation would be written into the ratification, stating that the United States government believes that herbicides and tear gases are not included within the terms of the protocol. The Senate Foreign Relations Committee refused to accept that understanding, however, and an impasse developed until late last year, when a compromise was worked out between the Ford Administration and Senator William Fulbright, the chairman of the Foreign Relations Committee. It enabled the treaty to be approved unanimously by the Senate.

The compromise, in short, allowed the Administration to retain its belief that herbicides and tear gases are not covered by the Protocol, but no formal reservation to that effect would be written into the ratification. Instead, President Ford announced that he would issue an executive order setting out a 'national policy' that the United States would never be the first to use those agents in war, except in four minor instances (such as clearing undergrowth around military bases and controlling rioting prisoners of war).

The executive order has, however, never been issued because it is under legal review in the Justice Department, and until that review is completed, the articles will not be deposited with the French government. The review was initiated by President Ford's legal counsel, Philip Areeda, because of doubts about the legal status of such a 'national policy'. Since the Justice Department has little experience in such international matters, the review is taking considerable time.

One Administration official last week described the affair as simply a "bureaucratic snafu" which would soon be resolved. He pointed out that the Japanese government has adopted a similar interpretation of the Protocol, and its ratification of the treaty has not been challenged on legal grounds.

Nevertheless, it should be noted that the United Nations adopted a resolution in 1969 stating that the protocol covers use in war of all chemical agents.

● Meanwhile, the Department of Defense has, as expected, renewed its request for Congress to provide funds to allow production of binary nerve gas weapons to begin. Last year, Congress refused to provide $5.8 million for production of binaries, chiefly on the grounds that if the United States develops a new generation of nerve gas weapons, chemical disarmament talks now taking place in Geneva would be torpedoed. Undaunted, however, the Department of Defence is now asking for $8.8 million for binary production.

It is considered unlikely that Congress will approve the request, because the arguments raised against binaries last year will be just as strong this year. Already, Mr Richard Ottinger, a liberal Democrat from New York, has introduced a resolution barring production of binaries and the campaign against the weapons is likely to be stepped up in the next few weeks.

● There are indications that the Food and Drug Administration (FDA) may partially lift its controversial ban on cyclamates in the next year or so. If so, the agency will bring down almost as much criticism as it encountered when it abruptly removed the sweetener from the market in 1969, following reports that it causes bladder cancer when fed in high doses to rats.

The latest development in the cyclamate saga occurred last month, when the FDA informed Abbott Laboratories, the manufacturer of cyclamates, that it would ask the National Cancer Institute to determine whether or not the sweetener is a carcinogen. The move represents a considerable retreat from the FDA's contention, announced in September last year, that insufficient new data are available to justify reconsidering the ban.

According to a letter sent to Abbott by Richard J. Ronk, Director of the FDA's Division of Food and Color Additives, the question of whether or not cyclamates are carcinogenic "remains a difficult one to resolve". Although he noted that some FDA scientists believe that there is sufficient evidence to conclude that cyclamates do cause cancer in rats, Ronk suggested that "it is the apparent opinion of the oncological community of the world that cyclamates when tested in accordance with appropriate protocols are not carcinogenic".

On the day that the letter was sent to Abbott, EDA Administrator Alexander Schmidt asked the National Cancer Institute to set up a panel of cancer specialists "with impeccable credentials" to review the evidence on the carcinogenicity of cyclamates as soon as possible. The outcome of the cancer institute's review is crucial because a provision in the food and drug laws, known as the Delaney Amendment, forbids use of any food additive which is found to raise cancer in test animals. Unless the review comes up with the conclusion that cyclamates are not carcinogenic, there is therefore no chance that the sweetener will be brought back on the market.

But even if the National Cancer Institute gives cyclamates a clean bill of health as far as carcinogenicity is concerned, there are other doubts about the safety of the sweetener. The FDA's letter to Abbott notes, for example, that tests have shown that cyclohexylamine—a metabolic product of cyclamates—causes softening of the testes when fed to rats. Because of that, the letter hints that if the sweetener is allowed back on the market, the FDA would probably propose regulations to regulate intake to about 0.5 g per day.

Although the tone of the FDA's letter seems to indicate that the agency believes that cyclamates are not carcinogenic, a final decision is not likely to be made for at least a year. If the agency does lift its ban on cyclamates, a flood of complaints can be anticipated from Congress and from consumer groups, and the FDA is therefore trying to tread cautiously.

● Congress has, as expected, rejected President Ford's suggestion that $351 million be cut from this year's budget for the National Institutes of Health. Both the House and the Senate have passed bills directing Ford to spend all the money appropriated for this fiscal year—which now has only three months left to run—and so, barring last ditch delaying tactics by the Administration, the money will now be made available.

Washington seen

by Colin Norman