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HEARINGS ON H.R. 12047, H.R. 14925, H.R. 16175,
H.R. 17140, AND H.R. 17194—BILLS TO MAKE
PUNISHABLE ASSISTANCE TO ENEMIES OF U.S.
IN TIME OF UNDECLARED WAR

Part 2

LEGISLATIVE HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

SECOND SESSION

—
AUGUST 19, 22, AND 23, 1966
INCLUDING INDEX
—

Printed for the use of the
Committee on Un-American Activities

MEMBER COLLEGE LIBRARY
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UNITED STATES GOVERNMENT

OCT 28 1966



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1966

67-852

COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *
17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American activities.
(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 89TH CONGRESS

House Resolution 8, January 4, 1965

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

HEARINGS ON H.R. 12047, H.R. 14925, H.R. 16175, H.R. 17140, AND H.R. 17194—BILLS TO MAKE PUNISHABLE ASSISTANCE TO ENEMIES OF U.S. IN TIME OF UNDECLARED WAR

Part 2

FRIDAY, AUGUST 19, 1966

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:30 a.m., in the Caucus Room, Cannon House Office Building, Washington, D.C., Hon. Joe R. Pool (chairman of the subcommittee) presiding.

(Subcommittee members: Representatives Joe R. Pool, of Texas, chairman; Richard H. Ichord, of Missouri; George F. Senner, Jr., of Arizona; John M. Ashbrook, of Ohio; and John H. Buchanan, Jr., of Alabama. Alternate member: Representative Del Clawson, of California.)

Subcommittee members present: Representatives Pool, Ichord, and Buchanan.

House Member also present: Representative James B. Utt, of California.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Ray McConnon, Jr., Herbert Romerstein, and Philip R. Manuel, investigators.

Mr. Pool. The hearing will come to order.

Believing that the investigative phase of the hearings would have been completed yesterday, the committee contemplated starting the legislative hearings on the bills before us this morning. As is known, we still have a few more subpoenaed witnesses to hear. They will be called shortly.

The first witness this morning will be Brig. Gen. James D. Hittle (Ret.), U.S. Marine Corps, who is director of national security and foreign affairs of the Veterans of Foreign Wars.

The VFW convention starts today in New York City, and General Hittle must catch a plane at 11:30. Because the VFW is anxious to express its views on H.R. 12047 through General Hittle, we have de-

cided to hear his testimony first so that there will be no problem in his making his scheduled plane connection.

Go ahead with General Hittle.

STATEMENT OF BRIG. GEN. JAMES D. HITTLE, U.S. MARINE CORPS (RETIRED), DIRECTOR OF NATIONAL SECURITY AND FOREIGN AFFAIRS, VETERANS OF FOREIGN WARS OF THE UNITED STATES

General HITTLE. Mr. Chairman, my name is James D. Hittle. I am director of national security—

Mr. POOL. Let us have order. Take your seats. The committee will take about a 3-minute recess here, General. I would like the press to hear your statement, and they will be back in here in just a moment I am sure. We will take about a 3-minute recess.

(Whereupon, a brief recess was taken. Subcommittee members present at time of recess and when hearings resumed: Representatives Pool, Ichord, and Buchanan.)

Mr. POOL. The committee will come to order.

Go ahead, General.

General HITTLE. Mr. Chairman, the Veterans of Foreign Wars appreciates this opportunity to testify on the proposed legislation you are now considering.

The VFW position with respect to H.R. 12047 is brief and it is firm. We wholeheartedly support this bill and endorse its passage and enactment. In a sense there is only one thing wrong with the proposed legislation as we see it—and that is, it is long overdue.

Mr. Chairman, it is regrettable, but it is a fact of our national existence today that there are persons and organizations in the United States who persist in doing those things which are harmful to our Nation in the midst of the war in which we are engaged in Vietnam.

These acts which harm our own war efforts have, also, the effect of helping the enemy. The VFW believes that any form of assistance to the enemy of our Nation is unpatriotic and it is a disservice to our Nation and the beliefs for which our Nation stands.

In short, Mr. Chairman, we hold that assistance to forces hostile to our country, the United States, should be clearly prohibited by law. Section 402 of the proposed legislation would accomplish much of that objective.

As we read that section of the proposed legislation, this section would prohibit gifts, contributions, or assistance of any kind to the forces we are fighting against in Vietnam. Obviously, this would apply to the Viet Cong, the so-called Liberation Front, and the Communist government of North Vietnam.

We should also clearly recognize, however, that under the wording of this proposed legislation, it would also prohibit such gifts, contributions, or assistance in any form to Red China and to the Soviet Union.

And why do I say this? Because both are in active hostility against the United States and our allies in South Vietnam. The evidence is clear and the evidence is abundant that it is the materiel support

from the Soviet Union and Red China, as well as other forms of assistance from those two Communist countries, that gives North Vietnam the capability to wage war on such a large scale and raise, at the same time, the melancholy toll of American dead and wounded.

Such a prohibition of providing any kind of assistance to Communist countries is in accord with the resolutions unanimously adopted by the thousands of delegates attending the VFW National Convention in 1965 in Chicago, Illinois.

Our organization supports, also, section 403, which would prohibit the interference with the movement of Armed Forces personnel and materiel.

Now, the need for this, we believe, should be obvious to any U.S. citizen. No person owing allegiance to the United States and benefiting from our form of government and our way of life should want to interfere with our Nation protecting itself in time of war. Those who interfere with the movement of troops and supplies are undermining our ability to fight for survival. No United States citizen should want to do that. Any United States citizen who does such a disservice to his country should suffer the penalties of the law.

And I think it is also important to note, Mr. Chairman, that such proposed legislation appears necessary in view of a very important technicality with respect to the war in Vietnam. In a technical legal sense, the United States has not formally declared war. However, from the practical standpoint, we are engaged in a war that is steadily assuming the status of a major conflict. And the issue of the South Vietnam conflict goes to the very heart of the protection of freedom and the survival of the United States itself.

The reason some persons and organizations can openly oppose our Government's war efforts in Vietnam is because, for one thing, our Nation has not formally declared war. If we were in a formal state of declared war, this legislation would be largely unnecessary. Those who seek to aid the Communist enemy in Vietnam, those who interfere with our war effort, those who criticize our Government's policy in Vietnam would, if we had declared war, already be in jail.

But we must recognize from the practical policy standpoint, we are going to be faced for a long time with a series of the so-called wars of liberation and other kinds of Communist aggression. All such incidents of the protracted struggle which communism has forced upon us may well not, in the opinion of Congress, justify a formal declaration of war. This proposed legislation, therefore, will deprive those who oppose and undermine our Government in our fight for survival from the open opportunity to do so.

The proposed legislation, Mr. Chairman, cannot accurately be described as any invasion of people's freedom.

Those who are engaged in the kind of activities which would assist the enemy, and which would be prohibited by the bill now before your committee, have made a serious mistake in describing their actions as an exercise in freedom.

Why is it? Because when a nation is at war—technically or otherwise—when U.S. troops are fighting and dying in defense of our

country, it is time to realize in this country that there is a difference between the *use* of freedom and the *abuse* of freedom.

It is right on this point that the protesters, the demonstrators, and the critics of our policy in Vietnam today are just plain mixed up. I believe the following story will provide one of the better explanations of why this legislation before you should be adopted.

Some several months ago, it was my privilege to accompany the then commander in chief of the Veterans of Foreign Wars on a visit to U.S. forces in South Vietnam. And in the course of that trip, we visited our Army's Special Forces units in the mountainous, forested area along the Cambodian border.

While I was there, I had a long discussion with a sergeant in the Special Forces. He was one of the finest type of soldier you run into, mature, alert, patriotic, and dedicated. His time was spent in working with the Montagnard tribesmen of that area in patrolling to cut off the Red supplies coming over the outlets through that area of the Ho Chi Minh trail.

He had served one full assignment in this hazardous and uncomfortable area and had already volunteered to extend for another tour of duty because he believed in what he was doing.

In the course of our conversation, I asked him: "What do you think about these protesters, demonstrators against our Vietnam policy, and those who want to send blood and medical supplies, for instance, to the Viet Cong?"

He thought a moment, and this was his reply and I quote him: "What they are doing helps the enemy, and I don't think any American has the right to do that."

Mr. Chairman, neither does the Veterans of Foreign Wars. We agree with that master sergeant wearing the Green Beret and, because we agree with him, we support the legislation now before your committee.

Mr. POOL. Thank you, General.

Mr. Ichord?

Mr. ICHORD. Thank you, Mr. Chairman.

It is always a pleasure to have General Hittle before a committee of Congress.

General Hittle recently appeared before my committee investigating commercial air travel for our servicemen. Those hearings have progressed to the point now, General, that I can assure you that the committee will at least in part adopt your recommendation. You performed a valuable service for our military and also for the men you represent, the Veterans of the Foreign Wars.

I was very interested in your statement—"The proposed legislation, Mr. Chairman, cannot accurately be described as any invasion of people's freedom." I wholeheartedly agree with you.

The acts that are covered by H.R. 12047 are the types of acts that definitely would not fall within the guarantees of freedom of speech or freedom of assembly. I don't think that there is any doubt that no court would ever hold that such legislation invades the guarantees of the first amendment.

I was also interested, Mr. Chairman, in General Hittle's comment that he believed the term "hostile force" would cover gifts, contributions, or assistance in any form to Red China and to the Soviet Union.

Section 402 reads:

Whoever, within the United States or elsewhere, owing allegiance to the United States, whenever any element of the Armed Forces of the United States shall be engaged in hostilities abroad—

(1) gives, or attempts to give, or advises, counsels, urges, or solicits another to give or deliver, any money, property, or thing, or

(2) solicits, collects, receives, or gives to another, any money, property, or thing for delivery, or

(3) solicits, collects, receives, or gives to another, any money or thing of value for the purchase or acquisition of any property, supplies, or thing, intended for delivery,

to any hostile foreign power, or agency or national thereof, or to any organization, group, or person acting in hostile opposition to the Armed Forces of the United States * * *.

It is your opinion, General Hittle, that the term "hostile foreign power" would be broad enough to cover Red China and the Soviet Union? Certainly it would cover the North Vietnamese and the Viet Cong, but I am wondering if it would be broad enough to cover Red China and the Soviet Union.

General HITTLE. Well, anyone who is an accessory to the crime of aggression, and where we are resisting that aggression and our troops are dying, is certainly in a hostile posture as far as we are concerned, and the procession of Red bloc ships, Soviet ships, into the Haiphong Harbor, the Soviet missiles which are today shooting down American flyers, the admitted role of Red China in supporting and being the logistic backup for the operation in Vietnam, I think clearly demonstrate the role those two countries are playing as far as backing up the hostilities and, as such, being a party to them in Vietnam.

Mr. ICHORD. I think that Red China has agreed that it is acting as a logistics base and, of course, I suppose you could also say that with the Soviets taking a more active part in North Vietnam than are the Chinese, due to the introduction of the Soviet SAM sites in North Vietnam, probably that action is adversely affecting United States forces more than the action of the Red Chinese.

General HITTLE. I think it is very difficult to draw a line between who is giving the most assistance over there. Red China and the Soviet Union are both partners in crime with North Vietnam as far as the aggression is concerned. And when you visit the troops and you see the weapons that have just been captured from the Communist forces and you see fine, well-machined Russian weapons, there is no doubt but what Russian industry today, the Russian armament activity, and the entire effort to support the Viet Cong are resulting in the Soviet Union as well as Red China killing U.S. troops.

Mr. ICHORD. Mr. Chairman, General Hittle has a plane to catch, and I don't want to keep him too long, but I think that it would be appropriate at this time to read into the record following General Hittle's testimony a statement that was broadcast on Radio Peking on August 9, 1966.

I pointed out previously to this committee that the actions of the Progressive Labor Party, the Vietnam Day Committee, the May 2nd Movement, are not only actively aiding and abetting a hostile foreign power, but they are providing the enemy with some very valuable propaganda material that is having the effect of prolonging the war, and this is a type of war in which propaganda warfare plays a very important part, and they are prolonging the war and directly contributing to the death of American boys fighting in Vietnam.

I read at this time the statement broadcast over Radio Peking on August 9, 1966 :

The U.S. Progressive Labor Party indignantly denounced the Johnson administration for its intensified persecution of the American people's movement against the war of aggression in Vietnam, according to a New York report. In a press statement on 5 August the Progressive Labor Party noted that the people's massive opposition in the United States to U.S. imperialism's war of aggression in Vietnam has scared the U.S. ruling group. The notorious Fascist House Un-American Activities Committee has decided to call a group of people active in the antiwar movement to hearings in Washington on 16 August. Among those called are Jerry Rubin, chairman of the Berkley Vietnam Day Committee, and several others from the Progressive Labor Party.

The hearings will be the Government's first official attack against the antiwar movement and are intended to crush this movement and end all opposition to the U.S. aggression.

The statement emphasized : "Just as the Johnson gang has been unable to stop the forces of revolution in Vietnam, neither will the administration be able to halt the growing 'United States get out of Vietnam now' movement," because "the American people have nothing to gain from this war for power and profits. The big companies grow fat on death while working people's children are sent off to die."

It said : "We believe that these hearings will only further expose the reactionary nature of the Johnson group. We believe that tens of thousands will rally to the support of those called to testify. We believe the House Un-American Activities Committee will be routed and that the 'United States get out of Vietnam now' movement will continue to grow by leaps and bounds."

The statement went on : The Johnson administration also intended by its illegal hearings to destroy the revolutionary Progressive Labor Party. Nevertheless, "it is not the party which will be destroyed. The party is acting in the highest interests of the American people by opposing the war and fighting for socialism; we will grow stronger. It is U.S. imperialism whose survival is threatened. U.S. imperialism is more isolated than ever, is losing in Vietnam, and cannot solve the problems of the American people."

Also, Mr. Chairman, I would ask unanimous consent of the committee to insert in the record at this point a statement made on the floor of the House by the chairman of this subcommittee concerning the need of H.R. 12047 as legislation.

Mr. POOL. If there is no objection it is so ordered.

(The statement follows :)



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

Vol. 112

WASHINGTON, MONDAY, MAY 23, 1966

No. 84

House of Representatives

WHAT IS WAR?

(Mr. POOL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. POOL. Mr. Speaker, in January of this year I introduced a bill, H.R. 12047, which in short would make punishable the giving of any money, property, or thing to any hostile foreign power acting in opposition to the Armed Forces of the United States, and makes punishable the obstruction of the movement of military personnel or transportation. The press has brought to our attention the fact that a number of persons and organizations in the United States—of whom most appear to be Communist or adhering to Marxist dogma—were soliciting or forwarding money and "medical aid" for North Vietnam and were obstructing the movement of our troops. This fact prompted the introduction of my bill.

Since offering the bill, I have received many communications from members of my constituency, and others, who have expressed wholehearted support for the objectives and purposes of my bill. However, there are indeed a few sincere persons who seem to be confused as to their duties and responsibilities when this country is at war. One basis for this confusion appears to derive from the fact that no technical state of war has been declared against North Vietnam. I have, for example, recently received an inquiry from a resident of Texas who wrote, in part, as follows:

Individuals who send plasma, etc., to North Vietnam, no matter how morally reprehensible they may appear to you or me, are exercising a personal choice. In the absence of a declared state of war, I fail to see why a legal restriction should be placed on them.

This correspondent, in judging the propriety of legal restrictions against aid to one's enemies, apparently make his determination on the basis of whether a formal or technical declaration of war has been made. Frankly, I do not see the validity of any such distinction. When our Armed Forces are actually engaged in hostilities abroad, whether certain conduct of citizens of the United States as harmful to our Nation and its people should be determined independently of the question whether a legal status of war has been declared. Never-

theless, the view of this constituent makes evident the confusion surrounding the issue.

This confusion arises in large part, I believe, because of terminology. What is war? The term "war" has been used principally in two senses. The common, nontechnical usage is that which is descriptive of objective events, such as a contest of armed public forces between States. International law, on the other hand, war is a "term of art." In this latter sense, war is principally a juridical concept, resting on certain formalities, and is descriptive of a certain legal relation which exists between and among states which arises out of what Gentilis, an early scholar on the subject, described as "a properly conducted contest of armed public forces."

We need not debate the adequacy or validity of any particular definition, except to point out that a nation is not at war in the technical sense unless its political or legislative department, having the power to do so, announces that fact. In the absence of such a declaration, even though the armed public forces of a nation are actually engaged in hostilities with another nation, and a war is hence in fact taking place a nation is not technically at war. Conversely, a nation may be legally at war even though there is no contest of armed public forces if a declaration of war is in effect and has not been officially or legally terminated. Hence, whether a nation is technically at war with another is principally a subjective test, depending upon the declared policy of the nation concerned.

When a nation is technically at war, certain serious consequences ensue, in accordance with the principles and usages of international law. Some of the immediate effects of a technical state of war are to suspend all nonhostile intercourse between those states which are parties to the war, to suspend the ordinary nonhostile intercourse between the citizens of those states which are parties to the war, to introduce new principles in the intercourse between the states which are parties to the war and other states, to impose new duties upon neutrals and allies, and to modify the operation of certain treaties or to bring into operation treaties concerning the conduct of hostilities.

Since a technical declaration of war thus sets in motion certain usages and legal consequences in relation to the warring states and other nations and neutrals, some of which have been above set forth, it is apparent that a nation may not choose to set all such usages in motion or to create all such legal consequences by declaring a technical state of war even though it is actually engaging in war.

Indeed, while it is common knowledge that both the United States and North Vietnam are actually engaged in war, it is a curious fact that neither the United States nor North Vietnam has declared war. However, as I shall note, the United States has adopted a policy of not declaring war for reasons different from that which has prompted North Vietnam to adopt the same course.

The President of the United States has carefully refrained from seeking a formal declaration of war against North Vietnam. We are, however, openly assisting South Vietnam in resisting aggression. The United States does not seek to conceal the fact that it is employing its Armed Forces for that purpose. The reasons for not declaring a formal state of war were recently made explicit in a State Department position paper, dated November 19, 1965, which was prepared by the Department of State at the request of the Senate Committee on Foreign Relations. Among the reasons for making this choice, the State Department set forth that it sought to avoid "unnecessarily enlarging the scope of the conflict," and to improve the prospects of an early peaceful settlement. I think that this was a reasoned choice and was undoubtedly made with a view toward promoting the best interests of this Nation and world peace.

On the other hand, North Vietnam has also carefully refrained from a declaration of war against either South Vietnam or the United States, but, as I repeat, for other reasons. North Vietnam has not declared war in an attempt to conceal the fact that it is committing aggression against South Vietnam. Although North Vietnam is engaging in actual war against South Vietnam, a public admission of this fact, which would be the result of a formal declaration of war, would not accord with her

policy of stealth and subterfuge.

The Communist strategy—based on the Communist tactical doctrine of so-called wars of liberation—is to expand the area of Communist conquest by the deceit and subterfuge of making the conflict in South Vietnam appear to be an internal revolution or civil war, rather than an international war between the State of North Vietnam and the State of Vietnam. The aggression from North Vietnam has been, and is being, accomplished by clandestine techniques—the secret infiltration of troops and revolutionary cadres into South Vietnam, and the organizing, equipping, and financing in secrecy of Communist cadres within South Vietnam.

By seeking to create an illusion that a civil war is taking place in South Vietnam rather than external aggression, they hope to make it difficult and impractical for South Vietnam to gain support from other nations. They also hope to make it difficult for other nations, who would come to South Vietnam's assistance, to gain support from their own people for intervention in aid of South Vietnam. This was clearly explained by our able Secretary of State in his statement before the Senate Committee on Foreign Relations of February 18, 1966. Secretary Rusk said, in part:

The North Vietnamese regime has sought deliberately to confuse the issue by seeking to make its aggression appear as an indigenous revolt. But we should not be deceived by this subterfuge. It is a familiar Communist practice. Impeded in their efforts to extend their power by the use of classical forms of force such as the invasion of Korea, the Communists have, over many years, developed an elaborate doctrine for so-called wars of national liberation to cloak their aggression in ambiguity.

A war of national liberation, in the Communist lexicon, depends on the tactics of terror and sabotage, of stealth and subversion. It has a particular utility for them since it gives an advantage to a disciplined and ruthless minority, particularly in countries where the physical terrain makes clandestine infiltration from the outside relatively easy.

— At the same time the Communists have a more subtle reason for favoring this type of aggression. It creates in any situation a sense of ambiguity that they can exploit to their own advantage.

In employing the Armed Forces of the United States, the President has acted with the authority of that branch of the Government which is empowered to declare war. Article I, section 8 of the Constitution of the United States gives to Congress the power to declare war. In adopting the southeast Asia resolution, approved August 10, 1964 (Public Law 88-408, 78 Stat. 348), the Congress of the United States expressly authorized the President of the United States to use the Armed Forces in assisting any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom. This resolution was adopted by a combined vote of 504 to 2.

This resolution makes clear that while the Congress did not use the precise words "declare war", the Congress has nevertheless authorized the President to engage in actual war. A rose by any other name is still a rose. The resolution was adopted in the manner and form required of a declaration of war by that branch of the Government having the power to declare war. While thus giving the President a mandate which authorizes him to undertake war, the Congress acceded to the policy of avoiding the consequences in international law which would ordinarily flow from a recognition of a formal status of war.

Moreover, in employing the Armed Forces of the United States the President—and the Congress—were fulfilling the commitments of the United States to which our country had bound itself by the Southeast Asia Collective Defense Treaty and Protocol Treaty, of September 8, 1954, by which we agreed to act in the event of aggression against South Vietnam. By the terms of that treaty it was explicitly agreed that—

Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

It is important to recall that this treaty was adopted in accordance with the terms and provisions of the U.S. Constitution. By virtue of article VI of the Constitution, a treaty is declared to be "the supreme Law of the Land." Thus, as in the case of any law of this land, all of our citizens are bound to give support to this treaty and to abide by it. It is a duty and obligation of citizenship to support the Government of the United States as it acts to comply with that treaty.

Our soldiers are fulfilling their duties in support of their Government. They neither have nor claim a freedom of choice as to where or when they shall serve. It is intolerable to think that any citizen has the right or freedom of choice to endanger the life, or to increase the burden, of any one of our boys in the armed forces by strengthening his enemy. Moreover, to permit freedom of choice in either instance would result in anarchy. It would make impossible the execution by our Government of its constitutional duties and would seriously impair, and possibly destroy, our constitutional processes. It would be a betrayal of our Nation. I therefore think that the restrictions that are sought to be imposed against rendering of aid and comfort to North Vietnam are wholly justified.

General HITTLE. Mr. Chairman, if I may add just a word here with your permission in connection with that report that was just read of how the protests in this country actually help the enemy, I saw a very persuasive demonstration of the manner in which the protests in the United States against our Vietnam policy actually provide ammunition for enemy guns.

Some several months ago, I was on the offshore island of Quemoy, which is still bombarded by the Communist guns from the mainland. A few days before I had arrived there, they had received another heavy bombardment of propaganda shells, and I was shown the contents of those propaganda shells.

They were pamphlets with pictures and long explanations of the demonstrations in the United States, establishing the fact that the American people were opposed to the fight against communism and that it was doomed to failure.

When these protests provide literally ammunition for the enemy guns, it is beyond the theoretical stage.

Mr. ICHORD. Did those propaganda leaflets that were shot out of guns contain photographs?

General HITTLE. They contained photographs and long stories on the United States, slanted of course from the Communist standpoint and to the Red Chinese advantage.

Mr. POOL. General Hittle, I have a press release that just came in.

On August 14 the Moscow radio featured the following broadcast by commentator Yury Babich:

It has been announced in Washington the House Un-American Activities Committee is beginning to discuss a special draft bill aimed at the opponents of the war in Vietnam. The very fact of the appearance of this draft bill provides a sufficiently convincing picture of the political situation in the United States. On one hand American ruling circles are climbing straight up the steps of the notorious escalation of the conflict on the Indo-Chinese Peninsula. On the other hand this policy is leading ever increasing numbers of Americans to come out against the war in Vietnam. Such actions cause serious anxiety among the Washington leaders, so serious that Attorney General Katzenbach has ordered the trial of the more active opponents of the war.

Even the President himself has joined in the campaign of persecuting those who do not—repeat not—agree with his policy. Warmed by this support the darkest forces of American reaction have begun to move. Ultra rightwingers who had dug themselves in in Congress have begun the public interrogation of nine eminent peace fighters on the charge of subversive, antipatriotic statements and actions. Among those who have been summoned for interrogation by the Un-American Activities Committee, a committee which has long been a bulwark of obscurantism, are such eminent public figures as the Professor of Sociology Allen Krebs, or Walter Teague, chairman of the American Committee of Aid to the NFLSV [National Front of Liberation of South Vietnam].

The latest step in this direction by the wild men was the decision to carry out the public examination of the special draft bill introduced by members of the Un-American Activities Committee and Texas Democrat, Joe Pool, aimed at stifling the anti-war-in-Vietnam movement by legal means. The draft bill forbids any American citizen to render any aid whatsoever, including medical aid, to any State whatsoever taking part in a struggle against the United States, irrespective of whether war has been declared or not—repeat not. This clause clearly gives the authors of the draft bill away. After all, it is well known that Washington is waging military operations in Vietnam without having declared war formally. And the intentionally vague formulation of this part of the draft bill is by no means without reason. By taking upon itself the functions of a world gendarme the United States, which is today trying to suppress by force the desire of the people of Vietnam for freedom and independence, can tomorrow attack any other country, where, in the opinion of the Washington leaders, a threat to the interests of the American monopolies may develop.

The ruling circles of the country would like to have a free hand in such a case as well they would, so-to-speak, like to have legal grounds for the persecution of opponents of possible new foreign policy adventures of the monopolist capital of the United States.

However, the new draft bill includes more than this. In an attempt to protect itself in a situation similar to the one which developed last summer in the California town of Berkeley, when hundred of opponents of the war in Vietnam sat down on the railway lines and blocked the movement of military trains for several days, the Pool draft bill prohibits American citizens from obstructing the movement of U.S. troops and the transport of war materiel. Violators are threatened with a fine of twenty thousand dollars (\$20,000), and a prison sentence of up to twenty (20) years. The author of this draft bill does not repeat not consider it necessary to hide its real aims.

It is intended, he told journalists, to suppress statements against present U.S. policy in Vietnam.

In other words, having begun with the persecution of Communists, American reaction, following the path of McCarthyism, has logically reached the point when it can begin the persecution by legal means of all those who think differently, of all those who, in trying to save America's honor, are coming out against the madness of the Vietnam adventure.

I am sure that the people in this hearing room and all Americans perceive the typical Communist half-truths, lies, and distortions in their commentary.

One of the absolute falsehoods in this statement should not be permitted to go uncorrected. It stated that I told journalists that my bill "is intended to suppress statements against present U.S. policy in Vietnam."

The record will show that in my opening statement, copies of which were handed to the press, I said:

This committee recognizes the right of every citizen to disagree with and criticize both the domestic and foreign policies of the United States Government. It does not believe, however, that the Constitution gives any citizen, in a time of actual, though undeclared, war, the right to assist the enemies of this country—either by sending aid to them in any form or in any way sabotaging the movement or supply of its Armed Forces.

General, would you like to comment on that question of hostile commentary?

General HITTLE. With respect to your statement, Mr. Chairman, that no one has the right to help those who are hostile to our country, I think that the thing that the American people must keep in mind is that this is no abstract, theoretical issue we are engaged in and considering before your committee.

What is actually involved here is a very simple equation in military power and that is this: That if an enemy is stronger, the extent to which he is stronger means that he can kill more of our troops and to the degree, therefore, that assistance to the enemy helps him and strengthens him, that results in killing U.S. troops, and that is not an abstract thing.

That is somebody's son—perhaps in this room, perhaps the kid next door, or the boy down the street—and when we think of it in these terms, nobody has that right.

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. General, I want to thank you for your testimony and for the position of the Veterans of Foreign Wars.

Earlier this year when I was in Vietnam, I visited the First Corps area and found that the marines were doing their usual outstanding work not only militarily, but I visited a Vietnamese village with a marine lieutenant and found that the marines there had won completely the confidence of the people, that they were giving them help medically, agriculturally, and various other ways.

Indeed I found, as I am sure you did, all over Vietnam that our fighting men were giving great emphasis to civic action programs, helping to build schools and provide medical aid, agricultural assistance, and various other kinds of assistance to the people and helping to build their country economically, and found this same warm reception by the people of Vietnam.

Was this your experience in your visit there?

General HITTLE. I think one of the most remarkable discoveries that anybody can make going to Vietnam and in getting out away from the city out where the true Vietnam is, outside of Saigon in the hills and villages, along the seacoast, is a very revealing and meaningful thing.

What you find is an almost inspirational dedication on the part of U.S. personnel over there, because they believe in what they are doing and they believe in the reason they are there. And those who protest in this country would do well to go over there and get close enough to where the shooting is going on and see the spirit and the dedication of the boys who are facing those bullets, because they believe in doing it.

Mr. BUCHANAN. How much love of the Viet Cong did you find among the Vietnamese people?

General HITTLE. I must say in all frankness that I don't speak Vietnamese and I could only do it through the interpreters, but we got out well away and I might say I have been four times to Vietnam since the war over there began, I have been into—this is a matter of record—into every major combat area.

I found out long ago in the Marines that the only way you find out what is going on in the world is to get out of the command post and for that reason we did spend most of our time out of the city of Saigon, in the countryside, and the thing that impressed me about it was that the paramilitary—that's the militia, not the regulars—those who work in the field, those who have small shops in the villages, pick up their rifles at night and go out and defend their village.

And who do they defend it against? They defend it against the VC's and the Communists. Those are the ones that they are trying to keep from taking over what little they have in this world, and the extent to which our troops and our allied troops help them, helps them preserve their concepts of freedom.

Mr. BUCHANAN. Thank you very much, General Hittle, for your valuable contribution here.

Mr. POOL. General Hittle, the committee thanks you for appearing and giving us the benefits of your testimony. You are a great American. We all appreciate it.

Thank you.

General HITTLE. Thank you, Mr. Chairman.

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STATEMENT OF OLIN E. TEAGUE, U.S. REPRESENTATIVE FROM TEXAS

Mr. POOL. At this time the Chair would like to offer for the record a bill and a press statement and other material presented to the Chair by Congressman Olin Teague, who has introduced similar legislation, and I would like to include it in the record.

Is there any objection? If there is no objection it is so ordered. (The documents referred to follow:)

PRESS RELEASE

Statement of: HON. OLIN E. TEAGUE

FEBRUARY 10, 1966

Representative Olin E. Teague (D-Tex.) introduced in the House of Representatives today a bill and a constitutional amendment to prohibit certain public activities in time of armed conflict.

"Under legal authorities a state of war is a question of law rather than fact," Teague said, "and it is my purpose to provide the same protection to our government and armed forces while engaged in armed conflict, which I consider to be a factual state of war, as they now have if engaged in a legal state of war."

The bill provides a \$10,000 fine, 10 years imprisonment, or both, for any person who, without authority of the United States during a period of war or armed conflict, knowingly contributes, solicits, collects, or disburses money or anything of value directly or indirectly for the enemies of the United States. This provision of the bill would prohibit activities such as those recently engaged in by a group of individuals in Berkeley, California, who call themselves the Medical Aid Committee for Vietnam. "I am advised that under existing law there is no

¹The remainder of the testimony received on the morning of August 19 in the investigative phase of the hearings, appears in part 1 (testimony of Steven Charles Hamilton, George Hamilton Ewart, Jr., and Steven Cherkoss).

provision which directly prohibits such assistance to the communist forces with whom we are, in fact, at war," Teague said.

The bill also makes it unlawful to make public speeches and lectures or to publicly picket, parade, rally or similarly demonstrate against any lawful measure of the United States related to the conduct of such armed conflict if such activities give aid or encouragement to the enemies of the United States and if they are done with intent to interfere with the successful prosecution by the United States of any armed conflict in which it is engaged.

"I am sure there will be some who consider this provision of the bill to be a violation of the first amendment of the constitution," Teague stated, "but it should be noted that these public speeches and demonstrations are prohibited only if they give aid or encouragement to the enemies of the United States and if they are done with intent to interfere with the successful prosecution of the armed conflict."

"The freedom to dissent can be destroyed by its abuse because that freedom is dependent upon the survival of our government. If our government is to survive, it must be permitted to protect itself against those who gave aid or encouragement to enemies who seek to destroy us," Teague stated.

"If any part of the bill I have introduced is in conflict with the constitution, then I think the constitution should be amended to give Congress the power to protect our government against the activities of those who seek to aid our enemies. I think we should legislate now to curb certain current activities. The power of the Congress during a time of declared war appears to be adequate but, in my judgment, it is unlikely that the United States will ever again be in a declared war. The Korean conflict was not a declared war and so far the conflict in Vietnam is not a declared war. There will probably never be a declaration of war in any so-called 'brush fire' type of war and certainly an all-out nuclear war would be over before Congress could act. In my judgment it is therefore necessary to make such statutory or constitutional changes as are necessary to permit our country to survive under present-day conditions.

"For these reasons I have also introduced a constitutional amendment, the provisions of which would be applicable only during a period when the United States is at war or engaged in armed conflict. This amendment would make it unlawful to give aid or encouragement to enemies of the United States during such a period by opposing any lawful measure or policy of the United States related to the conduct of the war or armed conflict by public demonstrations, public writings, public speeches, or other means. This constitutional amendment, if adopted, would be enforceable only as provided by the Congress through appropriate legislation.

"We now use the police power of the state to draft young men into the armed forces where they are required to risk their lives in the pursuit of policies which our constitutionally-established government has adopted. When these young men are inducted into the armed forces they forfeit many of their constitutional rights and I think it is not only proper—BUT NECESSARY—that we restrain the beatnik types and the pseudo-intellectuals who insist that the constitution permits them to give aid and encouragement to our enemies and thereby further endanger the lives of those who are called upon to sacrifice so much for the nation."

[H. J. Res. S33, 89th Cong., 2d sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution providing that certain activities shall be prohibited during a period of war or armed conflict

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States and shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

“ARTICLE —

“SECTION 1. During any period when the United States is at war or engaged in armed conflict, it shall be unlawful to give aid or encouragement to the enemies of the United States by opposing any lawful measure or policy of the

United States related to the conduct of such war or armed conflict through public demonstrations, public writings, public speeches, or by any other means.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

[H.R. 12775, 89th Cong., 2d sess.]

A BILL To amend title 18 of the United States Code to prohibit certain activities in time of war or armed conflict

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 2392. Activities prohibited during war or armed conflict

"Whoever, during any period when the United States is at war or engaged in armed conflict, without authority of the United States, knowingly contributes, solicits, collects, or disburses money or anything of value, directly or indirectly, for the enemies of the United States; or

"Whoever, with intent to interfere with the successful prosecution by the United States of a declared war or of any armed conflict in which the United States is engaged, shall give aid or encouragement to the enemies of the United States by opposing any lawful measure or policy of the United States related to the conduct of such war or armed conflict by public speeches, lectures, or other public utterances, by written or printed matter displayed or otherwise disseminated to the public, or by public picketing, parades, rallies, or similar public demonstrations—

"Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

(b) The analysis of chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"2392. Activities prohibited during war or armed conflict."

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AFTERNOON SESSION—FRIDAY, AUGUST 19, 1966

(The subcommittee reconvened at 2:20 p.m., Hon. Joe R. Pool, chairman of the subcommittee, presiding.)

(Subcommittee members present: Representatives Pool, Ichord, and Buchanan.)

Mr. POOL. The hearing will come to order.

This is the legislative hearing we are starting now.

The Chair will now call as the first witness our colleague in the House of Representatives, Congressman Bennett of Florida.

The Chair wishes to welcome you to our hearing, and we know that what you have to tell us will be of great interest. Thank you.

STATEMENT OF HON. CHARLES E. BENNETT, U.S. REPRESENTATIVE FROM FLORIDA

Mr. BENNETT. Thank you, Mr. Chairman, and this committee.

I deeply appreciate this opportunity to appear before the committee hearing testimony on legislation to amend the Internal Security Act of 1950, to prevent obstruction of Armed Forces of the United States.

I congratulate the acting chairman of the committee, Congressman Pool, for his courage and leadership for such legislation, which I feel is vitally needed by our country at the present time.

¹ The remainder of the hearing record of the morning of August 19 (committee members' concluding remarks on investigative phase of hearings) appears in part 1.

On the first day of the second session of the 89th Congress, January 10, 1966, I introduced H.R. 11864, a bill to provide criminal penalties for wrongful interference with, or impairment of, the operation or success of the military or naval forces of the United States during a period of war or armed conflict. My legislation is very similar to the chairman's bill, and H.R. 11864 is now pending in the House Judiciary Committee; and I have introduced a bill, H.R. 17140, similar to Chairman Pool's bill in order to join him before this committee in behalf of such legislation. I am grateful for this opportunity to discuss the need for legislation of this nature.

Mr. POOL. May I interrupt at this time?

This second bill you introduced, is it the same bill as you introduced to the Judiciary? Is this a similar bill to the one we have introduced?

Mr. BENNETT. It is identical to the bill the chairman introduced; right.

Mr. POOL. I was wondering if it would come to this committee.

Mr. BENNETT. It will be in this committee; yes, sir.

Mr. ICHORD. I don't quite understand that discourse, Mr. Chairman. I have before me 17140, a bill introduced by the distinguished witness, Mr. Bennett. Is this the bill that is identical to the Pool bill?

Mr. BENNETT. It is identical to the Pool bill; yes, sir.

Mr. POOL. Thank you.

Mr. BENNETT. The earlier bill was 11864, and it went to the Judiciary Committee. The reason why it went to the Judiciary Committee was because it amended a statute which came out of the Judiciary Committee, while 17140, like the chairman's bill, amended a bill which came out of the House Un-American Activities Committee.

Mr. ICHORD. The Internal Security Act.

Mr. BENNETT. That is correct.

During the adjournment of Congress last fall we had a great rash of anti-American demonstrations caused by our Government's firm stand in Vietnam and our Nation's involvement in the conflict in assisting the free South Vietnamese people in stopping aggressors from North Vietnam. The several demonstrations and events around the country during the last year or two have threatened our military activity and support of American troops in South Vietnam.

These demonstrations have threatened our national security. And many have been inspired by highly publicized, misguided individuals, some of whom called for giving blood to the aggressor Communist forces from North Vietnam, who have killed 4,640 of our American soldiers in the Vietnam war.

While some called for blood to the enemy, the distinguished acting chairman of this committee was leading a drive on Capitol Hill for blood to our friends, the South Vietnamese. At the same time others and I, in my hometown of Jacksonville, Florida, and on Veterans Day gave blood for the South Vietnamese.

These demonstrators who seek to disrupt proper and important military activities of our Government are afforded license to act against the national interests of our country by encouragement to anarchy, even by some who claim to do so for religious reasons.

Our Nation's involvement in the Vietnam war has caused serious debate throughout the country by many groups, individuals, inside

and outside the Government, and in the news media. This is healthy and needed.

However, there are those persons who have gone beyond the constitutional bounds of freedom of speech and assembly and who have actually subverted the national interest of the United States and its efforts to protect the general population and preserve the peace.

In October 1965, for example, 11 demonstrators were arrested at Truax Air Force Base near Madison, Wisconsin, when they tried to enter the installation to make a citizen's arrest of the base commander.

A group in Oakland, California, in the summer and fall of 1965, marched on the Oakland Army Base and attempted to stop troop trains going to the installation.

Just last week it was reported in the Nation's press that one of the more militant civil rights leaders had urged Negroes not to serve in the Armed Forces, and this was repeated recently in Atlanta. This seems to me to be a clear violation of the University Military Training Act, under which the violator of the law is subject to 5 years imprisonment or a fine of \$10,000.

These and other illustrations point up the need for legislation now to make it clear that these acts with the color of treason be prohibited.

My bills would provide penalties of fines up to \$20,000 or imprisonment of not more than 20 years, or both, to those people who interfere with the operations of the military forces of the United States. Covered would be those who would interfere, those who would urge the interference of military operations, and those who distribute material urging interference.

Mr. Chairman, I congratulate you and the committee for looking into these matters which are harming our efforts to maintain freedom in Southeast Asia. The country, our country, needs a law on the books to cope with these demonstrations when they threaten our national security. Thank you for this opportunity to appear.

Mr. POOL. Mr. Ichord?

Mr. ICHORD. Thank you, Mr. Chairman.

It is a pleasure to hear from Congressman Bennett. Congressman Bennett is one of the senior outstanding members of the House Committee on Armed Services. He is very well versed in the problem with which we are concerned. As a matter of fact, Chairman Bennett is chairman of one of the subcommittees of which I am privileged to be a member. He is a great American, a competent and outstanding legislator, and a great credit to his district, his State, and his Nation. It is a pleasure to have you with us today, I might say, Mr. Chairman.

Mr. BENNETT. Thank you, Mr. Ichord.

Mr. ICHORD. Now you stated that your bill provides for a \$10,000 fine. I presume that you were referring to the bill that has been referred to the Judiciary Committee.

Mr. BENNETT. That is true. The bill that I—

Mr. ICHORD. The bill pending before this committee carries 20 years and a \$20,000 fine.

Mr. BENNETT. That is correct, and in my corrected statement, I did mention it was \$20,000 or 20 years.

Mr. POOL. While you are testifying, Congressman—may I interrupt, Mr. Ichord?

Mr. ICHORD. Surely.

Mr. POOL. In this particular case, in the bill, I know that you have introduced the bill for \$20,000 and 20 years, but do you have any further ideas on the amount?

Mr. BENNETT. I don't have a strong feeling about the amount. I think \$10,000 and 10 years is adequate, and I think, frankly, if I were a member of the committee and knew no more about it than I now do—of course you know a lot more about it than I do—I would be inclined to use the 10 and 10. But I introduced the 20 and 20 because I just wanted to show that I am a hundred percent for your bill, and I want to go along with you, if you feel that that is the best solution.

Mr. POOL. Well, I used the 20 and 20 because I felt it was a serious thing. We also have problems on prosecution, and things like that, so we are going to take that take up in the committee. That's why I asked you.

Mr. BENNETT. I don't have a strong feeling about it. It was my original judgment that 10 and 10 was adequate, but I would defer to the committee after it has had these hearings. It would know that better than I would know it.

Mr. ICHORD. Mr. Chairman, I do have some questions of Mr. Bennett.

Congressman Bennett, I wholeheartedly agree with you. There is a need for legislation of this type. We have had very dramatically demonstrated to this committee that there is such need, because we have had witnesses who have freely testified that they are Communists and that they have nothing but utter contempt for the Government of the United States and this country; that they do have sympathy with the aims and objectives of international communism; and that they are participating actively in the type of operations which you seek to prohibit by your bill.

There are some, I know, who say that there is no need for such legislation, and I think that that can be answered by the fact—and I believe it will be pointed out by Mr. Meese—that there have been no prosecutions of this type of activity. If there is such legislation on the books, then somebody is not enforcing the laws of the United States of America and the laws of the various States that might apply.

I am curious as to whether the language in the bills has been borrowed from any other statutes that might be on the books. Of course, we are dealing here with a law which proscribes certain acts as criminal. The courts in the construction of criminal statutes make a very strict instruction.

The bill must be drawn in such a way that the accused is fairly and adequately, fully apprised that the act which he has done is criminal. The language must not be vague.

In reading over section 402 and section 403, I recognize most of the language as having been used before in similar statutes, but I would like to know if you patterned this after any particular act. It is always desirable to use language that has been used in other acts, because they have been the subject of court construction, and we know

what the language means. We are here distinguishing between legitimate dissent and illegitimate dissent, and of course we don't want to legislate, and could not legislate, against any action which could be guaranteed the protection of freedom of speech or freedom of assembly. We are legislating in a field in which we need to be particularly careful.

Mr. BENNETT. Well, as you know, Mr. Congressman, we are provided in Congress with a legislative counsel. Late in last year, after some of these events had transpired, I contacted the legislative counsel, and asked them to prepare for me a law which would not violate freedom of speech, but would go to things which are military in nature, that is, the impairment of an actual military operation, and would be not something which would be contrary to our tradition and constitutional provisions about freedom of speech, and they came up with this law.

I did not draft it myself, comma by comma and word for word. That is, I am now referring to the bill which is not actually before your committee, which is 11864.

Now when you were kind enough to ask me to appear before your committee, I guess because I had previously introduced 11864, I accepted. And I felt that the later bills which have been introduced by members of this committee had probably been given special attention by your counsel and, therefore, I felt that I wanted to join with you, not in any sense of assuming any leadership, but in fact assuming followship, to go along with you in any improvement you might want to make.

I, therefore, would leave to the committee staff of this committee and to the people who have originally drafted the legislation on which 17140 is drafted, an analysis of that particular bill.

I must say that my bill, the one I originally introduced, is much shorter than the bill which I have introduced that has come to this committee, and as far as I can see, it does practically the same thing. The shortness of the measure which I introduced first might recommend it a little bit to the committee for inclusion, and if you wanted to use this language, and put it into a committee bill, or into the chairman's bill by amendment, if you felt it was better language, I would be very honored if you did so. But I would presume that the staff would want to evaluate these things, vis-a-vis each other, and arrive at what they think is the best language. I am somewhat inclined to a shorter bill.

Mr. POOL. What is the number of your first bill?

Mr. BENNETT. It is 11864. In fact, I will give you a copy of it, if you would like to have one. I have it right here.

Mr. POOL. I have it right here, and Mr. Ichord, at this time, I think we should have this for the record.

Mr. ICHORD. Yes, I think so, too.

Mr. POOL. And, with no objection, it is so ordered.

Mr. ICHORD. Now, Mr. Bennett, General Hittle, who was representing the Veterans of Foreign Wars, appeared before the committee this morning. And in his testimony he put a construction on the words "hostile foreign power" on page 3, line 22 on page 3, as applying to Red China and the Soviet Union. That would prohibit any gift, solicitation, and so forth, to go to the Soviet Union or Red China.

He did that on the basis that Red China is acting as a logistic base for Viet Cong and the North Vietnamese, and also the fact, which I know the gentleman is familiar with, the military supplies that Russia is shipping into North Vietnam, particularly the SAM's that have caused U.S. pilots so much trouble in North Vietnam. Did you intend that your bill would have that application? At this time, I don't fully comprehend what would be all of the ramifications of such action.

Mr. BENNETT. Well, I certainly think that any assistance given to these countries that you have mentioned, the Soviet Union and Red China, which would have a bearing upon our activities adversely, in South Vietnam, would be included. As to the future, I would certainly hope that we might see a time in the not to distant future when Russia, with its apparent efforts to try to bring about world peace, may be able to find a way not to continue this activity. There is nothing that indicates that at the moment, but I would hope that this might be the future, and I would, of course, hope that we wouldn't find ourselves embroiled in an all-out war with Red China, but at the present time, they are both giving assistance to North Vietnam and therefore, they would fall, in my way of thinking, under these terminologies, as to what they are now doing.

Mr. ICHORD. Of course, this would prohibit the solicitation of any money, property, or things going to any hostile foreign power, and do you feel that it would make such an act a crime? Do you feel that we should prohibit the solicitation of medical supplies, for example, that might go to Russia at the present time?

Mr. BENNETT. I would think if they might find their way into assisting North Vietnam in this hostility, I would favor such a law, but I must say, as I said to begin with, you are now discussing not the bill which I originally drafted, but one which I drafted in a spirit of cooperation with the committee. My bill is not subject to this criticism.

Mr. ICHORD. You do agree that it is something that should be looked closely at, then?

Mr. BENNETT. Yes; if I might say so, just read for a minute what my bill does say. I think it covers everything you would want to cover, the original bill I introduced. I think it covers everything you want to cover, and I think it could be handled by your committee, even though this particular bill was sent to another committee. I see nothing from a standpoint of parliamentarian activity that could mean that this language couldn't be used before your committee, and it strictly says: "(1) causes or attempts to cause interference with or impairment of any operation or activity of the military or naval forces of the United States; or

"(2) advises, counsels, or urges interference with or impairment of any operation or activity of the military or naval forces of the United States;

"(3) or distributes or attempts to distribute any written or printed matter which advises, counsels, or urges interference with or impairment of any operation or activity of the military or naval forces of the United States."

And to me, this covers everything you would want to cover with regard to Russia and China, without involving yourself in the ques-

tion of what nation you are dealing with in a military operation, and this would be the test; the test would not be which country. The test would be whether or not it was impairing a military operation of our country, which I think is a better test, but I wouldn't feel that I am as knowledgeable in this field as this committee is, particularly after it has had all this hearing. But as I sit before you today, I would prefer the simpler language of the bill which I originally introduced, because to me it gets at what you are trying to get at without involving yourself in a question of definition of which country particularly.

Mr. ICHORD. Thank you very much, Mr. Chairman.

Mr. POOL. Mr. Buchanan?

Mr. BUCHANAN. Mr. Chairman, I want to thank the distinguished gentleman from Florida for his contribution here today, and just one question.

Your points are well taken concerning the portions of the bill which the chairman has introduced, and I, too, have joined in introducing, as to obstruction of Armed Forces.

However, there is also in this bill included provision for penalties for assistance to hostile forces, which I believe would go beyond the purview of your original bill, and I assume you would also support this?

Mr. BENNETT. I do support that idea. However, it seems to me that everything that you could cover—I may be wrong about this—but it seems to me that everything that you have covered in the bill which the committee and I and others have introduced is covered by the much shorter bill, 11864, and I don't believe anything is added by the other bill, which is more tersely stated.

Mr. BUCHANAN. You feel it would cover all sections of the committee bill.

Mr. BENNETT. I believe it would.

Mr. BUCHANAN. Thank you very much.

Mr. BENNETT. And I also believe it covers everything you can legitimately cover. I am not questioning the language of the later bill, but it is a more lengthy bill, and perhaps more polished bill, and there may be some reasons why you would want to have this extra language, but I believe that any assistance to a hostile country that you would want to prevent would be prevented by 11864.

Mr. BUCHANAN. Thank you very much.

Mr. POOL. Mr. Nittle, I believe you have a further addition to make to this discussion.

Mr. NITTLE. Yes, sir. It would seem to me, Mr. Pool, that your bill would clearly make punishable the solicitation of supplies ultimately intended for a country with which the United States is engaged in hostilities, although indirectly shipped through Moscow or Peking.

If the destination of supplies were only Moscow or Peking, with whom we are not presently engaged in armed conflict, and stopped there, you have some problem, but to cut off all communication and exports to countries with which you are not actually engaged in hostilities would raise other issues. The bill doesn't seek, really, to control exports generally. It is not an export bill. We have the Export Control Act of 1949 which regulates traffic with Communist countries, and the bill is not intended, as I understand it, to deal with export problems, in general, to Communist countries.

It is really intended to deal with those who solicit property, supplies, or some thing that would be useful to, and for the benefit of, the country with which the United States is engaged in actual hostilities.

And so I certainly think that in the light of other legislation that controls traffic with Communist countries, the bill probably should not be extended, because it isn't intended as an export control bill.

Mr. BENNETT. Yes; I may say even the bill which I introduced originally in the Judiciary Committee was not one dealing primarily with export; in fact, it didn't by terms or by intention get into this field.

I feel that this explanation of the counsel does limit the activity of this bill, because as he says, we already have legislation which does the other thing.

Mr. POOL. Well, I want to instruct the staff to work on this problem that has come up, over the weekend, and I want to caution you also that in forming this bill, we are going to have to be careful to not ignore the help that Soviet Russia is giving to the North Vietnamese. If there is any way to write legislation that will take care of the particular situation that might come up in the future, it may become of such importance that it will be self-evident that they are a hostile nation, but it is a real problem there, and I think we can take it up in the subcommittee and work out our problem. All these things can be considered, and we appreciate your bill. It will help us very much. I appreciate Mr. Ichord bringing the point up, too.

Mr. BENNETT. If I may say—

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. Excuse me. I don't want to interrupt you.

Mr. BENNETT. Well, there was a little point I was going to make here, and I don't want to have any pride of authorship here, because after all, it was drawn by lawyers, not myself; I just gave them what I wanted put in it; but it seems to me that language on page 2, line 3, which I introduced in 11864, where it says, "causes or attempts to cause interference with or impairment of any operation or activity of the military or naval forces of the United States" is just about as broad as you would want to get it, and it doesn't get into the question of defining which country. It looks at it from the standpoint of our country, whether it is impairing our military activities, so I would be hopeful that the counsel might want to look into this language and, possibly, you might want to use some of it, perhaps to get at the things you are really trying to get at. Then you won't be involved in defining who is a hostile country, so much, you will be looking at what our military operations are and whether those military operations are being interfered with.

Mr. POOL. You have one problem there. The help to the Viet Cong there and the South Vietnamese Army; we have got a problem there. They are not the United States Armed Forces. You have to remember that, at the same time.

Mr. BENNETT. Well, that presents a problem, but not as great a problem as this question of defining who is a hostile country, because after all, all the operations in South Vietnam that are on our side, and all the local people who are fighting on our side for freedom of South Vietnam, all their activities are in conjunction with ours, and therefore

any operation against those people is also an operation against us, because we are allies doing the same thing; so I think the question of definition there is much less complex and much clearer than it is when you start defining who is a hostile country.

Mr. BUCHANAN. Thank you, Mr. Chairman.

One of the items of testimony we have had as to a form of assistance which has been given to the Viet Cong is in terms of medical aid, and certain questions have been raised on humanitarian grounds as to whether or not this is a proper thing to do.

If I give medical aid to a force which is engaged in armed conflict with my military forces, I am releasing his resources so that he can buy guns and bullets with which to shoot my soldiers down. I would therefore assume that under the terms of your shorter bill, that such an act would constitute an impairment of the operation or activity of the military or naval forces of the United States, engaged in armed conflict with the nation. Is this correct?

Mr. BENNETT. It certainly would in the context of anything that is now being done. It is not inconceivable to me that, in harmony with this bill after it became law, there could be an international agreement by which all nations, whether on my side or the other, might be given some assistance in the field of blood, or something of this type, if an international agreement was entered into by our country, or something of that type, to say on a humanitarian international basis such should be done.

This is not being done now, but conceivably that could be worked out, but I think it should be worked out by treaty or some very solemn enactment, if it were done.

Mr. BUCHANAN. Not as an informal act by individuals or organizations within the United States.

Mr. BENNETT. That would be prohibited by the law which I have introduced.

Mr. ICHORD. Mr. Chairman.

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Well, Mr. Chairman, as I understand it, Mr. Bennett, do you feel that clause (1) would prohibit the collection of blood to be sent to the Viet Cong.

Mr. BENNETT. I believe it would. And that's its intention.

Mr. ICHORD. Of course, that would be a matter for the lawyers to work out.

Mr. BENNETT. They are going to have a hard time working it out.

Mr. ICHORD. I think you have to be specific on crimes, and I think that would be too vague to apprise a person, a defendant, that his action is prohibited.

Mr. BENNETT. Well, it might have been, prior to your asking me that question. And I appreciate your asking me the question, because now I think it won't be, because I think it will be in the legislative history that would be covered, and I don't think there is anything in it that would prohibit it, and there now is.

Mr. ICHORD. Of course, when you are drafting a criminal statute, though, you have got to have a little more than the legislative history of it. The language itself has to be free from vagueness. The defendant himself has to be apprised by the wording of the statute that this

particular act is prohibited, and I am a little concerned that if we use that language, well, I think we all recognize that it is something that we need to look closely at, and we will do that, the members of the staff, and I want to give the language considerable study and, also, I want the Department of Justice to give us the benefit of their views as to what language we need to use.

Mr. POOL. Do you have anything further?

Mr. BUCHANAN. No, thank you.

Mr. POOL. Congressman Bennett, we certainly do appreciate your appearing, and we appreciate your introduction of both bills. And it is very helpful to this committee for you to be here and attack some of these intricate questions we are going to have writing this bill up. I have no pride of authorship on the original bill, just as you don't, but if we can come up with a good bill and get this thing worked out, we are going to do it.

Mr. BENNETT. The vast majority of the American public are deeply grateful to you, Mr. Chairman, and members of the committee, for putting up with what you have had to put up with, and doing it courteously, and doing it in the interests of our country, and trying to work out a bill which is needed, and I want to express that appreciation to you, sir.

Mr. POOL. Thank you, sir. We appreciate it.

The next witness will be Mr. Edwin Meese, the deputy district attorney of Alameda County, California.

Mr. Meese has appeared heretofore as an investigative witness, and he is now appearing in the legislative part of this hearing.

**STATEMENT OF EDWIN MEESE III, ASSISTANT DISTRICT
ATTORNEY, ALAMEDA COUNTY, CALIF.**

Mr. POOL. Go right ahead.

Do you have a statement?

Mr. MEESE. No, I don't, Mr. Chairman, but I would be prepared to answer any questions.

Mr. POOL. Why don't I just tee off and ask you what you think about the previous discussions you just heard? Do you have any ideas on it, or are you prepared on that legally?

Mr. MEESE. I certainly would agree with the members of the committee on the need for the bill, particularly in view of our own experience in the Bay area. There was considerable discussion by local law enforcement officers at the time of the troop train incident, particularly, and subsequently, by local law enforcement officers and the military personnel in relation to the anticipated demonstrations at the Oakland Army Terminal, that this was more properly a matter for Federal law enforcement than local law enforcement, since the objective of these groups was to interfere with and impede the Vietnam war effort.

At the time, however, it was—there was a great deal of reluctance on the part of the local Federal authorities to become involved in any law enforcement activity or any prosecutions of these people; and therefore, inasmuch as there appears to be some uncertainty whether Federal law at that time was adequate to cover the specific

conduct, I think the bill is very necessary and I think it would be very helpful, both to local law enforcement and to the Federal officials in the Department of Justice, to have a specific offense under which they could prosecute this type of activity, such as is contained in section 403 of Mr. Pool's bill.

I would have one suggestion to make in relation to that section, and that is, that on page 4, following line 22—and I might mention parenthetically that subdivision (1) there has to do with interfering with the movement of individual members of the Armed Forces; subdivision (2) has to do with interfering with any facility of transportation—and I think it might be well to consider adding a subdivision (3), which would forbid interfering with the operation of military installations, inasmuch as this seemed to be the objective of the Vietnam Day Committee as they attempted to get into the Oakland Army Terminal on their October and November marches.

This, in brief, would be my comments on the bill in general, and my specific suggestions as to that clause.

Mr. POOL. I think your point is well taken, and the staff, make a note of that, and we will check into that and see if we can write a point on that.

Mr. Ichord.

Mr. ICHORD. Mr. Chairman, of course the witness before us is an attorney, and again I want to compliment him for an investigation job well done. You have not only done your work well in regard to the activities of the Vietnam Day Committee, your investigation work, but you were also very adept in articulating it, the results of the investigation, to this committee.

I would like to inquire of you this: What statutes do you have in the State of California that could possibly be used for the prosecution of the activities that you have described in your testimony before this committee?

Mr. MEESE. Well, there are none specifically dealing with people throwing themselves in front of troop trains, because up until the incidents last year, the legislature never contemplated there would be people doing this sort of thing. However, there are certain sections, such as disturbing the peace, which is the kind of conduct, the interfering, disturbing the peace section, and there is also a public nuisance section, which might possibly apply under certain circumstances.

Mr. ICHORD. Misdemeanor statutes.

Mr. MEESE. Yes; but they are misdemeanor statutes. Now, on the other hand, it is possible under State law, just as it is under Federal law, that when persons conspire, you may have a conspiracy, whether or not the act is ultimately carried out; and in California, a conspiracy to commit a misdemeanor is itself a felony, regardless of the fact that the objective of the conspiracy is a misdemeanor. So it would be possible to utilize conspiracy law.

However, the conspiracy law is usually reserved in prosecutions for organized crime, and whether this would be the logical subject for conspiracy would perhaps be questionable.

Mr. ICHORD. Of course, you do agree, as an attorney, that we have to spell the prohibitive acts out very specifically?

Mr. MEESE. Right.

Mr. ICHORD. You are aware, of course, of the way the courts construe criminal statutes.

Mr. MEESE. Right.

Mr. ICHORD. They must fully apprise the defendant of the fact that his particular action is prohibited and is criminal.

Mr. MEESE. Yes; and I think you do that in the bill in great detail. I don't think anybody could have much question. I am addressing myself, of course, particularly to section 403, because this is the type of conduct we have been involved with, but section 403 seems to pretty clearly lay out what type of conduct is prohibited.

I might state that a parallel section, which the committee counsel and the committee might wish to consider, just for comparison purposes, is section 2387 of Title 18, which has to do with advising, counseling, or urging Armed Forces members to disobey their orders, and it is a related subject, and it is already on the books, so in line with your discussion earlier, Mr. Ichord, that you would want to conform any statute with existing statutes, which presumably have validity, that is a section you might look at.

Mr. ICHORD. I didn't quite understand your statement in regard to prosecution under Federal laws. Is it your understanding that this activity is going to be prosecuted under Federal laws?

Mr. MEESE. No; it is my understanding that it is not.

Mr. ICHORD. And have you been apprised of the reason for failure to prosecute?

Mr. MEESE. Not specifically. It was, I believe, the contention of the United States attorney on one occasion, the occasion of the troop trains, that the Federal statutes that were then available were primarily railroad safety statutes, which did not apply to this type of conduct as closely as they might for prosecution.

Mr. ICHORD. Then if there are any Federal statutes which would permit a prosecution of this activity, they would indeed be very weak, in your opinion.

Mr. MEESE. Right. They are not really relevant to the kind of thing these people are engaging in.

Mr. ICHORD. Well, I think, Mr. Chairman, his point is very well taken in regard to forbidding the interference with the operation of a military base. I do not believe the bill as presently drafted would cover that type of activity. I agree with the gentleman that we should look into this particular matter.

Thank you, Mr. Chairman.

Mr. POOL. I might ask you, from a prosecution standpoint about the penalty involved here. What is your opinion on that?

Mr. MEESE. Well, I think, as the chairman indicated earlier, the idea of the penalties would be to make them more or less in line with other penalties for similar classes of offenses within the United States Code. I would bring to your attention, therefore, the fact that the penalty for adversely influencing a member of the Armed Forces, the section 2387 that I referred to, which I think is a parallel type of provision of Federal law, has a penalty of a fine of \$10,000 maximum and 10 years' imprisonment, so it is a matter, really, of whether the committee might want to make this a parallel provision, as far as the penalty provided in the bill. I would make—

Mr. POOL. Of course, I have had some suggestions that this is the same as treason, and of course there is a penalty for treason.

Mr. MEESE. Right.

Mr. POOL. I say, I am not advocating that. That's why I asked you this question of prosecution and the question of the enormity of the crime. That's what we are trying to look into.

Mr. MEESE. Yes.

Mr. ICHORD. It would be involved, Mr. Chairman, with a formal declaration of war.

Mr. POOL. That is right.

Mr. MEESE. I would make the observation, if I might, that maximum penalties don't really seem to be too important many times, because very seldom are maximum penalties given in sentences; and certainly, as far as people being kept in prison, at least that's our experience in State law, very seldom do they get anywhere near the maximum that they could possibly get, so I am not sure how important this is.

Mr. POOL. I just want to get your views. You are a prosecutor, and I wanted to find out what your idea was.

Mr. Buchanan.

Mr. BUCHANAN. I gather you would think that this would not be inappropriate—\$20,000, 20 years maximum.

Mr. MEESE. No, I wouldn't think it would be inappropriate.

Mr. BUCHANAN. Now you indicated the need for being specific in section 403. Would not this same principle apply in section 402 if we wished to prohibit acts of assistance to hostile forces?

Mr. MEESE. Yes. It would certainly have to be specific, and I think that the provisions of the section from a legal standpoint, where you solicit, where you prohibit solicitation, collecting, or receiving of any money, property, or thing, seems to spell it out pretty well.

Mr. BUCHANAN. Thank you, sir. I appreciate very much your valuable contribution.

Mr. POOL. Mr. Nittle, do you have any questions?

Mr. NITTLE. I would ask the witness, Mr. Chairman, whether he has made a thorough review of the Federal criminal law on this subject, as I assume he has.

Mr. MEESE. We have gone through the Federal criminal law, but I wouldn't say that I have made an exhaustive study of it, inasmuch as my familiarity is primarily with State law.

Mr. NITTLE. But as a county prosecutor, you are, of course, concerned with the Federal law. Did you find in any Federal statute that you could use effectively, or that could have been used effectively, in law enforcement in California, in coping with the situation you had to cope with?

I assume you cooperated with and communicated with the U.S. attorney in the area.

Mr. MEESE. Yes. I think, Mr. Nittle, that it was the feeling of the United States attorney that the law available was not adequate to give them a good basis for prosecution, and so in essence that was his decision, rather than mine.

Mr. NITTLE. Yes.

Mr. ICHORD. Mr. Meese, section 403 reads: "Whoever, within the United States or elsewhere, owing allegiance to the United States * * *." Of course, that would cover any citizen of the United States.

I am wondering what would be the application of that to people other than citizens of the United States.

Mr. MEESE. Yes; this might cause a problem, this section, owing allegiance to the United States, inasmuch as you might have a person present in the country who does not owe allegiance to the United States, inasmuch as they might be an alien, who would participate in one of these demonstrations and then, presumably, would not be subject to the provisions of this bill.

Now there may be other reasons for having that in there, but that is a problem, I think, that might be considered by the committee.

Mr. POOL. Make a notation of that, Mr. Nittle.

Mr. NITTLE. Yes, sir.

Mr. POOL. Further questions?

Mr. ICHORD. No, thank you, Mr. Chairman.

Mr. POOL. Mr. Buchanan?

Mr. BUCHANAN. No, thank you.

Mr. NITTLE. May I have one more question, Mr. Chairman?

Mr. POOL. Yes.

Mr. NITTLE. Do you feel there is any question here of States' rights versus Federal power?

Mr. MEESE. I don't think so, inasmuch as the general congressional power to prohibit interference with the Armed Forces and their authority over the Armed Forces, military installations, and the like, it seems to me that the connection with the military forces and military installations clearly puts it within the Federal sphere, and I might say that in the State—and I think California's penal laws are pretty similar to other States' laws—we really are not prepared under State law to cope with situations like this, because the State doesn't have these situations normally arise. They arise in a peculiar situation, namely, the Federal military forces.

So I don't think there would be any problem with States' rights.

Mr. ICHORD. Mr. Chairman, the staff just handed me a notation to the effect that one of the investigators has determined that there has been alien participation in these demonstrations. I concur with Mr. Meese that the bill as drawn would not cover aliens, but certainly we will need to consider an amendment in that respect.

Mr. POOL. The point is well taken.

Any other questions?

Mr. BUCHANAN. No, thank you, Mr. Chairman.

Mr. POOL. Well, Mr. Meese, we want to thank you for coming all the way from California and for giving us the benefit of your investigation and also of your legal background and advice on this bill. And it is a wonderful effort on your part and you are a great American and we appreciate your being here.

Mr. MEESE. Thank you very much.

Mr. POOL. Thank you.

The committee will stand adjourned until 10 o'clock Monday morning.

(Subcommittee members present at the time of recess: Representatives Pool, Ichord, and Buchanan.)

(Whereupon, at 3:05 p.m., Friday, August 19, 1966, the subcommittee recessed, to reconvene at 10 a.m., Monday, August 22, 1966.)

HEARINGS ON H.R. 12047, H.R. 14925, H.R. 16175, H.R.
17140, AND H.R. 17194—BILLS TO MAKE PUNISHABLE
ASSISTANCE TO ENEMIES OF U.S. IN TIME OF UNDE-
CLARED WAR

Part 2

MONDAY AUGUST 22, 1966

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:15 a.m., in the Caucus Room, Cannon House Office Building, Washington, D.C., Hon. Joe R. Pool (chairman of the subcommittee) presiding.

(Subcommittee members: Representatives Joe R. Pool, of Texas, chairman; Richard H. Ichord, of Missouri; George F. Senner, Jr., of Arizona; John M. Ashbrook, of Ohio; and John H. Buchanan, Jr., of Alabama. Alternate member: Representative Del Clawson, of California.)

Subcommittee members present: Representatives Pool, Ichord, and Buchanan.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Ray McConnon, Jr., and Philip R. Manuel, investigators.

Mr. POOL. The meeting is called to order.

Counsel, call your first witness.

Mr. NITTLE. Mr. Fred B. Smith, General Counsel for the Treasury Department, will be the first witness.

Mr. POOL. Go ahead, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

STATEMENT OF FRED BURTON SMITH, GENERAL COUNSEL,
U.S. TREASURY DEPARTMENT

Mr. NITTLE. Would you, Mr. Smith, state your full name and office and by whom you are employed?

Mr. SMITH. Fred B. Smith, General Counsel, U.S. Treasury Department.

Mr. NITTLE. Do you have a prepared statement?

Mr. SMITH. Yes, I do.

Mr. NITTLE. Would you kindly deliver same?

Mr. SMITH. Thank you.

Mr. Chairman and Members of the Committee: I am very glad to appear before you today to comment on H.R. 12047, which amends the Internal Security Act of 1950. You have also requested testimony concerning any actions the Treasury Department has taken relative to, or any communication that it has received from, any individuals or groups in the United States which have sent, or attempted to send, financial remittances or goods to North or South Vietnam for the National Liberation Front of South Vietnam, the National Liberation Front of South Vietnam Red Cross, or any other agent or agency of North Vietnam.

First, I will comment on H.R. 12047. Section 402(a) of the bill would provide criminal penalties for certain acts connected with the collection of funds and property intended for delivery to any hostile foreign power or agency, or national thereof, or any person acting in hostile opposition to the Armed Forces of the United States.

Most of the acts that would be covered by this section insofar as existing hostilities are concerned are already covered by section 5(b) of the Trading with the Enemy Act and the Treasury's Foreign Assets Control and Cuban Assets Control Regulations issued thereunder.

Mr. ICHORD. Mr. Chairman.

Mr. POOL. Yes.

Mr. ICHORD. At that point, I hope the witness in his statement will cover specifically those acts that are not covered by section 5(b) of the Trading with the Enemy Act. I haven't had the opportunity to read his statement. Perhaps he does go into it. He does say, "Most of the acts," indicating that some of the acts are not covered, so I would like for the gentleman to comment on the acts that are not covered by 5(b).

Mr. SMITH. I shall be happy to do so. I think I cover it in part in my statement, and if there are any further questions, I will be glad to elaborate.

Mr. ICHORD. Thank you.

Mr. SMITH. Thus, anyone who might give to any hostile foreign power, or agency or national thereof, or to any organization, group, or person, acting in hostile opposition to the Armed Forces of the United States, or give to another for delivery to such an entity, any property, supplies, or thing, or any money or thing of value for the purchase thereof, without a license from the Treasury Department, would be in violation of the Trading with the Enemy Act. Punishment for such violation is a maximum of 10 years' imprisonment, \$10,000 fine, or both. The only thing in section 402(a) that is not covered by the Trading with the Enemy Act and Treasury regulations is the advising, counseling, urging or solicitation of such gifts.

As to the first part, the actual giving, delivery, or remitting of money or property to hostile entities, since it is adequately covered by existing legislation and regulations, we feel that enactment of the provisions of section 402(a) is unnecessary.

As to the second part, the advising, counseling, urging, and solicitation of gifts of money or property, and whether these should be the

subject of prohibition in a criminal statute, I do not think the Treasury has any special competence to express a view. It is noted that the Justice Department feels that some of these activities may be covered by the Foreign Agents Registration Act. Certainly, I should say that I personally am revolted by the conduct of some of our citizens, particularly students and some of their mentors on the faculties of some of our outstanding universities—

Mr. ICHORD. Mr. Chairman, at that point, if I may interrupt.

Mr. POOL. Yes, sir.

Mr. ICHORD. You say that it is noted that the Justice Department feels that some of these activities may be covered by the Foreign Agents Registration Act. Now you state that that is the Justice Department's opinion. I am sure that it is not your opinion that such things as, where here you are dealing with 402, certainly 403 is not covered in any fashion by the Foreign Agents Registration Act, except if they were active directly as an agent of a foreign government.

Mr. SMITH. That would be my opinion; yes.

Mr. ICHORD. Now the Foreign Agents Registration Act would also not cover any of the acts in 402, unless they were acting as an agent of a foreign power.

Mr. SMITH. Well, now, there, I am not so sure, when you get into this solicitation area. However, I don't feel particularly competent to interpret that act. The Treasury doesn't deal with that a great deal, and I would prefer that you get an opinion on the coverage of that act from the Justice Department. I believe you are going to hear from Mr. Ramsey Clark tomorrow. I would think that certain forms of solicitation—

Mr. ICHORD. If they were as an agent of a foreign government, yes—

Mr. SMITH. That is right.

Mr. ICHORD. —acting as an agent of a foreign government, but if they were, for example, an American Communist—as we have had some of the witnesses before this committee; they have stated that they were Communists; that they had nothing but utter contempt for their Government and they were in sympathy with the aims and objectives of the Viet Cong and of the North Vietnamese; and that they intended to solicit blood or any other supplies for the aid and comfort of the North Vietnamese and the Viet Cong. But they are doing that all under the guise as loyal Americans and, certainly, they wouldn't be agents. They would be acting in accordance with the aims and objectives of North Vietnam and the Viet Cong, but that certainly in and of itself wouldn't make them agents; would it?

Mr. SMITH. No, I would think not. I think I would agree with your view there.

Mr. ICHORD. I am sorry I interrupted.

Mr. SMITH. Perfectly all right.

Mr. NITTLE. Mr. Ichord, may I also point out, with the permission of the Chair, that the Foreign Agents Registration Act prohibits nothing; it merely requires that the agent register with the Attorney General prior to conducting certain activities on behalf of a foreign power.

Mr. ICHORD. There is a penalty set up for the failure to register, though; is there not?

Mr. NITTLE. Yes; but it would not prohibit the solicitation or giving of money, property, or anything for delivery to a hostile power or a power with which we are in armed conflict.

Mr. SMITH. That is my understanding.

Mr. NITTLE. It merely requires you to register before you do that, which is, of course, of no consequence to the bill.

Mr. SMITH. That is my understanding.

Certainly, I should say that I personally am revolted by the conduct of some of our citizens, particularly students and some of their mentors on the faculties of some of our outstanding universities, in advocating assistance to foreign powers and groups who are engaged in warfare endangering the lives of members of our Armed Forces. I am, therefore, entirely sympathetic with the motives which underlie the sponsorship of this legislation. I do feel, however, that to extend the scope of existing law to cover such matters as advocacy and solicitation might involve difficult questions of infringement upon the constitutional rights of our citizens in the areas of freedom of speech, freedom of thought, and so forth.

Mr. ICHORD. Mr. Chairman, at that point, could I interrupt once again?

Mr. POOL. Yes, sir.

Mr. ICHORD. Do you—is it your opinion that solicitation of blood and medical supplies for the Viet Cong should be protected by the guarantees of the first amendment, freedom of speech, freedom of thought, freedom of assembly, and so forth?

Mr. SMITH. Not necessarily, but I think that when you go to the extent of making illegal the urging of others to solicit or give, you are into a gray area on the first amendment.

Mr. POOL. Well, are there any cases that you can cite me on that?

Mr. SMITH. No, sir. Again, I feel I am not an expert on the first amendment or on the views of the Supreme Court. I merely point out that it is—

Mr. POOL. Has the Supreme Court ever decided that issue?

Mr. SMITH. Not that specific issue, no sir. Not to my knowledge.

Mr. POOL. They have never decided that one.

Mr. SMITH. Not to my knowledge, that specific point.

Mr. POOL. In other words, it is a gray area that they will have to decide some day, if this bill passes.

Mr. SMITH. Yes, sir.

Mr. POOL. They have had, in the Dennis case, I think, they had a strong dissent, but it was a dissent; it was not the majority opinion, in which it indicated that some of the members might take a dim view of such an act. Is that right?

Mr. SMITH. That is right.

Mr. POOL. But there is no majority view, and no case has ever been decided saying that we can't legislate in this field, under the first amendment?

Mr. SMITH. That is right, and I am not alleging an absolute conviction that it would not be upheld.

I am merely saying that we feel it might raise difficult questions and, also, I think principally we doubt the necessity of it. As long as we effectively stop the remittances, we doubt the necessity of going on to that area in the legislation.

Mr. POOL. All right. But also I want to point out that we haven't had any prosecutions on these overt acts and these solicitations we heard in this testimony here last week; have we?

Mr. SMITH. No, sir.

Mr. POOL. So we really don't know. And there is a difference of opinion amongst lawyers, amongst lawyers throughout this land, on this question.

Mr. SMITH. I would assume so; yes.

Moreover, we are inclined to think that undue publicity has given an exaggerated impression of the proportion of our citizenry who hold and advocate these reprehensible views.

Finally, we are inclined to believe that the aid actually received by these hostile groups in the form of money or property is minimal. For all of these reasons, we have serious doubts as to the wisdom of attempting to legislate further in this area.

There is one further factor that I should like to mention. Undoubtedly there are a certain number of persons in the United States who out of humanitarian motives would wish to contribute to the relief of civilians who are injured due to the conduct of hostilities, whether or not citizens of North or South Vietnam, and regardless of their allegiance. The proposed legislation does not clearly distinguish between this group on the one hand and those groups which are motivated by a desire to help a hostile power in the conduct of its activities against the United States and South Vietnamese forces. I do not believe that we should make it a crime for persons to solicit funds for assistance based on these humanitarian motives. For this reason, I believe that in the development of any legislation governing solicitations, care should be taken to draw a proper distinction.

Mr. POOL. Now can I interrupt you at this point?

Mr. SMITH. Yes, sir.

Mr. POOL. Do you have any language that you would suggest so that we could differentiate?

Mr. SMITH. No, I don't. Actually, we, as I point out a little further in my statement, we do, in our licensing policy, under our Treasury's Foreign Assets Control, exercise that sort of flexibility in consultation with the Department of State, and we think that the legislation we have now is well adapted to that sort of distinction.

(At this point Representative Ashbrook entered the hearing room.)

Mr. POOL. But where these people act without going through Department, you have no control whatsoever.

Mr. SMITH. Well, we have control over the remittances, through the—

Mr. POOL. You do have control over the remittances?

Mr. SMITH. Yes; we don't have control over their domestic activities, in making speeches and soliciting, and so on.

Mr. ICHORD. At that point, Mr. Chairman, a specific question. Since the witness has mentioned the Export Control Act, and he has doubted or questioned the wisdom of legislating by statute in the field

of solicitation and advising, Mr. Counsel, will you give me the Export Control Act, the regulations of the Commerce Department? The Commerce Department. I want the section dealing with advising and solicitation under the regulations.

Mr. SMITH. Sir, I don't believe I mentioned the Export Control Act. You may have misunderstood me.

Mr. ICHORD. I thought you—

Mr. SMITH. I was talking about the Treasury Department.

Mr. ICHORD. I thought you were talking about the Export Control Act of the Commerce Department.

Mr. SMITH. No, sir; I was referring to the Trading with the Enemy Act and the Treasury Department Foreign Assets Control Regulations.

Mr. ICHORD. Well, then, Mr. Chairman, I will withdraw that question and reserve it for the Department of Commerce when it comes before the committee. But I have another question to ask the gentleman's comment on this.

Now he states that the proposed legislation did not clearly distinguish between these groups, on the one hand, and those groups which are motivated by the desire to help a hostile power in the conduct of its activities against the United States and South Vietnamese forces.

I observed that comment, in one of the reports, and at first I thought an amendment should be considered to take care of that situation. But after a closer reading of the bill, I find that it does distinguish between those situations, because section 402 reads, "Whoever, within the United States or elsewhere, owing allegiance to the United States, whenever any element of the Armed Forces of the United States shall be engaged in hostilities abroad * * * gives, or attempts to give, or advises, counsels, urges, or solicits another to give or deliver, any money, property, or thing * * * to any hostile foreign power," and then at the end of page 3, "with the intent, or having reason to believe, that such conduct will impede or interfere with the operation or success of the Armed Forces of the United States, or in any manner prejudice the interests of the United States, or advantage such foreign power, agency, national, organization, group, or person * * *."

This, I would point out to the Counsel, is a specific intent crime, so certainly you have to prove that specific intent to advantage the foreign power, or with the intent of impeding or interfering with the operation or success of the Armed Forces, or in any manner prejudicing the interest of the United States.

I think that would adequately cover the concern which the gentleman has.

Mr. SMITH. It might, sir; but if you assume, as I do, that, for example, let's say, medical supplies are made available to the Viet Cong, you might have reason to believe that that would help the hostile power, and if someone just purely out of humanitarian motives wanted to give money to be used for medical supplies for either the Viet Cong or the South Vietnamese forces or both, it might be deemed technically to come under that.

I am just suggesting, possibly if you were going to legislate, that it might be tightened up a little bit to deal with that situation.

Mr. ICHORD. Of course, I am sure the gentleman doesn't agree with this type of reasoning which these people use to justify their actions on

the grounds of humanitarian purposes. Obviously you can say that any medical aid given the Viet Cong is going to help the Viet Cong heal his wounds and perhaps help him to get back in the battle and kill American soldiers. I am sure the gentleman wouldn't indulge in that type of reasoning himself.

Mr. SMITH. No, I wouldn't; and I suspect the motives of some of these people who claim to be operating out of humanitarian motives, but I do also think that there are a certain number of people in the United States that have no desire to help the enemy, but are just motivated out of humanitarian motives and would like to help wounded civilians or military people on either side. I think there are some of those.

Mr. POOL. Don't you think, though, that in view of the fact that our boys are getting killed over there and getting wounded, we are fighting a war, whether it is a declared war or not, that you have to stop these people from inadvertently helping the enemy, if they don't really intend to? Don't you think we need statutes to do that?

Mr. SMITH. Well, I think that the important thing is to stop the aid from going.

Mr. POOL. That is right.

Now what has been done in that regard?

Mr. SMITH. Well, that is what we are doing, we believe, and we think fairly effectively, with our Foreign Assets Control Regulations.

Mr. POOL. Let me ask you this question. During the Korean war and World War II, World War I, did these humanitarians send aid to Red China, North Korea, Hitler's Germany, Japan, or the Kaiser's Germany? What is the record on that?

Mr. SMITH. I believe that where it was in the national interest of the United States, particularly where we were able to use it to obtain help for some of our soldiers who were prisoners of war, that certain specific licenses were granted for this type of assistance, but I don't have the record on that, sir.

Mr. POOL. But that was done through the Government, and wasn't done through a bunch of agitators and radicals running around out here taking up funds, the way they want to do it. Is that correct?

Mr. SMITH. That is correct; and under our existing regulations, none of this can be done, except pursuant to a specific license issued by the Treasury Department.

In this connection, it may be of interest to this committee to know that in certain types of cases the State Department advocates, and the Treasury Department is prepared to license, the transmittal of funds or property for these purposes under strictly controlled conditions.

In order to assure that such donations are used for humanitarian purposes, they must be made through the auspices of the International Committee of the Red Cross.

Mr. POOL. Just a minute on that. Let me ask you about that. What control do you have over the International Red Cross? What information can you find and how is it distributed? What information do you have on that?

Mr. SMITH. Well, we—

Mr. POOL. I was in Switzerland last winter, and I couldn't find out a thing.

Mr. SMITH. Well, we have an understanding with them. To begin with, we will only license an application to send funds or medical supplies, on condition that no strings be attached to it and that the International Committee of the Red Cross be allowed to use it anywhere, and that it be used only for the purchase of medical supplies and services. And we have no reason to believe that they are not living up to that understanding. And there is an incidental benefit, as I point out in the balance of my statement, in that we may be able, in this way, possibly to get some assistance to some of our soldiers who are prisoners of war, through the International Committee of the Red Cross. And this is one of the very few ways we may have of helping our soldier prisoners of war over there, of getting some kind of assistance to them.

Mr. POOL. They make no reports to you about how the assistance or the medical supplies are distributed, or anything like that?

Mr. SMITH. Not to the Treasury. I don't know whether the State Department and other agencies of the Government get any information on that or not. We are pursuing a policy which was advocated by the State Department in this particular case.

Mr. ASHBROOK. On that point, the transfer of assets, or anything like that, doesn't come under your jurisdiction or supervision, simply because it is a Red Cross?

Mr. SMITH. Well, we license the transfer of funds for medical supplies to the International Committee of the Red Cross, under certain defined conditions, with consultation with the State Department in each individual case, solely for the purchase of medical supplies or services.

Mr. ASHBROOK. They could go to the Viet Cong, and you wouldn't know anything about it, then.

Mr. SMITH. Yes, they could. As a matter of fact, we have not obtained a commitment from the International Committee of the Red Cross that none of this will go to the Viet Cong. It is that it be used impartially.

Mr. POOL. What assurances do they give you that, say, prisoners, American prisoners over there, what assurances do they give you that the American prisoners are getting any of this?

Mr. SMITH. Well, I don't have any specific reports, but I do understand that there has been some assistance given to American prisoners of war, but I don't have the intelligence data on that.

Mr. BUCHANAN. May I make sure I understand now?

Under certain circumstances, you do issue licenses for this kind of activity, and in some cases you have issued these licenses for people to give medical aid to the International Red Cross, which medical aid may be used, according to your agreement with the International Red Cross, to help either side, including the Viet Cong. Is that correct?

Mr. SMITH. Yes. I might say, sir, that we have only had three inquiries and that, up to date, only one was followed up to the point of a formal license application. We have issued one such license, and I think it was for \$300. So, I mean, that is the extent of this type of transfer of funds, to date.

There has been recently an inquiry by the Quakers—I should say, I have to correct myself. There have been four, because just this last

week we had an application by the Quaker organizations of the Baltimore-Philadelphia area for a license to transmit up to a thousand dollars under these same circumstances, and we have that license under consideration and will be consulting with the State Department on that one.

Mr. BUCHANAN. But now, under present law, it is entirely within your discretion. If you wanted to make it \$3 million.

Mr. SMITH. Technically, yes.

Mr. BUCHANAN. And it would be, between your consultation with the State Department and on the basis of their advice and your judgment, entirely within the discretion of the Treasury Department with the advice of State.

Mr. SMITH. That is right.

Mr. BUCHANAN. So if we want to say no, period, to this kind of activity, it would require legislation. Is that right?

Mr. SMITH. Yes, sir. Technically.

In order to assure that such donations are used for humanitarian purposes, they must be made through the auspices of the International Committee of the Red Cross. Further, in order to make certain that donations are used where they will be of maximum benefit to the victims of war, the International Committee of the Red Cross must be left free to use the gifts to aid victims of war on either side. Additionally, to avoid making any foreign exchange available to North Vietnam or the Viet Cong, the International Committee of the Red Cross must be asked to purchase medical supplies or services with the donations received.

This policy has been established in connection with the efforts of the Department of State to assist American military personnel who are prisoners of war in North Vietnam. A rigid ban against all solicitations of remittances such as is provided in the pending legislation might well interfere with this effort to assist our military people who are captives of North Vietnam.

Under this policy, we have issued one license authorizing the remittance of \$240 to the International Committee of the Red Cross. The licensee is Mary Bernier of the Viet Nam Relief Fund, 1025 Elm Street, San Carlos, California.

We have also received two other inquiries as to the procedure for obtaining Treasury licenses for this purpose. The writers of these inquiries were informed of the policy set forth above and were furnished application forms but have not to date submitted license applications. The persons were:

Rodgers Taylor Dennen, Box 240, Whitman College, Walla Walla, Washington; Lois Lee Rathbun, 830 Calle Cortita, Santa Barbara, California.

And then, as I said, just this week, we received this application from the Quaker organization, which is pending.

Turning now to section 403 of the proposed legislation, that section would provide criminal penalties for any person who interferes with the movement of the Armed Forces or with the movement of supplies and material for the Armed Forces. The problem with which this section deals lies within the principal competence of the Department of Defense. Insofar as the functions of the Treasury Department

are concerned, this provision is not needed. The only activity of which the Department is aware that has impeded the Coast Guard in the performance of its missions as an armed force concerns interference by members of various organizations with the launching of naval vessels. In this regard, the Coast Guard has authority under the Magnuson Act (50 U.S.C. 191 *et seq.*) to promulgate regulations establishing limited access areas in connection with the launching of naval vessels. Penalties for violation are imprisonment for not more than 10 years and a fine of not more than \$10,000. The Treasury Department defers to the views of the Department of Justice as to the necessity for additional criminal sanctions in this area, since that Department would be primarily responsible for enforcing the provisions of section 403.

Mr. POOL. There have been no prosecutions on that, either?

Mr. SMITH. I don't know of any; no. But we now, under a recent amendment of the executive order, we now, in advance of the launching of a vessel, publish in the *Federal Register* areas which are restricted, and then we patrol those areas, so that anybody and everybody is kept out, and we think that, as far as our limited operations are concerned, we have adequate legislation.

As I say, this is really not a Treasury problem, since the Coast Guard is the only military organization we have.

Mr. POOL. Before we get completely away from this previous section, isn't it a fact that despite your Treasury Department regulations, \$1500 was sent to the Viet Cong by so-called medical aid groups in California?

Mr. SMITH. Yes.

Mr. POOL. Do you want to explain more about that? I think we took care of the situation after it had happened. Isn't that right?

Mr. SMITH. Yes; I go into that, right now, in my statement.

Mr. POOL. Oh, all right.

Mr. SMITH. You have also requested that I testify as to actions the Treasury Department has taken relative to persons in the United States who have sent, or have attempted to send, money or goods to the Viet Cong. In those cases where we have had information that a group intends to send funds or supplies to North Vietnam or the Viet Cong, we have either by letter or by personal interview placed such groups on notice that the proposed activity was illegal in the absence of a Treasury license. Specifically, we have sent letters to this effect to the Medical Aid Committee, Box 1128, Berkeley, California, and to the chairman of the Committee to Aid the Vietnamese, c/o the University of Michigan. Copies of these letters were furnished to this committee with our letter of August 10, 1966. We have also sent this type of letter of warning to other groups not mentioned in the committee's inquiry of August 1, 1966. These letters were sent to:

Stanford Committee for Medical Aid to Vietnam, c/o Stanford University, Palo Alto, California; MSU Humanist Society, Cresskill, New Jersey.

In addition, on October 29, 1965, representatives of the Treasury visited the office of the May 2nd Movement at 640 Broadway, New York. Two representatives of that group were personally advised of the prohibitions of the regulations and were requested to convey this information to all branches and members of the May 2nd Movement.

We subsequently found that, despite our warning, the Medical Aid Committee sent \$1,500 to the Liberation Red Cross via Prague.

Mr. ICHORD. What was the date of that?

Mr. SMITH. The date of the remission of the funds?

Mr. ICHORD. Yes.

Mr. SMITH. There was one \$500 remittance and one \$1000 remittance. If you will bear with me just a minute, I can give you those dates.

The first one of \$500 was on January 24, 1966, and the second one was on February 24, 1966.

Mr. ICHORD. The reason why I ask, the drafts were remitted subsequent to the dates of notice.

Mr. SMITH. That is right.

Mr. ICHORD. Subsequent to the visit of the representatives of the Treasury on October 29, 1965. So there was no question about there being notice that such remittances were in violation of Department of the Treasury regulations.

Mr. SMITH. That is right, sir.

Mr. POOL. Is the Justice Department going to explain to us why no prosecution was had in this matter?

Mr. SMITH. I think that I could explain, also, if you wish me to.

Mr. POOL. All right. Go ahead.

Mr. ICHORD. Prior to that, I wish the witness, in his explanation, would also explain the procedures which the Treasury Department and the Department of Justice employ in arriving at a decision whether or not to prosecute. That is, this is a violation of Department of Treasury regulations, but I assume that the Department of Justice is the agency which makes the decision as to whether or not to prosecute.

Mr. SMITH. Yes. Well, the general procedure is this: When we detect a violation of our regulations, we investigate it thoroughly, and then there is a memorandum that goes to the Justice Department, giving it all of the evidence that we have obtained, and it may contain a recommendation for prosecution, or it may just pass the information on to the Justice Department.

Mr. ICHORD. In this instance, what was the recommendation of the Treasury Department?

Mr. SMITH. In this instance, I think that the matter was handled informally. Before any memorandum was sent, I think there were meetings held with both the State Department and the Justice Department, and because of certain technical problems with the prosecution, it was decided that in this case we would not prosecute. Following that, we—

Mr. ASHBROOK. What were these technical things you are talking about?

Mr. SMITH. The technical problem was this: That under our regulations, North Vietnam is a designated country, and our regulations prohibit any financial transactions by or on behalf of designated foreign countries. Now as the regulations stood at the time that this violation was detected, in order to convict the defendant, you would have to be able to establish beyond a reasonable doubt that the Viet Cong and the Liberation Red Cross were agencies of the North Vietnamese Government. Now everybody knows, as a matter of fact,

that they are under the control of the North Vietnamese Government, but it is not a very easy thing to prove, and you can imagine——

Mr. ICHORD. Not everybody. There are many groups in the country who feel that the Viet Cong are an independent force and independent of the North Vietnamese.

Mr. SMITH. Well, as you can see, this would have to be debated, and evidence would have had to be adduced on that, and we would have to prove it beyond a reasonable doubt.

Mr. ICHORD. Well, you are in a position of not being able to do anything.

Mr. POOL. Everybody agrees that the Viet Cong is hostile to the United States.

Mr. SMITH. Yes. So as a result of that, we have amended our regulations and have specifically designated the Liberation Red Cross as a designated national, so that now we are not confronted with the technical difficulty in the event that another instance of this occurs. We now are able to——

Mr. POOL. You don't think a statute is necessary to take care of that. You think a regulation is good enough in a criminal case?

Mr. SMITH. Oh, yes; yes, indeed.

Mr. POOL. You think it is sufficient.

Mr. SMITH. Yes, indeed.

Mr. ICHORD. Mr. Chairman, since we are into this point, I have many specific questions on the Trading with the Enemy Act, and I would like to inquire of the witness as to how the Treasury Department amended its regulations to cover this situation. That is, these reports, to me, are absolutely inconsistent. The report of the Department of Justice, and the reports of the other Departments, deferring to the Department of Justice, are either in error, or to me, they constitute a prima facie case of self-indictment of the Department of Justice for the failure to prosecute some very flagrant, premeditated and intentional violations of the laws affecting the security of this country. And I just can't harmonize the various views of the report. Now you stated that you thought you had sufficient law to curtail this type of activity. But yet, you are now saying that because of technical difficulties, you did not think you could get a conviction, and that's the point that is at issue here.

If you have sufficient law, then why did you not prosecute? You are now admitting that you didn't have sufficient law.

Mr. SMITH. Well, we have——

Mr. ICHORD. And that's the thing I am concerned about. Failure to enforce the law breeds disrespect for the law, and I agree, any law that is on the books should be enforced, or it should be taken out, taken off the books. I just don't understand the gentleman at all.

Mr. SMITH. Well, sir, I think, to give you a simple answer, we have corrected, by an amendment of our regulations, the technical deficiency that made it questionable.

Mr. ICHORD. Oh, you are saying, then, that at first you didn't have regulations to cover the situation, but now you have amended your regulations so that you do have regulations that will cover the situation.

Mr. SMITH. That is right. That is right.

Mr. ICHORD. Now how have you amended the regulations?

Mr. SMITH. Well, in our basic regulations at the time this violation occurred, the only designated national applicable here was North Vietnam. So that we could only prosecute people for financial transactions with the Government of North Vietnam or nationals of North Vietnam or agents thereof. And that posed this technical difficulty of having to prove that the Liberation Red Cross and the Viet Cong were agents or under the control of the North Vietnamese Government.

Mr. ICHORD. That is because—now let me get this correct—that is because the regulations designated North Vietnam as a blocked country?

Mr. SMITH. That is right.

Mr. ICHORD. But did not designate South Vietnam?

Mr. SMITH. That is right. Now—

Mr. ICHORD. Now you have amended the regulations?

Mr. SMITH. We have amended our regulations.

Mr. ICHORD. To designate South Vietnam as a blocked country?

Mr. SMITH. No, we specifically designate as blocked nationals the National Liberation Front of South Vietnam, the Viet Cong, and the National Liberation Front of the South Vietnam Red Cross. Those three are now specifically designated, so that any remittance or financial or other transaction with them would now be clearly a violation of our regulations and of the Trading with the Enemy Act.

Mr. NITTLE. As of what date?

Mr. ICHORD. Under what section?

Mr. SMITH. As of June 1966.

Mr. ICHORD. Under what section of the Trading with the Enemy Act are you hanging that regulation?

Mr. SMITH. Section 5(b) of the Trading with the Enemy Act, which is 50 App. U.S.C. 5(b).

Mr. ICHORD. You are construing section 5(b) to read, "investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest"?

You are amending under the term "national"?

Mr. SMITH. "National thereof." We have designated these organizations as nationals.

Mr. POOL. Let me ask you this question. What would happen if they changed their names and called themselves something else, over there?

Mr. SMITH. Well, of course the mere specific designation, and we point this out very carefully, does not prevent the basic law from applying, namely, that any transaction with anybody who is acting for, or on behalf of, or under the control of, the North Vietnamese Government or the Viet Cong is prohibited. There you would have to adduce proof to prove that the funds were destined ultimately, either for North Vietnam or for the Viet Cong. If you couldn't prove that, you would have to do what we have done here, whenever you hear of such an organization, specifically designate them.

Mr. POOL. That's why I am asking this question now. Do you have to change your regulations everytime that this happens?

Mr. SMITH. Yes; but we frequently—

Mr. POOL. But you lose the case that you have got each time.

Mr. SMITH. We might if there were insufficient proof that the funds were destined for the Viet Cong.

Mr. POOL. That is right. So all they have got to do is change their name every so often and they avoid prosecution. Is that correct?

Mr. SMITH. Yes, sir, if the proof were inadequate. I think, possibly, though, you could run into the same difficulty under section 402(a), as to what is a hostile power or an agency of a hostile power. I am not sure that—

Mr. POOL. I think that catches them a whole lot better, though, than having to specifically name them; don't you?

Mr. SMITH. I am not sure that it does, to be honest with you. Because you would have under 402(a), I think, problems of determining who was a hostile power or a hostile force.

Mr. ICHORD. How does your regulation read, again, now?

Mr. SMITH. Well, the amendment says: "The following organizations or associations of persons have been determined to be specially designated nationals of North Vietnam." And then, as I said, we named the National Liberation Front of South Vietnam, the Viet Cong, and the National Liberation Front of South Vietnam Red Cross.

Our basic regulation says that, this is Section 500.201 of the Treasury Department's Regulations. It is rather long. If you would like me to, I will read it. It is on page 2 of that pamphlet, the Treasury Department pamphlet there. 500.201, on page 2.

Mr. POOL. Go ahead and read it.

Mr. SMITH. [Reading:]

(a) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if either such transactions are by, or on behalf of, or pursuant to the direction of any designated foreign country, or any national thereof, or such transactions involve property in which any designated foreign country, or any national thereof, has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect, (1)—

these are the things that are prohibited, except pursuant to license—

(1) All transfers of credit and all payments between, by, through, or to any banking institutions or banking institutions wheresoever located, with respect to any property subject to the jurisdiction of the United States or by any person (including a banking institution) subject to the jurisdiction of the United States;

(2) All transactions in foreign exchange by any person within the United States; and

(3) The exportation or withdrawal from the United States of gold or silver coin or bullion, currency or securities, or the earmarking of any such property, by any person within the United States.

(b) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if such transactions involve property in which any designated foreign country, or any national thereof, has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect:

(1) All dealings in, including, without limitation, transfers, withdrawals, or exportations of, any property or evidences of indebtedness or evidences of

ownership of property by any person subject to the jurisdiction of the United States; and

All transfers outside the United States with regard to any property or property interest subject to the jurisdiction of the United States.

(c) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraphs (a) or (b) of this section is hereby prohibited.

(d) The term "designated foreign country" means a foreign country in the following schedule and the term "effective date" and the term "effective date of this section" means with respect to any designated foreign country or any national thereof, 12:01 a.m., eastern standard time, of the date specified in the following schedule.

And then we have a schedule of countries and effective dates, including China, North Korea, and North Vietnam, i.e., "Viet-Nam north of the 17th parallel of north latitude," and May 5, 1964, is the date when North Vietnam was designated a blocked area. And then, as I said, on June 17, 1966, we specifically designated as nationals these three organizations, the Viet Cong and the National Liberation Front of South Vietnam, and the Liberation Red Cross.

Mr. POOL. Well, under your testimony, then, if a person sends another \$1,500 over there to another organization other than the one designated there, then you would have to change the regulations, and you couldn't prosecute them for the \$1,500 that they sent.

Mr. SMITH. Not necessarily, sir; no.

Mr. POOL. All right; explain that, then.

Mr. SMITH. Well, it would depend on what you have to prove. It might be that we would have very good proof of a noncontroversial nature that this new organization was an agency of the North Vietnamese Government.

Mr. POOL. Wouldn't it be just as easy to prove they were hostile to the United States as it would be to prove that?

Mr. SMITH. Just as easy; yes. I am not sure it would be any easier.

Mr. POOL. So my bill, that calls for a hostile power or a hostile force, is just as good as your regulation from a practical standpoint or a prosecution standpoint?

Mr. SMITH. Just as good, yes.

Mr. POOL. All right.

Mr. SMITH. On that particular question.

Mr. POOL. And in fact I think it would be better, because it would cover, you wouldn't have to change it every so often, like you would have to do.

Mr. SMITH. Yes, sir; but as I pointed out, we are concerned about the lack of flexibility, in that it doesn't permit certain—the licensing of certain transactions which might be in the national interest.

Mr. POOL. Well, I am trying to stop the Viet Cong from getting this aid. And that way, I think, it is going to accelerate getting us through the war over there.

Mr. SMITH. Would you like me to continue?

Mr. POOL. Yes, go ahead.

Mr. SMITH. We subsequently found that, despite our warning, the Medical Aid Committee sent \$1,500 to the Liberation Red Cross via Prague, Czechoslovakia. We then blocked this amount in the U.S. accounts of the Czech bank which had received these remittances for the Viet Cong, thereby nullifying the intended foreign exchange benefit to the Viet Cong of the remittances. We were able to deprive the

Viet Cong of the benefit of these illegal remittances even though the necessary information was not obtained until some time after the funds were sent. This blocking action demonstrates, we hope, that it is futile under our existing regulations for any group to send funds to the Viet Cong without our license. Moreover, the blocking of the amount of these illegal remittances in the Czech bank's accounts served to close off a principal remittance channel which would otherwise have been available to groups wishing to send funds to the Viet Cong without our license. The action further served as a warning to other foreign banks not to permit their facilities to be used for such illegal remittances and as a reminder to American banks of the requirements of the regulations. The American bank was reprimanded for its negligence in handling these remittances for the Medical Aid Committee. Copies of our correspondence with that West Coast bank were furnished to this committee with our letter of August 10, 1966.

Similarly, we have just ascertained that a money broker in Hong Kong named Chin Sing Yap Tong has cashed some dollar checks which had been sent to the North Vietnamese commercial representative in Hong Kong for the Viet Cong. We therefore have named this money broker as a designated national. This action makes it illegal for any American to deal with the money broker. Transactions by foreign banks in United States dollars with this money broker are likewise prohibited. We are continuing our investigation of money-changers in Hong Kong who may be cashing checks for the Viet Cong.

Mr. POOL. How much money is involved?

Mr. SMITH. Well, we don't know how many of these small checks may have gotten into the hands of these moneychangers. We do know that the three that were involved here, where we got onto this fellow, I think two of them were \$5 and one was \$10, something like that.

Mr. POOL. But you don't know how many hundreds or thousands of these checks probably were cashed?

Mr. SMITH. No, sir; we are inclined to think it is small; but, of course, you can't absolutely shut that off, without mail censorship.

Mr. ICHORD. Now if you find out that any other moneychangers are receiving such money, you will put them on the list?

Mr. SMITH. We will put them on the list, too, but I think there are a lot of moneychangers in Hong Kong.

Mr. POOL. Suppose a U.S. group were to send through an organization to Moscow or Prague or Budapest, would prosecution be possible, if it were designated that it was for a Moscow or Prague or Budapest group? How would that affect it?

Mr. SMITH. Sorry. If they indicated they wanted money to go to the Viet Cong or North Vietnam?

Mr. POOL. No; it would be sent through a Moscow, Prague, or Budapest group. Could you prosecute under that?

Mr. SMITH. If it was for the purpose of aiding the North Vietnamese Government, or the Viet Cong, indirectly, we could; yes. But, of course, there is no—we have no prohibitions at present on financial dealings as such with the Soviet bloc.

Mr. POOL. Go ahead.

Mr. SMITH. Although we believe such action enables us to prevent any significant foreign exchange benefit to the Viet Cong, it would

be difficult if not impossible to completely stop all unlicensed remittances in the absence of wartime censorship controls, and even then some might still escape detection.

Mr. POOL. Let me ask you about wartime censorship controls. What do you mean by that?

Mr. SMITH. I mean authority to open mail and see whether illegal remittances—

Mr. POOL. I didn't understand you. Say that again.

Mr. SMITH. Authority to open mail. To see if illegal remittances are being made.

Mr. POOL. Do you have that authority?

Mr. SMITH. No, we do not. We can, and we have in the past, obtained court orders, I think, in four or five cases, in connection with our China controls, Communist China, but you have to make a prima facie case in order to get such a court order.

In other words, you have to have some basic facts to convince the court that there is a likelihood of illegal remittances going through this particular port, let's say, to this particular designee. Then you can get a court order, authorizing the opening of the mail going to that particular addressee.

Mr. POOL. Does it make any difference whether it is a declared war or undeclared war?

Mr. SMITH. No, sir.

Mr. POOL. You have enough authority either way?

Mr. SMITH. Yes; we did this in connection with Communist China, and our controls over Communist China, in a number of cases.

Mr. POOL. Go ahead.

Mr. SMITH. On August 10, 1966, the *Washington Post* carried a report that Quakers in the Washington-Baltimore area were determined to send aid to victims of the fighting in North Vietnam even though it is illegal to do so. The Quaker representatives on the following day informed the Department of State that they do not wish to do anything illegal and hope that a license will be granted to permit such humanitarian remittances. They were informed of the licensing policy concerning assistance through the International Committee of the Red Cross and advised to apply for the necessary Treasury license. They subsequently did so, requesting permission to send up to \$1,000 in this fashion. The Quaker application is presently under consideration by the Treasury Department, which is consulting with the Department of State as to whether it should be approved in the national interest. We have also sent a letter through the Federal Reserve Bank of Richmond to all banks in the area alerting them to the possibility of attempted illegal remittances by the Quakers. The banks were asked to bring any such attempts to our attention.

We also noted over the weekend, in the *New York Times*, a report that the Quaker organizations in New York City are planning to send remittances for medical aid. And we are in the process of alerting the New York banks to be on the lookout for any illegal remittances in the New York area.

Mr. POOL. Well, now, I read an article somewhere; it said the Quakers were going ahead and send the aid, regardless of the law. I have seen that in the press release.

Mr. SMITH. Yes, sir.

Mr. POOL. Is it possible for them to do that, regardless of the law, or do you have the control that would keep them from doing that, if they wanted to do it?

Mr. SMITH. Well, unless some bank negligently lets one of these go through, as happened in the case of these \$1,500 on the West Coast, remittances through banking channels should not be able to go through.

Mr. POOL. Are there any other channels they could go through?

Mr. SMITH. Well, there are two.

Mr. POOL. Legal or illegal?

Mr. SMITH. There are two principal channels. Both would be illegal.

Mr. POOL. Yes.

Mr. SMITH. But two principal channels. Of course, it is possible to send cash through the mail, if you want to risk the loss of it. Also, it is possible to send checks. Now if a check is sent, drawn on a U.S. bank, under our regulations, the bank, when that check comes in for payment, is obligated not to honor it and to notify us of the violation, if it involves a remittance to a designated national.

Mr. POOL. What penalty do you have, if they don't notify you?

Mr. SMITH. Well, technically—

Mr. POOL. Banking laws?

Mr. SMITH. Well, it is primarily the severe penalties under the Trading with the Enemy Act, if it were a willful violation. I suppose under the banking laws, if they were guilty of gross negligence, the bank supervisory agencies might be able to take some action. I am not sure. But—

Mr. POOL. Could you prosecute a bank for being negligent?

Mr. SMITH. No, but I must say this, sir. That the banks are very familiar with our Foreign Assets Control Regulations. We have had this type of control in ever since World War II, and on the whole the cooperation of the banks is tremendous, and we think they do a good job, on the whole. It was unfortunate that this one—

Mr. POOL. I am sure they do, but I just asked the question.

Mr. SMITH. But with all the possible avenues that there are for getting money abroad, I don't think that there is any system that can prevent an occasional remittance from slipping through. But I think we do a pretty good job on the whole—

Mr. POOL. I am sure you do.

Mr. SMITH. —in controlling them.

So we sent a letter to the Federal Reserve Banks, asking them to notify all the banks in the area. As a matter of fact, on that West Coast one, we had a specific alert out there. And, nevertheless, some bookkeeper put these remittances through. Whenever we, in addition to general publication of our regulations, whenever we hear of some possible attempt, we try to specifically alert the banks in that area to be on the lookout for it, as a further check.

Mr. BUCHANAN. May I ask a question at this point?

Many banks are highly computerized. Does this constitute any difficulty, in a computerized operation, of pinpointing this in time?

Mr. SMITH. Well, I don't know whether it does. I think the volume of banking business constitutes a difficulty, but my understanding

is that they still have to have a visual examination by somebody of all checks that come in for payment. For example, they check for endorsements, and so on. So I think that there is still, in spite of the computerization, there still is a personal review of all checks coming into banks for payment.

Mr. POOL. But you have no regulations on the way they operate.

Mr. SMITH. No; we don't tell them how to conduct their business.

Mr. POOL. Go ahead.

Mr. SMITH. As I indicated earlier, it is the policy of the Treasury Department to administer these regulations very strictly in order to prevent any unauthorized foreign exchange accruals to blocked areas. We do not license any such transactions unless there is a clear-cut demonstration that it is in the national interest to do so, as in the example I cited earlier of assisting American prisoners of war.

To sum up, therefore, the Treasury does not favor enactment of H.R. 12047 for the following reasons:

- (1) It is unnecessary since adequate authority to control the remittance problem exists and is in full use;
- (2) The ban imposed on solicitations is inflexible and could interfere with U.S. efforts to aid our captured military personnel; and
- (3) The Coast Guard has adequate authority to prevent interference with its launchings of vessels.

Thank you for this opportunity to explain the Treasury's views on H.R. 12047.

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Mr. Chairman, I thank Mr. Smith for appearing before the committee and at least casting some insight to the law governing this situation, but I must say to the gentleman that I am indeed surprised that the Treasury Department would take this position. But I honestly feel that the Department of the Treasury, in taking this position, is actually inviting the groups such as the Progressive Labor Party, the Vietnam Day Committee, and the Medical Aid to Vietnam Committee, and the May 2nd Movement to go out and solicit funds for the Viet Cong. Let me ask the gentleman this question:

Under the law, the Treasury Department regulations, which are the regulations governing solicitation of funds for the Viet Cong and the North Vietnamese, is it not true that these groups can go out and solicit and solicit and solicit and solicit and at that point, they are not violating any law or Treasury Department regulations of the United States Government?

Mr. SMITH. That is right.

Mr. ICHORD. The only point that they would violate the law is when they succeed in sending these funds to the designees, the Viet Cong or the North Vietnamese?

Mr. SMITH. Not necessarily succeed, sir.

Mr. ICHORD. Are you saying that an attempt to send the funds? Now the solicitation, you have agreed, is not a violation. Are you saying that an attempt to send the funds would be a violation of the regulations?

Mr. SMITH. No, not an attempt, but the act of sending the funds—

Mr. ICHORD. The act of sending the funds?

Mr. SMITH. The act of sending the funds, which the bank may stop, or you could also have, of course, a conspiracy, followed by an overt

act, which would be a criminal violation. But I believe under Federal law that attempts are not—

Mr. ICHORD. That is one thing that I want to explore.

Now, the Trading with the Enemy Act contained in Section 5(a) and Section 5(b), paragraph (3) of 5(b) reads as follows:

As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision, the term "person" means an individual, partnership, association, or corporation.

Now, in your report, dated August the 17th, by "you," the Department, you admit that solicitation is not covered, as you stated a while ago.

You say with respect to the provisions of section 402(a), providing criminal penalties for advising, counseling, urging, or soliciting the giving or sending of such property, it should be noted the existing Treasury regulations do not prohibit such acts, unless they are a part of a conspiracy to violate the regulations.

Now, of course, the gentleman, as a lawyer, is well aware of the fact that there are no—no common law crimes existing under Federal law.

Mr. SMITH. There is a general offense of conspiracy. Conspiracy to commit an offense against the United States is a specific statutory offense in the Criminal Code.

Mr. ICHORD. Of course, solicitation to commit a crime is a common law crime, but it is no Federal crime.

Mr. SMITH. Yes, sir.

Mr. ICHORD. Unless there is a statute specifically stating that solicitation to commit a crime is a crime, in and of itself.

Mr. SMITH. That is my understanding.

Mr. ICHORD. I cannot see how you can even cover conspiracy under the Trading with the Enemy Act, because it states: "Whoever willfully violates any of the provisions." Is conspiracy—Where is your authority to declare that a conspiracy would be a crime?

Mr. SMITH. Well, if they had a meeting, let's say, and said, "We are going to solicit funds and then we are going to send them to the Viet Cong, through Canada," or something like that, and they clearly agreed at the meeting that they were going to commit a willful violation, and then they solicited the funds, and put them in a bank account, preparing to send them, I think that you might have a conspiracy agreement followed by an overt act, and that particular case, the solicitation of the funds might be the overt act which would complete the conspiracy, the crime of conspiracy. But, of course, there you run into the question of proof. There you have to prove that they had this meeting to do this.

Mr. ICHORD. Of course, proof would be very difficult. It is always difficult in a conspiracy, and this is a very interesting question of law.

I would like to have some citations, if the gentleman has any, as to whether you would have the authority for holding a conspiracy in violation of the Treasury regulations.

Mr. SMITH. We would be glad to submit a memorandum on that.

Mr. ICHORD. You might be able to find the cases?

Mr. SMITH. I think we had one, as a matter of fact. I think we had one conviction, but in any event, I would be happy to.

Mr. ICHORD. Now, of course the statute says—

Mr. POOL. Well, do you recall how far back that conviction was, on the conspiracy?

Mr. SMITH. Well, I am thinking of the China Daily News case. It was a Communist Chinese case, and I am not sure whether there was a count of conspiracy in there or not. I just seem to recollect that there was. I am not positive on it.

I am informed that we have had a couple of convictions of conspiracy. I think they were not within the—

Mr. ICHORD. Under the Trading with the Enemy Act?

Mr. SMITH. Under the Trading with the Enemy Act, and not relating to North Vietnam. I think they were under our controls relating to Communist China. But the same principle applies.

Mr. POOL. Would you yield there?

You have not felt that you had a conspiracy case in any of these, this aid to the Viet Cong?

Mr. SMITH. No, because we have not had the proof of any conspiracy to commit a willful violation.

You see, the original agreement—

Mr. POOL. As Mr. Ichord says, it would be more difficult to prove the conspiracy than it would an actual act of sending the money.

Mr. SMITH. Yes, it certainly would be more difficult to prove the conspiracy than the act of solicitation. I think that is absolutely right.

Mr. ICHORD. Now, have you, in the regulations, established as a crime the attempt to violate the regulations?

Mr. SMITH. No.

Mr. ICHORD. Then an attempt to send the money would not be a violation?

Mr. SMITH. No; but, of course, the act of drawing a draft, let's say, could be the transaction which would place you in willful violation, even though the money never got there.

In other words, in that sense, it is like an attempt. In other words, if I go into a bank and deposit \$500, and say, "Send it to the Viet Cong," and I willfully intend to have that done, or if I—In other words, it does not have to be completed. The money does not have to get there to be a violation of our regulations.

Mr. POOL. Do you need another statute to give you more power to promulgate regulations that would cover that? Or is the statute that you are operating under sufficient for you to promulgate a regulation to that effect?

Mr. SMITH. Well, sir, I would certainly say that our statute and our regulations do not cover the solicitation or the advocating of others to send money or property to North Vietnam, and if the committee and the Congress feel that that is an area which, in the national

interest, requires to be, needs to be prohibited, then I would say that our statute and our regulations are not adequate.

I think our opinion is that the important thing is to prevent these remittances, and we feel that if that is what is necessary, then our existing statute and our existing regulations are sufficient.

Mr. ICHORD. But you do not have any way to stop the solicitation of these funds?

Mr. SMITH. That is right.

Mr. POOL. And this bill does do that.

Mr. SMITH. That is right.

Mr. POOL. Do you have further questions?

Mr. ICHORD. No further questions, Mr. Chairman.

Thank you, Mr. Smith.

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. Let me ask you one more thing about those Quaker activities.

You say that they desired and requested permission to send up to a thousand dollars in this fashion for the, quote, "humanitarian purpose of giving aid to the victims of hostilities in North Vietnam."

Mr. SMITH. In Vietnam, anywhere, North or South.

Mr. BUCHANAN. North and South, and this would be done through the International Committee of the Red Cross?

Mr. SMITH. Yes, sir.

Mr. BUCHANAN. And such aid could go to divisions engaged in a red-hot battle against the Marines, First Cavalry, First Infantry, provide medical aid for their wounded. Is that correct?

Mr. SMITH. Yes, or to the South Vietnamese forces, also.

Mr. BUCHANAN. Thank you.

Mr. POOL. What chance would you have of getting a conviction, if, after soliciting of funds, they were turned over to a Communist delegate to the United Nations in New York City?

Mr. SMITH. Well, we could prohibit—we could prosecute the person turning them over to the Communist delegate.

Mr. POOL. Could not the Communist courier travel to Moscow or Hanoi with the funds? You never would find out about it, probably. So don't you think it is pretty important that we stop the solicitation of funds?

Mr. SMITH. I would like to see the solicitation of funds intended to help the enemy in its activities against the United States stopped, if there were some way that constitutionally this could be done.

On the other hand, we do not favor prohibitions which would make it a crime for people, solely out of humanitarian motives, to solicit funds for nondiscriminatory help to civilians of either or both sides, the victims of warfare.

Mr. POOL. Well, this question is out of your line, since I am talking about illegal transfer of the funds.

Mr. SMITH. Yes, sir.

Mr. POOL. But I am pointing that out as a practical matter, that would be the way they could handle it, very easily.

Mr. SMITH. Yes, sir.

Mr. POOL. And it has nothing to do with your Department and the way you operate under the regulations, but I am just pointing it out, that that is what we are trying to do in this bill.

Mr. SMITH. That is right.

I would add that I think most of these people, students and some professors, and so on, are not very long on funds, and I don't think that these remittances amount to an awful lot.

Mr. POOL. Well, they might go out and steal it or highjack somebody. There are a lot of things they could do to get funds. I would not put anything beyond the Communists, trying to do something like that.

Go ahead.

Mr. BUCHANAN. One more question.

This may be quite redundant, but although I am of the pure in heart, and my motives are as holy as those of a saint, if I, in fact, by my activities, provide assistance to the Viet Cong in the area of medical assistance, do I not, in fact, release resources they would otherwise have had to expend for such medical supplies, that they might instead buy guns and bullets with which to continue what most of us believe to be an aggression against the Republic of Vietnam and continue their activities of shooting down our American soldiers?

Now, is this not in fact the case, no matter how pure my motives might be?

Mr. SMITH. I think you are right.

Mr. BUCHANAN. Thank you.

Mr. POOL. I think Mr. Nittle has some questions he would like to ask you.

Mr. NITTLE. Mr. Smith, if we understand you correctly, it is the position of the Treasury Department that they feel this bill is unnecessary for three principal reasons.

Mr. ICHORD. Would you use that mike a little more, Mr. Nittle? It is difficult to hear up here.

Mr. NITTLE. Yes. I don't think it is turned up.

I understand it is the position of the Treasury Department that Mr. Pool's proposed legislation is unnecessary, for three principal reasons, and I believe, further, that that is the position of the other executive departments.

One, you regard the bill as unnecessary because you feel other provisions of law, namely, the Trading with the Enemy Act, and possibly the Export Control Act of 1949, are adequate for this purpose.

Secondly, you regard the bill as imposing an inflexible ban, precluding aid to our captured personnel.

And thirdly, you regard the bill as unnecessary with regard to the provisions of section 403, because you point out there is the Magnuson Act, which gives the President the authority, the Treasury Department, or the Coast Guard, to regulate access to ports and harbors.

Mr. SMITH. Yes.

Mr. NITTLE. Is that correct?

Mr. SMITH. Yes.

On 403, on the third—

Mr. NITTLE. Well, now, just a moment, please. I just want to understand. Is that the position?

Mr. SMITH. Yes; except I would like to qualify on 403, that we really are not speaking to that, because it only applies to us in a very limited area, and it may well be that the Defense—

Mr. POOL. We understand that.

Mr. NITTLE. We understand that.

Mr. SMITH. Yes.

Mr. NITTLE. Now I would like to take up these points, just for a moment, in inverse order, because it seems to be the position of the executive departments generally, and they have all combined to assert the same reasons.

Now, section 403 of Mr. Pool's bill—

Mr. SMITH. Could I make one correction, sir?

Mr. NITTLE. Yes.

Mr. SMITH. Interestingly enough, we did not combine, and when I wrote up my report, I did not know what the Justice Department was going to say, but we did come out to the same conclusion, I gather.

Mr. NITTLE. Now, I would like to ask you a few questions, with the permission of the chairman, with regard to each of those points, but I would like to start in inverse order and take up section 403, to which you referred in your statement.

Mr. SMITH. Yes.

Mr. NITTLE. That section of the bill would prohibit and make punishable the obstruction or interference with the movement of Army personnel, or transportation of personnel or materiel of the Armed Forces.

Now, of course, there is nothing in the Treasury regulation that would relate to this specific section of the bill. Is that correct?

Mr. SMITH. That is correct.

Mr. NITTLE. Now—

Mr. POOL. Except that you have the Coast Guard under your jurisdiction. Is that right?

Mr. SMITH. That is right.

Mr. POOL. That is why you made that objection?

Mr. SMITH. Yes.

Mr. NITTLE. Now, of course, the act which you point out as dealing with or relating to this section of the bill, is the Magnuson Act.

Mr. SMITH. Yes.

Mr. NITTLE. Now, it is quite clear from the Magnuson Act that that only relates to the safeguarding of vessels, harbors, ports, and waterfront facilities of the United States.

You do agree, however, do you not, that section 403 of Mr. Pool's bill is not limited to the obstruction of movements at ports, harbors, and waterfront facilities?

Mr. SMITH. Absolutely.

Mr. NITTLE. And are you aware that in August of 1965 there were efforts to obstruct and impede the movement of troops on trains in Berkeley?

Mr. SMITH. Well, I have read a number of articles about people lying down in front of trucks and things; yes.

Mr. NITTLE. Yes. Now, that was not a waterfront facility problem; was it?

Mr. SMITH. Not to my knowledge; no.

Mr. NITTLE. So that, will you agree that there is nothing in the statutes, including the Magnuson Act, which would have coped with this very serious situation that occurred in Berkeley last August?

Mr. SMITH. Well, I am really not familiar enough with other statutes.

Mr. NITTLE. Let me put it this way. The Magnuson Act—

Mr. SMITH. I have no reason to believe—

Let me put it this way. The only thing that I know about is the Magnuson Act, and the Coast Guard's problems, and I have no reason to believe that that covers, that that law or the Coast Guard's regulations cover the situation with respect to other military bases.

I just don't have any information on that.

Mr. POOL. The Magnuson Act does not cover the transportation of troops or materiel, either, in the Coast Guard.

Mr. SMITH. That is right.

Mr. POOL. In the Coast Guard, either personnel or materiel?

Mr. SMITH. That is right.

Mr. POOL. So you have no regulation that you know of that would cover that.

Mr. SMITH. We have nothing that would cover it.

Mr. POOL. And this bill does cover that.

Mr. SMITH. That is my understanding.

Mr. POOL. And you could have that happen to you any time.

Mr. SMITH. It certainly could happen; yes, sir.

Mr. POOL. All right, go ahead, Mr. Nittle.

Mr. NITTLE. Now I want to pass next to your second major objection.

You state next that Mr. Pool's bill poses an inflexible ban and would preclude the sending of aid for our captured personnel in the Communist-controlled areas.

Is that not correct?

Mr. SMITH. I believe that—

Mr. NITTLE. Is that not what you said?

Mr. SMITH. No.

Mr. POOL. You are talking about 402 now?

Mr. NITTLE. I am passing from 403, Mr. Pool; yes, sir.

I will pass on to section 402 of Mr. Pool's bill.

Mr. POOL. All right, now state your question again.

Mr. NITTLE. All right. Do I understand your position to be that the provisions of section 402, which prohibit the giving of aid to a hostile foreign power, would preclude and interfere with the efforts of the Government to aid our captured personnel?

Mr. SMITH. I believe that it might be deemed to preclude the solicitation and sending of funds on a nondiscriminatory basis for use in either North or South Vietnam, to aid victims of warfare on either side.

Mr. NITTLE. Well, now, apart from that point, your point, I believe, was—and correct me if I am wrong—and you specifically cited as an example, in your closing remarks, that the bill, section 402 of the bill, would interfere with the efforts to aid captured personnel.

Is that your position?

Mr. SMITH. Yes, in this sense, and I would like to explain that, if I may: We have no vehicle for helping American prisoners of war. The State Department hopes, and seems to have some belief, on the basis of discussions with the International Committee, Red Cross Committee, that if some of this money went, some of it might be used to provide medical supplies and services to U.S. captured prisoners of war.

And this is why they advocate a licensing policy, where strictly for humanitarian purposes, where there are no strings attached that it goes only to the Viet Cong or to the North Vietnamese, and where it is not provided in the form of money, but is provided in the form of medical supplies and services, that we consider licensing. And as I say, this is a policy, but it has been applied only on a case-by-case basis, on the basis of individual consultations with the State Department in each case, as to the amounts involved, and so on and so forth, and an individual determination in each case that it is in the national interest to let this particular one go.

Mr. POOL. Let me interrupt you now, Mr. Nittle.

But yet the International Red Cross will not let you tag these supplies or money and specify it go not to the Viet Cong, or the North Vietnamese. Is that correct?

Mr. SMITH. No, because that could prejudice their international and neutral position.

Mr. POOL. So you have no assurance of where the supplies go?

Mr. SMITH. No absolute, airtight assurance, no.

Mr. POOL. O.K.

Then it could go to the Viet Cong or the North Vietnamese?

Mr. SMITH. Some of it could.

Mr. NITTLE. All right, now let me inquire as to whether you would point out in Mr. Pool's bill any provision thereof which would prevent the sending of aid to our captured personnel, either through the International Committee of the Red Cross or through any other Government channel or contact.

What provision of this bill would preclude that?

Mr. SMITH. I don't think it would preclude it being sent directly to our prisoners of war.

Mr. NITTLE. You don't think it would, so there is no problem there?

Mr. SMITH. No.

Mr. NITTLE. Now, do you see anything in the bill that would preclude the sending, with the consent of the United States Government, or at its request, of any aid to captured personnel through some other source?

Mr. SMITH. No.

Mr. NITTLE. Well, I do not understand, then, in what respect your Department or the executive branch of the Government regards Mr. Pool's section 402 as inflexible on this point.

Mr. SMITH. Well, sir, I can only reiterate what I said before. I am not sure that the International Red Cross would accept donations designated to go just to our own forces, to begin with.

Mr. NITTLE. To captured personnel?

Mr. SMITH. Just to our own.

Mr. NITTLE. Is it not a fact that the International Red Cross, although it has made many requests to inspect prisoner of war camps in North Vietnam, has been refused that permission?

Mr. SMITH. I don't know, sir.

Mr. NITTLE. And it is not a fact that the North Vietnamese will accept no contributions of the International Red Cross unless it is transmitted through one of the agencies of the North Vietnamese or the Viet Cong?

Mr. SMITH. Not to my knowledge. The State Department seems to believe that—

Mr. NITTLE. They have—

I am sorry.

Mr. SMITH. —that in certain of these cases, these funds for medical supplies and services that are given on an impartial basis, that some of them may go to the prisoners of war.

Now, I don't have the intelligence reports. I don't have the conversations on which they have that belief.

Mr. NITTLE. We do have correspondence from the International Red Cross with these medical aid committees, in which the medical aid committees were advised that all transmittals to the so-called Liberation Red Cross would have to go through Moscow or through another agency of the Viet Cong, and that they had no power to transmit or oversee the application of funds.

The committee has further information that aid to Communist countries or transmitted through them, medical supplies and other assistance, has been utilized purely for political purposes within the Communist-dominated area. But, nonetheless, I want to point out that under existing practices, and under the provisions of Mr. Pool's bill, there is nothing contained in that, it seems to me, unless you can point out something to the contrary, that would prohibit the transmission of medical aid or money for certain humanitarian purposes in aid of the policy of the United States Government or in aid of our own troops serving in Vietnam.

In further argument, let me point this out: Did we have any difficulty in World War II in transmitting funds for humanitarian purposes to, or for persons within, a hostile country or enemy country?

Mr. SMITH. Yes; we had all kinds of difficulty, but we did get some through, through Switzerland.

Mr. NITTLE. Yes; and you found that doing so was no violation of law. Is that right?

Mr. SMITH. Well, I think because we licensed it.

Mr. NITTLE. Well, let me put it this way. You had on the books in World War II, and prior thereto, a treason statute, which precluded giving aid and comfort to the enemy?

Mr. SMITH. Oh, you are talking about to the enemy. Are you talking about funds getting through to the enemy, or our funds going through to people we wanted to get them through to?

Mr. NITTLE. What I am trying to point out is that in World War II we had on the books a treason statute, which forbade giving aid and comfort to the enemy, and yet it was not regarded as a violation of this statute to send aid within enemy countries to our own troops or captured personnel, or for any other purpose that the Government thought was necessary. Is that not right?

Mr. SMITH. I believe so, but I would personally say that I would not think that was aid and comfort to the enemy.

Mr. NITTLE. Very well, but now, Mr. Pool's bill does not go beyond that. In other words, I mean to point out this statute would not preclude the Government embarking upon any humanitarian program it chose to embark on.

Do you agree with that?

Mr. SMITH. I agree; yes, sir.

Mr. NITTLE. So that—

Mr. POOL. The legislative intent can be shown when the bill is handled on the floor.

Mr. NITTLE. Yes, sir.

Mr. POOL. All right.

Mr. NITTLE. So that, do you agree, then, or it seems to me that you do agree, that section 402 of Mr. Pool's bill does not impose any inflexible ban?

Mr. SMITH. No, I don't agree.

Mr. NITTLE. All right.

Mr. SMITH. For the reason I stated.

Mr. NITTLE. And what was that, again?

Mr. SMITH. The reason I stated was that we may be able to get some assistance, I understand, to American prisoners of war by licensing these remittances for humanitarian purposes, which are not designated to go to our forces. They are designated just generally for impartial humanitarian relief, and there, I think, that 402(a) might be interpreted as preventing or prohibiting that, because some of it may go to the Viet Cong and may "advantage" them.

Mr. POOL. But I thought a while ago you said that under the treason statutes it is not interpreted that way. No prosecutions were had, in a similar situation.

Mr. SMITH. Well, the treason statute, as I understand—and I am not an expert on that, either, but as he read it to me—talked about sending money to aid the enemy.

Mr. NITTLE. No. It just says giving the enemy aid and comfort.

Mr. SMITH. Giving the enemy aid and comfort?

Mr. NITTLE. And it has been construed that, if you help any national of an enemy country, you are giving aid and comfort to the enemy, and it does not matter what aid and comfort you give him.

Mr. SMITH. But that did not stop—did that not fall upon the fact that this was a friendly national and, therefore, was not deemed to be openly—

Mr. NITTLE. No; when we transmitted funds or medical aid through the International Red Cross and in Switzerland, to go into Nazi Germany, that aid was earmarked for hostile nationals, was it not?

Mr. SMITH. I don't know.

Mr. POOL. I think the intent can be shown, anyhow. That takes care of that.

Mr. NITTLE. I think that point is anyway clearly made.

Now, we have come to the point, the final and basic point you have made was, that your Department regards the Treasury regulations as adequate. And yet you have pointed out, have you not, that under the existing situation you have great difficulty in policing the exportation of money and property, because you do not have a wartime censorship or control over mail or the inspection of mail. Is that correct?

Mr. SMITH. That is correct, and I think the same difficulty would exist under 402(a), also. In other words, if people want to commit violations of a penal statute, they will do it, and some of them will not be detected. I think that you would have the same difficulty under 402(a) that we have.

Mr. NITTLE. I don't agree with you. But let us point out in what aspects.

Now, we have shown in hearings, during the past few days, and the committee has other evidence, as well, that solicitations for medical aid to the Viet Cong and the North Vietnamese has taken place at a number of universities in this country, through Communist leadership.

We have proved definitely that a Stanford committee transmitted, solicited and transmitted \$250, that a Medical Aid for the Vietnam Committee at the University of California at Berkeley transmitted at least \$1,500, that a group at the University of Michigan transmitted at least \$100, and we are aware of other situations.

Now, have you prosecuted for this under your regulations?

Mr. SMITH. No, I explained why not.

Mr. NITTLE. I know you did. And you admitted, and pointed out to us, that these Treasury regulations cannot cope with this situation.

Is that right?

Mr. SMITH. No, I did not. I think we are coping very well with the situation.

Mr. POOL. Well, you did admit that there was not a conspiracy prosecution, there was not adequate evidence for a conspiracy prosecution. Is that correct?

Mr. SMITH. I stated that—

Mr. ICHORD. He said that he did not have regulations at the time, but now he does have regulations.

Mr. NITTLE. Yes. Very well. Very well.

Even with your present regulations, if you could not prove that the money was actually transmitted, although solicited and collected, you would have no basis for prosecution, would you?

Mr. SMITH. That is right.

Mr. NITTLE. All right. But will you agree that under Mr. Pool's bill you can punish these solicitations?

Mr. SMITH. Yes, sir; assuming that it holds up in the courts.

Mr. NITTLE. Now, is it not more important to punish the solicitation as a means of preventing the collection of and transmittal of funds, because how can you transmit funds unless you solicit them?

Mr. SMITH. Well, I stated that those who clearly are motivated by a desire to help the enemy, I would like to see some way to put a stop to their solicitation, if it can be done within constitutional limitations. And I don't want anybody here to get the impression that I have got any use for these people that are around doing this, because I don't.

Mr. POOL. We understand that. You have been very cooperative. We appreciate it, too.

Mr. NITTLE. We do, and I don't want you to get the impression, Mr. Smith, that I am arguing with you at all. We are just trying to solve the problems here of the views of the executive departments which you are transmitting.

Now, let us get to the point of solicitation. The view has been expressed not merely by the Treasury Department, but in the opinions of the other agencies, that a solicitation in some ways is taboo, because of the first amendment. If that is so, then the solicitation to commit any crime is a violation of the first amendment.

Did you regard solicitation as advocacy or as complicity?

Mr. SMITH. Well, I would say this: that I think, if I were to give a guess, that the solicitation might hold up, but this "advises, counsels, urges" others to give or deliver; there is where I think you might run into trouble on a constitutional basis.

Mr. NITTLE. Well, this is a simple problem. I think what Mr. Pool is getting at here is the solicitation of funds, and in the counseling and advising I think he is getting at those who set up these students and others to make the solicitation.

But nevertheless, would you agree that the language, "advise, counsel, and urge," is actually a traditional expression, words of art in the criminal law, which are words expressive of conduct amounting to what is known as an accessory before the fact?

Mr. SMITH. Oh, gee, that is a tough one.

Someone that, I think, was just getting up on a soap box and saying, "All you people send your money over to help the Viet Cong," and I don't know whether that is—

First, let me say this: that I merely said it raises the question of constitutional, infringement of constitutional—

Mr. NITTLE. Yes, solicitation, though, you don't say raises that question. Is that right?

Mr. POOL. Just a minute.

Go ahead, please.

Mr. SMITH. Particularly the advising, counseling, and urging, I would say, is in a gray area, but to predict what the Supreme Court would do with it—

Mr. POOL. And they have no cases on it. Is that right?

Mr. SMITH. That is right. I think they have no cases on it.

Mr. NITTLE. Well, of course the bill could easily be corrected by deleting the words, "advises, counsels, or urges," if they present a problem. But I take it you would agree that the solicitation to send money and property or anything would not be within any gray area whatsoever. Is that right?

Mr. SMITH. Well, I am not sure it would not be in a gray area. I said that it would probably have a better chance of standing up from the standpoint of the Constitution than the urging and counseling and advising.

But I think you put your finger on it, when you said that our basic point is the question of the necessity for this broadened scope of legislation. I thought that there might be a constitutional problem here, but this was not our basic point.

Our basic point was on the necessity of it.

I might say also that I think some of these people would like to be prosecuted for a \$5 remittance, and this is just a personal observation of mine, but I am not sure but what we might be playing into their hands, by this kind of business.

This is strictly a personal observation.

Mr. NITTLE. You think that the—

Mr. SMITH. They just want the publicity, and maybe it helps them raise money, rather than not.

Mr. NITTLE. It seems to be, Mr. Smith, evidence that firm laws, clear laws, and clear enforcement of the law, does have an effect upon these groups and their activities.

The information before the committee is that these activities are growing and that they are widespread and that the troops overseas do not understand our tolerating this situation while they are forced over there to bleed and to die.

Mr. POOL. I think a few convictions under this statute would stop it and would help the morale of the American troops overseas, greatly. I really do.

Mr. SMITH. Well, I can assure you that if we run into another one like the Medical Aid Committee in Berkeley, the Treasury will strongly urge prosecution.

Mr. POOL. Do you have any further questions?

Mr. SMITH. As I say, I pointed out that there were technical difficulties in that particular case, in the light of the state of our regulations with respect to these organizations, but if we had those same facts today, under our existing regulations, we would strongly urge prosecution.

And our investigators are busy ferreting out every lead that we have of this sort, and whenever we find a case that is a violation, we will do so.

Mr. NITTLE. Now, Mr. Smith, Mr. Pool pointed out a moment ago that you had one problem in prosecution because the National Liberation Front was not a designated national. Well, now, supposing the National Liberation Front or the National Liberation Red Cross were to change their name to the Freedom Red Cross, would you be able to prosecute that? A gift to that agency?

Mr. SMITH. Probably.

Mr. NITTLE. Even though you have not designated it?

Mr. SMITH. Probably.

Mr. NITTLE. Well, then, why could not your Department or the Justice Department prosecute the gifts to the Liberation Red Cross prior to the time you designated it?

Mr. SMITH. Well, there all we would have to do is establish by proof beyond a reasonable doubt that they were the same thing.

Mr. NITTLE. Why could you not prove that before?

Mr. SMITH. Because before, the Viet Cong, and even today it is debatable, as one of the members of the committee pointed out, it is debatable whether the Viet Cong is an agency of the North Vietnamese Government.

We now would not have to prove that. We now have specifically designated the Viet Cong and the National Liberation Red Cross, and therefore if they, by any other name, were to be the recipients, we would have a much better basis for prosecution.

Mr. NITTLE. How would you prove that some organization calling itself the Freedom Band was an agency of the Viet Cong?

Mr. SMITH. We would prove it in the same way that you would prove that they were a hostile foreign power or agency or national thereof under 402(a), in exactly the same way, and it is just a question of whether you have the proof.

Mr. NITTLE. Well, I don't want to argue.

Mr. POOL. But under my bill they would not have to change the name.

Mr. SMITH. No; but you still would have to prove that they are an agency of a hostile foreign power.

Mr. ICHORD. Mr. Chairman.

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Mr. Chairman, that gives rise to one question that I have.

Suppose under the present regulations the Vietnam Day Committee solicited and did raise funds for medical supplies for the Viet Cong and sent that money to one of the Buddhist monks in South Vietnam for the use of the Viet Cong. Would that be a transaction that is prohibited by your regulations?

Mr. SMITH. Very definitely.

Mr. ICHORD. Why?

Mr. SMITH. Because it was——

Mr. ICHORD. Buddhists, I understand, say that they are not in sympathy with the Viet Cong or the Ky government.

Mr. SMITH. Yes; but if it was sent for the purpose of aiding the Viet Cong, it would be a violation.

Mr. ICHORD. But your prohibition goes to the transfer to designated persons.

Mr. SMITH. Or any person acting by or on behalf of a designated national.

Mr. ICHORD. You would have to prove that the Buddhist monk was operating for or on behalf of the Viet Cong.

Mr. SMITH. No; we just have to prove that it was raised and sent to them for the purpose of being transmitted to, made available to the Viet Cong.

Mr. POOL. That is what he said.

Mr. ICHORD. I understand.

Mr. BUCHANAN. Mr. Chairman.

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. I know, in your testimony, and, of course you don't speak for the International Red Cross, but I am mystified, Mr. Chairman, as to in what way it would compromise the International Red Cross if medical supplies could be designated for prisoners of war, period.

Now, we have always given very humane treatment to our prisoners of war. We provide them with full medical aid and attention.

However, I don't imagine that there would be any objection to giving aid to prisoners of war who could no longer commit aggression, and shoot anybody, and to do this without discrimination between the two forces. And yet, as I understand it, what may now be given cannot be designated in any way.

They cannot oversee this, the giving out of this aid, and we don't know whether so much as one Bandaïd ever reaches a single American prisoner of war.

Mr. SMITH. Well, sir, I don't know, either. But all I could say to you is that the State Department has reason to believe that some of these funds or other activities of the International Committee can benefit our prisoners of war and that apparently they don't have any other way of getting help to them.

I just don't have the information. I would be glad to state anything that I might have.

Mr. POOL. No other questions?

Mr. ICHORD. Mr. Chairman, I have one more question.

One more observation: I think Mr. Smith has been very helpful in understanding the present law and also the provisions of this bill.

As I understand it, and I agree with the gentleman, the only thing that gets into the so-called gray area is paragraph (1) "gives, or attempts to give, or advises, counsels, urges, or solicits another to give or deliver, any money, property, or thing."

The gentleman admitted that solicitation does not get into the gray area, because we have solicitations to commit crimes scattered throughout the Federal statutes. That is, it is a crime to do these designated acts, under present Treasury regulations.

Certainly we can establish that solicitation to commit the crime would be a crime in and of itself.

I am sure you are not saying, then, that solicitation is in a gray area. That is what you stated a while ago.

Mr. SMITH. Well, I think that I said, expressed the opinion, that it is less gray, that if I were a betting man, I would say that might stand up, the solicitation, under the first amendment, although I would not say that somebody would not claim that, and I would not predict what the Supreme Court would do on that.

But I think the serious constitutional problem, I will agree with you, is in this advising, counseling, urging, or soliciting others. I think, there, that does present a serious constitutional problem.

Mr. ICHORD. Yes; we are not concerned with the constitutionality of solicitations to commit crimes in areas not affecting the national security.

Certainly I don't think we should be concerned about the solicitation to commit crimes in matters affecting the national security.

Mr. SMITH. Well, I certainly would defer to your opinion on that.

Mr. POOL. I think Mr. Nittle has one point there he wants to bring out.

Mr. NITTLE. Mr. Smith, I just want to point out for the record and for your comment, Title 18, United States Code, setting forth crimes and criminal procedure, defines a principal as follows: "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."

And I believe that is simply a statutory definition, derived from the common law, where the aiding and abetting, procuring or inducing of another to commit an offense, is an offense at common law.

Mr. POOL. Mr. Nittle, I don't believe there is any court decision that has ever said under the Constitution.

Mr. ICHORD. What are you citing?

Mr. NITTLE. That is Title 18, section 2, Mr. Ichord.

The language in Mr. Pool's bill is the traditional language of the common law, which constitutes the offense of being an accessory, where you advise, counsel, or urge another to commit a crime. And as a matter of fact, there are a number of statutes, I believe, in the Federal jurisdiction now which make punishable solicitation to commit a crime.

For example, the bribery statute punishes solicitation. Solicitation is punishable under another statute, which makes punishable

the solicitation of contributions for public office, and so on. Solicitation is traditional, and I would also point out for the record that the Supreme Court of the United States had occasion to pass upon the question whether an alleged solicitation or urging to commit a crime is a violation of the first amendment. That was the case of *Fox versus Washington*, reported at 236 U.S. 273, an opinion by Mr. Justice Holmes, for a unanimous Supreme Court, which upheld a State of Washington statute which made punishable the circulation of any written matter advocating or encouraging the commission of any crime. The Court said that this is nothing more than solicitation to commit a crime, which has always been punishable, and it involves no violation whatsoever of the first amendment of the Constitution.

Mr. ICHORD. Mr. Chairman, I do agree with Mr. Smith, as I stated before, that in paragraph 1, you are in a gray area, but I would point out at this time that if you are guilty of violating constitutional guarantees of the first amendment by the passage of that bill, then the Department of Commerce, which is soon to come before the committee, would also be guilty in their regulations under the Export Control Act, because they have a similar regulation in the Export Control Act, section 381.2, and I read it:

No person may knowingly cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

Substantially the same language.

Mr. SMITH. Maybe we ought to put that in our regulations, but of course I think that the Justice Department exercises some discretion in the types of counseling, and so on and so forth, that they are prepared to prosecute, just because of concern over this constitutional problem.

In other words, the mere fact that it is in the statutes or regulations does not necessarily mean that they will prosecute or that it will stand up in courts. It depends upon the nature of—I mean, soliciting or bribery, I think, is a different thing.

Mr. POOL. The only thing we can do here as Members of Congress is to try to pass legislation, and we are not going to try to tell the Justice Department how to run their business, and I hope that we can proceed without being told how to run our business, too.

Mr. SMITH. Certainly. Certainly.

Mr. POOL. And I want to make this statement. If there are no further questions, Mr. Fred Smith, I want to thank you for a very cooperative statement. I enjoyed very much discussing this bill with you. It is a real pleasure to have had you before the committee. You have made an excellent witness.

Mr. SMITH. It is a very interesting problem, and as I said in my statement, I have a great deal of sympathy for the motivation behind this consideration.

Mr. POOL. I appreciate those remarks, too. Thank you.

Mr. SMITH. Thank you.

Mr. POOL. Mr. Rauer H. Meyer, Director of the Office of Export Control, Department of Commerce, accompanied by Richard E. Hull, Deputy Assistant General Counsel, Department of Commerce.

STATEMENT OF RAUER H. MEYER, DIRECTOR, OFFICE OF EXPORT CONTROL, DEPARTMENT OF COMMERCE; ACCOMPANIED BY RICHARD E. HULL, DEPUTY ASSISTANT GENERAL COUNSEL, DEPARTMENT OF COMMERCE

Mr. POOL. I don't believe you have a formal statement. Is that correct?

Mr. MEYER. That is correct, sir.

Mr. POOL. I think you are here mainly to fill us in on the various regulations and things like that. If you want to, why don't you just go ahead and address yourself to the committee.

Mr. MEYER. Mr. Chairman, Members of the Committee: It is a pleasure to be here, to discuss the main provisions of the Export Control Act and its administration. I have brought with me and left with the staff some copies of our most recent quarterly report and an additional publication which should shed some light on the administration of the act.

Mr. POOL. Is this what you are talking about?

Mr. MEYER. That is correct.

Mr. POOL. Thank you.

Mr. MEYER. The Export Control Act of 1949, as amended, provides the President with the authority to prohibit or curtail exports from the United States, its territories, and possessions; and authorizes him to delegate this authority to such departments, agencies, and officials of the Government as he deems appropriate. The export control authority, which has been delegated to the Secretary of Commerce, is administered by the Office of Export Control of the Bureau of International Commerce.

The act authorizes controls over exports for three purposes—"national security," "foreign policy," and "short supply." National security controls, and short supply controls as required, are always coordinated to reflect U.S. foreign policy and international responsibilities. In addition, the 1965 amendment to the act included a policy statement that the United States opposes restrictive trade practices or boycotts by foreign countries against other countries friendly to the United States, and required exporters to report to the Secretary of Commerce any requests they receive for information or for action that would interfere with normal trade relations, such as restrictive trade practices and boycotts.

National security controls are instituted to provide control of exports from the standpoint of their significance to the security of the United States. They include an embargo to Communist China, North Korea, the Communist-controlled area of Vietnam, and Cuba, as well as broad controls over exports to the U.S.S.R. and other Eastern European areas. Controls to free world countries apply to a highly selected list of commodities and technical data to prevent their unauthorized diversion or reexport to the foregoing countries, thus frustrating U.S. controls over shipments to them.

Short supply controls, as directed by the policy of the act, are used only when it becomes necessary to protect the domestic economy from

the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand.

With two exceptions, all commercial exports from the United States, its territories, and possessions are prohibited unless the Department of Commerce has either issued a "validated license" or established a "general license" permitting such shipments. These two exceptions are: exports from the United States to its territories and possessions, and most exports to Canada for internal consumption.

A validated license is a formal document issued to an exporter by the Department. It authorizes the export of commodities within the specific limitations of the document. It is based upon a signed application submitted by the exporter.

A general license is a broad authorization issued by the Department of Commerce which permits certain exportations under specified conditions. Neither the filing of an application by the exporter nor the issuance of a license document is required in connection with any general license. The authority to export in such an instance is given in the Comprehensive Export Schedule, published by the Department of Commerce, which specifies the conditions under which each general license may be used.

I might note that, in this connection, we have what we call a general license GIFT, under which anybody may send a gift to his family, friend, or to a religious, charitable, or educational organization, in any foreign country, except Communist China, North Korea, or the Communist-controlled area of Vietnam, without the necessity of getting a validated export license.

Mr. POOL. How about North Vietnam? You didn't mention that.

Mr. MEYER. We use the phrase in our regulations, "The Communist-controlled area of Vietnam," and that comprehends North Vietnam.

For purposes of export control, all destinations, excluding Canada, are divided into six country groups. Country Group Z includes Communist China, North Korea, and the Communist-controlled area of Vietnam, and Cuba. The regulations vary in terms of strictness, according to country group. The strictest regulations are those applying to Country Group Z.

We have what is called the Commodity Control List, which is a numerical listing by export control number of all commodities for which export license authority is exercised by the Department of Commerce. It identifies for each listed commodity the destinations for which a validated license is required.

Exportation of commodities to destinations other than Canada, for which a validated license is not required, may be made under the general license, as I noted before.

The Commodity Control List is maintained on a current basis, through the periodic issuance of Current Export Bulletins, supplements to the Comprehensive Export Schedule.

The Department of Commerce, through its Bureau of International Commerce, exercises control over all exports from the United States, except those which are specifically controlled by other agencies. For example, the Department of State, through the Office of Munitions Control, exercises control over the exports of arms, ammunition, implements of war, and technical data related thereto.

The Atomic Energy Commission exercises controls over exports of specified materials. The Treasury, in turn, exercises controls over gold, for example, and narcotics.

With respect to violations under the act, section 5 of the act provides that, except as provided in subsection 5, in case of any violation of any provision of this act or any regulation, order, or license issued hereunder, the violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. For a second or subsequent offense, the offender shall be punished by a fine of not more than three times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than 5 years, or by both such fine and imprisonment.

Additionally, whoever willfully exports anything contrary to any provision of this act or any regulation, order, or license issued hereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be punished by a fine of not more than five times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment of not more than 5 years, or by both such fine and imprisonment.

Section 5 goes on to state that the head of any department or agency exercising any function under this act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed \$1,000 for each violation of the act or any regulation, order, or license issued under the act, either in addition to or in lieu of any other liability or penalty which may be imposed.

I think, Mr. Chairman, with that brief—

Mr. POOL. I would like Mr. Ichord to go ahead.

Mr. ICHORD. Yes, thank you, Mr. Chairman.

As I understand it, Mr. Meyer, your regulations under the Export Control Act are geared primarily to commercial transactions, are they not, or do your regulations apply to the transfer of any commodity?

Mr. MEYER. Yes, sir.

Mr. ICHORD. It is not mainly concerned with money and funds.

Mr. MEYER. Oh, no, indeed.

Mr. ICHORD. Money and funds come under the regulations of the Department of the Treasury?

Mr. MEYER. That is correct.

Mr. ICHORD. Now you have a prohibition for the transfer of publications, except magazines and newspapers, educational and published material generally available to the public?

Mr. MEYER. Our regulation covers all such technical information, including that which is published and generally available. Our present regulations provide, however, that such material, which is published and generally available to everybody, may go under general license to any destination in the world.

Mr. ICHORD. I brought to the attention of the committee earlier in the hearings a propaganda leaflet, leaflets that were allegedly being distributed to American fighting men in South Vietnam, and I am now in the process of authenticating the particular leaflet to which I brought the attention of the committee. This leaflet showed an anti-

Vietnam demonstration occurring in America, on the front side, and then on the back of the leaflet, there was a picture of a cross over a grave, with a doughboy's helmet hanging on the cross. And then there were statements of certain Americans on the inside of the leaflet.

Certainly, I don't know whether that was printed in the United States, or whether it was printed in North Vietnam, South Vietnam, or some other country. Certainly, you have authority to restrict such exports under the commerce regulations; do you not?

Mr. MEYER. Our regulations at the present time with respect to technical data are principally directed to information which relates to the production or design, the process, the utilization, of commodities or materials. The document you have just described raises in my mind the question of whether or not this would properly be classified as technical data, under our regulations.

Mr. ICHORD. Then it might be possible for a person to print such propaganda leaflets and ship them to North Vietnam under the Export Control Act?

Mr. MEYER. There is, in my mind, a real question right now as to whether or not, under our present regulations, this type of document would fall into the category of technical data. We would, of course, want to address ourselves to the question of whether or not it is of the type of information which is so available to anybody without restriction there would be no particular point in prohibiting its export.

Mr. ICHORD. Observe, Mr. Meyer, that the report of the Department of Commerce, which is over the signature of Robert Giles, General Counsel, differs from the report of the Treasury Department. The Treasury Department expressed concern that Mr. Pool's bill might violate constitutional guarantees, such as freedom of speech and freedom of thought. This report of the Department of Commerce has no reference to that. However, you seem to hang your objection mainly on the allegation that this bill would overlap with the present prohibitions imposed under authority of the Export Control Act on exports detrimental to the national security.

I can see some overlapping, but is there any real difficulty to the enforcement of the law prohibiting these designated acts by having separate statutes on the books? That is in drafting a complaint, wouldn't the Department of Justice probably place its case on two statutes, or three statutes, instead of two, or one?

Mr. MEYER. Well, I would observe in this regard that the Export Control Act is very broad. It gives us considerable leeway to control commodities, technology. The enforcement provision of the Export Control Act does differ from that proposed in the proposed legislation. There might be—

Mr. ICHORD. As far as prosecution is concerned, it would not give the Department of Justice any difficulty; would it?

Mr. MEYER. We might find ourselves in the position, for example, of pursuing the same violation, violation of our regulation, and imposing one penalty, while another penalty might be administered for the same violation, under the terms of the proposed act.

Mr. ICHORD. Well, then you would have the discretion to prosecute under one statute or the other, depending upon the punishment that you thought was desirable for the particular offense; would you not?

Mr. MEYER. Well—

Mr. ICHORD. Or, you could prosecute under both of them, in the same complaint.

Mr. MEYER. Well, we have at the present time the delegated authority of administering the Export Control Act. I don't know whether we would have the delegated authority with respect to the proposed act.

Mr. ICHORD. No, you wouldn't. The enforcement, of course, would be up to the Department of Justice. Of course, you don't have the responsibility of prosecuting for any violations of the Export Control Act. You merely make a recommendation to the Department of Justice, do you not?

Mr. MEYER. There are administrative sanctions which we are authorized to impose, to take up—

Mr. ICHORD. That is true.

Mr. MEYER. —under the authority of the act.

Mr. ICHORD. I am talking about the criminal liability.

Mr. MEYER. Criminal is the Department of Justice. Yes.

Mr. POOL. The Chair wishes to announce right now that there is a yea and nay vote on the floor, and I am sure the Members would like to go to the floor and vote. Do you have any further questions?

Mr. ICHORD. I have concluded my questions.

Mr. POOL. Do you have any questions?

Mr. BUCHANAN. I have no questions, Mr. Chairman.

Mr. POOL. Do you have any questions?

Mr. NITTLE. I have just a couple, Mr. Chairman.

Mr. POOL. Well, we don't have time to take them now. Could you come back at 2 o'clock, or would that be an inconvenience to you?

Mr. MEYER. I am at the disposal of the committee.

Mr. POOL. Well, we have another witness scheduled, but I think we can get through with your testimony in 5 or 6 minutes, so if you will come back at 2, the committee will stand adjourned until 2 o'clock.

(Subcommittee members present at the time of recess: Representatives Pool, Ichord, and Buchanan.)

(Whereupon, at 12:35 p.m., Monday, August 22, 1966, the subcommittee recessed, to reconvene at 2 p.m., the same day.)

AFTERNOON SESSION—MONDAY, AUGUST 22, 1966

(The subcommittee reconvened at 3:20 p.m., Hon. Joe R. Pool, chairman of the subcommittee, presiding.)

(Subcommittee members present: Representatives Pool, Ichord, Ashbrook, and Buchanan.)

Mr. POOL. The subcommittee will come to order.

Go ahead, Mr. Nittle.

STATEMENT OF RAUER H. MEYER, DIRECTOR, OFFICE OF EXPORT CONTROL, DEPARTMENT OF COMMERCE, ACCOMPANIED BY RICHARD E. HULL—Resumed

Mr. NITTLE. Mr. Meyer, would we be correct in saying that the Export Control Act of 1949 is a regulatory statute rather than a penal statute?

Mr. MEYER. I think it is regulatory. The act is largely enforced through civil sanctions; however, criminal sanctions are available.

Mr. NITTLE. It is directed toward the control, I believe, of the export of certain materials in order to protect the domestic economy from the excessive drain of scarce materials, to further the foreign policy of the United States and to exercise vigilance over exports from the standpoint of their significance to the national security. Is that correct?

Mr. MEYER. That is correct.

Mr. NITTLE. Now you, I presume, have had some opportunity to examine the bill of Mr. Pool?

Mr. MEYER. Yes, sir.

Mr. NITTLE. It is correct to say, is it not, that Mr. Pool's bill is not a regulatory statute, but is a penal statute?

Mr. MEYER. Correct.

Mr. NITTLE. Further, the Export Control Act of 1949 does not concern itself with what might be called the animus of the person who comes within the terms of it, the state of mind or his intent. Is that correct?

Mr. MEYER. Yes, sir.

Mr. NITTLE. Rather, it is clear that Mr. Pool's bill is designed to punish those persons who have an intent to injure and damage the United States and those who have as their purpose the obstruction or interference with the operation and success of the Armed Forces; is that correct?

Mr. MEYER. That is my understanding, sir.

Mr. NITTLE. Now we recognize that a comparable wartime statute, the treason statute, would also prohibit any intercourse with a nation with which we are at war, but that is so not because it is an export control act, but because it is a penal statute prohibiting any communication, commercial or otherwise, with an enemy; right?

Mr. MEYER. I believe so; yes.

Mr. NITTLE. Now, Mr. Pool's bill is divided into three parts. The section 401 contains merely the findings of Congress and it is a preamble. The substantive provisions of the bill are contained in two sections, 402 and 403.

Now with regard to section 403, of course, the Commerce Department has no interest whatsoever, and its opinion would not be directed toward that section because it deals with the obstruction of the free movement of Army personnel or materiel. So that the Department of Commerce's interest in this bill relates only to section 402 with regard to the provisions against the giving of aid to a hostile foreign power with the intent to injure the United States.

The Department of Commerce, in addressing itself to that problem, has said that the provisions of Mr. Pool's bill would overlap the present prohibitions imposed under the authority of the Export Control Act.

The question I would like to pose to you is whether, in your examination of Mr. Pool's bill, in contrasting that with the Export Control Act, it is your opinion that the Export Control Act covers all of the activity with which Mr. Pool's bill seeks to deal in 402?

Mr. MEYER. With respect to exports of commodities with which the Export Control Act deals, we believe it does overlap.

Mr. NITTLE. Completely overlap?

Mr. MEYER. As of the moment, sir, the overlapping I think is fairly extensive.

Mr. NITTLE. Total or partial?

Mr. MEYER. I would observe that the Export Control Act, of course, is tied not so much to persons as it is to destinations of goods. There may be areas where the distinction there might provide for something less than complete overlap.

Mr. NITTLE. That is, the Export Control Act does not completely overlap the coverage of the bill of Mr. Pool?

Mr. MEYER. I base this on the distinction I made between the Export Control Act and its concern with destination and goods and the concern of Mr. Pool's proposed act which is directed to persons.

Mr. NITTLE. Yes.

Well, now, further do you state that the Export Control Act covers all activities that Mr. Pool's bill would cover, or is there only a partial coverage by the Export Control Act with regard to those activities which Mr. Pool's bill covers?

Mr. MEYER. Mr. Pool's bill, of course, does deal with money which the Export Control Act does not deal with. I think this may be the most conspicuous difference.

Mr. NITTLE. Now isn't there another important and conspicuous difference in Mr. Pool's bill with regard to the provisions contained in section 402, which I now point out to you: Mr. Pool's bill provides that "Whoever, within the United States or elsewhere, and owing allegiance to the United States," gives or collects certain money, property, supplies or goods.

Your Export Control Act does not cover the activities of United States citizens abroad; isn't that true?

Mr. MEYER. The Export Control Act deals with the disposition of U.S. goods.

Mr. NITTLE. The exportation from the United States to another country?

Mr. MEYER. And the possible reexportation or diversion of goods abroad.

Mr. NITTLE. Yes, but there must be a point of origin of this property within the United States; isn't that correct?

Mr. MEYER. That is correct.

Mr. NITTLE. Yes. Well, now, Mr. Pool, as the hearings have indicated, is concerned also with the activities of the United States citizens in delivering to foreign hostile powers certain property which they collect while abroad or prepare while abroad. The Export Control Act would not cover that; isn't that right?

Mr. MEYER. Not unless the goods were in fact of U.S. origin.

Mr. NITTLE. Yes.

Mr. MEYER. In certain instances there is a control, sir, over the foreign-made product of U.S. technology.

Mr. NITTLE. Let me give you an example. Here is a leaflet directed to military personnel. Now, supposing the contents of this document were communicated to a United States citizen who then traveled to Hanoi and in Hanoi reproduced this document and disseminated it to American troops fighting in North Vietnam, your Export Control Act would have no control over that activity?

Mr. MEYER. If the material in itself originated abroad, that is correct.

Mr. NITTLE. No, it is communicated directly to the U.S. citizen abroad, and he prepared these documents and delivered them to an enemy of the United States. The Export Control Act would have no bearing on that whatsoever is that not correct?

Mr. MEYER. That is correct.

Mr. POOL. But the bill before us would apply.

Mr. NITTLE. Precisely.

Mr. POOL's bill has covered that activity.

Mr. MEYER. I understood your particular transaction to be an instance where the material was entirely of foreign origin.

Mr. NITTLE. Yes, or prepared abroad and printed abroad.

Mr. MEYER. And the idea was put to that particular use abroad.

Mr. NITTLE. By an American citizen who disseminated it then among our troops abroad.

Mr. MEYER. The Export Control Act would not touch that.

Mr. NITTLE. Yes.

Mr. MEYER. May I add one additional point there?

Mr. NITTLE. Yes.

Mr. MEYER. If, in fact, the information had been transported from the U.S., had originated in the U.S., then I think the Export Control Act would come into play, could be brought into play.

Mr. NITTLE. I am supposing the situation where the material was not exported from the United States in specie.

Mr. MEYER. I am speaking now of the information and that goes to—

Mr. NITTLE. You had no control over ideas; is that right? It must be in writing and incorporated in some document or material and that material exported from the United States before the Export Control Act comes into play.

Mr. MEYER. No, sir, not entirely.

Mr. NITTLE. Where in the Export Control Act of 1949 do you have explicit authority to control other than exportation of property?

Mr. MEYER. We have here under Section 3(a) of the act the following phraseology:

"To effectuate the policy set forth in section 2 hereof, the President may prohibit or curtail the exportation from the United States, its Territories, and possessions, of any articles, materials, or supplies, including technical data, or any other information, except under such rules and regulations as he shall prescribe.

We have in connection with the regulations applying to technical data—

Mr. NITTLE. Are you reading there from the terms of the statute itself?

Mr. HULL. As amended in 1965, sir.

Mr. MEYER. Yes, sir.

Our regulations at the present time, for example, that deal with technical data have defined the term "export" in such a way as to catch the exportation or the transmission of unpublished technical data in whatever form, whether in the form of a blueprint, a printed document, or as an idea in the mind of an engineer going abroad.

So we are not restricted under the terms of our present regulation to something physical.

Mr. NITTLE. I am not talking about technical data.

Mr. MEYER. I understand, but you cite that as an example, sir.

Mr. NITTLE. In any event, whatever activity the United States citizen undertook abroad, to disseminate to our troops abroad something which originated with him while abroad would not be covered by the Export Control Act? Do I understand you correctly on that?

Mr. MEYER. If it originated with him abroad and the demonstration could be made to our satisfaction that it did indeed originate abroad, it was not based in any respect on information which he carried from the United States, then I think the Export Control Act would not apply.

Mr. NITTLE. All right.

Mr. POOL. Mr. Ichord has a question.

Mr. ICHORD. Mr. Chairman, I believe I noted previously that the report of the General Counsel of the Department of Commerce did not object to the bill on the grounds that it might infringe constitutional liberties guaranteed under article I, amendment 1, to the Constitution. I would hope, and I could see why, the Department of Commerce has not given that objection because section 381.2 of the regulations contains substantially the same language which Mr. Pool has in his legislation.

I will read it for the benefit of Mr. Meyer and would ask for him to comment and if that is the reason for the framing of the language in this report:

No person may knowingly cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

I hope it is not the position of the gentleman of the Department that the Department can do by way of regulation that which the Congress cannot do by statute. Do you not agree, first of all, that this is substantially the same language which Mr. Pool has in paragraph 1 of section 402 of the bill?

Mr. MEYER. I think it is substantially the same; yes, sir.

Mr. ICHORD. You don't feel that you can do this by regulation and cannot do it by statute?

Mr. MEYER. If you are raising the question of constitutionality, I think the Department feels that it is not our Department's province but that of the Department of Justice to rule on questions of constitutionality in this regard.

Mr. ICHORD. That is for the courts to pass upon.

Mr. MEYER. Yes, sir.

Mr. ICHORD. Well, apparently the Department of Justice does not feel that way; they feel that they should raise the question of constitutionality while it is in the Congress.

One more question: Under the current export regulations, the Department of Commerce now has an embargo on all exports to North Vietnam except for scientific, education, and published material generally available to the public. Do you have any export regulations in effect as to South Vietnam?

Mr. MEYER. Yes, sir. The body of regulations which is applicable to a good many of the countries of the world is applicable to South Vietnam.

Mr. ICHORD. All of South Vietnam, or just the Communist-controlled territories of South Vietnam?

Mr. MEYER. No. We have at the present time, as I stated in my statement at the outset, controls of varying strictness to all countries of the world. The controls applicable to South Vietnam are essentially the same controls as those applicable to Western Europe; for example, a selected list of strategic commodities which are identified in our regulations may be exported to South Vietnam only after a validated license has been issued by the Department of Commerce.

Mr. ICHORD. Let me put it this way: Do you have the same exemptions existing as to South Vietnam as you have in regard to North Vietnam, that is, published material generally available to the public could be exported to South Vietnam?

Mr. MEYER. Yes, sir.

Mr. ICHORD. Now with that answer, Mr. Meyer, let me ask you this: The Vietnam Day Committee has published in this country a leaflet entitled, "Attention All Military Personnel," and that has been generally available in this country. What prohibition is there against shipping such material to South Vietnam for use as propaganda leaflets in the field?

Mr. MEYER. Sir, I would want to examine that particular document to ascertain all the facts respecting it, the facts respecting its degree of publicity, publication, just how generally it is available. But, in fact, if it is generally available without restriction in the United States, I think it would be permitted to go abroad under our present regulations.

Mr. ICHORD. Thank you very much.

I have finished my questioning of Mr. Meyer.

Mr. MEYER. May I deal with that just a little longer, please?

Mr. ICHORD. Surely.

Mr. MEYER. I notice under our present regulations it could be sent freely without a license to North Vietnam. Under the Export Control Act, we could control it if we considered it wise and feasible to control it.

I think perhaps it might be desirable to clarify what I said this morning. The legislation, the act, does give us the necessary leeway to control, although the regulations at the present time permit something of that nature to be exported. Now whether it is wise or really feasible and practical to try to prevent something from going which by its very nature, its very accessibility in this country, we could not successfully prevent from going, is another matter.

Mr. ICHORD. Let me ask you this question then: You stated that if it is generally available to the public, there is a question in your mind as to whether one would be even able and entitled to get an export license. You would then take under study as to what would be permitted to go. How long does it take you to amend the regulation?

Mr. MEYER. We have amended them overnight.

Mr. ICHORD. You could amend your regulations. How long does it take before the regulations are effective?

Mr. MEYER. Let me put it this way: We can revoke on very short notice a general license, a licensing authority. Ordinarily we amend

our regulations through what we call our Current Export Bulletin. It may take a week, 2 weeks, perhaps longer to serve a public notice. Ordinarily we allow a certain savings time for the regulation to become effective. But we do, and we can if circumstances require it, amend our regulations on very short notice.

Mr. ICHORD. There is no requirement for you to pass on any application for an export license within any period of time?

Mr. MEYER. No, sir. We try to pass on these with the utmost expedition. Some applications we can handle much more directly and rapidly than others. The time varies.

Mr. ICHORD. That is all the questions I have, Mr. Chairman.

Mr. POOL. Any questions?

Mr. BUCHANAN. No questions.

Mr. POOL. I want to thank the witness for his cooperation and his patience during the rollcall. That was very cooperative and we appreciate it.

Mr. MEYER. Thank you, Mr. Chairman.

Mr. POOL. The next witness is Brig. Gen. William W. Berg, United States Air Force, Deputy Assistant Secretary of Defense (Military Personnel Policy). He is accompanied by Capt. G. D. Williams, U.S. Navy.

General, we welcome you to the committee and if you would like to you go right ahead with your prepared statement.

STATEMENT OF BRIG. GEN. WILLIAM W. BERG, DEPUTY ASSISTANT SECRETARY OF DEFENSE (MILITARY PERSONNEL POLICY), ACCOMPANIED BY CAPTAIN G. D. WILLIAMS, U.S. NAVY

General BERG. Thank you, Mr. Chairman.

I am Brig. Gen. William W. Berg, Deputy Assistant Secretary of Defense (Military Personnel Policy).

It is a privilege to appear before the committee. The Department of Defense obviously is concerned with the effect of activities which are intended either to assist our military adversaries or to impede the support of our Armed Forces.

The Department of Defense defers to the Department of Justice as to the legal need for, or the desirability of, the sanctions proposed in H.R. 12047, and, hence, we make no recommendation as to your action on the bill. However, the chairman has requested that we provide such information as we can on the effect of the activities cited on the morale and efficiency of the Armed Forces.

Morale, of course, is not measurable in quantitative terms. There are some developments that experience has shown can be symptoms of changes in morale in military units. For instance, marked changes in the incidence of disciplinary offenses or as otherwise unaccountable change in the performance of individuals or units may signal that a morale problem exists. Other manifestations of morale changes are detectable by an experienced observer, although they may not be reflected in statistics.

We do not have any evidence available to us, or reports by commanders in the field, that indicate that the morale of our forces has been impaired by the demonstrations of dissent to United States policy, by the publicized assertions of intent to assist our adversaries, or by the gestures of impeding the military effort. As I have testified

before another committee, we have had some instances in which relatives of military personnel have been harassed by abusive, ghoulish, or threatening communications based on the individual's membership in the Armed Forces. These incidents are individually outrageous, but on the present scale we cannot regard them as a general attack on morale.

You are aware that some efforts have been made to circulate literature to military personnel, with the explicit or implicit intent to induce refusal to serve or refusal to follow orders. Individuals have reported receipt of such material voluntarily, and appropriate reports have been made to the Federal Bureau of Investigation. We cannot make any reliable estimate of the extent of such activities. However, the efforts clearly have enjoyed little success. There have been a few instances of personnel who have refused or protested orders to Vietnam on the basis of personal disapproval of United States policy. Most of the instances have arisen with new personnel. The total number has been so microscopic as to place them in the extremely eccentric fringe, which is likely in any large population.

There is another indication of the negligible impact on military personnel of efforts to induce disaffections. In the normal operation of the Armed Forces, we have cases in which an individual, after entry, acquires a religious conviction which causes him to assert conscientious objection to military service. The incidence is numerically quite small. There has been some increase in the number of such cases, as would be expected with an increased military strength.

The effect on members of the military service of the much publicized advice to claim conscientious objection can be gauged by the fact that in all of last year the Army received only 101 applications for discharge by reason of conscientious objection to service. So far this year, the applications have been at a comparable rate.

Naturally, because the controversy centers on United States policy in Vietnam, the effect on personnel on duty in Vietnam has particular importance. In preparation for these hearings, we posed the question to the command in Vietnam. I reply, we have the following summary:

There has been no discernable adverse impact upon the morale of U.S. Forces as a result of the CONUS demonstrations and activities in opposition to U.S. Vietnam policy and/or service in the Armed Forces. It is not possible to separate the effect of overt actions, that is, interference with military transportation and campaigns for aid to North Vietnam, from that of the demonstrations and other activities. The usual initial reaction of the troops, if there is any, is one of mild anger which soon gives way to amused tolerance and becomes a subject of satirical joking.

I will submit separately for the record some samples of material and notes on incidents in which military personnel have been subjected to tactics intended to induce disaffection. As I previously stated, we are unable to estimate the volume associated with any particular effort. We do not censor mail to military personnel, and our information is limited to voluntary reports. Such evaluation of the extent of a particular activity as may be possible would be developed by the FBI. (See p. 1312.)

The committee is familiar with the flyer, "Attention All Military Personnel," bearing the imprint of the Vietnam Day Committee. This flyer was reported to have been distributed to some military housing areas on the West Coast. The command in Vietnam reports that 165 copies were turned in by military personnel who received it by mail in

Vietnam. The FBI was informed of the distribution, and findings as to the sources would remain under the cognizance of the Bureau.

The Department of Defense is unable to comment as to the probability of linkage between the organizations which have engaged in various activities in opposition to United States policy in Vietnam. Neither are we in a position to speculate on any objectives other than those which are publicly stated.

In summary, we have no indication of direct adverse effects on the morale of the Armed Forces from these activities. This does not mean that we are unconcerned. We have confidence in the loyalty and good sense of military personnel. Subversive approaches along the lines we have observed are unlikely to achieve significant direct effect. However, our soldiers, sailors, airmen, and marines serving overseas depend on news for their impressions of opinions and attitudes in the United States. Unfortunately, the volume of news coverage tends more toward unusual or sensational events than to the solid and less dramatic base of prevailing sentiment. We believe that our military personnel have not been confused by any distortion in emphasis, but we recognize that there is some potential for misunderstanding. Perhaps the most powerful counterbalance is the flow of mail from families and friends.

Thank you, Mr. Chairman.

(At this point Mr. Ashbrook left the hearing room.)

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Thank you, Mr. Chairman.

General Berg, it is a pleasure to welcome you to this committee.

Now you have made one statement on page 3, the first paragraph:

There has been no discernible adverse impact upon the morale of U.S. Forces as a result of the CONUS demonstrations and activities in opposition to U.S. Vietnam policy and/or service in the Armed Forces.

I would agree with that statement based upon what I heard and what I observed when I was in South Vietnam last June. Many of the American fighting men were concerned about the demonstrations, they didn't quite understand them, but I would say in substantially all cases that it was not adversely affecting their morale. I think that reflects to the credit of the American fighting man in Vietnam. He knows what he is over there for, he has a job to do, and he is determined to get that job done.

However, there is another side of the question to which you have not directed yourself in your statement. Since I have agreed with you in your statement, I am sure that you will agree with me in a statement that I am about to make.

Is it not true in your opinion, General Berg, that these demonstrations are favorably affecting the morale of the Viet Cong and the North Vietnamese; that is, are not in South Vietnam and North Vietnam the North Vietnamese and the Viet Cong distributing pictures of demonstrations and other forms of agitation against American policy in South Vietnam and substantially saying, "Look what goes on back in the United States, the American people themselves are against American involvement in South Vietnam and if we hang on long enough eventually we will be successful, because the American people will lose patience with the South Vietnamese problem."

Isn't that being done by the Viet Cong and the North Vietnamese?

General BERG. To the best of my knowledge it is being done, Mr. Ichord. As an individual I have seen some evidence of that; yes, sir.

Mr. ICHORD. Then it is favorably affecting the morale of the Viet Cong and the North Vietnamese?

General BERG. I would not feel competent to answer that it is or is not. I think someone from the Department whose primary interest is in this area would undoubtedly agree that what you say is right.

Mr. ICHORD. Well, you are a Brigadier General in the Air Force. Would you not agree that that would be pretty effective campaign propaganda among the North Vietnamese and the Viet Cong?

General BERG. I think any reasonable man would agree to that; yes, sir.

Mr. ICHORD. Now, General Berg, you state that the Department of Defense defers to the Department of Justice and you are making no recommendations as to the action of the Congress on this bill. Of course, your testimony is not too relevant because you make no recommendations one way or the other, but I wonder if your statement reflects the views of solely the Office of the Secretary of Defense or whether it reflects the views of the entire Department of Defense; that is, has your statement in this matter been submitted to the Joint Chiefs of Staff for their recommendation and consideration?

General BERG. Mr. Ichord, we asked the separate military departments to furnish us any relevant information they had in this regard and then put together the statement, and in accordance with the procedure over there submitted it to the appropriate activity for coordination.

I did not send it to the Joint Chiefs of Staff and I do not know whether or not they actually had a chance to look at it.

Mr. ICHORD. Thank you very much for that explanation.

Now one more question, General Berg. On May 11, 1966, you appeared before the Commerce Committee testifying on Senate bill 2825 and Senate bill 3072, which would make obscene, threatening, and harassing telephone calls in interstate or foreign commerce a Federal offense. Now in your testimony before that committee, and I read the last few sentences in the first paragraph, you state:

The Department of Defense is concerned about the adverse effect on the morale and welfare of our servicemen and their families of these offensive, harassing and even subversive acts—particularly as they pertain to our military operations in Vietnam and elsewhere. To date we have been able to identify a total of 87 such contacts.

Then on page 4 of your statement, the last sentence in the top paragraph on page 4, you state, and I quote:

The fact of the matter is that—once publicized—they have a detrimental effect on all members of our Armed Forces and their families everywhere.

Now, in your statement before this committee you state, and I quote:

As I testified before another committee, we have had some instances in which relatives of military personnel have been harassed by abusive, ghoulish, or threatening communications based on the individual's membership in the Armed Forces. These incidents are individually outrageous, but on the present scale we cannot regard them as a general attack on morale.

I can't harmonize those two statements. The first statement you say they have a detrimental effect, and here you state that on the present scale you cannot regard them as a general attack on morale. I would like for you to explain that apparent inconsistency in my opinion.

General BERG. Well, in preparation for coming over here I reviewed both of these statements, sir, and in the one case we are talking

about somebody calling up and physically threatening the well-being of the people or threatening them at a time in which they are under considerable personal bereavement. In most cases, these were directed towards people where the serviceman himself was deceased, but—

Mr. ICHORD. Are you saying the individual cases have an effect upon morale, but all of the cases don't constitute a general attack on morale?

General BERG. Well, they don't in our opinion. They don't constitute an effect that is measurable.

Mr. ICHORD. But you are saying that the individual case has an effect on the morale of the individual. That is what you are saying in your testimony before the House Commerce Committee?

General BERG. Yes, sir.

Mr. ICHORD. But here you are saying that there are not enough of them to constitute a general attack on morale.

General BERG. That is the information that we have gathered; yes, sir.

Mr. ICHORD. Thank you very much, Mr. Chairman.

Mr. POOL. General, how did you arrive at the Vietnam consensus, or whatever you want to call it, of morale damage?

General BERG. Well, Mr. Chairman, we sent a dispatch to them in response to the request we received to appear over here and asked them to comment, and the quote that I read is taken right off of the response that we received from them. I am not able to comment how they arrived at that decision.

Mr. POOL. It could have been one officer's opinion, is that correct?

General BERG. It is possible; yes, sir.

Mr. POOL. We had this happen in the Post Office Committee last year, and I asked both the generals from the Pentagon how much extra cargo space would be necessary to get the mail to the servicemen overseas and especially in Vietnam.

And they made the statement that it would tie up the shipment of materiel and war supplies and things like that, and it would be astronomical, or something to that effect, and also the shipments to Europe and things like that were discussed. They gave me the impression that what we were attempting to do would not be at all feasible. So in my trip to Europe last fall, I asked General Lemnitzer, our leader at NATO, and other personnel over there, and I found out that it took just one cargo ship to handle all the mail in that area for a week's time, and it was an entirely different version from what I had gotten from the two generals from the Pentagon and it rather startled me that they would make a statement to me like that and not back it up.

That is why I asked the question. I am sure your answer is very frank and very honest and I appreciate it, but there is a question in my mind as to whether or not this information being furnished us is the real facts of the case.

General BERG. Well, in this particular instance, Mr. Chairman, as I stated, I am relying on the answer that we received.

Mr. POOL. You don't know whether a captain went out and talked to some of the men?

General BERG. I do not, and there is no such indication in the message.

Mr. POOL. Well, it is regrettable that we do not have that sort of information when we talk about the morale. Of course, it is very simply evident that these overt acts, some of these demonstrators standing in front of troop trains and things like that, I think definitely delays the shipment of materiel. Of course, now I don't think there is any question on that. Maybe you have a comment on that. I do not see any in your statement.

Do you have a comment on that? In the letter we did not ask that question.

General BERG. No, sir, you didn't.

Mr. POOL. I think it is self-evident that it would delay the trains if the trains were held up and things like that.

General BERG. Quite obviously if some of these people lay down they have to drag them out from in front of the truck.

Mr. POOL. The testimony we have had before the committee, there have been no prosecutions on that score and probably because there has been no Federal laws to cover that. We have not developed in the testimony yet what would indicate that it could be handled under the present law.

Do you have any information on that?

General BERG. I don't think I have any personal comments.

Mr. ICHORD. Of course, Mr. Chairman—Go ahead, I will yield.

Mr. BUCHANAN. Go ahead.

Mr. POOL. Mr. Ichord is on the Armed Services Committee and he is the best one we have to ask the questions.

Mr. ICHORD. It is fairly well known that some of these organizations have attempted to stop troop trains by lying down in front of them and by other methods. There have been no prosecutions arising out of those attempts. We have the Department of Justice before us tomorrow, and I presume that the Department will explain why there have been no prosecutions, if there is any such law.

It is my information now that there is no such law that would prohibit such activity. Would not the general agree, however, that there could conceivably arise a situation in South Vietnam where we immediately need to get troops to South Vietnam and that these troops were being moved by rail and if such activity were successful in delaying the embarking of those troops to South Vietnam that it could very well adversely affect the military situation in South Vietnam.

Mr. BERG. If the situation occurred as you say, I would agree.

Mr. ICHORD. And it would be your personal opinion that such activity should be prohibited by law; would it not?

Mr. BERG. I believe so; yes, sir.

Mr. ICHORD. Thank you very much.

Mr. POOL. General, also you said it would be a correct belief to say that attempts to injure the Armed Forces morale should be punished, whether they succeed or not?

General BERG. Well, that is getting a little bit out of my competence here on morale in the Armed Forces, Mr. Pool.

Mr. POOL. Whether he succeeds or not, he is attempting to injure the Armed Forces and also to injure the morale of the Armed Forces. And whether he succeeds or not, should he not be punished?

General BERG. Well, I am reluctant to say that he should or should not, Mr. Pool, for the simple reason my capacity is to indicate whether or not they have been successful.

Mr. POOL. I understand. I just thought maybe you might have a comment on that.

Mr. Buchanan.

Mr. BUCHANAN. General Berg and Captain Williams, we appreciate your testimony today.

General Berg, I would just ask your judgment as a military officer, would you not deem it adverse to the military situation if the group succeeded in giving aid and comfort to the Vietcong in the present conflict in Vietnam? Would that not be adverse to our military situation, regardless of the morale?

General BERG. To the military situation I would agree; yes, sir.

Mr. BUCHANAN. Now as to morale, I would be inclined, not on as firm a ground as you might have or the gentleman from Missouri may have, but on the basis of my own visit to Vietnam in February, I would be inclined to accept your analysis of the effect upon the morale of our troops and indeed the one you received from Vietnam. I think I found morale sky-high everywhere I went. I found the reactions you mentioned—anger to satirical humor over the demonstrations at home. I found a good deal of anger. I think that General Westmoreland has done an excellent job in keeping the troops fighting there informed as to what is happening in the United States and keeping this in proper perspective and balance.

I think there is an excellent communication of their mission and of the reaction back home, the degree of support they have back home on the part of the military leadership over there. Certainly it seems to be the case and therefore I think that this has had an effect on keeping morale high. I found our troops seem to be very dedicated to what they are trying to do, believe in their mission, understand their mission, and therefore they have no morale problem.

I would say, all of this to the contrary notwithstanding, if 87 phone calls caused the Department of Defense to be concerned about the morale of servicemen—and I understand the viciousness of these phone calls because I have had some personal experience with people who received this kind of heartless expression, having lost a son in Vietnam, from an anonymous letterwriter—if 87 such phone calls caused you to be concerned about the servicemen, would it not be natural to assume that you would have some concern over direct dollar distributions to Vietnam and attempts to stop troop trains and ammunition trains, and so forth? It would seem to me there is some basis for concern here.

General BERG. Well, I indicate in the statement that we were not unconcerned about this, but with regard to the major question we were asked to testify on whether or not this has affected the morale of the people in the Armed Forces.

The position I presented in the statement here is the way in which we see it now.

Mr. BUCHANAN. It would seem to me that your statement reflects to the credit of the men in our Armed Forces, and I would certainly feel that such credit would be deserved, but as the chairman has suggested, whether or not there is success in the attempt, whether or not these things in fact affect morale, the activities themselves are not necessarily made innocuous because the poison did not take when it came to our fighting men because of the caliber of our fighting men.

General BERG. I understand what you are saying.

Mr. POOL. General, we appreciate your frankness and cooperation with the committee and certainly appreciate you and the captain appearing here today.

General BERG. Thank you, Mr. Chairman.

(The material mentioned by General Berg on p. 1306 was sent the committee under date of August 27. The attachments referred to are retained in committee files. His letter and enclosures, except No. 4, "Attention All Military Personnel" which was previously inserted in the record as Meese Exhibit No. 16 (p. 1138) follow:)



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

MANPOWER

(Military Personnel Policy)

27 AUG 1966

Honorable Edwin E. Willis
Chairman, Committee on Un-American
Activities
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In my statement on August 22, 1966, in hearings before the subcommittee considering H.R. 12047, I stated that I would submit for the record some notes on incidents and samples of material which apparently were designed to induce disaffection among military personnel. At the time of my appearance the Department was awaiting the receipt of samples from Vietnam.

Attachments and enclosures are submitted herewith. Attachments 1 through 7 are case summaries of incidents of harassment. Enclosures 1 through 7 are samples of communications received and reported by personnel serving in Vietnam.

In the case notes (Attachments 1 through 7) identification of locations is included for the information of the Committee. It is requested that prior to publication of any of these items all information that might identify the location or identity of the victims in these cases be deleted, in order to avoid incitement to a renewal of the harassment.

Sincerely,

William W. Berg
Brigadier General, USAF
Deputy Assistant Secretary of Defense

Atts - 7
Encls - 7

[ENCLOSURE 1]

4 NATIONAL GUARDIAN

July 31, 1965

What to do when drafted--if you have a conscience

By Pieter Romaya Clark

THURSDAY, JUNE 24, 1965. I was ordered for induction into the armed forces of the United States. Having passed my pre-induction physical more than a year previously and been classified 1A, I was quite resigned to going in. Many friends gave their advice as to how I could avoid the draft. Some suggested pretending to be insane or homosexual or stupid. Some suggested that I claim C.O. status on religious, pacifist or humanist grounds. Others suggested that I just simply refuse to go and thus serve a jail sentence. All of these suggestions made me think.

I could not claim insanity or homosexuality since I am neither insane nor a homosexual and to do so would be unprincipled and cowardly. Also I couldn't claim to be a conscientious objector since I am a materialist and don't believe in a religion or a god. Besides, not being a pacifist, I certainly do believe that it is sometimes necessary to defend one's self to the point of killing. The fact is that if this country were being invaded by some fascist or foreign force, as Vietnam is now being invaded by the U.S., I would willingly fight to resist the aggressor. But, since the U.S. is carrying out a completely unjust and aggressive war against the people of Vietnam, I could never support such a war, but I would never refuse on pacifist grounds.

Hence, I had two alternatives: (1) refuse to go in and thus serve a prison term or, (2) allow myself to be drafted and do my best against U.S. foreign policy from within the armed forces. Since I feel there is, to a great degree, a more detestable, criminal and in general bad element of our society within our prisons, I decided to allow myself to be inducted. At least in the Army, especially among the young draftees, there are a lot of good and honest young men, many of whom are nominally against the war and the whole military system. And as I found out later, most of the draftees are drafted unwillingly. Many of these young men are forced to leave their families, girl friends and in many cases their jobs. So, on Thursday, June 24, 1965—at 6:30 in the morning—I reported for induction as ordered by my local board.

AS SOON AS I ARRIVED at the central induction center I began to distribute about 200 SDS leaflets against the Vietnam war which I had brought with me. It seems that my act of leaflet distribution was so bold that it did not attract the attention of the military

personnel who were present. They all seemed to think I was authorized to do whatever I was doing (many times young inductees are given little things to do—such as carrying a bunch of papers from one office or floor to another).

In fact the military personnel never discovered what I was really doing until an officer inadvertently picked up one of the leaflets and began reading it. Of course



March, Montevideo

I was stopped and my leaflets were confiscated from all the young draftees to whom I had distributed them, but only after I had given out all I had. I was then taken to a fairly large room with a few other people and left to sit.

Little by little the room began to fill up with inductees. Then for some reason the sergeant and the other military personnel left the room. By this time there were about 75 youths quietly sitting in this room all by themselves. So, then I got the idea of asking for signatures on an anti-Vietnam war petition. Having a large brown envelope with me which was given with a lot of other things by the military to be filled out at the proper time—I used this as the paper for my petition.

On the top of the envelope I wrote in pencil: "A PETITION TO THE ARMY." Then I began to go from person to person asking for signatures. Some refused, but after a short explanation that we have no cause

to fight for in either Vietnam or Santo Domingo, most of those approached signed. Many of the youths were Negroes who, with little coaxing, willingly signed. After I had got about 21 signatures the military personnel returned and I was immediately stopped. One of the sergeants began to shout at me and I began to shout back, which sort of surprised him and the inductees. The sergeant was so surprised that he quieted down. Taking advantage of the silence and attention I began to give a loud talk on how unjust the aggressive war is in Vietnam and if young Americans really want to fight for freedom then they should fight for the right to vote in the South or join the current picket line around city hall for equality in Chicago.

AT ONE POINT a white kid told me to shut up but as soon as he did several Negroes said, "Let him talk, man," and one even jumped up with raised fists to defend my right to talk. Naturally, when the military personnel recovered from their shock, they seized me and isolated me and even placed a young sailor to guard me. After a short wait they rushed me through some tests and had me fill out some papers. I refused to sign the loyalty oath, which has all kinds of peace, civil rights and progressive groups listed as subversive, besides the Nazi Party and the KKK. On all previous occasions, such as my pre-induction physical, I had refused to sign.

When finished with the test and all papers were filled out (except the loyalty oath) I was rushed through the physical, all the time being accompanied by this sailor guard. As I went through the physical some of the guys, both black and white, asked how I was and in general greeted me warmly. In other words, there was little hostility toward me for what I had done. Admittedly I was quite frightened as how I would be received by the other guys when I decided to make a stand. Not only did the other inductees receive my action well, but the young sailor placed to guard me was exceedingly friendly.

Finally I was sent to the security officer, who told me that I needed a security clearance and would not now be drafted. I then told him that he could not keep me out of the Army because of my politics even though I do refuse to fight in Vietnam. I was told that they would call me and for me not to call them, and that I should go home—which I did.

Vietnam Day Committee

2505 Telegraph Ave.
Berkeley

845-6637 or 848-3158

[ENCLOSURE 2]

PEACE

ON

EARTH

[ENCLOSURE 2]—Continued

"I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held at the time of the fighting (1954), possibly 80% of the population would have voted for the Communist Ho Chi Minh as their leader."

- Dwight D. Eisenhower,
in his book Mandate For Change, p. 372

The United States is fighting against the people of Vietnam. WHY?

"People ask me who my heroes are. I have only one-- Hitler."

- Saigon premier Nguyen Cao Ky

Wouldn't it be better to let the Vietnamese people decide for themselves what form of government they want--even if it's communist-- and stop this needless killing of Vietnamese peasants and American G.I.s??

[ENCLOSURE 3]

As Hell is war and war is Hell
Against your officers, unite!
I enjoin you, soldiers, to rebel
And proclaim, "We shall not fight!"

A vision to me there came one night
More horrendous than any dream.
Before my eyes the ghastly sight:
Grotesque bodies, the piercing screams
Of a woman with her baby dead
In her arms. Decapitated men I saw,
And over the land a flood of red,
Wounds of bodies, the havoc of war.

"Who breaks this curse upon the land?
What is the hideous sight?"
I looked to God to understand
And answer came by morning's light.

Who are the guilty? You and I.
For we drop bombs from the sky
On Viet Nam's soil far away.
"This is for their good," we say.

But most culpable of all
Are those who slaughter with their guns,
And those who cause the bombs to fall,
Our soldiers, they, the guilty ones.

So to you now, I make this plea:
"Refuse to kill, refuse to die,
Throw down your arms; unite with me,
Defy the draft and join the cry:
As Hell is war and war is Hell
Against your officers, unite!
I enjoin you, soldiers, to rebel
And proclaim, "We shall not fight."

POEM WRITTEN UPON THE GOVERNMENT'S EM-
POWERING THOSE OPPOSED TO THE WAR IN
VIET NAM AS TRAITORS.

America! How can you be
Again were you were once to me?
Great traditions in history laid,
Ideals of freedom, just laws made.
Principles of a great nation:
Liberty and toleration.

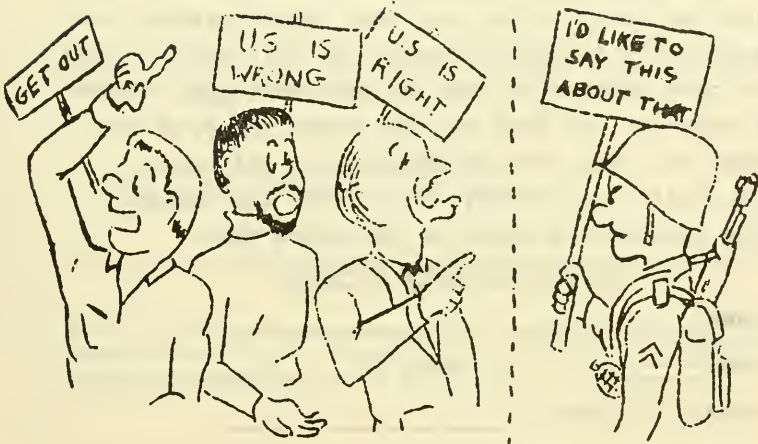
A land of freedom, you expressed
The right of people to protest
Views which were not their own.
Freedom for people to dissent
From the views of the government,
To make their feelings known.

And now abroad a war you wage,
Felt by some to be an outrage.
But even while you force your hand
Overseas, on domestic land,
A greater outrage lies.

Your people filled with fear and hate
For Communists, they now equate
Pacifism with treachery.
America! How can you be?
Again, what you were once to me?
My country, I grieve at your fate,
When you no longer tolerate
Thoughtful men who feel otherwise
Than you; they fear to criticize
Their Divine Nation's policy.

[ENCLOSURE 5]

AN OPEN LETTER TO ALL PERSONNEL IN VIET NAM



One year ago, I was stationed in Bien Hoa. When I was there I became very bitter at the hullabaloo going on in the States about the Viet Nam situation. I felt that I had something to say to the college students, but had no way to. Well, I am enrolled at the University of California now. A fellow journalist, John Maybury, and myself have formed a program by which you can say something to the students, to the citizens of America. We know you have many things to say and we want to hear them. Your comments will be published exactly as you write them. We are tired of repressed news, distorted views, and administrative hogwash; you are the ones there, and you can have an honest voice. Please write, send photographs, or see about our questionnaire. I personally want you to have a voice.

James R Grantham

James Grantham
 Student, University of Calif.
 Former airman at Bien Hoa
 839 #D Embarcadero del Norte
 Goleta, California 93017

Working with:
 John Maybury
 EL GAUCHO, Student
 Newspaper
 University of California,
 Santa Barbara

[ENCLOSURE 5]—Continued

TO ALL PERSONNEL IN VIET NAM:

Perhaps you are aware of the great controversy in the States about the situation in Viet Nam. We, here in the States, hear only journalistic editorial comments and are given inaccurate views. This has led (as you know) to big anti-war demonstrations here and especially in the University of California. Well, now is oyr chance--we want to hear from you! Please write anything you wish on your views and send them to James Grantham, 839 #D Embarcadero del Norte, Goleta, California 93017. Your views and comments will be published exactly as you write them.

Now you can have a voice!

1. Name _____
2. Age _____ 3. Rank _____
4. Branch of Service _____
5. Where stationed _____
6. Hometown _____

(Answer Yes or No or explain if you wish)

7. Do you regret U.S. involvement in Viet Nam?
8. How do you think the South Vietnamese feel about U.S. involvement in the war?
9. How do you feel the war is going?
10. Do you think U.S. forces are being used effectively?

[ENCLOSURE 5]—Continued

-2-

11. What is life like where you are? Explain your duties, schedules, conditions: Free time, clothes, food, travel--anything like that.
12. Is there any problem with political investigators and VIP's from Stateside?
13. Do you favor escalation of the war?
14. Which seems more effective--infantry or bombers?
15. How do you feel about college students demonstrating against the war in Viet Nam? What can college students at home do to help you?
16. How is the news you get, your communication links? Do you have any comments or complaints about Stars and Stripes, for instance?
17. What do you think of the USO shows? Of entertainment in general where you are located?
18. Do you have any special gripes?
19. What general concluding comments would you like to make to college students and all others here at home?

By no means feel restricted to this page. The more the better--use the margins, the back, and other sheets if you desire. Also include photos--anything publishable.)

[ENCLOSURE 6]

Strong opposition to Communists speaking on campus stems from an irrational fear of Communism that exists in this country today. The United States is one of the few western nations in which the Communist Party is regarded as something special or dangerously different from other political parties. Here the CPUSA is regarded as a secret conspiracy against the nation; but the Party was forced into its underground secrecy in 1951 with the passage of the McCarran Act which made it impossible for them to participate openly in the political arena. Since that time the remnants of McCarthyism have perpetuated a fear that has made it impossible for anyone to support Communists or Communism without being subjected to extensive legal, social and economic harassment. Similarly it has become impossible to even discuss Communism freely and candidly without the likelihood of being accused of being one.

In the mid-twentieth century, Communism has become the scape-goat for all the troubles, internal and external, that America faces. Communism has become an easy way of categorizing, and then discrediting, all social unrest. This categorization provides an easy explanation for the problems and eliminates the necessity for further investigation or consideration. In our foreign policy, all our government need do is pronounce that a revolution is communist inspired and we immediately announce it. Hence, the occurrence of the revolution provides no occasion for the analysis of our foreign policy to see if your policy itself might be hindering the peaceful development of that country. More significantly, it is the mentality that denounces Communism as evil and thinks no farther that allows us to kill fellow human beings in Vietnam without having any moral qualms. In the civil rights movement, many accusations have been hurled about the Communists in the movement, and this somehow abnegates the necessity of examining the social and economic injustices that exist in this country. Often these accusations have been started by legislative committees such as the House Committee on UnAmerican Activities. On this campus similar red-baiting has been used against those that

[ENCLOSURE 7]

"YOU DON'T BELIEVE IN WAR,
BUT WHAT'S THAT GUN YOU'RE
TOTIN'?"

What if you're against war? or the fighting in Vietnam? The law says you may be eligible to become a CONSCIENTIOUS OBJECTOR (Selective Service Classification 1-A-0 or 1-0). A "Conscientious Objector" or "C.O." is a man who says "my conscience or my belief tells me it's wrong to kill, it's wrong to bomb or shoot and destroy people. I won't do it. Instead, I'll do 'alternative service' like the work done in poor communities on development, teaching or organization, that's good for the country, and other people."

WHO CAN FILE?.....

The law may not cover everybody who's against the war. It says a man can be a C.O. "who by reason of religious training and belief, is conscientiously opposed to war in any form." A lot more men fit this description than you may think right off, especially after recent court cases broadening the "religion" clause. You're certainly not limited to formal religion. You may think of yourself as agnostic or an atheist. Thinking about religion has changed; one famous theologian, Paul Tillich, say, in effect, that religion is "ultimate concern", a measure of intensity, and that you may be considered "religious" without knowing it. Court cases have broadened the definition of religion so that it may include agnostics and humanists.

No one knows who will get C.O. status from his draft board and who won't. Even though the law may not cover everybody, any man can file Form 150 (Special Form for C.O.'s) asking to be a C.O.
If you are conscientiously against war —

- you may want to file for C.O. because you think you qualify clearly under the law;
- you may want to file for C.O. even if you're not sure you come under the law; but you want to express your beliefs honestly and let your draft board decide;
- you may want to file for C.O. to tell your draft board and everybody else that you're against the war;
- you may want to file for C.O. to try to get the government to broaden the law to cover all men who don't want to kill people; this would take an Act of Congress or a Supreme Court decision.

TO FIND OUT IF YOU'RE LIKELY TO QUALIFY AS A C.O., TALK WITH SOMEONE WHO HAS HAD EXPERIENCE IN COUNSELLING MEN FOR CONSCIENTIOUS OBJECTION; YOUR OWN MINISTER WILL PROBABLY BE ABLE TO ASSIST YOU.

Mr. POOL. The next witness will be David Friesel, national legislative representative, Regular Veterans Association.

TESTIMONY OF DAVID FRIESEL, NATIONAL LEGISLATIVE REPRESENTATIVE, REGULAR VETERANS ASSOCIATION

Mr. FRIESEL. Shall I go on, sir?

Mr. POOL. Go right ahead if you have a prepared statement.

Mr. FRIESEL. My name is David Friesel. I was born 20 July 1894. I enlisted in the U.S. Army in 1913, participated in World War I and World War II, and served twice in the army of occupation in Germany. I retired for physical disability in 1953 as a colonel.

I appreciate the opportunity to appear before this committee on behalf of the Regular Veterans Association, as its national legislative representative, to support amending the Internal Security Act of 1950 so that severe punishment be meted out to the few misguided, cowardly rabble who give aid and comfort to our country's enemies at a time when our loyal men and women are sacrificing their lives combating our enemies to ward off greater danger in the future.

Since Communists are not the only groups which seek the destruction of free governments, especially ours, the pending amendment to the Security Act of 1950 should encompass other groups and individuals who have been and will continue to give aid and comfort to our enemies who want to destroy this great free Nation of ours.

This does not mean that we have a perfect Government which no one may criticize; we do not! But we have the means for improving it if our vast majority of loyal citizens were not befuddled by the slanted news emanating from our press and television. Every rabble-rousing lunatic is given top billing and notoriety many times per day on TV and they are possibly the major cause of the rioting, thievery, and even murder taking place in many of our cities.

Besides the Communists we have the Nazis, the Ku Kluxers, and last but not least our mentally befuddled professors in some of our colleges and universities. A brief outline of their activities in the past is outlined below.

Communism is an organization based on holding all property with actual ownership ascribed as a whole to the state. Since our press and television are and have been reporting about them in detail for years, the public is well informed. However, there are three other very dangerous groups, namely: the Nazi Party, the KKK, and the mentally degenerated so-called professors of some of our colleges and universities—39 by count—119 professors by actual count. Since everyone knows about communism, we will follow with a brief summary of the others, starting with nazism.

The Nazi Party: The world and our adult population well know of the horrors and bestiality perpetrated by the Nazi Party of Hitler which forced us into World War II. It was started by a toolmaker, Anton Drexler, in 1919. Hitler's membership number was 7 of total membership of 25. He soon became the leader and helped to write a 25-point program, the 25th point being: "For modern society, a colossus with feet of clay, we shall create an unprecedented centralization which will unite all powers in the hands of the government." * * * In 1920 with the aid of police and disgruntled high-ranking army officers he organized the storm troopers to defend its meetings, to disrupt

meetings of liberal Democrats, Socialists, Communists, and trade unions, etc. In 1921 he was elected chairman of the Nazi Party and adopted the swastika as the official emblem. In November 1923 Hitler marched with 600 armed storm troopers to a hall in Munich where Gustav von Kahr, head of the Bavarian Government, was addressing a public meeting; took him and his associates prisoner; and, abetted by General Erich Ludendorff, declared in von Kahr's name the formation of a new national government.

Immediately thereafter, von Kahr was released and turned against Hitler and Ludendorff. Following a brief skirmish with the Munich police on November 9, Hitler and his cohorts fled and the putch failed. Hitler and Ludendorff were subsequently arrested. Ludendorff was unpunished, but Hitler was tried and received a 5-year prison term, and the Nazi Party was outlawed. It was in prison where he wrote *Mein Kampf* which, as later expanded, was a frank statement of Nazi doctrines, propaganda techniques, and plans for conquest of Germany and then the world.

Hitler was released in less than a year and immediately rebuilt the Nazi Party. In 1926 Hitler established himself as the Fuhrer (leader) and organized the SS to supervise and control the Nazi Party. When Germany fell on hard times in 1929 the capitalists, led by Fritz Thyssen, contributed large sums of money to the Nazi Party, and it grew tremendously. By 1933 von Hindenburg appointed him Chancellor of the Reich and by December Germany was under complete Nazi control, and it extorted huge sums of money from the German workers and peasants, conducted training of all youths through 17, and proceeded to try to conquer the rest of the world. Everyone who attended school since then knows well of the unspeakable horrors which were perpetrated by the Nazis until our Nation came to the world's rescue and subdued the bestiality then existent.

The Ku Klux Klan: An American, secretly organized group in the South about 1866, on the pretext of protecting white womanhood, soon instituted a program of illegal activities and hiding under white sheets and robes they flogged, robbed, and murdered throughout the Southern States. In 1871 Congress passed a law to enforce the 14th amendment to our Constitution.

Hundreds of Klansmen and other terrorists were arrested following the issuance of a Presidential proclamation in 1871, and the Klan gradually dissolved. A second KKK was incorporated in 1915 composed of white Protestant males, 16 years or older, adopting a HATE program against Negroes, Catholics, and Jews. It had little growth until the economic dislocation in 1920. Following World War I, it expanded rapidly in about 40 States. It returned to terroristic tactics such as floggings, thievery, immorality, and lynchings. During World War II it joined the German-American Bund which was financed by the Nazis under Hitler. After this war there was widespread sentiment for the suppression of the organization. It suffered a severe setback in its national stronghold, Georgia, when that State revoked the Klan charter in 1947. In 1949 the Association of Georgia Klans was placed on the list of subversive organizations issued by the U.S. Attorney General.

That takes care of the two groups, the Nazis and the KKK, that cannot only embarrass us, but be dangerous to our Nation.

The last one is the most important and the most dangerous, the befuddled professors. These comments are my own, not on behalf of the RVA. They triggered by what I consider organized disloyalty and giving aid and comfort to the enemy by jointly taking and paying for a one-half page ad on 7 July 1966 in the *Washington Post* berating our Government and demanding that—and I have the ad right here and I will read the quotations of their attempts.

1. To cease all bombing, North and South [Vietnam], and all other offensive military operations immediately;

2. To negotiate with the National Liberation Front and all other interested parties for a peaceful settlement;

3. To encourage and in no way interfere with the free exercise of popular sovereignty in Vietnam;

4. To realize that the interest of self-determination for the Vietnamese, as well as our own national interest, will be best served by termination of our military presence in Vietnam.

They jointly end up with the following threat in capital letters:

WE EARNESTLY PLEDGE THAT UNLESS THE PRESIDENT MOVES TO HALT THE ESCALATION OF WAR IN VIETNAM AND TO SEEK A NEGOTIATED SETTLEMENT WITH THE NATIONAL LIBERATION FRONT AND ITS ALLIES, WE WILL BEGIN NOW TO WORK FOR HIS DEFEAT AT THE POLLS IN 1968 AND WE WILL ACTIVELY OPPOSE HIS SUPPORTERS IN THIS ELECTION YEAR.

They go on further—

Mr. POOL. I would not bring politics into this thing.

Mr. FRIESEL. Well, it is brief, but it is to the point and it shows up—

Mr. POOL. You have a right to say what you want to. Go ahead.

Mr. FRIESEL. [Continues reading:]

Comments and contributions toward the cost of publication will be welcome. This Open Letter can be reprinted without permission. We suggest the widest publication, distribution, and use in letters to Senators, Representatives and the President of the United States.

I have never in my life read about a more disloyal and traitorous attempt at intimidation by so-called professors, 119 of them out of thousands of professors in this country, and teaching in 39 of our most known colleges and universities, which annually receive millions of dollars from the United States Government. These professors have shown such mental deterioration that they are unfit to be pedagogues much less professors. These few poltroons should be tried for accepting money under false pretenses as well as for giving aid and comfort to our enemies.

I will answer any questions you wish to ask. This is the half-page ad right here.

Mr. ICHORD. I have no questions, Mr. Chairman.

Mr. BUCHANAN. No questions, Mr. Chairman.

Mr. POOL. We want to thank the witness for appearing and giving the committee the benefit of his testimony.

Thank you, sir.

Mr. FRIESEL. Thank you.

Mr. POOL. The subcommittee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 4:25 p.m., Monday, August 22, 1966, the subcommittee recessed, to reconvene at 10 a.m., Tuesday, August 23, 1966.)

HEARINGS ON H.R. 12047, H.R. 14925, H.R. 16175, H.R. 17140, AND H.R. 17194—BILLS TO MAKE PUNISHABLE ASSISTANCE TO ENEMIES OF U.S. IN TIME OF UNDECLARED WAR

Part 2

TUESDAY, AUGUST 23, 1966

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a.m., in the Caucus Room, Cannon House Office Building, Washington, D.C., Hon. Joe R. Pool (chairman of the subcommittee) presiding.

(Subcommittee members: Representatives Joe R. Pool, of Texas, chairman; Richard H. Ichord, of Missouri; George F. Senner, Jr., of Arizona; John M. Ashbrook, of Ohio; and John H. Buchanan, Jr., of Alabama. Alternate member: Representative Del Clawson, of California.)

Subcommittee members present: Representatives Pool, Ichord, and Buchanan.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Ray McConnon, Jr., and Philip R. Manuel, investigators.

Mr. POOL. The subcommittee is called to order.

The chairman will have to ask the photographers to desist from taking any pictures under the rules.

The first witness will be Mr. Ramsey Clark, Deputy Attorney General. We especially welcome you before our committee this morning. Being a fellow Dallasite, I am sure that what you have to offer will be of interest to the committee.

**STATEMENT OF RAMSEY CLARK, DEPUTY ATTORNEY GENERAL,
ACCOMPANIED BY J. WALTER YEAGLEY, INTERNAL SECURITY
DIVISION, DEPARTMENT OF JUSTICE**

Mr. CLARK. Thank you very much.

Mr. Chairman and Members of the Committee: I am privileged to have with me Mr. Walter Yeagley, who is one of the outstanding

career public officials in the Department of Justice. He has served in various capacities in that Department for many years, and since 1959 as Assistant Attorney General in charge of the Internal Security Division.

The committee has before it a bill directed at activity of two types.

First, it would proscribe the giving of assistance to any hostile foreign power.

Second, it would prohibit obstructions to the movement of military personnel or supplies.

A prime purpose of government is its own preservation. To this end, it must prevent the flow of aid to hostile foreign powers in times of armed conflict. It must prevent interference with the movement of its troops and their supplies.

The question is whether additional laws are needed for these purposes, and if so, whether this bill best meets the need.

There is no need for new legislation because a panoply of laws, State and Federal, presently protects the national interest. Moreover, however reprehensible, indeed irrational, much of the conduct of those who endeavor to interfere with our efforts to protect world freedom in Vietnam may be, it can hardly be considered a threat. Isolated instances of vain acts by a handful of extremists to aid the enemy or obstruct our Armed Forces have failed. There has been no assistance from within the United States to hostile forces. There has been no interference with the free movement of military personnel or supplies. We should not lend credence to the possibility by again prohibiting what has not and will not happen.

Essentially, the Vietnam obstructionist movement has been a propaganda effort. What we do to exaggerate its dimension which is minuscule, only aids it in the accomplishment of its purposes. That such a tiny handful of people could secure so much attention in so vast a Nation by what has largely been eccentric behavior, is in itself a cause for concern.

Under the Trading with the Enemy Act, it is unlawful for any person subject to the jurisdiction of the United States, to transfer funds, credit, or other property or to trade with, certain blocked countries or nationals thereof, except as specifically authorized by the Secretary of the Treasury. Included are outright gifts of assistance to the nationals in blocked countries.

Its provisions are better adapted to prohibit the activity contemplated by H.R. 12047 than is that bill itself. Its penalties, 10 years' imprisonment and \$10,000 fine, are adequate to the crime. It is supplemented by the Foreign Agents Registration Act requiring anyone soliciting or sending aid to any foreign government to register with the Attorney General. The Export Control Act and other Federal statutes are also pertinent.

Present law avoids the pitfalls, the frustrations, and the ineffectuality inherent in endeavors to limit expression. Section 402(a)(1) would control advising, counseling, urging, or soliciting. Without adding any meaningful protection, this language would jeopardize the purposes of the bill and fundamental rights of Americans by risking infringement of constitutional rights of free speech.

Nor is it clear why the bill would not reach persons within the jurisdiction of the United States who do not owe their allegiance to this country, as does present law. Surely any act assisting hostile forces or obstructing military movement by an alien within our country should be prohibited to the same degree at least as acts of a citizen.

Finally, the absolute prohibition against all assistance would prohibit the arrangement of needed medical and other assistance for American prisoners of war. This has proved to be a valuable service in past conflicts. The International Committee of the Red Cross has rendered great humanitarian service. Surely we do not wish to outlaw this possibility.

It is difficult to conceive of either a major or a successful effort to obstruct the movement of military personnel or equipment in this country. Of all movement this is the most difficult to impede.

Should such an effort be made scores of laws adopted through the years and tailored to meet acts of different degrees of wrongdoing would attach.

For example, our sabotage statutes protect military material and installations, including buildings and grounds where such material is produced or stored, and utilities such as railroads, canals, bridges, vehicles, boats, aircraft, and power and communication lines used by the military. Severe penalties are provided. Of course, intensive investigation and prosecution would follow any act of sabotage. (See 18 U.S.C. 1362 and 18 U.S.C. 2151-2157.)

Trespass on military property is a Federal crime. Entering any military reservation for any purpose prohibited by law or regulation or reentering after having been removed and ordered not to reenter subjects the offender to a fine of up to \$500 and imprisonment up to 6 months (18 U.S.C. 1382). Where there are restrictions placed on a military area any person entering, remaining in, or leaving such area in violation of those restrictions and with knowledge of them is subject to a fine of \$5,000 and imprisonment for up to 1 year (18 U.S.C. 1383).

The Port Security Act, 50 U.S.C. 191-192, prohibits movement in port areas during a national emergency and provides high penalties.

If two or more persons conspire to prevent by force, intimidation, or threat, any person from entering the military service, or from discharging his duty; or to leave the place where his duty is to be performed, or to injure him, or his property on account of his discharge of his duties, or while he is engaged in the discharge of his duties; or to molest, interrupt, hinder, or impede him in the discharge of his duties they are subject to a \$5000 fine and 6 years imprisonment (18 U.S.C. 372).

To damage property of the United States, or being manufactured or constructed by it, is also subject to strict penalty. Where the property value exceeds \$100, punishment of 10 years and \$10,000 fine is authorized (18 U.S.C. 1361).

(At this point Representative Ashbrook entered the hearing room.)

Mr. CLARK. Many other Federal statutes are applicable to particular conduct in certain places. Such laws as the Sedition Act and the Assimilated Crimes Act are parts of the panoply.

These laws are adequate to protect the Federal interest. They, in turn, are bolstered by State and local laws reaching conduct properly within the jurisdiction of the States. In every jurisdiction of the Nation there are scores of laws applicable to conduct directed at members of the Armed Forces or military supplies. One need only point to general statutes and ordinances proscribing assault, destruction of property, malicious mischief, traffic infractions, disorderly conduct, disturbing the peace, and parading without a permit.

It would be unfortunate indeed if Federal law was extended into such clear State and local jurisdiction. There is no Federal police force to enforce such laws. We neither need nor want a Federal police force to enforce such laws. Nor is there any indication in any jurisdiction of the country that State or local law enforcement will not meet its responsibilities as fully where American soldiers are the subject of violation as where citizens of that community are.

Any unnecessary law is undesirable. This is particularly so in our complex times. The bill under consideration is undesirable for more reasons than lack of necessity. Principal among these are:

1. Its injection of Federal law and Federal enforcement into essentially State and local affairs,
2. Its potential for infringement of the constitutional right of free speech because it reaches advising, counseling, urging, and soliciting,
3. Its prohibition against sending medical and other needed supplies for members of the Armed Forces and civilians held prisoner by hostile forces,
4. Its excessive and indiscriminate penalty which would attach the same severe sanctions to saboteurs and sit-ins alike.

The Department of Justice recommends against the enactment of H.R. 12047.

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Thank you, Mr. Chairman.

Mr. Clark, it is a pleasure to have you before this committee, and I wish to commend you in your analysis of the bill before the committee. However, I must honestly state that I believe it is a very good general argument against the bill, but when you get down to specifics that your argument has no valid basis. First of all, in paragraph 2 on page 2 you state:

Essentially, the Vietnam obstructionist movement has been a propaganda effort. What we do to exaggerate its dimension which is minuscule, only aids it in the accomplishment of its purposes. That such a tiny handful of people could secure so much attention in so vast a Nation by what has largely been eccentric behavior, is in itself a cause for concern.

Now, Mr. Clark, you state that the laws that are on the books are sufficient to cover the subjects that are sought to be legislated against by Mr. Pool's bill, but the fact remains for these actions that have been revealed or come to light by this hearing, there have been no prosecutions.

Is it perhaps the policy of the Department of Justice that these individuals who have testified before the committee that they are against the policies of the United States of America in practically every field, that they are Communist, that they have sympathy with the aims and objectives of the Communist world, that they have nothing but utter contempt for this Government, that they have endeavored to solicit funds for the benefit of the Viet Cong, that they have collected blood to aid injured Viet Cong—is it perhaps then the policy of the Department of Justice not to prosecute because you would be directing too much attention to these activities?

Mr. CLARK. I don't believe attention is a factor when it comes to prosecution. Where we have evidence of an overt act that is a violation of a Federal statute, we proceed.

Mr. ICHORD. Then you are saying that it should be the policy of the United States Government not to legislate against such activity?

Mr. CLARK. No, sir; I am saying that present legislation is adequate to protect the Federal interest and actually better.

Mr. ICHORD. I ask you again, Why have there not been any prosecutions for this activity?

Mr. CLARK. It is difficult to generalize as to the activity that you may have in mind. Let me say that—

Mr. ICHORD. Well, let's get down to specifics, then. Your statement dealt with generalities. Let's get to specifics. There is testimony before this committee that a certain organization called the Vietnam Day Committee and the Committee for Medical Aid for Vietnam had solicited and collected funds to be sent to the Viet Cong. A check in the amount of \$250 was sent to the "International Committee of Red Cross" through Switzerland. The bank in Switzerland checked with the American Red Cross, and the American Red Cross advised them that they would not participate in such activities and that particular check was stopped.

Then the Department of the Treasury notified these individuals that this was in violation of Department regulations. Later they sent in January or February of this year two checks, one in the amount of \$500 and the other in the amount of \$1,000 to a bank in Czechoslovakia.

Now we have testimony to the effect that the Department of the Treasury later froze \$1,500 worth of assets of the bank in Czechoslovakia in a bank in this country. We don't know whether this money actually got to the Viet Cong. If it did get to the bank of the Viet Cong, then the bank of Czechoslovakia would have stood the loss, that is correct. But the money was sent out of the country. Why was there not any prosecution?

Mr. CLARK. Let me note first that to the best of our knowledge no money reached a hostile foreign power.

Mr. ICHORD. Have you checked that through to the bank of Czechoslovakia?

Mr. CLARK. On the basis of the information available to me, which is primarily through the Treasury Department, we do not know that any of these funds have reached a hostile foreign power.

Mr. ASHBROOK. Would you yield on that point?

Mr. ICHORD. Yes.

Mr. ASHBROOK. Would you take the position that the law is violated if it does not reach a hostile force, that you don't care or you don't proceed? The law was violated clearly and patently on its face with what might even be called being forewarned. The Treasury Department officials went and counseled these people against any illegal act which they proceeded to disregard, to go ahead with.

Are you taking the position that this act is not one that comes under Justice Department purview?

Mr. CLARK. I have not taken that position at all. As I said, I would like to note, first, that this money did not in fact reach a hostile foreign power. Second, as I think Mr. Smith explained yesterday, the committee or interest that was to receive this money was not named under the regulation that was at that time in existence. Subsequently that committee was added to the proscribed group, and on the basis of those facts Treasury did not recommend to the Department of Justice that a prosecution ensue.

Mr. ICHORD. And you are saying that at the time those particular acts were committed that there was no sufficient law on the books to prohibit this type of activity?

Now you say the Treasury regulations have been amended and there is sufficient law on the books to prohibit such activity. Is that your position?

Mr. CLARK. We have not determined that the regulation in existence at the time of the conduct you have described was not in fact violated. The subsequent acts, however, of amendment to the regulations, coupled with the difficulties of proof under the circumstances, made the situation one as to which Treasury did not recommend our going forward with a prosecution.

Mr. ICHORD. Then you have not accepted the recommendations of the Treasury Department to prosecute; have you?

Mr. CLARK. Treasury recommended against prosecution and the Department of Justice agreed with their recommendation.

Mr. ICHORD. And there will be no prosecution for those particular acts?

I would like for you to answer my question as to whether it is the policy. We have no incidents, we have no examples of prosecution, and I would like for Mr. Clark to answer whether it is the policy of the Department of Justice not to prosecute because of attracting too much attention to this "tiny handful of people" as he describes them in his statement.

Mr. CLARK. As I said earlier, the attention that might be attracted has nothing to do with our prosecution policy.

There have been within the last 2 weeks, in fact, a number of arrests and arraignment before the United States Commissioner in the Port Chicago area in San Francisco Bay community. There may be prosecutions now under consideration growing out of those incidents.

Mr. POOL. Right here, the fact that we are having these hearings scheduled, would that have had some effect on the fact that you have not prosecuted? Would that affect it in any way?

Mr. CLARK. Absolutely none as far as I know, Mr. Chairman.

Mr. POOL. You did prosecute in the Berkeley troop movement incident where they fell in front of the troop trains?

Mr. CLARK. There was no Federal prosecution. I understand there was State conviction, fine and time served. Those were misdemeanor prosecutions.

Mr. POOL. They paid their fines and they were released in most cases.

Mr. ICHORD. I am very happy to hear the Deputy Attorney General state that that is the policy of the Department of Justice, because as a Member of Congress I am not in favor of having any law on the books that is not enforced, because the failure of the Department of Justice or any other prosecuting agency to enforce the laws breeds contempt for the law. I will have some more to say about that later on in my interrogation of you, Mr. Clark.

The third paragraph of your report on August 12, 1966, the report of Mr. Clark to the committee on H.R. 12047, the third paragraph on the first page, you state: "In general, proposed section 402 of the bill would duplicate the scope and effect of the Trading With the Enemy Act and the regulations promulgated thereunder."

I would like for you to tell the committee, Mr. Clark, to what extent, specifically, there would be duplications of the Trading with the Enemy Act. Let's get down to specifics.

Mr. CLARK. The Trading with the Enemy Act as stated in the next full paragraph of that same letter encompasses not only commercial matters but also outright gifts of assistance to nationals in blocked countries.

Mr. ICHORD. Of course, in that respect, you will concede that the Trading with the Enemy Act is primarily geared to commercial actions?

Mr. CLARK. That is its primary purpose, and I think that is the primary risk to be protected against as well.

Mr. POOL. At this point if you will yield, I have received in the mail this morning a letter from a person in Chester, Pennsylvania, in which he says this:

Dear Rep. Pool: Enclosed are 3 books that I received in the mail 8/16/66. They were printed in Hanoi-North Vietnam, mailed from "Peace Book Company in Hong Kong, and payment is supposed [sic] to be made to a Mr. L. Y. Wong with no mention of the "Peace Book Co." on the checks.

I hope you have time to read this material to see first hand what anti-American trash can be, and is, mailed to Americans from our enemies.

I hope you can find some way to stop this un-American use of the mail.

He also encloses the invoice from the Peace Book Company of 83 Queen's Road, Hong Kong. The date of the invoice is July 1, 1966. This lists the three books that were sent to him and gives the price and the total of the bill which is listed on the invoice, which I will introduce in the record. Then it is rubberstamped down at the bottom of the invoice. It says:

IMPORTANT: U.S. dollar checks must be made payable to Mr. L. Y. WONG personally. No name or address of the Company should be added on the checks.

At this time I wish to offer this as evidence. If there is no objection it is so admitted.

(Documents marked "Committee Exhibits Nos. 4-A and 4-B." Exhibit 4-A retained in committee files. Exhibit 4-B follows:)

COMMITTEE EXHIBIT NO. 1-B

PEACE BOOK COMPANY

83 Queen's Road, Hong Kong

Cable Address: "PEACEBOOK"

To: Mr. Anstin Knowles
200 W. Dutton Mill Rd.
Chester, Pennsylvania 19014
U. S. A.

INVOICE

No. 7171

Date July 1, 1966

Your Order Ref:

Title	Quantity	Unit Price	Extension
Vietnamese Intellectuals Against U. S. Aggression	1		HK\$2.30
Once Again WE Will Win	1		1.80
The Vietnamese People on the Road to Victory	1		0.80
			<u>HK\$4.90</u>

IMPORTANT

U. S. dollar checks must be made payable to MR. L. Y. WONG personally. No name or address of the Company should be added on the checks.

Mr. POOL. I ask you to comment on this procedure which is sending bills to American citizens and asking them to send checks made out personally I guess to get around the prevailing law.

Also at this time I will introduce the three books that were sent. If there is no objection, they are submitted in evidence.

(Documents marked "Committee Exhibit No. 5" and retained in committee files.)

Mr. POOL. Go ahead, Mr. Clark.

Mr. CLARK. I would see nothing in the bill before the committee that would apply to this conduct that you have just described.

Mr. POOL. Well, if they sent they money over there, or a personal check, it would be pretty hard to detect, I understand that. But at the same time it would be getting around your Trading with the Enemy Act which is what they are trying to do. We would like to strengthen the law to stop such procedures for that reason. I thought you might have a comment on that.

Mr. ICHORD. Of course you agree, Mr. Chairman—

Mr. POOL. No, that would not cover it unless they actually sent the money.

Mr. ICHORD. Let me reframe the question, Mr. Clark. Let us take the other approach. What acts are prohibited by Mr. Pool's bill which are not prohibited by the Trading with the Enemy Act?

Mr. CLARK. The Trading with the Enemy Act would give a valuable discretion to the Treasury Department and the Department of State enabling them to try to work out arrangements where blood, medical supplies, and other needed supplies could reach American citizens, perhaps soldiers or civilians, held captive by hostile enemy power. The Pool bill would absolutely prohibit any gift for such a purpose.

Mr. ICHORD. Now in that connection I don't want to get you off the track here in answer to my question, but I think your statement there is not exactly correct. I think you have failed to read the language at the top of page 4. Mr. Pool's bill reads, section 402:

Whoever, within the United States or elsewhere, owing allegiance to the United States, whenever any element of the Armed Forces of the United States shall be engaged in hostilities abroad—

(1) gives, or attempts to give, or advises, counsels, urges, or solicits another to give or deliver, any money, property, or thing, or

(2) solicits, collects, receives, or gives to another, any money, property, or thing for delivery, or

(3) solicits, collects, receives, or gives to another, any money or thing of value for the purchase or acquisition of any property, supplies, or thing, intended for delivery,

to any hostile foreign power, or agency or national thereof, or to any organization, group, or person, acting in hostile opposition to the Armed Forces of the United States, with the intent—

Now this is specific intent to crime, Mr. Pool—

or having reason to believe, that such conduct will impede or interfere with the operation or success of the Armed Forces of the United States, or in any manner prejudice the interests of the United States, or advantage such foreign power, agency, national, organization, group, or person, shall be fined * * *.

Now I would take issue with you that this would prohibit any solicitation for any purpose. It has to have a specific intent; it has to have those elements of intent.

Mr. CLARK. Yes, I recognize it has to have those elements of intent which are very broad and would include, among others, "or advantage such foreign power" or national or organization or group. These would involve perhaps difficult questions of evidence and of proof both as to the intent of the individual making a gift and as to what, in fact, advantages a foreign power, national, or organization or group—

Mr. ICHORD. You are not seriously contending to this committee that if I went out to collect funds to send to North Vietnam to aid American prisoners in Vietnam that there would be any possibility of a prosecution under this section, are you?

Mr. CLARK. I would say, at the very least, a far more effective way of handling the problem is through Treasury Department licensing, where you can see in advance what is going on and how the goods or money is to be used.

Mr. ICHORD. All right. Let's look at your contention that this will be effective. Now, Mr. Pool does make solicitation of such funds a crime, does he not, for these purposes? We have no Federal law common law crimes, do we?

Mr. CLARK. No.

Mr. ICHORD. Now your solicitation to commit a crime, common law, is a crime in itself as a general rule; is that not a correct statement?

Mr. CLARK. That is the old common law as I understand it.

Mr. ICHORD. Now in the testimony of Mr. Smith of the Treasury Department I asked him if the Treasury regulations prohibited the solicitation of funds for these purposes, and Mr. Smith answered that question in the negative. Now are you taking a position that it is not desirable in this case to make solicitation of such funds a crime?

Mr. CLARK. In my judgment it would add very little to the effective law enforcement. The overt act itself of transmitting funds is the thing to be stopped. When you get into solicitations, when you get into the other areas that this bill would reach of—

Mr. ICHORD. Solicitation, let's not get into the other areas. I might agree with you as to the other area, "gives, or attempts to give, or advises, counsels, urges, or solicits" and I may possibly have an amendment to this bill in the committee, but let's stick to specifics. Soliciting to commit a crime is a common law crime, you have admitted that.

Now are you perhaps taking the position that in matters affecting the national security we should not make solicitations to commit a crime, a crime in and of itself?

Mr. CLARK. I doubt that it is important at all. If it is, it could be added perhaps to existing law more effectively than by passing an entire new act.

Mr. ICHORD. Well, Mr. Clark, let me say that, after study of the finer points of law involved in this legislation, I feel that if I were a member of the Progressive Labor Party that I could solicit funds for the aid of the Viet Cong, day in and day out, time and time again, and you could not prohibit that activity or take any action to prosecute under the laws as they now exist, and I will tell you why.

I asked Mr. Smith this question. I said, Is it not true, Mr. Smith, that under the Treasury regulation that a member of the Vietnam Day Committee can solicit and solicit and solicit funds for the aid of Viet Cong and receive the funds, and that solicitation in and of itself is not a crime? And Mr. Smith answered in the affirmative.

Now do you agree with Mr. Smith's analysis?

Mr. CLARK. You said, "collect" as well. Now if he collects or receives and endeavors to transmit, then he has violated existing law.

Mr. ICHORD. What existing law? Point that out to me, sir.

Mr. CLARK. The Trading with the Enemy Act.

Mr. ICHORD. The solicitation of the money here in the United States is a violation of the Trading with the Enemy Act? Certainly not. There is not going to be any violation of the Trading with the Enemy Act until he sends that money outside the limits of the United States.

Mr. CLARK. I say "solicit and collect," not "solicit to collect." The solicitation followed by the collection or receipt and transmission of money is a transgression of present law.

Mr. ICHORD. Let's confine ourselves to solicitation. I added the "collect" there, that is a different question altogether. But solicitation of funds, you do agree with Mr. Smith? That was the question that I asked him, and he said that does not constitute a violation.

Mr. CLARK. As far as solicitation by itself is concerned, that is my understanding

Mr. NITTLE. Mr. Ichord, may I also call your attention to the fact that the Treasury regulations do not prohibit the collection of funds; they are directed solely towards the transmission.

Mr. ICHORD. I wanted Mr. Clark to comment on that. We agree on solicitation. I would agree with the counsel for the committee on the Treasury regulations. I have asked Mr. Clark to point out where the collection of the funds, getting them together, constitutes a violation in the Treasury regulations. I would take issue with Mr. Clark on that and I asked for the specific statute.

Mr. CLARK. It is the transmission that is a violation of the present regulation.

Mr. ICHORD. I agree.

Mr. NITTLE. It is not the collection. The witness stated—

Mr. ICHORD. And the collection.

I am glad we have established that point.

Now we have no Federal law common law crime, Federal common law crimes. We do have statutes scattered throughout the books making solicitation to commit a crime a Federal crime. I ask you this again: Is it your position that in matters of national security we should not make solicitations to commit a crime, a crime?

Mr. CLARK. As I said before, I doubt that in connection with the particular problem here that it is important. If it is, if there is a clear need demonstrated, then perhaps the best way to catch it is by amendment to existing law.

Mr. ICHORD. Mr. Clark, I feel that the Department has not closely analyzed this problem. I feel very strongly. I think that the position of the Department on this bill constitutes a strong invitation for all Communist groups in this country to solicit and then solicit and now we can add, since we are in agreement, "and collect funds" for the benefit of the Viet Cong and the North Vietnamese. We have established that there will be no prosecution, there is no law covering those acts. We are dealing here with acts, not legitimate areas of dissent.

Now I went over this one incident of sending the money to the bank in Czechoslovakia. There was no prosecution there; you have established that you did not have a law at that time. Later on you amended the Treasury regulations so that you could prohibit these acts. Now the way you have done it under the Treasury regulations under section 5(b) of Title 50 of the Appendix, subsection (B) reads, "investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest * * *".

Now to make it more explicit, the situation we had before the amendment, the Treasury Department did have North Vietnam as a blocked country. This money of course was going to the aid of Viet Cong in South Vietnam. So you have amended the Treasury regulation—What is the wording of the amendment there? I am sure you have it.

Mr. CLARK. No; I do not have it with me.

Mr. ICHORD. Mr. Counsel, I know it included Vietnam, Liberation of Red Cross, what Mr. Smith testified to. Let's get the exact wording of the regulation.

Mr. NITTLE. He testified that on June 17, 1966, the regulations were altered to include expressly the National Liberation Front.

Mr. ICHORD. National Liberation Front.

Mr. NITTLE. As a specifically blocked national.

Mr. ICHORD. Mr. Smith, however, said it would be specifically a broad group of nationals. I suppose that would include a group.

Mr. NITTLE. Yes.

Mr. ICHORD. Mr. Smith also testified that they have added certain moneychangers in South Vietnam to this group. There have been some cases where people in sympathy with the Viet Cong in this country have sent money to certain moneychangers.

Now if these groups can solicit the money and collect the money, they could pick out any individual in South Vietnam and send that money to anyone who is not a blocked national. That is why I state your position against solicitation is actually an open invitation to these groups to continue to solicit money. I predict that unless the Department of Justice changes its position, you are going to continue to have solicitations from now on out.

Mr. POOL. At this point, if you will yield, I want to ask Mr. Clark, what chance would you have of getting a conviction if, after the solicitation, these funds were turned over to a Communist delegate to the United Nations and they took it back to Vietnam?

Mr. CLARK. It would be a matter of intention of the donor, I guess, as well as it would under your bill.

Mr. POOL. But the solicitation should be stopped.

Mr. ICHORD. But he is not a blocked national. I don't think he has named every Communist delegate to the United Nations as a blocked national.

Mr. CLARK. No; but if the intent of the donor is to give to the hostile foreign power through any intermediary, whether it be a Czech bank or some representative at the U.N., he would violate the law.

Mr. POOL. But your violations do not spell that out.

Mr. CLARK. I think it is clear in the regulations that if the purpose is to send the goods to a blocked country, through whatever round-about way, it is a violation.

Mr. POOL. But you have not named the blocked organization and you can't do that, it would be an impossibility to name all of them.

Mr. CLARK. I think not. There is a geographic designation, Vietnam north of the 17th parallel.

Mr. POOL. That is that Communist delegate to the United Nations.

Mr. ICHORD. Mr. Chairman, I don't want to monopolize all the time. I have many more questions to ask Mr. Clark, but I am going to yield at this time and give the other members of the committee an opportunity to ask questions.

Mr. POOL. Mr. Ashbrook.

Mr. ASHBROOK. Yes.

Mr. Clark, I note with interest on page 2 that you say, "Essentially, the Vietnam obstructionist movement has been a propaganda effort."

This comes as quite an interesting statement to me because it certainly does not square with the type of information that we have had before this committee. I am wondering if, in your opinion, collecting and sending money to the Viet Cong is propaganda.

Mr. CLARK. Let me say that we know of no money that has reached the Viet Cong, nor do we know of any real interference with the Armed Forces.

Mr. ASHBROOK. That is a real good point. What makes you so sure that money has not reached the Viet Cong?

Mr. CLARK. Let me say this, that we would have the same investigative problem, the same problem of discovering the facts under any statute, and we have no facts. If this committee has them, we would like them so we could investigate.

Mr. ASHBROOK. Then you don't know that money has not reached them, you just don't know of any specific instances of where it has.

Mr. CLARK. We have no information, based on our information and resources, that money has reached the Viet Cong. If the committee has any, we certainly would like to have that information.

Mr. ASHBROOK. Then you are saying you do have the ability to check the transfer of funds from Czechoslovakia, Moscow, or Peking to Hanoi?

Mr. CLARK. We have some ability to do that.

Mr. ASHBROOK. Some ability.

Mr. CLARK. That would be necessary under any law as it is under existing law. You have got to get the facts somehow.

Mr. ASHBROOK. Getting back to my question with regard to your statement, is collecting and sending money to the Viet Cong propaganda activity, or is that an activity not related to propaganda efforts?

Mr. CLARK. I would say that is not propaganda. I would say if there is a major flow of resources to Vietnam or if there was actually a stoppage of troop movement in this country, that would not be propaganda, that would be interference.

Mr. ASHBROOK. What about collecting blood for the Viet Cong? Is that propaganda, or would that be an activity in the same situation or same circumstances?

Mr. CLARK. On the basis of the information that we have, that has been largely propaganda. We know of no blood that has left this country and gone to North Vietnam.

Mr. ASHBROOK. But if it were collected and sent, that certainly would not be propaganda?

Mr. CLARK. No; we are talking about facts and not suppositions.

Mr. ASHBROOK. What about trying to halt a troop train; is that propaganda?

Mr. CLARK. I would say that the people who stand in front of a troop train with the realization that they have no potential of stopping it, particularly when the train never slows down, continues 10 miles an hour, and before it reaches them they scatter off the track, that that is seeking publicity rather than an effort to stop a train that they know they cannot stop.

Mr. ASHBROOK. You're kidding, aren't you?

Mr. CLARK. No, I am not kidding at all.

Mr. ASHBROOK. What about trying to stop ammunition trucks; is that propaganda?

Mr. CLARK. We have not seen any ammunition trucks stopped. We think people have sought publicity, sought to dramatize what they are doing in that way. We have not seen any real effort to stop a troop train or ammunition truck.

Mr. ASHBROOK. What about trying to invade a military base or conduct a so-called teach-in to show the longshoremen the bad side of Vietnam or our involvement in Vietnam and try and get them to stop their activities in handling materials that go to Vietnam? Is that propaganda or would that be an activity?

Mr. CLARK. We had 30 or 40 try to enter the Naval Ammunition Depot at Concord, California, within the last 2 weeks. They have been charged with violating Federal law.

Mr. ASHBROOK. That was not propaganda; that was an activity?

Mr. CLARK. I would say that it was an activity based primarily on the end of securing publicity.

Mr. POOL. What kind of a penalty would you have on that activity if you got a conviction?

Mr. CLARK. We could have a very severe penalty if there is a military restriction on the area. I read in my statement, I think, it is \$5,000 and one year in prison.

(At this point Mr. Buchanan left the hearing room.)

Mr. ASHBROOK. It just seems to me, Mr. Chairman, that in trying to refer to the Vietnam obstructionist movement as a propaganda effort, to use your terms, it certainly does not square with the facts, although I suppose incidentally everything they do would have propaganda value. It seems to me collecting money to send to the Viet Cong is not propaganda; it would seem endeavoring to collect blood for the Viet Cong is not propaganda; it would seem trying to halt the troop trains, trying to stop ammunition trucks, trying to invade a military installation are quite the opposite of propaganda; that is very concrete activity which we feel is based on conspiratorial activity, which brings me to the second part of my question.

You also describe the Vietnam obstructionist movement as largely, I think you used the word "eccentric" behavior. Do you mean by this that, contrary to the evidence that has been produced in these hearings, this movement is not a carefully planned Communist operation calculated to aid the Viet Cong and injure the United States?

It would be my very great desire to get at the bottom of this. If it is an eccentric behavior, there must be something wrong in the evidence that we have received, because it is very clear to us that there is a very definite Communist involvement.

What do you mean by eccentric behavior?

Mr. CLARK. I would call standing in front of a train, lying down in front of a truck, essentially eccentric.

Mr. ASHBROOK. But what about Communist involvement? Are you saying that the evidence we have produced is wrong, that there is no carefully planned Communist effort to aid the Viet Cong or to injure the United States, or is this all part of a propaganda effort?

Mr. CLARK. I am satisfied that the behavior is largely eccentric. That does not have anything to do with who is being eccentric.

Mr. ASHBROOK. Let's look into the matter of who is being eccentric. Do you think there is a definite effort on the part of the Communist Party to utilize this so-called eccentric behavior for propaganda and

for activity to aid the Viet Cong or injure the United States in its military activities?

Mr. CLARK. I think there has clearly been Communist and Communist-oriented involvement in this eccentric behavior. We have not seen any accomplishment from the behavior. We do not have any evidence of any goods or materials or property actually going to the Viet Cong, nor do we have any evidence of any actual stoppage of military troop movement or supply movement.

(At this point Mr. Buchanan returned to the hearing room.)

Mr. ASHBROOK. I think your testimony, while very interesting, is certainly presenting the position of your Department, is very legitimate to our hearings, nonetheless indicates in my opinion more of a need for this bill. While we know that you would be the ultimate Government agency for enforcing it, it seems to me that the hearings are replete with evidence that all too often when a situation comes up where there is no regulation to cover it, prosecutions do not move forward.

It would be my thought, Mr. Chairman, that the bill as introduced by yourself and cosponsored by myself has more need, rather than less need, for an enactment on the basis of the evidence we have received in the past 2 days.

That would be all I have at this time. Mr. Buchanan might have a question or two.

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. As a layman here today I want to make certain I understand what you said, Mr. Clark. We are here engaged in a great conflict between the forces of communism and the forces of freedom. We have within our country an outfit called the Progressive Labor Party about which we have had considerable testimony in these recent hearings, various representatives of which stated they were Marxist-Leninist revolutionaries, they were proud to be Communists, that they desired to see our Government replaced with a socialist government or Communist government, that they were sympathetic to the cause of the Viet Cong, and unsympathetic to our cause.

We had testimony concerning various activities led by these same individuals, and these activities included an attempt to stop troop trains, to stop the movement of supplies, an attempt to send leaflets out to adversely influence American soldiers and to try to persuade them to get out of the service and not go to Vietnam, that they produced leaflets which eventually found their way to Hanoi and I believe to Red China and were used for propaganda purposes. Although they did not admit they were sent for this purpose, they were nevertheless used for this purpose. We have testimony in evidence as to their raising money to aid the Viet Cong, and so forth.

Now am I given to understand that in the eyes of the Justice Department this is largely eccentric behavior?

Mr. CLARK. We have been commenting on the bill before the committee.

Mr. BUCHANAN. No, sir; I am referring to page 2 of your testimony and I quote:

That such a tiny handful of people could secure so much attention in so vast a Nation by what has largely been eccentric behavior, is in itself a cause for concern.

I am asking if this is eccentric behavior in the eyes of the Justice Department, these activities organized and led by persons some of whom we heard and certainly some of them said they were Marxist-Leninist revolutionaries, if you would judge this to be characterized by simply eccentric behavior?

Mr. CLARK. We have been commenting—the language that you quote is a comment on the bill before the committee. The bill before the committee would do two things: It would proscribe the giving of assistance to any hostile foreign power and it would prohibit obstructions to the movement of military personnel or supplies.

In the area of the conduct directed to those two things, both of which have failed insofar as all of our information is concerned, the conduct that we have seen, the lying down in front of trains or the lying down in front of trucks, I characterize as eccentric.

Mr. BUCHANAN. Now would these things become crime only when they are met with success? Would it not be the same principle to say that attempted larceny does not become a crime until the larceny is successful?

Mr. CLARK. I have not said that this eccentric conduct is not a crime, in fact some of these people were charged, convicted, and served time under State and local ordinances in California for this eccentric conduct.

Mr. BUCHANAN. But you immediately stated as a reason not to pass this law that these activities have not been successful. I am just asking if whether they are successful or not determines whether—

Mr. CLARK. We gave five reasons for not passing this law, the first of which is it is not necessary because there is adequate legal protection now. I merely pointed out that actually there has been no real threat, there has been no successful behavior of the type sought to be prohibited by this bill.

Mr. BUCHANAN. Now again speaking simply for the people, I think it is manifestly clear that the American people have said and are saying a resounding “no” to this kind of activity. However it may be discounted and however small the group may be and however unsuccessful their efforts, the people have said and are saying a resounding “no.” There is not any louder way that people can speak than through an act of Congress. Should the Congress—as I very much expect the House to—pass this bill, or some variation of this bill, because you have brought some criticism in the area of the first amendment connections, with which I agree, and if Mr. Ichord offers his amendment, I shall support it, and appreciate your bringing up this problem.

If we pass this bill or an amended version of this bill, in my judgment it will be an expression of the will of the American people that in this system in which legislation is in the hands of a representative body and therefore which expresses the voice of the people that their overwhelming protests against these activities, their overwhelming feeling that these are or ought to be unlawful, and that where these acts are committed they should be prosecuted. In light of this if this is passed can we count on the Justice Department to move prosecutions in these areas?

Mr. CLARK. We would certainly enforce any law that this Congress passes.

Mr. BUCHANAN. Thank you, sir.

Mr. ICHORD. Mr. Chairman.

Mr. POOL. Yes, sir.

Mr. ICHORD. Mr. Clark, you stated a while ago in answer to Mr. Ashbrook's question that trespassing on a military base would be subject to a fine of \$5,000 and 1 year. My attention is directed to Title 18, section 1382, which deals with trespass upon a military installation. I see there a fine is established at \$500 or imprisonment of not more than 6 months or both. Is there perhaps another statute that you have reference to, which I am not aware of?

Mr. CLARK. Yes, Mr. Ichord. At the time, I said if there was a military restriction placed on the area, and the section that covers restricted areas is 1383.

Now I did say \$5,000 or imprisonment up to 1 year. However, I referred back to the statement at the time of my comment.

Mr. ICHORD. The restriction would have to be placed on it before that penalty would go into effect?

Mr. CLARK. That is true, and that gives a very desirable flexibility to enforcement.

Mr. ICHORD. Now, Mr. Clark, you also made a statement in response to Mr. Ashbrook's question that you have no knowledge of any incident where money had been successfully transmitted to the Viet Cong or the North Vietnamese. Of course I think you were pretty much like I am in regard to the \$1,500 that went to the bank in Czechoslovakia. Is your information that the money was not transmitted by the Czechoslovakian Government to the Liberation Front?

Mr. CLARK. That is my information; yes.

Mr. ICHORD. A member of the staff has just informed me of one incident where money was transmitted, admittedly a very small sum, to aid the Viet Cong. In this case the individual involved took the \$100 over to Algiers and presented it to the National Liberation Front. I am advised that he was presented with a medal or honored in some fashion by Communist agents within that country. That is one alleged violation which I bring to your attention.

Are you familiar with that case?

Mr. CLARK. No; I am not. If the committee will give us the facts on it, we will look into it.

Mr. ICHORD. The point I am making is that he can collect. We have established that there is no law against solicitation, and you admitted that it didn't go into effect until there was transmission. You are content with coming along with an after-the-fact piece of legislation that you now have on the books. This money can be collected and transmitted in a thousand different ways, assuming that they can collect it. I rather agree with you I don't think this group can collect much money. I would agree with that.

However, there may be some of the sincere pacifist groups in the country who would be duped by members of the Progressive Labor and the Committee to Aid the Vietnamese who might make a contribution to such a cause and therefore obtain sufficient sums of money.

I would like to have your comments on that.

Mr. CLARK. Well, we have not seen any evidence of any substantial collections of money. Let me say that evidence indicating a wide

solicitation and a wide collection would be the basis for an investigative endeavor to see whether there is in fact a transmission.

Mr. ICHORD. The point is you don't have the law to prohibit—and you have conceded that—you don't have the law to prohibit the solicitation and collection.

Mr. CLARK. The thing to be concerned about is the transmission. There is no injury as long as the funds are in this country. For that reason I really don't see that solicitation would add significantly to the law, but again, it could be added to existing law.

Mr. ICHORD. Of course you could turn the money over to any number of individuals leaving the United States of America to take to many countries. It would be impossible to control that factor.

Mr. CLARK. You have the same problem under any law. You are talking about the difficulty of investigation.

Mr. ICHORD. We are looking to the desirability of prohibiting that solicitation and collection.

Let me ask you this question, Mr. Clark. This was handed to me by an interested member of the press. I think that I know the answer, but you are the authority on that matter.

The question is, Can we clear up whether there must be a formal declaration of war before the Trading with the Enemy Act goes into effect?

Mr. CLARK. We think it is perfectly clear that there exists, and has existed since 1950 and has been found by the courts as recently as 1964, I believe, to exist, a national emergency, and on the basis of this, not only that statute but other statutes conditioned upon the same circumstance are in full force and effect.

Mr. ICHORD. I agree the statute reads "during the time of war or during any other time of national emergency declared by the President." We are still under a national emergency I believe declared by President Truman; are we not?

Mr. CLARK. That is correct.

Mr. POOL. I wanted to ask him on that point here, if the gentleman will yield.

Mr. Clark, these groups that we have been investigating, do you think that their reference to solicitation does or does not amount to a whole lot?

Mr. CLARK. We have no evidence that they have secured any significant amount of money or blood. More important, we have no evidence that any money has, in fact, reached a hostile foreign country.

Mr. POOL. Let me state it this way: Do you think they are capable of collecting very much money?

Mr. CLARK. I would not think so. I would agree with Congressman Ichord.

Mr. POOL. Well, I want to point out to you that we have the investigation on the trips to Cuba and we had the minutes of one person paying \$20,000, I believe it was, for airline tickets to go to Havana and we estimated I believe during that period that about \$40,000 was collected. That is a pretty tidy sum for one group to go to Cuba.

In my opinion these groups are capable of collecting a sizeable sum of money to send the Viet Cong or the North Vietnamese. I wanted that fact brought out in the hearing that we had here.

Mr. CLARK. They may be. I don't think that they have. I really don't think that they are, but if they are and if they do, they will be hard pressed to get that money out of this country to any hostile foreign power because we will do our best to investigate and prohibit that transmission.

Mr. POOL. I am sure you would understand the regulation you are operating under, but I feel that it is awfully easy to get money out of this country and get it into a hostile country. Solicitation I think is most important.

I want to add this, that during the Civil War I think Abraham Lincoln had a case there in which he said, I believe I quote him right here, "Must I shoot a simple-minded soldier who deserts, while I must not touch a hair of a wily agitator who induces him to desert?"

That is the question, whether you get the fellow for soliciting or do you get the fellow that passes the money over.

Mr. CLARK. There is nothing in your bill that I see that would prohibit someone from inducing someone to desert from the Armed Forces.

Mr. POOL. I use that to show the fact that solicitation is most important and we should provide against solicitation. That is why I quote that.

Mr. CLARK. Solicitation is a fairly vague word; it involves at least some of the same problems that "advice" and "counsel" do. Solicit does not mean merely—

Mr. POOL. One fellow gathers up the money, and then somebody else sends it. You get the fellow that sends it, but who gets the fellow that solicits it? I think the fellow that solicits it is just as guilty as the person that sends it.

Mr. CLARK. The person that gives the money with the intent that it go to the foreign power is the one that would be prosecuted.

Mr. POOL. If you have a solicitation provision in there, I am sure that you will get your evidence; but if you don't have it in there, how are you going to get your evidence on solicitation?

Mr. CLARK. You have to get the evidence from the resources that you have, regardless of the law. Your law won't make an investigation any easier; it will be the same problem.

Mr. POOL. I disagree with you there. The Treasury witness yesterday admitted in several instances that there were loopholes there that could be used. Go ahead.

Mr. ICHORD. Mr. Clark, yesterday General Berg appeared before the committee representing the Department of Defense. His testimony was that he had no recommendations to make in regard to this bill. He did testify to the effect that he did not believe that the morale of American troops was being adversely affected by the type of activity that this bill seeks to prohibit, and all of the members of the committee agreed with him in that respect. I agree after a personal inspection of South Vietnam and talking to the troops there. But of course that reflects to the credit of the training and the determination of the men that we have in South Vietnam. However, there is another aspect to this question and that is even more important in my opinion and one which none of the reports have touched upon.

I wonder if the executive departments have given this aspect of the problem proper consideration. I pointed out to General Berg, and he

acknowledged this to be true, that we have taken photographs from the bodies of dead Viet Cong, of some of the demonstrations which these groups have been staging, and that the Viet Cong use the photographs as propaganda by going to other South Vietnamese and saying, "Look what is going on back in America, the American people themselves are against American involvement in South Vietnam."

General Berg agreed that this was having the effect of enhancing the morale of the Viet Cong and the North Vietnamese. I would like for you to comment on General Berg's testimony. I noticed that part of his testimony was not reported in the newspapers also.

Mr. CLARK. Well, it would be very difficult for me, on the basis of my information, to measure what effect this might have on the morale of Viet Cong soldiers. I can see though as a matter of logic, and I think General Berg referred quite correctly to it in his statement, that whatever we do in this country to exaggerate or dramatize the dimension of this very tiny little obstructionist movement would add to the impact that this might have on the Viet Cong soldiers.

General Berg on page 4 of his statement said—

Mr. ICHORD. Of course you are not saying it is a tiny movement in the United States who have opposition to the war in Vietnam.

Mr. CLARK. I am talking about the obstructionist movement.

Mr. ICHORD. You are limiting your statement, but there is a very widespread opposition to the war in South Vietnam from groups other than these people.

Mr. CLARK. I was talking about in terms of the bill.

Mr. ICHORD. So much for section 402. Let's move on to section 403. Now in your report you state that section 403 "would provide criminal penalties for any person who interferes with the movement of the Armed Forces or with the movement of supplies and material for the Armed Forces." The report also states that the only activity which this Department is aware of having been impeded is the Coast Guard in performance of its mission concerning interference by members of various organizations.

That is the Treasury Department report.

Mr. Counsel, may I have a copy of the report of the Attorney General? Here it is:

Proposed section 403 of the bill would make it unlawful for anyone, with intent to obstruct the activities or supplies of the Armed Forces, to interfere with the free movement of the Armed Forces or with transportation facilities used or intended to be used to transport military personnel or property. With respect to the activities to which this section is directed, depending upon the details of any specific activity, one or more of the sections of the criminal code such as those relating to conspiracy, treason, sedition, and subversive activities might be applicable. * * *

You are saying "might be applicable." Would you amend the "might" there and say "would be applicable"?

Mr. CLARK. It would depend on the conduct involved.

Mr. ICHORD. Then you are admitting that the criminal statutes do not cover all of the activity that would be covered by Mr. Pool's bill?

Mr. CLARK. No, I am not sure that I have admitted that, at least not in that sentence. I am not saying that every act would also be an act of treason or sedition or subversive activity. It would depend upon the particular conduct.

Mr. ICHORD. Let's take treason, for example. Would treason statutes be applicable to lying down in front of a troop train?

Mr. CLARK. No.

Mr. ICHORD. Why would it not be applicable?

Mr. CLARK. Well, treason is defined in the Constitution, the only crime that is, and it requires more in the way of overt acts than you would find——

Mr. ICHORD. Also we would have to be at war and, technically, are we at war?

Mr. CLARK. Well, you don't have to be at war necessarily. I think if there are open hostilities that would be sufficient for the treason statute.

Mr. ICHORD. If there are open hostilities and insurrections existing in the United States, certainly we don't have insurrection by activity.

Mr. CLARK. No, we sure don't.

Further, some of the activity may be in violation of State or local law and subject to appropriate action by such jurisdiction. In our view present laws, both Federal and State, would seem to be adequate to protect society from the extreme effort of interference with movement of military personnel and property by severe penalty for any minor interference, misdemeanor action.

Furthermore, such laws reflect the better balance in Federal-State relationships and do not inject the United States into law enforcement in what are essentially local activities, to involve matters as to which the Federal Government has constitutional authority to act. In these circumstances we see no need for the provisions of proposed section 403 of the bill.

Mr. ICHORD. Certainly you will agree that the Congress does have competence to legislate in the field of protecting the movement of military troops.

Mr. CLARK. There is no question of that in my mind.

Mr. ICHORD. Don't you think that that is more properly a subject of Federal legislation rather than State or local legislation?

Mr. CLARK. Certain types of obstruction; in fact I would say those types that are presently prohibited by Federal law, are more appropriately handled under Federal law enforcement and under Federal law. Other types quite clearly in my judgment should be a matter of State and local law.

Mr. ICHORD. What specific statute do you have on the books that would prohibit the lying down in front of a Federal troop train?

Mr. CLARK. The statutes that I mentioned could under some circumstances; it would require a rather extreme situation to be involved.

Mr. ICHORD. Which one?

Mr. CLARK. I say section 372 could be.

Mr. ICHORD. I agree section 372. Section 372, Title 18, "If two or more persons in any State, Territory, Possession"—to start off with I guess if one person did it, he would not be subject to prosecution under the statute——

Mr. CLARK. Not under 372.

Mr. ICHORD. [Continues reading:]

or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the

United States, or from discharging any duties thereof, or to induce by like means any officer of the United States * * * such persons shall be fined not more than \$5,000 or imprisoned not more than six years, or both.

You have to have two or more persons and you also have to prove a conspiracy; do you not?

Mr. CLARK. That is true.

Mr. ICHORD. And you will concede that the elements of conspiracy are very difficult to prove; are they not?

Mr. CLARK. They can be.

Mr. ICHORD. And usually are.

Now we had Mr. Meese before the committee, and he testified that the only statutes which the State of California had on the books in regard to this interfering with troop trains were the usual disorderly conduct statutes and he also stated that, after conference with the local United States attorney, the United States attorney indicated to him that the Federal Government was not going to prosecute because they did not have the statutes to prosecute under and there were no prosecutions.

After you cite 372 I think the testimony of Mr. Meese and the alleged decision of the U.S. attorney have been substantial, but I don't think you have a statute to prosecute under.

Now are you saying that it is desirable to have only disorderly conduct statutes to apply to this type of activity?

Mr. CLARK. I think it depends on the nature of the activity. First, I would say that 372 is applicable if there is an interference or impediment or obstruction to the Armed Forces personnel. That is, a direct interference could be a serious thing depending on the dimension of the act.

Mr. ICHORD. Let me read to you a newspaper report from the *Santa Ana Register* May 17, 1966. "Two Palo Alto men were arrested for creating a public nuisance Monday when they tried to block a truck at the Redwood City napalm plant of United Technology Corp."

Do you think that prosecution under the public nuisance is a sufficient penalty for this type of activity?

Mr. CLARK. Well, it would depend on the details. Ordinarily I would say that would be much more in line and much preferable. We have watched all of these instances with great care. I have talked personally with Cecil Pool, United States Attorney, late at night and early in the morning in connection with a number of occasions. The simple truth is that this is local conduct by local citizens; it happens to be directed toward this particular type of activity. We do not have the police available, we do not want to have the police available from a Federal reserve to handle this thing. We have been relying in these instances on the sheriff's office in Contra Costa County and on various city police, and that is as it should be.

Mr. ICHORD. I don't know the circumstances surrounding this particular case, but I would point out I think you would have to agree that section 372 would have no application in this case even though there was a conspiracy and there were 500 or 600 members of the Progressive Labor Party out there blocking the truck going into the napalm plant because this is a private corporation of United Technology Corporation.

Even if there was a conspiracy, even though there were two or more persons, you would not have any Federal officials involved.

Mr. CLARK. That would be quite easy to remedy—in Concord in the past 2 weeks when we have had marines on the trucks.

Mr. ICHORD. Beg pardon?

Mr. CLARK. I say that is easy to remedy. When there was need, we put marines on some of these trucks and you would be interfering with them in the discharge of their duties, but really they have not stopped these trucks. Now if they want to stand in front of an ambulance or in front of a fire wagon or in front of a commercial truck, that is a matter of State or local law. If it happens to be a military truck, it will still be much better handled by State and local. If they actually try to attack the truck, that is another circumstance under which Federal law is clearly applicable.

Mr. ICHORD. I yield.

Mr. ASHBROOK. I listened to this trying to square it with what they say in other fields of activity, civil rights, and so forth. I would have to say to the witness who is a very intelligent exponent of the point of view that it just does not make sense. The sending of aid to the enemies of the United States is an overwhelming matter of Federal and national concern, and not one of local interest or local concern. I just don't see how you possibly can arrive at that conclusion.

Mr. CLARK. We are talking about section 403 which has nothing to do with sending aid.

Mr. POOL. Stopping supplies, military personnel, same thing.

Mr. ASHBROOK. How you can construe this to be local when in every area of civil rights you take the opposite position and say this is a matter of national concern? When local ordinances say certain things, or sit in the back of the bus, this is always national. But when it comes to a matter of prosecuting a war, in which we are spending 10 to 15 billion dollars against an enemy that is an international enemy, now all of a sudden it is a matter of local concern.

Mr. CLARK. I don't know what the facts are, upon which you have based your statement on civil rights. I have not seen Federal troops in Cleveland, Chicago, California, New York. Those are State and local matters.

Mr. ASHBROOK. I have heard the testimony of Mr. Katzenbach time and time again, the necessity of enacting civil rights laws, some of which I have agreed with, some of which I have not; and in every case he has talked in terms of the inability of local agencies. True, we have not put troops in as often lately as we did a few years ago, but it just seems to me that to take something that is so obviously a Federal and national, even an international problem, and call it local, to say it is a matter of local interest and local law enforcement, just does not square with the way the Justice Department treats other areas.

Mr. ICHORD. I agree with the gentleman that this is not a proper area concerned with local law enforcement officials. What I strongly fear here, maybe I misunderstand, Mr. Clark, is that the local officials may say that the Federal Government is really not concerned with this situation, and why should we be concerned? I think that would be a legitimate course to follow.

Mr. ASHBROOK. I would even go further. The protection of our Armed Forces in guaranteeing their free movement is a matter of Federal concern and not one of local concern.

Now we are not talking about individual activity that we are in the civil rights movement; we are talking about the protection of the Armed Forces of the United States, men who are not in local militia. To leave this up to local concerns seems to me to be patently ludicrous on the face of it.

Mr. CLARK. Well, we are really not talking about protecting the Armed Forces because they don't need protecting.

Mr. ASHBROOK. How can you say that? Are you going to wait until somebody throws a brick? They work to heat up all these passions against these servicemen. Are you going to wait until they throw bricks through troop trains and say that is not a propaganda effort, maybe there is something here? If they keep agitating, if they keep building up this anti-Armed Forces hostility, one of these days as a part of trying to block a troop train they are going to say, "Well, they don't slow down, let's start throwing bricks through the windows."

At that point does it become a matter of hostility? We are talking about people who are trying to well up hostility against our Armed Forces. Whether you think it is propaganda or not, it just does not seem to me you can say this is a local matter. If we wait for the first brick to go through a troop train and say maybe at that point it is not propaganda, I think we are seeing the forces that will endeavor to make this kind of activity.

Mr. POOL. Mr. Ichord.

Mr. ICHORD. Mr. Chairman, I have no other questions to ask. I do want to thank Mr. Clark for his appearance here this morning. I think we have succeeded in identifying the differences, at least differences between our thinking and the thinking of the Department of Justice, and I am concerned about the position of the Department of Justice.

The gentleman has inferred in his statement that this committee might be focusing too much attention on a very small minority in this country, and I agree with the gentleman that these people carrying on this type of activity are a very small minority indeed. I don't think they constitute, at least at the present time, any serious threat to the security of America. But after your testimony today, Mr. Clark, I am concerned about what will be the effect on the American people.

I made a statement a while ago and the interchange might be misconstrued. I think the overwhelming body of the American public support the policy of the administration in South Vietnam and those who are opposed to the war constitute just a very small group, whether they are pacifists or whether they are members of the Communist Party and have sympathy with the Communist world.

On the Armed Services Committee I made the statement to Secretary McNamara that I sympathize very much with his difficulty in prosecuting the war in South Vietnam and he has a responsibility, the administration has a responsibility, of not only devising and deploying effective means of fighting the war in South Vietnam, but also devising and deploying means of fighting the war that the American people will support, and that is the area that concerns me.

I feel when the Department of Justice takes a position and to have admitted—I don't question your motive any more than I know you don't question mine. I feel that the Department of Justice is taking a position here today saying that we should permit the solicitation and collection of funds. I disagree with the gentleman when he says they cannot be transmitted, I am sure they can be transmitted. I fear that we are not following a policy which the American people understand.

Now you have inferred that this committee is perhaps focusing too much attention upon a small group. I make this statement, sir. I think by the position you have taken it is not going to be understood by the American people.

Mr. CLARK. I don't know that the American people will be concerned as long as they are of the judgment that there has been, in fact, no interference with military movement and there has been, in fact, no passage of money or other things of value to any hostile power.

Mr. ICHORD. Except the \$100.

Mr. CLARK. If you have that allegation, we will be interested in looking at it.

Mr. ICHORD. The staff handed me that information and that can be checked into. I am positive that there have been other incidents in the passage of the money because you just don't have the regulations; you are after the fact all the time, you can't prohibit it.

Mr. CLARK. The law does not discover fact. The problem of regulation will be the same under the proposed bill as it is under existing law.

Mr. ICHORD. I disagree with you there because we make solicitation and collection of such money the crime under Mr. Pool's bill. The existing law does not say that solicitation and collection is a crime. I pointed out, and the gentleman has agreed, that there is nothing new in this legislation. Solicitation to commit a crime is a crime of common law, and I see no reason why, in matters affecting the national security of the United States, we should not follow the common law and make solicitation to commit a crime, a crime.

As a matter of fact, I submit that there are stronger reasons to follow the common law in matters affecting the national security than there are in other areas. That is where we differ. I respect the difference of opinion of the gentleman, he is a very competent lawyer. I don't think we differ so much on the law as we do as to how we should proceed.

I know you are not condoning these groups; of course you are not.

Mr. CLARK. I am sure our interest in protecting the national safety is the same; it is a matter of how.

Mr. ICHORD. Thank you very much.

Mr. CLARK. Thank you, sir.

Mr. POOL. Mr. Ashbrook.

Mr. ASHBROOK. I would point out one thing in concluding. I am sure our interests are the same, but I would have to say that that is why I find just a little bit curious the statement of the gentleman as it relates to the position of the Department. I am also well aware of the fact that when the Department takes a position that you are here

to speak to that position and you have to back up that position. But to have such an important matter involving the security of the United States, where we are fighting this enemy, losing probably 500 lives a month if we can project in the next few months, where we have the commitment of billions of dollars to the Armed Forces, and you make a statement as you do on page 3, obviously the Department policy—page 3 of the report which you transmitted to us, that the laws, referring to local laws, do not inject the United States into law enforcement in essentially local activities.

Now I will have to admit that that leaves me wondering about a curious position in the Justice Department. Something as important as all of this is left up to what you refer to as essentially local activities and then you go on to say, "though they involve matters as to which the Federal Government has constitutional authority to act."

Mr. CLARK. We feel the city police should regulate the traffic on Main Street whether it involves a taxicab or an ambulance or military truck.

Mr. ASHBROOK. What about the troop trains?

Mr. CLARK. If there is really interference with the troop train, then Federal law attaches. If it is merely people in a station where there are local people available and there are no Federal police available, then local law should apply and take care of the situation. That is in fact what happened. There was no stoppage of any troop train, there was no delay of any troop train.

Mr. ASHBROOK. Well, I would merely say, by taking the position as the Department has, that you are not going to inject the United States into law enforcement at the local level in this area, it does create, in my mind anyway, a curious contrast between the position of the Department of Justice in many other areas, civil rights being one of them.

Mr. POOL. Do you not think that the people would be more apt to not demonstrate against the troop train if you had a Federal law?

Mr. ASHBROOK. Mr. Chairman, I would not want to butt in, but it is exactly the same thing we have before this committee. If you go listen to their meetings, their rallies that they are going to conduct against this, everyone knows that they are in a worse position when they come here to demonstrate as against going out to City Hall in San Francisco. That is the first thing they advise them, "Remember you are on Federal property, remember there are Federal laws."

When this committee and other instruments of the Government go out and meet in local areas like San Francisco or Buffalo or Chicago, places that we have been, we know very well at the start that we are not going to have the same degree of cooperation from our witnesses; that they are more apt to be hostile because they know where the Federal law does not attach they probably can get away with a little bit more. I think you have answered the question on the basis of the hearings we have had in the last 6 years.

Mr. POOL. Do you care to comment on that?

Mr. CLARK. On whether a Federal law would make this conduct less likely?

Mr. POOL. Yes.

Mr. CLARK. You are in as good a position as I am to judge the temperament of these people. I got the impression from reading the news-

paper that they might be looking for an incident because of the notoriety they feel they can achieve through it.

Mr. POOL. Mr. Buchanan.

Mr. BUCHANAN. Mr. Clark, I think I understand your criticism of sections 402 and 403, and I think some of my constituents would be amazed to find you have taken a States rights position but, be that as it may, I want to make certain that the record may speak clearly in light of your statements concerning the small number of people involved and the lack of success it had, more or less discounting this as propaganda effort and eccentric behavior, and saying it is State and local.

At least some of these activities you say are primarily State and local and we have had this colloquy about that just now.

In light of these statements, I want to make sure you agree with the finding of fact of the committee in section 401 and most specifically on page 2 of the bill, line 19 :

(6) There exist in the United States certain organizations, groups, and persons who adhere to the purposes and objectives of the world Communist movement, who seek to give aid, assistance, and comfort to forces hostile to the Government of the United States, and enlist others in support of the purposes and objectives of the world Communist movement, with the intent to obstruct and defeat the defense activities of the United States.

Now, albeit this group is small, and we all recognize this fact, do you agree with this finding of fact?

Mr. CLARK. Yes. I would not disagree with that finding. To make it perfectly clear, we have cited a number of Federal laws that would attach to much of this conduct and particularly to the more extreme conduct and to the conduct that is directed specifically against interference with military personnel in the discharge of their duties, and things like that.

The State and local law is the same State and local law that applies to all other movement of traffic, to all other activities of the same types in those communities.

Mr. POOL. Mr. Buchanan, will you yield at this point?

Mr. BUCHANAN. Yes, sir.

Mr. POOL. In relation to the congressional findings of fact, H.R. 12047 and identical bills, the committee staff has compiled a number of documents from official Communist sources which make it clear that it is now, and for some years has been, Communist policy to support so-called wars of liberation or people's wars.

It is this policy, coupled with Communist world conquest, which places the United States and other free nations of the world in the position of having to engage in actual undeclared war. If there is no objection, I direct that these documents be made a part of the hearing record. No objection is heard, so ordered.

(See Appendix III, pp. 1382-1397.)

Mr. BUCHANAN. I just wanted to say, then, you agree with this finding of fact, and also you have indicated that you agree this is a matter of Federal concern. The laws you have cited also indicate it is a matter of Federal concern.

Mr. CLARK. It is a matter of longstanding Federal concern, perhaps most clearly demonstrated by our presence in Vietnam.

Mr. BUCHANAN. Thank you.

Mr. ICHORD. Mr. Chairman, Mr. Clark has indicated that some of these acts are things that we just have to put up with in having a free society. I agree with the gentleman that is one of the penalties that we have to undergo to have the free society which we have, and it is desirable that we do undergo them.

We touched upon some areas which do vitally affect the prosecution of the war in South Vietnam by reason of the fact that there is an undeclared war going on in South Vietnam.

Now I am not in favor of having a formal declaration of war, but I would like to ask the opinion of Mr. Clark. Is it not true that if there were a formal declaration of war between North Vietnam and the Viet Cong and the United States that these activities, such as the collection of blood for the use of the Viet Cong, raising of funds, interference in movement of troop trains, would be treason?

Mr. CLARK. There have been——

Mr. ICHORD. Let me get all of the elements that the gentleman has admitted; that they are Communist, that they are opposed to the United States Government, they are seeking to aid the enemy of the United States Government, and they perform these acts with the purpose and intent of aiding the enemy.

If there were a formal declaration of war, would these acts not be treason?

Mr. CLARK. As I said earlier, I believe not.

Mr. ICHORD. I would like to ask you why not.

Mr. CLARK. For the reason I give if there are open hostilities that——

Mr. ICHORD. We have no open hostilities, that is out of the picture.

Mr. CLARK. No, you relate that to domestic hostilities. I think it is not so restricted, but under any circumstances since 1795 there have been fewer than 40 prosecutions for treason. Treason is high crime against nations, it is the highest crime against a nation that an individual can commit.

Mr. ICHORD. You are testifying then that these acts would not be treasonable?

Mr. CLARK. You have to tell me what the act is. You have said that all the elements of treason are present. If that is so, by definition that is treason.

Mr. ICHORD. Let me give you these elements. A person is a member of the Communist Party; he states publicly that he is such a member, that he has utter contempt for the Government of the United States and his sympathies are with the Viet Cong, that he hopes that the Viet Cong wins the war, and that he is taking these steps to aid the Viet Cong; there is a formal declaration of war between the United States and the Viet Cong; and then he raises blood for the use of the Viet Cong, he raises funds for the use of the Viet Cong, and he lies down in front of troop trains with the intention of interfering with the movement of the troop train.

Now I think I have given you about all of the elements of the facts. Would that be treason or not if there was a formal declaration of war? I am interested in the law.

Mr. CLARK. Well, treason is defined in the Constitution as the levying of war against the United States or in adhering to the enemies of the United States, giving them aid and comfort.

Mr. ICHORD. All right. That would be giving them aid and comfort.

Mr. CLARK. Adhering to the enemies of the United States and giving aid and comfort.

Mr. ICHORD. I stated that they hoped the Viet Cong would win the war.

Mr. ASHBROOK. Still have to show direct contact with the enemy. He could be doing this and not be acting in concert with the enemy.

Mr. CLARK. He would have to be adhering to the enemy, that is true.

Mr. ASHBROOK. The court case is very clear this has to be a direct contact with the enemy and not just some ideologic identity or interest; it has to be a very close connection between the enemy and his activity.

Mr. CLARK. Certainly it has to be action and not belief.

Mr. ICHORD. I know the elements are very difficult to prove, and they should be, because treason is a high crime and subject to the penalty of death.

Do you think then that these acts would not be treason?

Mr. CLARK. No; I think all of those acts could be treason. I think that is a crime that you have to look at with great care and you have to look at the very particular facts and the overt acts. There is a high burden of proof, and I think generalizations on that subject are really not very helpful.

Mr. ICHORD. Let me ask you one more question which deals with the matter of prosecution. I read in the newspapers where there is one professor in this country who contends to be a pacifist, who has traveled to Vietnam and, in Hanoi, made speeches against American policy in Vietnam. Is it your opinion that this is a violation of any of the laws of the United States? I am referring to Professor Lynd.

Mr. CLARK. I don't see that that conduct is covered by this bill at all.

Mr. ICHORD. I agree it is not covered by the bill at all, but I think it is so very relevant to the subject here when you say that we have sufficient laws on the books to cover this law.

I am wondering if we have laws to cover that sort of activity.

I am referring specifically to the Logan Act.

Mr. CLARK. There is the Logan Act and there has been and is continuing an investigation of that matter, but that is an act under which there have been practically no prosecutions, perhaps not any.

Mr. ICHORD. I don't remember any prosecutions.

Mr. CLARK. Perhaps not. I think there may have been some instituted; I don't believe there has ever been a full prosecution under the act.

Mr. POOL. If Mr. Ichord will yield, I would like to read in the record the exact quote as taken directly from the decision of the court in the Greathouse case as follows:

War has been levied against the United States. War of gigantic proportions is now waged against them and the government is struggling with it for its life. War being levied, all who aid in its prosecution, whether by open hostilities in the field, or by performing any part in the furtherance of the common object however minute or however remote from the scene of action, are equally guilty of treason within the constitutional provision.

Mr. ICHORD. I have no further questions.

Mr. POOL. Any other questions?

Mr. BUCHANAN. I would just observe that Mr. Clark has made a very able presentation of his point of view, and it would seem that no one supports the bill except the people.

Also, I think that Mr. Ichord and Mr. Ashbrook have ably demonstrated, the view of the Justice Department notwithstanding, the need for this legislation, so I might also add there is nothing behind our case except the facts.

Thank you, sir.

Mr. POOL. Mr. Clark, we appreciate your appearing and ably representing your viewpoint and the committee appreciates the benefit of your testimony.

Mr. CLARK. Thank you very much, Mr. Chairman.

Mr. POOL. This will conclude the legislative phase of the hearings. The committee will meet in the executive session at 2 o'clock.

(Whereupon, at 12:05 p.m., Tuesday, August 23, 1966, the subcommittee recessed, and the public hearings were adjourned.)

STATEMENT OF HON. DON EDWARDS, U.S. REPRESENTATIVE FROM CALIFORNIA

After the conclusion of the hearings, the following statement was submitted for inclusion in the record:

STATEMENT BY DON EDWARDS OF CALIFORNIA

Mr. Chairman, I oppose H.R. 12047 which would amend the Internal Security Act of 1950. I support the analysis of the Treasury Department that there are already laws to cope with overt acts which interfere with troop movements or constitute sabotage, as well as criminal sanctions against trading with the enemy. Insofar as H.R. 12047 would affect the present statutes, it would only create confusion and substitute vagueness for certainty of definition. It is impossible to tell from the language of the bill who comes within the phrase "hostile foreign power." Premier DeGaulle is bitterly opposed to our Vietnam policy. Is France a "hostile foreign power"? Nor can one say with assurance who is covered by the phrase "acting in hostile opposition to the Armed Forces of the United States." It appears that a waterfront barroom brawl comes within the definition.

Far more important than the problem of vagueness, however, which could possibly be cured with more precise language, is the threat the bill poses to open and free debate about the foreign policy of this country. The bill would punish with imprisonment for up to 20 years and a fine of \$20,000 certain expressions of advice and counsel. The scope of the proscribed "advice to another" in sec. 403 is so broad that it is inevitable that free speech protected by the first amendment would be throttled. It seems especially incongruous to consider such drastic legislation in light of the testimony of Brigadier General William W. Berg of the Defense Department that the morale of our forces has not been impaired by the demonstrations of dissent to United States policy.

I urge the committee to reject H.R. 12047 as unwise, unnecessary, and unconstitutional.

APPENDIX I

COMMUNIST STATEMENTS ON VIETNAM

There are recognized differences between the Communist Governments of Moscow and Peking which, in turn, are reflected in the positions taken by the Communist Party, U.S.A., and the Progressive Labor Party. However, both Communist powers are firmly united in support of the Communist Government of North Vietnam and in opposition to United States policy in Vietnam.

The following extracts from various Communist sources clearly demonstrate this:

Foreign Communist Statements

(STATEMENT OF THE 23D CONGRESS OF THE COMMUNIST PARTY OF THE SOVIET UNION, MOSCOW, MARCH 29 TO APRIL 8, 1966)

Giving voice to the will and feelings of the Soviet Communists, of the entire Soviet people, the 23rd Congress of the Communist Party of the Soviet Union wrathfully condemns US brutal aggression against the fraternal people of Vietnam.

By their bloody war in Vietnam, the American imperialists are striving to suppress the national liberation struggle of the people of South Vietnam and the other peoples of South-East Asia, and infringing openly upon the sovereignty of a socialist state, the Democratic Republic of Vietnam.

* * * * *

The Vietnam adventure undertaken by US imperialism is severely denounced by all progressive, democratic forces of the world. Increasingly broader sections of the world public are joining the campaign in support of the just cause of the Vietnamese people. Protests against the aggressive war in Vietnam are mounting in the United States itself. The moral and political isolation of the aggressors is becoming more and more obvious.

The Soviet Communists and our entire people admire the courage and fortitude of the Vietnamese patriots. They are sure that no atrocities committed by the interventionists will ever break the will of the Vietnamese people.

* * * * *

The Soviet Union, the other socialist countries and the international working-class and communist movement have always rendered the Vietnamese people extensive and all-round assistance and support. On behalf of the whole Party, of all Soviet people, the 23rd Congress of the Communist Party of the Soviet Union firmly demands that the US aggression against Vietnam be stopped and all interventionist troops be withdrawn from that country. Any continuation of this aggression, which the US militarists are trying to spread to other South-East Asian countries, is fraught with most dangerous consequences for world peace.

The Congress resolutely declares: in "escalating" the disgraceful war against the people of Vietnam the aggressors will meet with increasing support of Vietnam by the Soviet Union and other fraternal socialist countries. The people of Vietnam shall be masters of their entire land. Nobody will ever succeed in extinguishing the torch of socialism held high by the Democratic Republic of Vietnam.

* * * * *

The 23rd Congress of the Communist Party of the Soviet Union solemnly declares its fraternal solidarity with the heroic Vietnamese people, the Working People's Party of Vietnam and the National Liberation Front of South Vietnam,

and calls on all Communist and Workers' Parties to work still more persistently for united action in the struggle against US aggression in Vietnam and in rendering effective aid and support to the fighting Vietnamese people.

* * * * *

It has never been more important for the socialist countries and all Communist Parties to display their sense of internationalist responsibility to the full extent and to join together in united actions, rallying all progressive, democratic and peace-loving forces in order to frustrate the imperialist aggression.

May all the Communists of the world * * * raise their voice in protest and act still more vigorously against the aggressive actions of the US imperialists in Vietnam! May the movement of protest against US aggression, in support of the struggle of the Vietnamese people for independence, freedom and the salvation of their country, spread still more in all parts of the world!

The forces of peace and progress, once united in a single front, can and must thwart US aggression in Vietnam.

Hands off Vietnam!

The just cause of the Vietnamese people is sure to triumph!¹

(STATEMENT OF HENRY WINSTON, HEAD OF THE DELEGATION FROM COMMUNIST PARTY, U.S.A., TO 23D CONGRESS OF THE COMMUNIST PARTY OF THE SOVIET UNION)

UNITY—SUPREME NEED OF THE MOMENT

* * * * *

In the midst of these currents our Party, the Communist Party of the USA, gives its support to, and participates in, the building of the broadest unity of all strata to stop the war in Vietnam. The Party at the same time develops many-sided independent activities in defense of peace.

* * * * *

In his message to the Twenty-Third Congress, Comrade Hall expressed the essence of proletarian internationalism today in these words:

* * * * *

"Unity is the key to the victory over U.S. imperialism in Vietnam. Unity is the key to national independence for all peoples. Unity is the key to all victories for socialism. Unity is the key to the speediest build-up and industrialization of the countries of socialism. Unity is the key to the struggles of the working class."

* * * * *

A feature of politics in the U.S. today is the massive and multiform developments which are challenging U.S. aggression in Vietnam. The forms of struggle involve parades, demonstrations, mass meetings, picket lines, delegations, petitions, public hearings, polls, teach-ins, read-ins, television, radio, and many others. A depth of feeling is found in all social groupings. There are some who feel they can arouse the conscience of the nation by applying a match to a kerosene-soaked body. Some burn draft cards, and still others go on hunger strikes. The slogans vary, and are many, but the sum total can be summarized in the following way:

Get out and stay out of Vietnam!

Get out and stay out of the Dominican Republic!

Stop intervention in Cuba and Latin America, in Africa and Asia!

The Communist Party helps in the creation of maximum unity against U.S. aggression.²

¹ 23rd Congress of the Communist Party of the Soviet Union (Moscow: Novosti Press Agency Publishing House, 1966).

² World Marxist Review, June 1966.

This magazine, published in Ontario, Canada, is the North American edition of the monthly journal, *Problems of Peace and Socialism*, which is published in Prague, Czechoslovakia. *Problems of Peace and Socialism*, the "Theoretical and Information Journal of Communist and Workers' Parties," is published in 16 other languages in addition to English.

WE ARE IN SOLIDARITY WITH YOU, VIETNAM!

IN HEROIC VIETNAM

Recently a delegation of the Central Committee of the Young Communist League [of the U.S.S.R.], returned from a trip to the Democratic Republic of Vietnam. The delegation was headed by Alexander Kamshalov, Secretary of the Komsomol Central Committee. Here is what he said about the visit in an interview taken by our correspondent.

We made a brief tour of Vietnam, but in that time we met very many different people and talked with heroes of the National Army, with anti-aircraft gunners, with members of the people's volunteer corps and soldiers of the National Militia. We conversed with workers and visited the Hanoi Mechanical Engineering Plant, which was built with Soviet aid. We also paid visits to farm cooperatives, in the village of Nam Ngan of the Tkhan Hoa Province, for instance. It is situated near the Handjon bridge and is mercilessly bombed without respite by the U.S. aircraft. We saw the Tkhan Hoa hospital, which had been built with the assistance of the Soviet Union and other socialist countries. It was equipped with the latest instruments and installations for treating patients suffering from tuberculosis. The Red Cross on its roof could be seen from a great distance, but nonetheless American pilots sent bombs weighing a ton and more crashing into it, razing the hospital to the ground. This barbarity can never be forgiven. When we were in the Tkhan Hoa Province a school was bombed and 52 school-children were killed at the time. All along the way from Hanoi to Tkhan Hoa we witnessed destroyed bridges and villages where not a single house remained intact. Our hearts filled with wrath and indignation. We learned that the Americans shot people going to work in the ricefields. They even bombed the rice plantations, and we saw the results of these savage actions. It could be said that the American brass has turned the territory of the Democratic Republic of Vietnam into a proving ground for their explosives and military equipment. They have already "tested" 29 models of various aircraft in Vietnam. However, the anti-aircraft gunners of the Vietnamese are sure shots. By the time that we were in the Tkhan Hoa Province, 120 U.S. aircraft had been shot down.

We are confident that the aggressors will suffer defeat in Vietnam. We are convinced that the Vietnamese people will achieve their ultimate victory. The Soviet Union, the socialist countries and all progressive mankind are on the side of struggling Vietnam.

Recently Soviet youth again demonstrated its fraternal solidarity with the struggle of the Vietnamese people and expressed a wrathful protest against the dirty war which the American imperialists are waging in Vietnam. Meetings of solidarity with the struggle of the Vietnamese people were held all over the Soviet Union during the International Solidarity Week, in which thousands upon thousands of youth took part.

Our assistance to Vietnam is growing all the time. In just recent times, for instance, the Komsomol Central Committee sent the patriotic forces of South Vietnam 130,000 roubles worth of medicines, medical equipment and food.

Soviet youth, like all Soviet people, will continue to render every possible assistance to the fraternal Vietnamese people. Wherever we went, whether to a reception given at the Central Committee of the Union of Vietnamese Working Youth, or at a talk with DRV President Ho Shi Min [sic], during meetings with Vietnamese youth at institutes and at enterprises, our Vietnamese friends spoke very highly of the aid which the Soviet Union is rendering them.

"With the assistance of the USSR and the fraternal socialist countries our people, who are at the front line of struggle [sic] against the U.S. aggression, will be able to achieve victory over the enemy!" were the words which we heard time and again. Our delegation, on behalf of the Komsomol Central Committee, expresses its warm gratitude to the Central Committee of the Union of Vietnamese Working Youth for the opportunity of becoming acquainted with the experience accumulated during their work. We saw much and became acquainted with interesting people, and all this made it possible for us to become convinced of the firm resolve of the Vietnamese people to sweep the American aggressors off their long-suffering land!³

³ *Information Bulletin* published by Committee of Youth Organizations of the U.S.S.R., issue of May 1966.

STOP THE DRIFT TO WORLD WAR

(By Norman Freed and Kjeld Oesterling)

THE PEACE MOVEMENT is now confronted with new tasks arising from the existing international situation and the growing threat to world peace on the part of U.S. imperialism.

U.S. imperialism has embarked on a blatant course of aggression in various parts of the world. The massive air attacks on the Democratic Republic of Vietnam, the use of chemicals, poison gas and napalm bombs, the landing of marines in increasing numbers constitute naked aggression against the people of Vietnam.

* * * * *

U.S. aggression in Vietnam, a grave danger to world peace, is an important link in the chain of military conflicts developed by American imperialism. The aggressors are trying to involve the Latin American continent in these conflicts. They are carrying out preparations for a war in Europe, for it is in Europe that most of the unresolved issues left over from World War II remain.

* * * * *

The recent conference of the Communist parties of the capitalist countries of Europe likewise made a valuable contribution to the struggle for unity. It addressed an appeal to the Labor and Socialist parties of Western Europe to end their support for U.S. policy in Vietnam; to halt the barbarous bombing and acts of aggression against the Democratic Republic of Vietnam; to end all acts of aggression by the United States in South Vietnam, beginning with the withdrawal of all U.S. military forces, and to allow the Vietnamese people to exercise freely their right to decide their own destiny. This requires recognition of the National Liberation Front as the true representative of the people of South Vietnam. This appeal, if put into united anti-imperialist action throughout the world would bring peace to the people in Vietnam and eliminate a grave danger point threatening the peace of the world.

The Communists are convinced that if the peace-loving forces unite for a decisive struggle they can frustrate the criminal war plans, maintain peace and promote friendship among peoples. The Communists, as noted in the 1960 Statement of fraternal parties, see their historical mission not only in abolishing exploitation and poverty on a worldwide scale and in excluding wars from the life of human society for all times, but in ridding mankind already in the present epoch of the nightmare of a new world war.

The forces upholding peace are vast. They can put an end to the policy of aggression pursued by U.S. imperialism. Major international actions aimed at putting an end to U.S. aggression in Vietnam, protest campaigns, a powerful movement of solidarity with the Vietnamese people in all countries will become the barrier that will hold back the wave of aggression. In a number of countries, money is being collected for the purchase of supplies and medicines to be sent to the war-stricken people of Vietnam. This is one of the manifestations of the growing consciousness of the peoples and the consciousness of the peoples is an important factor in world politics.

The working people have created an arsenal of effective means of struggle against imperialist aggression. They were inspired to this by the sense of solidarity with the victims of the imperialist aggression, a clear understanding of the fact that the sparks of imperialist war are threatening their own homes.

* * * * *

Today also, the working people can take up the tested weapons of struggle against the increased war danger. In this respect the world congress for peace, national independence and disarmament to be held in Helsinki will, undoubtedly, be of great importance. This congress will promote unity of all peace-loving forces in the interest of joint actions against the forces of war.

The demands of the peace-loving forces reflect standards of social justice so dear to the peoples, standards which the imperialists have never succeeded in destroying in the minds of the working masses.

The peoples demand:

—an end to U.S. acts of aggression in Vietnam;

—the withdrawal of American troops and armaments in keeping with the Geneva agreements of 1964;

—an end to the interference of U.S. imperialists in the affairs of South Vietnam; the granting to the people of Vietnam of the right to determine their own destiny.

Mankind is at present living through a critical moment in its history. To stop the aggression in Vietnam and elsewhere, to defeat the interventionist policy of American imperialism, to deliver a decisive blow to the "war party"—that is the most important task today. Unless this is done the aggression in Vietnam and Latin America, whetting the appetite of the imperialists, may become the prelude to a world nuclear war.

* * * * *

Action, cohesion and initiative are urgently needed throughout the world to safeguard peace and the security of the peoples. Such a line should be pursued in the course of multilateral actions at all levels, embrace all tendencies and trends, and become a versatile democratic movement of our epoch. In our opinion, it should be a broad and genuinely effective one.

Aggression must be stopped! The "limited wars" must be stopped!

Peace, freedom and self-determination are indivisible. The proposals of the peace champions must acquire a realistic and concrete form when translated into practice. An immediate end to the aggression in Vietnam! Peace for Vietnam! Democracy and self-determination for the Dominican Republic! No further political or military preparations for attack against Cuba! No multilateral nuclear forces, and a new system of security in Europe! No new provocations in connection with Berlin!⁴

UNITY OF ACTION IS A VITAL NEED OF OUR TIME

(By F. Anton, A. Ferrari, and V. Slavik)

* * * * *

The task is to so act as to end the imperialist aggression in all areas of the world. The most dangerous aggression at the moment is the U.S. aggression against the people of Vietnam. Ending this "dirty war" would signify not only the triumph of the just cause of the people of Vietnam and the opportunity for them to decide their own destiny; it would also avert the danger of the conflict escalating.

It is true that all the Communist and Workers' parties have publicly voiced their complete solidarity with the just struggle of the people of Vietnam. Valuable and effective material aid has been rendered, and is still being rendered by a number of parties. This aid, as the example of the USSR and other socialist countries shows, is in keeping with the corresponding agreements concluded with the government of the Democratic Republic of Vietnam and is in line with the request of the latter. In the capitalist countries protest demonstrations are taking place demanding an end to U.S. aggression. Carrying forward the finest traditions of their people, progressives in the United States are courageously raising their voices in the citadel of imperialism in protest against the war. The call "Stop the Bombing of the DRV!" is heard throughout the country.

The need, however, is for united action on a broader scale in all parts of the world, and in particular in those countries where the governments support the U.S. aggression. This will give added impetus to the solidarity with Vietnam. It is likewise important to demonstrate that more effective forms of aid will be given in the event of the U.S. imperialists venturing to escalate their aggression.

The parties must help by every means at their disposal to give effect to this unity of action.

This applies, first and foremost, to the Communist and Workers' parties of the socialist countries. It is the socialist world system, the bulwark of all the revolutionary and progressive forces, that shoulders the weight of the struggle and extends aid to the peoples carrying it on. Every opportunity should be used to render the aid needed; the people of Vietnam, indeed, people everywhere in the world, expect this. Close unity of the socialist community would be a stimulus, a great power of attraction and mobilization of the masses in the capitalist world and of the peoples who have cast off the imperialist yoke, and would pave the way for joint action by the forces of progress.

⁴ *World Marxist Review*, July 1965.

This task concerns also the Communist and Workers' parties in the rest of the world. Most of them have considerable influence among the working class and other democratic forces in their countries. All these forces are opposed to the aggression of U.S. imperialism and support the people of Vietnam; they want to see aggression ended and have expressed this sentiment in different ways and on different occasions. Greater coordination of the policy and activity of these parties and organizations is essential if the actions by the working class and masses, generally, the trade unions and other organizations and democratic forces is to have an impact on a regional, continental and even world scale, actions with which U.S. aggressive circles and those supporting them will have to reckon.

Such are the demands of proletarian internationalism from which the Communists draw their strength. It is hoped that unity of action will be achieved, and the sooner, the better, for we should bear in mind that things might become worse, and this would make it even more difficult to advance along the path where the obstacles, although they exist, are not insuperable.⁶

SOLIDARITY WITH THE PEOPLE OF VIETNAM⁶

(Review of protest actions around the world)

* * * * *

The imperialists evidently have chosen Vietnam in order to "probe" the firmness of the socialist camp. Now they have been able to satisfy themselves that "probes" of this kind bode them little good either in Vietnam or in Cuba or in any other part of the world.

The socialist countries immediately came to the defense of the people of Vietnam in their fight against the U.S. aggression.

The Soviet government, which has repeatedly denounced the U.S. aggression in South Vietnam, immediately after the beginning of raids by U.S. aircraft against the Democratic Republic of Vietnam, took concrete steps to help repel the aggression. One of its statements said: "In the face of the above-mentioned actions of the United States, the Soviet Union will be compelled, together with its allies and friends, to take further measures to safeguard the security and strengthen the defenses of the Democratic Republic of Vietnam. Let no one doubt that the Soviet Union will do this, that the Soviet people will fulfil their internationalist duty in respect to a fraternal socialist country."

* * * * *

The Communist parties in all countries—the voice and conscience of the working class, the peasantry and of all progressive sections of the people—oppose the U.S. aggression as the most resolute and consistent exponents of world public opinion. Statements, protest resolutions, messages of solidarity, letters, appeals and calls to action come from the Communist parties of Europe, Asia, Africa, the Middle East, North and South America and Australia. The Parties are organizing and initiating solidarity campaigns and militant actions by the working people against the policy of military gambles and for aid to the embattled people of Vietnam.

Calls to combat the U.S. aggression have been made by many *international democratic organizations* including the World Federation of Trade Unions, World Peace Council, World Federation of Democratic Youth, International Organization of Journalists, International Students' Union, Women's International Democratic Federation, International Association of Democratic Lawyers, International Trade Union Committee of Solidarity with the Workers and People of South Vietnam, Bureau of the International Conference of Solidarity with the People of South Vietnam and the Permanent Secretariat of the Afro-Asian Solidarity Organization.

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Condemnation of the U.S. aggression resounded in the May Day demonstrations held all over the world, and in the public gatherings held on the occasion of the 20th anniversary of the end of World War II. May Day marchers

⁶ Italics in this and all following quotations appear in the originals.

⁷ Ibid., January 1966.

demanded an end to the imperialist war in Vietnam. "Peace to Vietnam!", "No to the American War in Vietnam!", "Stop actions threatening nuclear catastrophe!"—these slogans were the keynote of the meetings and demonstrations in honor of the international day of working people's solidarity.

* * * * *

The *United States*, too, has been the scene of a big and widespread protest movement. No event in the twenty years since the Second World War has agitated Americans so forcefully as the bomb-happy policy of the Johnson Administration in Vietnam.

"There has never been a government policy with less support from our people as is the case with this policy of aggression," said Gus Hall. "There has never been a policy so out of step with popular 'consensus'."

* * * * *

Big demonstrations have been held all over the country. On April 10 six thousand people marched in New York. On Easter eve, April 17, Washington witnessed an unprecedented demonstration against the Administration's foreign policy—a peace march in which some 30,000 took part. One of the leaflets distributed on behalf of the marchers said: "The war in Vietnam is a hideously immoral war . . . It is a terrifyingly dangerous war. And it is a civil war in which the only outside forces are those of the United States." The demonstration ended at the White House where the marchers called, but in vain, for the President.

The movement in the USA against the war in Vietnam shows signs of growing into a real movement of all the people, embracing all walks of life and the most varied organizations, such as the Student's Peace Union and the W.E.B. Du Bois Clubs, the Sane Nuclear Policy Committee and a number of trade unions, the Women Strike for Peace organization, societies advocating civil rights for the Negro population, and religious groups. On May 12, for instance, the Pentagon was besieged by hundreds of demonstrators, representing religious groups who had come to protest against the reckless military policy and to "demonstrate the desire of the American people for a peaceful settlement in Vietnam."

A very active role in the anti-war campaign is played by Students for a Democratic Society, which unites representatives of 63 universities.

This role of the students in the protest demonstrations against Washington's military policy in Southeast Asia has compelled the U.S. press to speak about the awakening of the Silent Generation as the youth used to be considered. Special "peace in Vietnam" and "no war in Vietnam" committees have been set up on university campuses.

For many organizations this condemnation of the war in Vietnam was the first experience of opposition to the foreign policy of the government.

* * * * *

The worldwide movement against the U.S. war in Vietnam is growing day by day. All who cherish peace and the security of the peoples are acting in a united front.

The U.S. rulers and the few governments which support them, having completely counterposed themselves to world public opinion, find themselves in a position of political and moral isolation. In all countries the call of the peace-loving peoples resounds with ever greater force: "Hands Off Vietnam!"⁷

"SMALL WARS" AND THE AGGRESSION IN VIET-NAM

(By Y. Oleshchuk)

American imperialism is continuing its criminal war in South-East Asia.

In an effort to crush the Vietnamese people's heroic resistance, the United States has been extending and intensifying its armed intervention in Viet-Nam. The U.S. Congress recently voted additional appropriations of nearly \$13,000 million for the war in that country. There is talk of a possible dispatch of more and more U.S. troops to South Viet-Nam in addition to those already there.

⁷ *Ibid.*, June 1965.

U.S. imperialism's Viet-Nam gamble is being severely condemned by all progressive, democratic forces in dozens of countries. The greatest international responsibility for the future of the world and humanity calls upon all Socialist countries, the supporters of social progress and democracy, all those to whom the real freedom and independence of nations is near and dear to close their ranks and give joint and effective support to the heroic Vietnamese people.

Experience has already shown that the imperialist "small wars" inevitably contain the embryo of armed conflicts on a much wider scale. The international unity of all progressive, democratic, peace-loving forces must show and will show that imperialist aggression holds out no prospects of success.⁸

SLOGANS ISSUED BY THE CENTRAL COMMITTEE OF THE COMMUNIST PARTY OF THE SOVIET UNION FOR MAY DAY 1966

Long live May Day, the day of international solidarity of the working people, the day of the unity and brotherhood of the workers of all countries!

Long live the working class of the whole world! Proletarians of all countries, unite!

Long live Marxism-Leninism, the ever-living, all-conquering revolutionary teaching!

* * * * *

Peoples of the socialist countries, the peoples waging the national liberation struggle, working people of the whole world! Unite your efforts in the struggle against imperialism and colonialism, for national liberation, for peace, for democracy, and socialism!

Peoples for all countries! Expose the schemes of the imperialist instigators of war! Intensify the struggle for the suspension of the arms race, for the banning of nuclear weapons, for general and complete disarmament, for peace the world over!

Peoples of the world! Struggle for the suspension of the military intervention of American imperialism in Vietnam! Demand the immediate withdrawal of U.S. Armed Forces from South Vietnam, the placing at the disposal of the people of Vietnam the possibility of deciding their own affairs! May international solidarity with the heroic people of Vietnam broaden and grow stronger!

* * * * *

Fraternal greetings to the working people of the Democratic Republic of Vietnam, who are building socialism and struggling against the American aggressors and for the peaceful unification of their country on democratic principles! Long live the eternal, unbreakable friendship and cooperation between the Soviet and Vietnamese peoples!⁹

(LETTER FROM LIU SHAO-CHI, CHAIRMAN OF PEOPLE'S REPUBLIC OF CHINA, TO HO CHI MINH, PRESIDENT OF DEMOCRATIC REPUBLIC OF VIETNAM, DATED JANUARY 20, 1966)

CHINA RESOLUTELY SUPPORTS D.R.V.'s JUST STAND

Respected and Dear Comrade President,

* * * * *

U.S. imperialist aggression is the root cause of the present grave situation in Vietnam. It is clear to all that, according to the 1954 Geneva agreements, the Vietnam question should have already been settled. But the United States has thoroughly trampled underfoot the Geneva agreements under which it has assumed obligations. It has fostered its puppet regimes in southern Vietnam, obstructed the peaceful reunification of Vietnam, slaughtered or imprisoned hundreds of thousands of Vietnamese patriots and launched an inhuman "special war" against the south Vietnamese people. As it failed to win the "special war,"

⁸ *International Affairs*, May 1966.

This publication is an international Communist agitation and propaganda organ published in Moscow in the Russian, English, and French languages by the All-Union Society ("Znaniye") of the U.S.S.R.

⁹ Moscow Radio (Russian Language Broadcast) 17 April 1966.

it has sent over huge forces for direct aggression in southern Vietnam and employed its air force units to bomb the Democratic Republic of Vietnam. Obviously, the aim of the United States is to turn southern Vietnam into its colony and military base and perpetuate the partition of Vietnam.

* * * * *

If the Vietnam question is to be settled, the United States must truly abide by the Geneva agreements. The four-point stand for a settlement of the Vietnam question set forth by the Government of the Democratic Republic of Vietnam is a concentrated expression of the essence of the Geneva agreements. If the U.S. Government really has any sincere desire for a peaceful settlement of the Vietnam question, it should act in accordance with this four-point stand, stop its aggression against the whole of Vietnam, withdraw all its own forces and those of its vassal countries from southern Vietnam, recognize the South Vietnam National Front for Liberation as the only genuine representative of the south Vietnamese people and let the Vietnamese people settle their own problems by themselves. But so far there has been no indication that the United States is ready to do so. On the contrary, it is continuing to send aggressive reinforcements to southern Vietnam, pursuing there the still more barbarous "scorched earth" policy of "burn all, destroy all, kill all," and extending the flames of its war of aggression against Vietnam to Laos and Cambodia step by step. This shows that the United States does not really want a peaceful settlement of the Vietnam question but is using these "peace offensives" to cover up its designs of intensified expansion of its war of aggression.

* * * * *

The great struggle of the Vietnamese people against U.S. aggression and for national salvation is perfectly just. Your heroic deeds have inspired all revolutionary peoples, and your struggle has won the extensive sympathy and support of the peace-loving countries and people of the whole world. It is certainly not the Vietnamese people fighting for independence and freedom, but the U.S. imperialists persisting in policies of aggression and war, who are really isolated. The facts will prove that the farther U.S. imperialism goes along its path of war expansion, the nearer it will approach the day of its thorough defeat. China and Vietnam are neighbours closely related like the lips and the teeth; our two peoples are brothers sharing weal and woe. The Chinese people always unswervingly stand together with the Vietnamese people and wholeheartedly support and assist them in their just struggle. To whatever extent U.S. imperialism may expand its war and whatever may be the price we have to pay, we 650 million Chinese people will stand by the fraternal Vietnamese people in a joint struggle to thoroughly defeat the U.S. aggressors.¹⁰

(REPORT ON ACCOMPLISHMENTS OF FIRST SOLIDARITY CONFERENCE OF THE PEOPLES OF ASIA, AFRICA, AND LATIN AMERICA, COMMONLY KNOWN AS THE TRI-CONTINENTAL CONFERENCE, HELD IN HAVANA, CUBA, JANUARY 3-16, 1966)

FIRST CONFERENCE OF THE PEOPLES OF THREE CONTINENTS

(By Lionel Soto)

* * * * *

ON VIETNAM

The Subcommittee for Vietnam adopted a resolution noting the heroism, indomitable will for victory and remarkable successes of the Vietnamese people battling against the might of the United States. The resolution qualifies the Vietnam problem as the central problem of the Conference: "human conscience," it declares, "is deeply shocked and indignant at the genocide practiced by the North American aggressor."

The resolution exposes the hypocritical manoeuvres of the United States like the notorious "peace offensive" and demands observance of the 1954 Geneva Agreements. It supports the January 4, 1966 Statement of the Democratic

¹⁰ *Peking Review*, February 4, 1966, pp. 5, 6.

This is a weekly magazine published in the capital of Red China in English, French, Spanish, Japanese, and German editions.

Republic of Vietnam, the Statement of the Central Committee of the National Liberation Front of South Vietnam dated January 5, 1966, the five points in the Statement made by the NLFSV on March 22, 1965, and the four points contained in the April 8, 1965 Statement of the DRV Government. "The conference considers these documents to be the sole just basis for the solution of the Vietnam problem," for which the demand for the immediate withdrawal of all U.S. troops and those of its satellites from South Vietnam is of decisive importance.

The conference decided to set up a *Tricontinental Committee for Aid to Vietnam*, the chief purpose of which will be "to mobilize, organize, coordinate and intensify the movements of solidarity, support and aid to the Vietnamese people in all fields—moral, political, material and economic, including aid through volunteers and arms—within the framework of each country, each continent and all the three continents." Havana was chosen as the seat of the committee.

The Political Committee of the conference discussed the proposal submitted by the delegation of the Soviet Union on the establishment of an *International Relief Fund for Vietnam* under the auspices of the above-mentioned committee which should study the practical aspect of this question.¹¹

(APPEAL ADOPTED BY THE WORLD COUNCIL OF PEACE (WORLD PEACE COUNCIL)
DURING ITS MEETING HELD IN SOFIA, BULGARIA, 20-21 NOVEMBER 1965)

* * * * *

The Presidential Committee of the World Council of Peace, meeting in Sofia, notes a constant deterioration in the situation in Vietnam due to the American policy of intensifying and extending its war of aggression.

Despite the indignation and vigorous protests of world public opinion, the US Government is stubbornly going still further in its extremely dangerous military adventures: sending to South Vietnam new reinforcements of tens of thousands of American soldiers and troops from its satellite countries bringing in weapons and war material, thousands of tons of chemical products and toxic gas, intensifying the bombing of the population of South Vietnam by the 7th Fleet and B52 bombers; at the same time, it is intensifying and extending its bombing of towns and villages in the territory of the Democratic Republic of Vietnam.

It is to be noted that while these shameful crimes are being committed, the US President continuously talks about "peaceful negotiations". This is a deception aimed, on the one hand, at concealing the fresh American military manoeuvres and, on the other, at saving the desperate situation of the American aggressors and their puppets in South Vietnam.

* * * * *

The WCP Presidential Committee considers that it is necessary and possible, in the present situation, to mobilise a broader movement of the forces of peace and freedom in the whole world to urge the US Government officially to declare its recognition of the 1954 Geneva Agreements and prove by concrete actions recognition of the following points:

- End the war of aggression in South Vietnam, withdraw the troops, weapons and American military personnel from South Vietnam, leave the South Vietnamese people to settle their own affairs;
- Immediately stop the war of destruction waged by US air and naval forces against the Democratic Republic of Vietnam, a sovereign and independent country;
- Recognise the National Liberation Front of South Vietnam as sole and authentic representative of the 14 million inhabitants of South Vietnam.

The Presidential Committee of the World Council of Peace considers that once these bases were recognised, the peaceful settlement of the problem of Vietnam could go ahead under favourable conditions; any solution, however, not based on the above-mentioned points would not be appropriate, not being in conformity with the 1954 Geneva Agreements on Vietnam and the legitimate aspirations of the Vietnamese people.

The Presidential Committee of the World Council of Peace calls on the peace workers and peoples of all countries to work more actively to help end the

¹¹ *World Marxist Review*, April 1966, p. 8.

American war of aggression in Vietnam and to develop the movement of all possible support for the Vietnamese people.

The Presidential Committee of the World Council of Peace calls on all peace movements in the United States and the countries taking part in the war of aggression in Vietnam to participate in all the demonstrations of university groups, women and young people, to support the movement opposing service in armed forces assigned to Vietnam, to help ensure the success of marches and other protest actions. It calls on all peace forces in the world to strengthen the campaign of refusing to load and transport weapons, munitions and troops to Vietnam, to oppose the US imperialists using foreign territories and their military bases in these countries for aggression against Vietnam.¹²

DECLARATION OF THE IUS SECRETARIAT ON THE OCCASION OF THE 11TH ANNIVERSARY OF THE SIGNING OF THE GENEVA AGREEMENTS OF 1954 ON VIETNAM—JULY 20TH, 1965

At the price of a long, stubborn and heroic struggle for national independence, the Vietnamese people won a brilliant victory over the French aggressors and American interventionists. The Geneva Agreements signed on July 20th, 1954, solemnly recognized the independence, sovereignty, unity and territorial integrity of Vietnam.

But the American imperialists were opposed to the establishment of an independent and unified Vietnam. For 11 years, they have systematically sabotaged the Geneva Agreements, starting immediately after their signing. They have transformed South Vietnam into a neo-colony and into a U.S. military base, they have been waging a barbarous aggressive war against the South Vietnamese people and have been trying to perpetuate the division of Vietnam. Tens of thousands of tons of weapons and modern American war material, including napalm and phosphorous and chemical and toxic gas products, and tens of thousands of American soldiers and officers as well as thousands of soldiers from its satellite countries have been illegally introduced into South Vietnam, in spite of the rigorous prohibition in the Geneva Agreements.

* * * * *

The IUS and the progressive students of the world express their total support for the just, Five-Point position of the National Liberation Front of South Vietnam as expressed in its declaration of March 22nd, 1965, and for the Four-Point declaration of the Government of the DRV, as expressed on April 8th, 1965. These positions constitute the sole reasonable and realistic basis for the solution of the Vietnamese problem. Any other measure running counter to these positions, including the intervention of the UN, is bound to fail. The so-called peace proposals put forth by the Wilson government which has always actively supported the American war of aggression in South Vietnam and which is kept in tow by Johnson as far as his military actions in Vietnam are concerned, are nothing more than the reflection of the "peace negotiations" trickery of the American imperialists.

The IUS and the progressive students of the world consider that the National Liberation Front of South Vietnam is the only authentic representative of the South Vietnamese population and consider that no question relating to South Vietnam can be resolved without its participation.

On the occasion of July 20th, 1965, the IUS addressed all progressive students of the world, calling on them to:

—energetically condemn the American imperialists' policy of aggression in Vietnam and to demand of them:

—total respect and the strict application of the 1954 Geneva Agreements on Vietnam,

—an immediate end to their aggression in South Vietnam,

—the immediate withdrawal of their troops, the liquidation of all their military bases in South Vietnam,

—the immediate cessation of aggression against the DRV.

¹² Supplement to *Bulletin of the World Council of Peace*, No. 13, December 1965.

The World Council of Peace (World Peace Council) is generally recognized as the principal international "peace" front of the world Communist movement. It was formed in 1950 at a Communist-sponsored "peace" conference held in Warsaw, Poland.

—respect the legitimate right of the South Vietnamese people to freely determine their own destiny and the right of the entire Vietnamese people to decide for themselves the re-unification of their country,

—support the just liberation struggle of the South Vietnamese people and students by all means, both moral and material, including the sending of funds for the purchase of weapons and, in case of necessity, the sending of volunteers to fight alongside the South Vietnamese students and people.

The IUS and the progressive students of the world are convinced that the people and students of Vietnam, strong in their firm determination to struggle against the aggressors and in the warm support of the peoples of the world, will unquestionably achieve final victory. The American aggressors will certainly be defeated.

The profound aspirations of the entire Vietnamese people—independence, sovereignty and national unity—will undoubtedly be realized.

American aggressors, out of Vietnam! Long live the liberation struggle of the people and students of South Vietnam! Long live the heroic resistance of the people and students of Vietnam against American aggression!¹³

DECLARATION OF THE WOMEN'S INTERNATIONAL DEMOCRATIC FEDERATION ISSUED IN
EAST BERLIN, GERMANY, MARCH 11, 1966

DECLARATION

The whole world is aroused at the growing seriousness of United States aggression against Vietnam. Over the last few weeks, the bombings have redoubled in the North, hitting without discrimination cities and towns, hospitals, schools, pagodas and hydraulic installations. It is with anguish that the peoples of the world note the daily increase in the number of military personnel, both of the United States and satellite [sic] countries. Tremendous force, the most barbarous methods of destroying human lives, culture and the fruits of man's labour are unleashed against a people numbering 31 million, who aspire for their reunification, against men, women and children who only ask to live free in their country and to decide their own future.

The condemnation of peoples all over the world is increasing against such crimes. Millions of women and mothers, who wish for all children of the world the same happiness, in a world at peace that they desire for their own children, are protesting. In ever larger numbers they are estimating the danger of this war against Vietnam being extended to all countries, the danger of a new world war, which using terrifying atomic weapons, would destroy all signs of life on earth.

* * * * *

Let millions of women's voices everywhere join together to demand

- the strict and immediate implementation of the Geneva Agreements,
- an immediate end to bombing
- the withdrawal of American and satellite [sic] troops from South Vietnamese territory, the liquidation of military bases,
- the recognition of the F.N.L. of South Vietnam as sole bargaining representative in negotiations.

These are the only conditions that will permit the Vietnamese people to settle their own affairs, free from all foreign intervention.

The period ahead will be marked throughout the world by very large actions of all freedom-loving forces, who desire respect for human rights, justice and peace.

Let the women, mothers, whose hearts beat together, in a common cry of revolt, contribute to putting an end to so much unhappiness which nothing can justify, and let them be worthy of the sacrifices willingly made by the Vietnamese women in their noble patriotic struggle, for the freedom and happiness, not only of their country, but of the world.¹⁴

¹³*News Service*, No. 15-16, August 1965, published in Prague, Czechoslovakia, by International Union of Students.

The International Union of Students, established in 1946, is the worldwide Communist front for students. It has been cited by this committee and the Senate Internal Security Subcommittee.

¹⁴Women's International Democratic Federation, a Communist front founded and supported at all times by the international Communist movement, has stated frankly that it intended to follow the lead of the Soviet Union, "the only country truly working for peace." It has been cited by this committee and the Senate Internal Security Subcommittee.

WORLD FEDERATION OF DEMOCRATIC YOUTH

Tens of thousands of American troops keep flowing into Vietnam. What for? To defend freedom and democracy? To halt communist aggression? On being sent thousands and thousands of miles away from their homeland—to Vietnam, this is how their mission is explained to them. The unfortunate thing is that many fall for this humbug and they carry out their mission of destruction, killing and soil-razing . . . But to avoid becoming accessories to this crime some young Americans burn their draft papers, and even commit self-immolation by fire. Both types are just young people, but with a difference . . .

The Vietnam problem has become a touchstone for all progressive forces. It has brought to light the intrinsic qualities of the majority of young people of our time. It is not surprising then that people with widely differing views on different problems join together in a vast international solidarity movement with the youth and people of Vietnam.

The International Youth and Students' Conference for Solidarity with the People, Youth and Students of Vietnam, to be held in Pyongyang (Democratic Republic of Korea, May 1966), will be aimed at strengthening this fighting unity, against American imperialism.

The first item on the agenda of the forthcoming Assembly of member organizations of the World Federation of Democratic Youth (Bulgaria—June 1966) will deal with the question of building up international solidarity and consolidating unity of action of world youth against American's war of aggression in Vietnam.

Everywhere where men live protest actions are being staged against the US imperialist war of aggression in Vietnam and demonstrations for peace and aid to the heroic Vietnam people are being organized. Blood for wounded Vietnamese patriots as well as medicines and medical instruments are being sent to the country.¹⁵

Domestic Communist Statements

NATIONAL LIBERATION AND THE ANTI-IMPERIALIST STRUGGLE

(Editorial)

* * * * *

The struggle of the American people against the war of aggression in Vietnam is no less material in shaping its outcome than the heroic *resistance* of the Vietnamese people themselves. * * *¹⁶

DIRECTIVES OF THE COMMUNIST PARTY, U.S.A., CONCERNING THE WAR IN VIETNAM

AUGUST 19, 1964.

TO ALL DISTRICTS:

On August 7th our Party issued a statement condemning the military aggression by the United States against North Vietnam and the danger of a world nuclear conflagration created by such an attack.

That statement in full was published in *The Worker* of August 11 and called for all people "to speak out for peace" and for "all peoples organizations, trade unions, churches * * * to speak out before it is too late."

We called for meetings, petitions, letters, telegrams to be sent to President Johnson, the Senators and Congressmen urging negotiation and the settlement of all the issues through the existing machinery of the 14-power Geneva conference and the good offices of the United Nations."

¹⁵ *World Youth*, Budapest, Hungary (official publication of WFDY), editorials in January 1966 issue.

The World Federation of Democratic Youth is the largest of all the international Communist youth fronts. It has been edited by this committee and the Senate Internal Security Subcommittee.

¹⁶ *Political Affairs*, February 1966, p. 6.

Political Affairs identifies itself as the "Theoretical Journal of the Communist Party, U.S.A."

During the weekend of August 8-9, there were many peace actions which raised the slogans of "No More Hiroshimas. End War in Vietnam." Meetings were held in Washington Square in New York, the Boston Common, and other places. Picket lines and peace walks were also held in some cities. Full-page ads were placed in Chicago papers. Statements have been published in newspapers. Leaflets have been issued. TV and radio programs have been promoted. There are many forms through which the broader mass movement has expressed the peace demand. All of this needs encouragement. We also want to know what has been done in your locality and what is being planned to help influence policy toward the negotiation of a peaceful settlement.

We also want to know what activities have been conducted by our Party and by the Left forces. What use was made of our statement, what leaflets have been issued, what articles from *The Worker* have been reprinted, what statements have been issued and by whom. Let us also know what activities are planned for this in relation to the election campaign and which identify our positive contribution to the struggle for peace.

It is obvious that the danger of expansion of the war in Southeast Asia remains high and that this and similar foreign policy issues will be central in the election campaign. In view of this situation and our special responsibilities because of the role of U.S. imperialism in Southeast Asia, we urge even greater initiative to stimulate pressure for a negotiated settlement and the convening of the 14-nation conference.

Fraternally yours,

ORGANIZATION DEPARTMENT.

NOVEMBER 25, 1964.

TO ALL DISTRICTS :

MEMO—ON END THE WAR IN SOUTH VIETNAM

1. The demand for peace is a key point in the election mandate and any implementation of that demand calls for an end to the war in South Vietnam. The vote against Goldwater was a vote against reckless brinkmanship, a vote against the very proposals which are now being advanced by Gen. Maxwell Taylor.

The demand for the end of the war in South Vietnam comes immediately on the agenda, and is urgent because of the scheduled policy conferences starting on November 27 with President Johnson and including Secretary of State Dean Rusk, Secretary McNamara, General Taylor, the Pentagon, and others.

The real danger—and the major threat—is that the Taylor proposals would escalate the war into a world nuclear war. Such a threat places South Vietnam as a top priority and the urgent point for all mankind. This is no narrow demand for the organized peace forces.

In presenting this demand it is essential to call attention to certain additional facts. The demand for peace comes from all parts of the world. It is the agonized cry of the people of South Vietnam. This is demonstrated again and again by the people on the streets of Saigon as well as in all parts of that country. One puppet government after the other cannot cover up the demand for peace, for an end to war.

That war has brought suffering and terror to the mass of people in that country. Our government is held responsible for napalm bombing, the strafing of villages, the destruction of food supplies by chemical warfare, the imprisonment of populations in stockaded concentration camps, the brutal torture of prisoners, and the senseless killing of people.

Our own soldiers have been killed in battle. And any escalation can mean that thousands of American troops will be in battles. This warning is made in a New York Times editorial of November 25 which warns that the proposals of General Taylor imply "a willingness to send as many as eight American divisions to defend South Vietnam," and warns, "it could involve war with Communist China."

This could mean a world nuclear war. That policy must be rejected. This must be the occasion for the beginning of an opposite course—a peace policy as the will of the American people.

II. Millions of Americans have demanded Peace: For 10 years, the people of South Vietnam have been denied their right of self-determination and the application of the terms of the Geneva agreement which promised free elections within 2 years.

For 10 years mass organizations and individuals have demanded that the military intervention and war in South Vietnam be ended. During these years thousands have signed petitions, sent letters to the editor, placed ads in newspapers and participated in all kinds of activities which have involved people of varied political persuasions and from all walks of life. It is partly on this base that the immediate mass expression of the people should be organized.

III. In the immediate situation, there is the need for mass demonstrative action, such as picket lines and vigils which can dramatize the issue to the American people. The youth of our country undoubtedly will welcome the opportunity to participate in such forms.

Certain mass professional peace organizations in which many people of varied views today participate are sending delegations to Washington in an effort to see the President or the Secretary of State and to place the demand for peace. This is also true in regard to many prominent individuals who have been making telephone calls and visiting public officials.

It is urgent that every form be used to bring the peace plea to the President, and we should aid in organizing cooperation with all organizations to this end. In some cities peace vigils have been organized, such as at Times Square in New York. In other cities plans are made for mass meetings. Some organizations have mass petitions and a mass mailing of post cards and letters. There should be cooperation on all of these.

Campus activities are very important. This applies both to student meetings, articles in the student newspapers as well as distribution of leaflets and participation in peace walks.

Many congressmen were elected on the basis of a peace program. All congressmen and senators should be visited during these crucial days. Immediate actions should be organized with a perspective of continued activity until peace is established.

To achieve this, the main forces of the trade union movement, the Negro people's movement, the youth and religious organizations are finally decisive. At this time church and other organizations raise the question of Peace on Earth and the key test is, of course, what they say on Vietnam. Many youth will plan on sending delegations to Washington during the Christmas holidays. The key on this is Vietnam.

We will be issuing a mass piece of literature in the form of a small leaflet giving our point of view on Vietnam. We are also preparing now for a supplement to the Worker and for the writing of a more basic piece of literature which combines the issues involved in Vietnam with those involved in the Congo and the need for a change in U.S. foreign policy so as to have our country express the will of the people for peace.

Fraternally yours,

NATIONAL ORGANIZATION DEPARTMENT.

DECEMBER 3, 1964.

TO ALL DISTRICTS:

DEAR COMRADES: While the proposals of Gen. Maxwell Taylor to extend the war into North Vietnam at the reckless risk of a world nuclear war did not get open administration support or repudiation, he was returned to his post. Taylor and his immediate supporters should have been removed in accord with the demand made by Senator Wayne Morse. The danger of all-out war continues and must be defeated.

The popular movement to end the war in South Vietnam was intensified during the past 2 weeks and got some results. The mass actions in Washington, D.C., New York, and other areas, and the many declarations and statements to the President are now being followed up by more actions in the cities and on the campus. These are becoming so effective that the HUAC and the ultra-Right sections of the press are trying to smear and suppress the peace demands of the people.

This means that much more attention must be given to sustained and growing activity.

We urge special attention immediately to the full use of the "Peace on Earth" expression of the people during this month. Undoubtedly, the various peace

organizations will be calling on the religious leaders to devote one Sunday this month to a sermon on ending the war in South Vietnam and to halting the military intervention of the Congo as a practical application of the universal peace theme. The action of Rev. Martin Luther King and others in presenting the peace demand to the President and the speeches of Pope Paul with the emphasis on peace are important declarations which represent the desires of millions of Americans. Such declarations are a challenge to labor and other sections of the population to speak out for peace.

It is reported that trade unions in other parts of the world are dedicating the weekend of December 20 to the slogan of "End the War in South Vietnam." It is also reported that many church and religious organizations are using this same weekend for this peace theme. We want to know what is being planned, as well as what has been done, by labor, youth, and women as well as church and professional peace organizations in your area to make the greatest use of these days when the world is calling for "Peace on Earth."

During these days when Congressmen and Senators are at home—what delegations are visiting them with peace petitions and resolutions?

And during these days, when the youth are still on the campus, what plans are being made to send delegations to Washington for peace activity during the Christmas holidays? During recent years, the student peace organizations have utilized these days for such a purpose.

This deserves immediate attention. Every phase of this campaign must be followed up.

Fraternally yours,

NATIONAL ORGANIZATION DEPARTMENT.

DECEMBER 8, 1964.

To ALL DISTRICTS:

Our letter of December 3 emphasized the need for all sections of the population to speak out "to end the war in South Vietnam." Every event makes this more urgent.

We also urged that special efforts be made for mass activities and expressions for peace during the weekend of December 19 and 20 with the theme "Peace on Earth" being applied to South Vietnam.

Since writing that letter, the enclosed "Appeal to the Conscience of America" has come to our attention. This deserves wide support. It is undoubtedly being sent to many people in your area.

Please keep us informed as to all developments on this campaign for peace, and as to what activities are being planned by the varied peace forces in your area.

Fraternally yours,

NATIONAL ORGANIZATION DEPARTMENT.

MARCH 2, 1965.

To ALL DISTRICTS:

DEAR COMRADES: Obviously the major crisis facing the American people at the present time is the threat of a world nuclear war arising from the escalation of the unjust war in South Vietnam to North Vietnam. The escalation is not only in the form of territory but also in its brutality and its use of weapons. The bankruptcy of U.S. policy and the failure to have any support for that policy among the people is one of the reasons for the stepped up military aggression. The so-called white paper indicates the crisis.

Every step must be taken quickly to express every form of protest against this threatened world war.

We are enclosing a graphic folder which can be ordered directly from Massachusetts. We are also enclosing a memorandum on the trial of March 16 and the Assembly of the Accused on March 15. We are also enclosing a copy of the recent Truman radio program.

Please let us know what is happening in these fields.

Fraternally yours,

NATIONAL ORGANIZATION DEPARTMENT.

MARCH 5, 1965.

TO ALL DISTRICTS:

Once in many years a book is capable of being a significant factor in changing history. Wilfred Burchett's "Viet Nam: Inside Story of the Guerrilla War" is such a book. The crucial character for all social progress in the U.S. of ending the brutal U.S. imperialist intervention in Vietnam makes the book so important. Its appearance at this moment and the nature of the book as an eyewitness account of the character of the war all demand that anything but a routine approach be used in promoting its circulation.

There are, of course, an endless variety of ways to promote its use. One District has bought over 500 copies at \$2.50 a book and is selling it to its clubs at \$3.50 a copy. This enables the District to guarantee itself against a loss and permits the club to make some money, since they sell it for retail at \$4.95. Every club is urged to buy at least two copies, one to be sold within the club and one to club contacts. In addition, a fund is being raised from friends to enable the District to give the book free to some key local people in the peace, trade union, Negro, and youth fields who would not otherwise buy it. The District is also mailing out to their local list several hundred copies of the attractive advertising brochure that is enclosed.

The prices are as follows either to a local bookstore or to the District:

1-4 copies: 25 percent discount.

5-9 copies: $\frac{1}{3}$ discount.

10-499 copies: 40 percent discount.

500 and over: 50 percent discount (or \$3 apiece to District, including shipping).

Retail price: \$4.95 clothbound.

Reasonable quantities of the advertising brochure for sending out to a mailing list can be acquired from: International Publishers, 381 Park Avenue South, New York, N.Y., 10016.

Sale of the book, we understand, is moving so rapidly that the first edition is nearly sold out and there will be a delay before new edition appears. So get in your order and money rapidly.

April 17, 1965, Vietnam march on Washington

The enclosed call has come to our attention. This event is shaping up as the biggest single action calling for an end to the war in Vietnam. We understand that Women's Strike for Peace and other adult as well as youth groups have endorsed it and are making an all-out mobilization of people to produce thousands of people in Washington, D.C., on April 17, from the Midwest, East, and even token representation from the West Coast.

NATIONAL ORGANIZATION DEPARTMENT.

MARCH 31, 1965.

MEMO TO ALL DISTRICTS FROM NATIONAL ORGANIZATION DEPARTMENT:

At this writing, the war drums are being beaten very loudly in connection with the current visit of General Taylor. All indications point to an attempt to escalate much further the atrocious war in Vietnam. As a result, within the framework of a generally very dangerous situation for world peace, this is an especially critical moment.

We urge as many protest actions, big and small, as possible pinpointed at the Taylor visit. Despite the horror of the world at the use of nausea gas, "lazy dog" and other weapons of a genocidal type and the growing isolation of the United States, the administration refuses to indicate a willingness to negotiate an end to the war, an end which, of course, can only come based on the United States withdrawing its military forces. Instead, it plans new provocations.

April 17th is becoming the major point of concentration, not only for youth but also for adults in peace organizations, in many other circles, and among the Left, including the Communists. In the East and Midwest, the main drive is to get maximum participation in the march to Washington, D.C., sponsored by Students for a Democratic Society and endorsed in most cities by Women's Strike for Peace, SANE, DuBois Clubs, etc. In some cities, there will be a city march with speakers to send the travelers off to Washington.

On the West Coast, parallel actions are being organized and the point for Vietnam protests by the more advanced forces undoubtedly will be May Day.

In connection with these developments, it is important to examine at all levels whether we are living up to our responsibilities and character as a Party of action, including strong protest. At each new stage, such as the announcement of the use of gas, did we react everywhere with sharp protests, mobilizing our forces on an emergency basis as a first step toward our mobilizing many others?

Such ongoing examination and improvement and correction is necessary to build the Party in the course of struggle.

New Outlook Publishers has just published a new pamphlet on Vietnam by Betty Gannett. We have been informed that the orders for this very important and timely pamphlet are very small and in many cases no order whatsoever has been placed. Only the Illinois order indicates anything more than a routine approach of sale to some of our own people and slightly beyond.

The orders do not reflect plans to sell or distribute pamphlets widely at the April 17th events and the many other meetings and actions, or to put out a substantial mailing. While we have often tended to treat everything as an emergency, if we are going to treat the Vietnam question in a routine manner, then what is a crucial question for extraordinary measures?

SEPTEMBER 10, 1965.

TO ALL DISTRICTS:

I. To strengthen the campaign to end the war in Vietnam and for greater unity of all peace forces, the following slogans should be used:

1. End the War in Vietnam!
2. Stop U.S. Aggression Against Vietnam!
3. Bring Our Boys Home!
4. Withdraw All U.S. Troops!
Let the People of Vietnam Determine their Own Affairs!
5. End Bombings! Stop Escalation!
Create the Climate for Meaningful Negotiations with the National Liberation Front!
6. Halt all Acts of Torture!
End Gas and Chemical Warfare!
7. Restore the 1954 Geneva Accord for the Independence and Unification of Vietnam!
8. Peace in Asia! Recognize People's China!
Give China its Rightful Place in the U.N.!
9. U.S. Imperialist Aggression in Vietnam Endangers World Peace!

Of course, local conditions will largely determine which slogans may be most effective for specific meetings, leaflets, or demonstrations.

II. Gus Hall's "Open Letter to President Johnson" which was published in The Worker of September 12, is being reprinted in leaflet form in 100,000 copies as a public service by The Worker, for mass distribution.

It can be ordered by the districts and other organizations from this office or from The Worker at \$5.00 per thousand. Send money with your order. Give this immediate attention.

Fraternally yours,

NATIONAL ORG. DEPT.

THE PROSPECTS FOR PEACEFUL COEXISTENCE

Looking exclusively at the domestic scene, as some do, and seeing the growing but still modest forces consciously arrayed against the global operation of U.S. imperialism, the contest appears uneven, with the heavy odds on the side of imperialism. But to see the conflict in such narrow focus is to see it falsely on two counts. First of all, the present relationship of forces is not static. Secondly, this relationship is part of, and is influenced by, the worldwide balance of forces.

Looking at the world scene, we American Communists, in common with most of the world's Marxists, conclude that although mankind is embarked upon the most treacherous passage of its existence, shadowed by the peril of nuclear war, it can avert this peril. The Marxist judgment on this score merits special consideration because of the historical background.

* * * * *

Only in relationship to the world struggle for peace do the differences in U.S. monopoly circles, discussed previously, become significant. In themselves such differences are inconsequential as barriers to the war drive inherent in imperialism. But when U.S. imperialism faces increasing resistance abroad and mounting popular pressures at home, then such differences can be sharpened and deepened, the most aggressive trends can be weakened, the tendencies toward accommodation with present world realities can be encouraged, made firmer, and thus another factor for peace can be thrown into the scales.

At this writing U.S. military aggression in Vietnam represents the most clear and present danger to world peace. The supreme challenge of the moment, in the fight for world peace is to halt U.S. aggression, to end U.S. military occupation of South Vietnam, so that the Vietnamese people can decide their own destiny.¹⁷

END THE WAR IN VIETNAM

(Pamphlet—By Betty Gannett)

* * * * *

THE PEOPLE MUST ACT!

This demands direct intervention by the people. It cannot be left to Washington. The Johnson Administration must feel the full wrath of an aroused people who do not let up their pressure for a moment in their determination to pull back our country from the abyss of all-out war. Above all, it is necessary to understand that without mass pressure the Johnson Administration will not heed the voices of sanity at home and abroad. When the U.S. Communists called for the defeat of Barry Goldwater, the darling of the ultra-Right, in last year's Presidential election, they at the same time pointed out that only if the people—labor, the Negro people, the women and youth, the farmers and professionals—unfold a vigorous struggle for their demands, can there be a guarantee that the people's demands will ever be realized. For the Communists knew that Lyndon Johnson is not a representative of the people but of the monopoly interests in our country who will cede nothing to the people unless it is wrested from them in united struggle.

This is as true today as it was last year. For peace will not be restored without a groundswell of protest, of resolute struggle, that involves the workers in their shops and unions, the Negro people in the ghettos, the women in their homes, the professors in the university, the students in the classroom. All have a special stake in restoring peace. For if the war is expanded, the people's needs will become the first victim. War on an expanded scale will halt all social legislation: the war on poverty, inadequate as it is, will come to an end; civil rights will be subordinated to the rights of the war machine; the hope for peace will be suppressed in the all-out drive to silence all opposition; the accumulating economic needs of labor will be deferred to the distant future.

To remain on the sidelines in this grave moment of danger is to give the upper hand to the cold-warriors, the very forces who are anti-labor, anti-Negro, anti-democracy and anti-peace. Above all, labor cannot remain silent. Its multi-million strength, if fully mobilized, can be decisive in compelling the Johnson Administration to retreat from the brink. Let President Johnson feel the full power of a united people, speaking out for peace against war. This is the time to speak, to act, to demonstrate:

- Demand a halt to U.S. armed intervention in South Vietnam!
- Demand a halt to all aggressive acts against North Vietnam!
- Call for a withdrawal of all U.S. military forces from South Vietnam!
- Support the demand for the reconvening of the Geneva Conference to negotiate a peaceful settlement of the war.
- Defend the inalienable right of the South Vietnamese people to settle their own internal affairs without outside interference!

¹⁷ *New Program of the Communist Party U.S.A. (A draft)* (New York: Political Affairs Publishers, Inc., February 1966).

In our nuclear age, there is no alternative to nuclear annihilation except peace and peaceful coexistence. There can be no victor in a nuclear holocaust.¹⁵

THE COMMUNIST PARTY—A REVIEW AND PERSPECTIVE

(By Gus Hall)

The purpose of this article is to sketch briefly the events, the trends and movements of the past year in order to assess the work of the Communist Party in its relations to these developments. It is not the objective here to review the work of the party, but merely to set some guide posts for the pre-convention discussion.

* * * * *

The drive of U.S. imperialism for world domination and the exploitation of peoples and nations everywhere, comes into sharp collision with the progressive direction of history. The direction of life is toward the independence and equality of nations; U.S. policies aim to turn back the clock of history. Possibly more than any other factor, what determines the nature of this period is this collision between the direction of U.S. imperialist policy and the direction of history. But U.S. imperialist policy is based on a gross miscalculation of the present period and the world balance of forces. This is most graphically dramatized by the dangerous confrontation in Vietnam. The people of Vietnam are determined to win their independence; U.S. aggression seeks to deny this independence. Not only the people of our country, but the people of the entire world, have risen in opposition to this brutal and genocidal war of oppression. "Withdraw U.S. military forces from Vietnam." has become a demand echoed in all parts of the world. U.S. imperialism will be compelled to retreat before the anger of the world's peoples or face a disastrous defeat.

U.S. imperialist policies are destined to be defeated by the forward thrust of the worldwide struggle for freedom, independence and socialism.

* * * * *

Our struggle to change the direction of U.S. foreign policy is to change it in the direction of coexistence. The struggle to bring our boys home from Vietnam; the demand to keep hands off the Dominican Republic; the recognition of People's China and its seating in the United Nations; the defense of the right of all peoples to self-determination—all these and more are in line with realizing in life the policy of peaceful coexistence. Thus, this is a struggle to compel imperialism to retreat from its aggressive drive to war and destruction. It is a policy in the interest of all who desire world peace.¹⁶

FOR A RADICAL CHANGE—THE COMMUNIST VIEW

(Report of Gus Hall to the 18th National Convention, Communist Party, U.S.A., June 22-26, 1966)

* * * * *

There is one matter that casts its ugly shadow over our lives, over everything we do. This is the criminal, brutal U.S. imperialist aggression against the people of Vietnam. This is the most vicious, savage, uncivilized assault on a small nation in all the annals of human history.

The savagery of Hitler Germany, transporting its victims to the crematoria, shocked the conscience of civilized man. But now the United States is operating hundreds of flying crematoria, delivering the devouring seas of flame that engulf villages, towns and the countryside. Its victims in the first place are

¹⁵ Published by New Outlook Publishers, March 1965.

Betty Gannett has been a full-time functionary of the Communist Party since 1930 and is now executive editor of *Political Affairs*, Communist Party theoretical journal. She has served a prison term for violation of the Smith Act.

¹⁶ *Political Affairs*, May 1966.

Gus Hall has been "boss" of the Communist Party, U.S.A., since 1959, when he was elected general secretary. In order to avoid prosecution, he dropped the title of general secretary for a time, calling himself only a "spokesman" for the party. He resumed the title this year at the party's 18th National Convention.

women and children. When before in all the history of human brutalities has any nation ever set out to destroy by fire and by massive, indiscriminate use of chemicals, everything [sic] that grows, every living sprout, every living animal? Unless this is stopped, Vietnam will be as barren as the surface of the moon. As the gas chambers and the storm troopers are Hitler Germany's contribution, so "depopulation," "defoliation," "saturation bombing," "napalm," are words, concepts and deeds the United States is contributing to civilization.

If it is possible to compound a crime of such vileness and such magnitude, then it is compounded by the sickening demagogy, the depraved hypocrisy of Johnson, McNamara, Rusk and Goldberg. This is moral degeneracy with no bottom. It is demagogy unsurpassed in history.

On one day last week, while 300,000 U.S. troops in Vietnam supported by hundreds of warships were raining death on the Vietnamese people, while U.S. planes were burning villages in South Vietnam and bombing cities in North Vietnam, while U.S. forces were rushing to finish new military airfields in Thailand, and while Buddhist monks who refused to support the miserable puppet Ky were being harassed and arrested—while all this was taking place under the orders of Johnson as Commander-in-Chief, on that same day McNamara announced new troop shipments to Vietnam, Johnson spoke about our great love for peace and independence, Rusk declared that the nations of the world had better get on with working for peace, and Goldberg spoke again of how the U.N. is not doing its part in bringing peace in Vietnam.

This is the dead end to all intellectual honesty—that such depraved insanity, such gross hypocrisy is presented as policy.

This is imperialist aggression. In the context of this demagogy, one can appreciate Eisenhower's slip when, in giving his reasons for the aggression, he said: "The tin and tungsten we so greatly value from that area would cease coming." What he meant was that U.S. big business can steal it by way of military aggression. Otherwise they would have to buy it. That is the role of the aggression. The people of Vietnam want the simple right of determining for themselves what they wish to do with their tin and tungsten. The U.S. corporations want to steal it.

That is what U.S. imperialism is about throughout the world.

That, for example, is the meaning of the unending policy of aggression, infiltration and provocation against Cuba. The people of Latin America, Asia, Africa, Canada want to be the masters of their own destinies. Self-determination is an obstacle to imperialist robbery. Independence is the key to equality of nations. U.S. policy in Vietnam is rather to destroy a people, a nation, than to grant it the right to self-determination.

On the home front this criminal aggression creates a backlash like that of a tidal wave. It is eroding and eating away the lives, resources and moral values of our society.

The war on poverty, the announced attack on slumism, hot school lunches, housing, school construction, urban renewal are already slipping into the churning waters brought on by the policy of aggression. They remain empty plattitudes in the speeches of Lyndon B. Johnson and Hubert Humphrey.

The mind of every American must absorb these facts. The conscience of our people must be aroused by them. We cannot rest until the last piece of U.S. military equipment, the last warship, the last plane, the last unit of military personnel has been removed from the soil of Vietnam. We cannot rest until the people of Vietnam have the full right to determine their own affairs.

United, aroused, determined, we can put an end to this crime, this mass murder. We cannot rest until we do.

* * * * *

The struggle in Vietnam is a frightening display of the clash between a world moving in one direction and U.S. policy moving in another. It is an example of the nature of U.S. imperialism's miscalculation.

Oppression and exploitation of nations and people are the very essence of imperialism. At times, as in Vietnam, it seeks to achieve these aims by a policy of military aggression. But at other times it pursues the same objectives by non-military policies.²⁰

²⁰ Published by New Outlook Publishers, 1966.

"STOP THE BOMBING, END THE WAR NOW!"

(By James E. Jackson, editor-in-chief, "The Worker")

GREETINGS AND CONGRATULATIONS to you who have come out against the horrendous war of aggression which the Government is waging against the people of Vietnam.

You youths and adults, you workers and students, you Negro and white citizens from the crossroads and grassroots of America.

You who have a genuine regard for the honor of our country and a concern for the rights of Man everywhere, you are the vanguard of the true conscience of our nation.

* * * * *

Our country's military forces, including our young draftees, have been committed to a cause without honor.

Under the orders of the Pentagon and the Government in Washington, our armed forces are committing unspeakable atrocities there. Newsmen and television reporters from America have borne witness to the burning of villages by U.S. soldiers, and they have described the seared and blistered flesh of infants upon whom bits of jellied gasoline had fallen when their villages were under bombardment by napalm-bombs from high-flying war planes.

Not only is the U.S. Government guilty of incinerating hundreds of inhabited places, of defoliating agricultural areas with noxious gases, of causing the death of scores of thousands of noncombatant men and women and children, but it also stands accused of sending to their death over one thousand of our young citizens in uniform who were mustered into the war under the compulsion of the draft.

Who wants this war? For what purpose are our young men killing and dying over there?

To the merchandisers in the material of death, war comes as a boon to business and profits.

To the Pentagon speculators in strategic designs for U.S. world domination, the war against Vietnam fits neatly into their pattern of bases for maintaining and expanding the imperialist power of the monopoly interests in the United States.

The politicians who pander exclusively to the privileged monopolist circles; the reactionary ultra-Rightists and Dixiecrat racists; the political enemies of the urban and rural working people of hand and brain, and of the Negro people; such reactionaries who oppose all governmental programs to meet the social needs of the people; only such forces can find any satisfaction in the war which the Government has escalated in Vietnam.

All who are decent, all who are in any way forward-looking, are already not in favor of the war, or can be won to a position of active opposition to the role of the Government in continuing its war of aggression in Vietnam.

The "explanations" which McNamara and others use to mask genocidal outrages against the Vietnamese people are like Ian Smith's arguments for white supremacist rule in Rhodesia.

Morally and spiritually, the war which the Government is waging in Vietnam leads our country onto the plain of infamy to which Hitler led the German nation. History will not absolve our nation should our countrymen remain silent and acquiesce in the crimes against humanity being done in our name against the people of Vietnam. This was the Judgment of Nuremberg and we cannot evade its clear and present implications.

* * * * *

ACT OUT your yearning for peace NOW!

- Let the united voice of millions thunder across the land to proclaim Peace to Vietnam. Let none be silent!
- Let all demand that the President immediately GROUND THE PLANES and proceed to WITHDRAW ALL U.S. ARMED FORCES FROM VIETNAM.
- Let the people of South Vietnam exercise their right of self-determination in accord with the Geneva Convention of 1954, without U.S. interference.
- Let all work unitedly to mobilize the conscience of America to compel the Government to end its war in Vietnam.²¹

²¹ *The Worker*, November 28, 1965, p. 1.

James E. Jackson, long a member of the National Committee of the Communist Party, has been editor of *The Worker*, official party organ, for the past 6 years and is now its publisher.

"THE TWO WARS"

(Editorial)

Lyndon Johnson continues to pour more men and more money into the bloody, dirty war in Vietnam. Each day brings new reports of bombings, of villages burned, of Vietnamese killed, of American casualties.

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In Vietnam the United States forces have planes, tanks, artillery, napalm, poison chemicals and almost unlimited weapons and supplies. The guerrillas have little more than their bodies and their rifles. The forces of racism in the United States have the police, the courts, the banks, the press on their side. They have unbridled terrorism: they can bomb and burn and shoot Negro Americans and their white allies with little fear of punishment.

* * * * *

The unity of Negro leaders supporting Julian Bond, the increasing warnings of Negro congressmen and civil rights workers against cutbacks in domestic spending to finance more war expenditures, all reflect a growing concern and dissatisfaction in the Negro community over the war in Vietnam. Despite all the efforts of the Johnson administration to "merchandise" this war, many Americans just aren't buying it. It is safe to say that never has a war being waged by this country met with so much domestic opposition, or been less enthusiastically supported even by its advocates.

Around the world U.S. prestige has suffered mightily as a result of Vietnam. As American opinion condemns the Ku Klux Klan in Dixie, world opinion condemns U.S. policy in Vietnam. And here at home, it is becoming increasingly apparent to both black and white Americans that the war in Vietnam is related to the war against the civil rights movement. In both cases the enemy is the same. The fights for peace and for freedom are part of one movement.²²

IMPERIALISM—FRIENDS AND FOES

(Editorial)

* * * * *

All facts prove that Hitlerite ambitions of the Johnson gang are running into overwhelming opposition from the people of the world. And, in the not too distant future, U.S. imperialism will meet a quicker and more permanent fate than the Third Reich met. The 1960s are not the Forties. *The forces of revolution and progress are now stronger than the forces of counter-revolution.*

U.S. HITS BACK

To meet the situation, U.S. imperialism is resorting to:

1. A rapid build-up in forces in Southeast Asia.
2. Expanding the war to all of Southeast Asia.
3. Ringing China with a series of military bases.
4. Reliance on the war economy to prevent growing opposition among workers to the war from reaching the same pitch as that of students and intellectuals. Reliance on the war economy to "stabilize" it, and keep various sections of the upper and middle classes happy with bloated profits from the war.

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The defeat of revisionism will spell the defeat of imperialism. It will rob imperialism of its last major reserves.

The defeat of revisionism will strengthen the revolutionary movement as never before, allowing it to enter the last battle invincible. Those who dismiss,

²² *Insurgent*, March-April 1966 (official publication of the W. E. B. DuBois Clubs of America).

or who underrate this decisive task, do not understand the class relationship between imperialism and opportunism.

Despite all these attacks from within and without, the forces of revolution grow stronger each day. As previously mentioned, the imperialists, especially U.S. imperialists, are in a state of disarray. The motive force, the courage and victories of the forces [sic] of revolution, despite military and political attack, inspire and will continue to inspire honest forces the *our* people are becoming a decisive force. *They are the Achilles heel of U.S. imperialism.* Not too long ago it was fashionable in "left" circles to dismiss the American people. *The defeat of U.S. imperialism cannot be achieved without the full participation of our people.*

WHEN THIEVES FALL OUT

Our people and the revolutionary forces must press ahead. It is *only their efforts*, not the momentary mouthings of various forces within the ruling class circles, which can compel the U.S. to get out of Vietnam now, and lay the basis for a progressive and eventually a socialist development in our country. By invigorated action, not relying on these 'liberal' apologists for imperialism, who quarrel not out of concern for the people, but only because the U.S. is losing, can the people take advantage of these divisions.

The Vietnamese people have given us and the people of the world a lesson in revolutionary courage. Every citizen of our country will one day understand the decisive role they are playing in the fight for a better world.²³

COUNTER OFFENSIVE

(Editorial)

As Johnson's war machine moves into high gear, the people of the United States, along with their brothers around the world, are assuming an increasingly more militant counter offensive.

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While profits are sky-high (with an "excess" work force being sent to die in Vietnam), the worker's pay check is at best the same, and in many cases actually lower. But the first quarter of 1966 saw more strikes since 1953. Union fakers have joined the loyal-opposition "peace" group of SANE to pacify and stifle union militancy, both on wages and in relation to the war. While there are no doubt honest trade unionists among this group, we have seen how SANE loses its sanity when it comes to supporting Johnson.

* * * * *

For the students in this country, being right after the workers in being called to die in a war they want no part of, are fighting back. Not only are they fighting, but their "silence" has turned into a loud cry that tells the people what they must know.

Is it coincidence that as recently as a year ago, the vast majority of the people in this country, misled by the lies of the press and the government, supported the war in Vietnam—while today, according to the latest polls, the majority of the people *do not* go along with the murder?

* * * * *

Johnson and Company, as we see it, are faced with a situation where the war brings both profits and protest. The protests will swell. But to stop the mob that runs this country from starting a Vietnam war somewhere else where their profits are threatened—we must do more than picket and speak.

*We must throw the murderers out, for good and all.*²⁴

²³ *Progressive Labor*, March–April 1966 (official publication of Progressive Labor Party). Progressive Labor Party is a new and extremely militant, Peking-oriented Communist group which grew out of a faction within the orthodox Communist Party.

²⁴ *Challenge*, May 24, 1966, p. 8 (official publication of Progressive Labor Party).

PEACE—FOR WHOM?

(Editorial)

Regardless of the treacherous character of Johnson's "peace" campaign, its very magnitude has posed a powerful question that serious people in the peace movement must answer:

What is peace?

To a slaveholder, it is the slave's humble acceptance of his slavery. To the slave it is freedom from his chains.

To the colonialist super-power it is the colony's willing submission to the "mother country." To the colony it is the end of its colonial status and the security of independence.

To ancient Rome the "Pax Romana" meant domination over a whole world of colonies too weak or disorganized to make war to liberate themselves.

To Lyndon Johnson peace is imperialist victory over a war of people's liberation. It is the liquidation of the revolution in South Vietnam and the permanent establishment of the usurping, dictatorial puppet government of Kao Ky over the rebellious masses.

To Ho Chi Minh and to the National Liberation Front peace is the withdrawal of U.S. forces and the right to govern their own country without any interference.

The U.S. peace movement could fail to choose which of these definitions of peace it favored—as long as Washington put all its diplomatic and propagandistic emphasis on war. The word "peace" was then automatically progressive and regarded by the warmakers as subversive. But now that Johnson has launched his global "peace" campaign (which, no matter how short-lived or phony, will have its effect on enormous numbers of people) the genuine advocates of peace must demand the immediate withdrawal of all U.S. troops, ships, etc. from Vietnam—or they fall into the trap of backing Johnson's Roman peace.

Undoubtedly, the vast majority of all those who marched and demonstrated for peace last year want an honest peace. They have no interest in a robbers' peace. But many of their *leaders* want some variation of Johnson's present approach and only want to stop the shooting and leave U.S. forces in essential command of the country.

Few of these leaders are exposing Johnson's hypocrisy, for example, and still fewer are maintaining a clear opposition to the government under the barrage of its "peace" campaign.

But the genuine anti-war forces will be more energetic than ever in opposing the war if they prove able to cut through the fog of confusion and doubletalk raised by Johnson. They can do this by sharpening the peace slogans. Not simply "peace," but "U.S. Withdrawal" should be the watchword.

To differentiate a *people's* peace from an imperialist peace—and at the same time to appeal to the masses of the U.S. as well as defend the oppressed of Asia, the proper slogan for the movement should be, "*Bring the GI's Home Now!*"²⁵

ESCALATE THE ANTIWAR MOVEMENT—BRING THE TROOPS BACK HOME!

(Editorial)

Johnson's decision to resume bombing of north Vietnam marks a new stage in the escalation of the Vietnam war. It demonstrates conclusively that the so-called "peace offensive" was nothing but a maneuver intended to lull antiwar sentiment in the United States and the world. Even during the "peace offensive," the U.S. escalated the war in the south through intensified bombings of villages and homes with jellied gasoline fire bombs, a massive troop buildup, and large-scale troop actions. Johnson now intends to intensify the war still further in both north and south Vietnam, sending ever greater numbers of American boys to kill and be killed in this unjust and counterrevolutionary war.

²⁵ *Workers World*, January 13, 1966, p. 2.

Workers World is the official publication of a Communist splinter group, also called *Workers World*, founded by former members of the Socialist Workers Party (see footnote 20) who left SWP in February 1959 because, to them, the old-line Trotskyite Communist organization was not sufficiently revolutionary in its outlook.

This new escalation is not only a further violation of the rights and lives of the Vietnamese people, which is horrible and inhuman enough. It is also one more step on the road to a major confrontation with China and the Soviet Union, and to the nuclear destruction of a third world war.

The "peace offensive" and the cynical use Johnson has made of the demand for "negotiations" as a cover for intensified aggression have shown the impotence of this demand as a focus for the antiwar movement. The most effective demand the movement can make is the call for the immediate withdrawal of U. S. troops, in order to end the war now and allow the Vietnamese to decide their own fate and future.

The day after the bombing of north Vietnam was resumed, a significant protest demonstration was held in New York. We urge everyone who is against this war to speak out and act now to oppose this new escalation. Stop the bombing of north and south Vietnam! Bring the troops home now!²⁶

²⁶ *The Militant*, February 7, 1966, p. 1 (official publication of the Socialist Workers Party).

Socialist Workers Party is a Trotskyist Communist group, cited by the Attorney General and this committee.

APPENDIX II

STATEMENT BY FBI DIRECTOR J. EDGAR HOOVER ON COMMUNIST PARTY, U.S.A., ACTIVITIES WITH RESPECT TO THE VIETNAM WAR

The following is an excerpt from press release of January 6, 1966, regarding a statement Mr. Hoover submitted to Attorney General Nicholas deB. Katzenbach on FBI operations during 1965 calendar year.

Always eager to engage in any activity which will bring embarrassment to the United States, the Party has played an ever-increasing role in generating opposition to the United States position in Vietnam. In September, 1965, Party headquarters sent a directive to all Districts giving instructions on slogans to be used in protests against United States action in Vietnam. In addition, the Party has expended large sums of money in propaganda efforts designed to hinder United States progress toward peace.

The calendar year 1965 saw the emergence of a new movement in the United States in the form of demonstrations of practically every type imaginable protesting United States policy in Vietnam. The moving forces behind the demonstrations were various pacifists and student groups. In addition, many members of the academic community have been active in the demonstrations by speaking at them or by organizing, conducting or speaking at "teach-ins," a new form of demonstrating which has been born out of the Vietnam situation.

The Communist Party and other subversive groups and their members fully supported and participated in these affairs. This has been particularly true regarding the following major events which took place during 1965: Student March on Washington, April 17, 1965; Washington Summer Action Project in August, 1965; International Days of Protest (a nationwide affair), October 15-16, 1965; March on Washington for Peace in Vietnam, November 27, 1965; and National Anti-War Convention, Washington, D.C., November 25-28, 1965.

APPENDIX III

WARS OF NATIONAL LIBERATION

Since revolution was an integral part of the Communist movement before it seized the powers of state in Russia in 1917, it is quite natural that following that event the U.S.S.R. should make the fostering and support of wars of "national liberation" an instrument of national policy. However, the recent emphasis on the refinement and professional perfection of such wars during the current decade is attributable to the interest shown by Khrushchev and the CPSU as revealed in his long but candid speech of January 6, 1961. The speech was entitled "For New Victories of the World Communist Movement" and was delivered, significantly, to the meeting of party organizations of the Higher Party School, the Academy of Social Sciences, and the Institute of Marxism-Leninism attached to the Central Committee of the CPSU. It was his report concerning the important conference of representatives of 81 Communist parties held in Moscow in November-December 1960.

Apparently impressed by the paramilitary successes against the French in Southeast Asia and Algeria and against Batista in Cuba during the fifties, the Soviet Premier decided it was time to place such revolutions in a top-priority category, deserving the full material and moral support of Communists everywhere. Such revolutions would henceforth be "sacred wars." Khrushchev said, in part:

Now about *national-liberation wars*. Recent examples of wars of this kind are the armed struggle waged by the people of Vietnam or the present war of the Algerian people, which is now in its seventh year.

These wars, which began as uprisings of colonial peoples against their oppressors, developed into guerilla wars.

There will be liberation wars as long as imperialism exists, as long as colonialism exists. Wars of this kind are revolutionary wars. Such wars are not only justified, they are inevitable, for the colonialists do not freely bestow independence on the peoples. The peoples win freedom and independence only through struggle, including armed struggle.

Why was it that the U.S. imperialists, who were eager to help the French colonialists, did not venture directly to intervene in the war in Vietnam? They did not do so because they knew that if they gave France armed assistance, Vietnam would receive the same kind of assistance from China, the Soviet Union and the other socialist countries, and that the fighting could develop into a world war. The outcome of the war is known—North Vietnam won.

A similar war is being waged today in Algeria. What kind of a war is it? It is an uprising of Arab people against French colonialists. It has assumed the form of a guerrilla war. The imperialists of the USA and Britain are helping their French allies with arms. Moreover, they have allowed France, a party to NATO, to transfer troops from Europe to fight against the Algerian people. The people of Algeria, too, get help from neighboring countries and others sympathizing with their love of freedom. But this is a liberation war, a war of independence waged by the people. It is a sacred war. We recognize such wars; we have helped and shall continue to help peoples fighting for their freedom.

Or take Cuba. A war was fought there too. It began as an uprising against a tyrannical regime, backed by U.S. imperialism. Batista was a puppet of the

United States and the United States helped him actively. However, the USA did not directly intervene with its armed forces in the Cuban war. Led by Fidel Castro, the people of Cuba won.

Is there a likelihood of such wars recurring? Yes, there is. Are uprisings of this kind likely to recur? Yes, they are. But wars of this kind are popular uprisings. Is there the likelihood of conditions in other countries reaching the point where the cup of the popular patience overflows and they take to arms? Yes, there is such a likelihood. What is the attitude of the Marxists to such uprisings? A most favorable attitude. These uprisings cannot be identified with wars between countries, with local wars, because the insurgent people are fighting for the right to self-determination, for their social and independent national development; these uprisings are directed against the corrupt reactionary regimes, against the colonialists. The Communists support just wars of this kind wholeheartedly and without reservations and they march in the van of the peoples fighting for liberation.¹

Khrushchev, in his address, stressed that the policies set forth in the statement unanimously adopted by the 81 Communist parties at the Moscow gathering must be adopted by all Communist countries and Communists everywhere as their own and, moreover, must be executed and coordinated with clocklike precision. Communist parties throughout the world, he said, must "set our watches" with the documents and policies developed at the Moscow meeting. Continuing on this theme, he added:

Indeed, the socialist countries and the Communist parties need to set the time. When someone's watch is fast or slow, it is adjusted, so as to show the right time. The Communist movement, too, needs setting the time, so that our formidable army marches in step and advances with confident stride towards communism. Putting it figuratively, Marxism-Leninism, the jointly prepared documents of international Communist meetings, are our time-piece.

Now that all the Communist and Workers' parties have adopted unanimous decisions at the Meeting, each Party will strictly and undeviatingly abide by these decisions in everything it does.²

One of the decisions adopted at the Moscow meeting was the following declaration on so-called wars of national liberation which was contained in the statement unanimously adopted by the 81 Communist parties on December 5, 1960, at the close of the gathering:

National-liberation revolutions have triumphed in vast areas of the world. About forty new sovereign states have arisen in Asia and Africa in the fifteen post-war years. The victory of the Cuban revolution has powerfully stimulated the struggle of the Latin-American peoples for complete national independence. A new historical period has set in in the life of mankind: the peoples of Asia, Africa and Latin America that have won their freedom have begun to take an active part in world politics.

The complete collapse of colonialism is imminent. The breakdown of the system of colonial slavery under the impact of the national-liberation movement is a development ranking second in historic importance only to the formation of the world socialist system.

The Great October Socialist Revolution aroused the East and drew the colonial peoples into the common current of the world-wide revolutionary movement. This development was greatly facilitated by the Soviet Union's victory in the Second World War, the establishment of people's democracy in a number of European and Asian countries, the triumph of the socialist revolution in China, and the formation of the world socialist system. The forces of world socialism contributed decisively to the struggle of the colonial and dependent peoples for liberation from imperialist oppression. The socialist system has become a reliable shield for the development of the peoples who have won freedom. The national-liberation movement receives powerful support from the international working-class movement.

¹ *World Marxist Review*, January 1961, vol. 4, No. 1, p. 15.

² *Ibid.*, p. 27.

The face of Asia has changed radically. The colonial order is collapsing in Africa. A front of active struggle against imperialism has opened in Latin America. Hundreds of millions of people in Asia, Africa and other parts of the world have won their independence in hard-fought battles with imperialism. Communists have always recognized the progressive, revolutionary significance of national-liberation wars; they are the most active champions of national independence. The existence of the world socialist system and the weakening of the positions of imperialism have provided the oppressed peoples with new opportunities of winning independence.

The peoples of the colonial countries win their independence both through armed struggle and by non-military methods, depending on the specific conditions in the country concerned. They secure durable victory through a powerful national-liberation movement. The colonial powers never bestow freedom on the colonial peoples and never leave of their own free will the countries they are exploiting.³

The adopted program by the 22d Party Congress of the CPSU in 1961 emphasized all-out aid to the leaders of wars of "national liberation" as an international "duty" and stated that:

A powerful wave of national-liberation revolutions is sweeping away the colonial system of imperialism.

In a section entitled "The National Liberation Movement," the same program stated in part:

The world is going through an era of tempestuous national-liberation revolutions. Whereas imperialism suppressed the national independence and freedom of the majority of peoples and fettered them with the chains of harsh colonial enslavement, *the rise of socialism marks the advent of the era of liberation of oppressed peoples.* A mighty wave of national-liberation revolutions is sweeping away the colonial system and undermining the foundations of imperialism. Young sovereign states have arisen or are arising in the place of former colonies and semicolonies. Their peoples have entered a new period of development. They have emerged as makers of a new life and active participants in international politics and as a revolutionary force for the destruction of imperialism.

But the struggle is not yet over. The peoples who are throwing off the chains of colonialism have reached various levels of freedom. Many of them, having established national states, are striving for economic independence and stronger political sovereignty. The peoples of countries that are formally independent but actually depend politically and economically on foreign monopolies are rising in the struggle against imperialism and reactionary, pro-imperialist regimes. Peoples who have not yet cast off the chains of colonial enslavement are conducting a heroic struggle against their foreign enslavers.

The young sovereign states do not belong to either the system of imperialist states or the system of socialist states. But the overwhelming majority of them have not yet broken out of the world capitalist economy, even though they occupy a special place in it. They constitute a part of the world still being exploited by the capitalist monopolies. Until these countries put an end to their economic dependence on imperialism, they will have the role of a "world countryside," they will remain objects of semicolonial exploitation.

The existence of the world socialist system and the weakening of imperialism open up before the peoples of the liberated countries the prospect of a national renaissance, of ending age-long backwardness and poverty and achieving economic independence.

A nation's interests call for elimination of the remnants of colonialism, the eradication of imperialist rule, the ousting of foreign monopolies, the establishment of a national industry, the abolition of feudal ways and survivals, the implementation of radical agrarian changes with the participation of the entire peasantry and in its interests, the pursuit of an independent peace-loving foreign policy, the democratization of public life and the strengthening of political independence. All the patriotic and progressive forces of the nation are interested in the accomplishment of the national tasks. This is the basis on which these forces can be unified.

³ *Political Affairs*, January 1961, pp. 17, 18.

A consistent struggle against imperialism is a fundamental condition for solving national tasks. Imperialism seeks to keep former colonies and semi-colonies in the system of capitalist economy and to perpetuate their unequal position within it. *The imperialism of the United States of America is the chief bulwark of present-day colonialism.*

* * * * *

Imperialism thus remains the chief enemy and the chief obstacle to the accomplishment of the national tasks facing the young sovereign states and all dependent countries.

A national-liberation revolution does not end with the winning of political independence. This independence will be unstable and will turn into a fiction unless the revolution brings about radical changes in social and economic life and accomplishes the pressing tasks of national renaissance.

* * * * *

In many countries, the liberation movement of the peoples that have awakened proceeds under the flag of nationalism. Marxists-Leninists draw a distinction between the nationalism of oppressed nations and the nationalism of oppressor nations. The nationalism of an oppressed nation has a *general democratic content* directed against oppression, and the Communists support it, considering it historically justified at a given stage. This element finds expression in the striving of the oppressed peoples to free themselves from imperialist oppression, to gain national independence and bring about a national renaissance. At the same time, the nationalism of an oppressed nation has another aspect, one expressing the ideology and interests of the reactionary exploiter upper clique.

* * * * *

One of the basic problems confronting the peoples of the countries that have freed themselves from the yoke of imperialism is which path to follow, the capitalist path or the noncapitalist path of development.

What does capitalism offer them?

Capitalism is the path of suffering for the people. It will not ensure rapid economic progress or eliminate poverty; social inequality will increase. The capitalist development of the countryside will still further ruin the peasantry. The lot of the workers will be either to engage in exhausting labor to enrich the capitalists, or to swell the ranks of the disinherited army of the unemployed. The petty bourgeoisie will be crushed in competition with big capital. The benefits of culture and education will remain inaccessible to the masses. The intelligentsia will be obliged to sell its talents.

What does socialism offer the peoples?

Socialism is the path to freedom and happiness for the peoples. It ensures rapid economic and cultural progress. It transforms a backward country into an industrial country within the lifetime of a single generation rather than in the course of centuries. By its very nature, a planned socialist economy is an economy of progress and prosperity. Abolition of the exploitation of man by man does away with social inequality. Unemployment disappears completely. Socialism provides all peasants with land, helps them to develop farming, combines their labor efforts in voluntary cooperatives and puts modern farm machinery and agronomy at their disposal. Peasant labor becomes more productive and the land can yield more. Socialism provides a high material and cultural standard of living for the working class and all working people. Socialism wrests the masses of the people from darkness and ignorance and gives them access to modern culture. Broad horizons for creative efforts for the benefit of the people open up to the intelligentsia.

* * * * *

The Communist Parties are actively fighting to press on consistently with the full anti-imperialist, antiféudal, democratic revolution, to establish national democracies and achieve social progress. *The Communists' goals correspond to the supreme interests of the nation.* The attempts of reactionary circles to disrupt the national front under the guise of anticommunism and their persecution of Communists lead to the weakening of the national-liberation movement, run counter to the national interests of the peoples, and threaten the loss of the gains that have been won.

* * * * *

Unification of the efforts of the peoples of newly liberated countries and the peoples of the socialist states in the struggle against the war danger is a major

factor for universal peace. This mighty front, which expresses the will and strength of two-thirds of mankind, can force the imperialist aggressors into retreat.

The socialist countries are sincere and true friends of peoples fighting for their liberation and of those newly freed from the imperialist yoke, and render them all support. They stand for the wiping out of all forms of colonial oppression and promote in every way the strengthening of the sovereignty of the states rising on the ruins of colonial empires.

The C.P.S.U. considers fraternal alliance with the peoples who have thrown off the colonial or semicolonial yoke to be a cornerstone of its international policy. This alliance is based on the community of vital interests of world socialism and the world national-liberation movement. The C.P.S.U. regards it as its internationalist duty to assist the peoples who have set out to win and strengthen their national independence, all peoples who are fighting for the complete wiping out of the colonial system.⁴

The Chinese Communists have been unmistakably clear in their position regarding wars of national liberation.

In 1963, the official Chinese Communist position on this question fully conformed with the principles of the 1960 statement of the 81 Communist parties which had met in Moscow. Red China stated:

U.S. imperialism cannot stop the people's revolutionary struggles in various countries by means of nuclear weapons. The reason is that, politically, recourse to this kind of weapon would place U.S. imperialism in a position of extreme isolation and, militarily, the massive destructiveness of nuclear weapons limits their use, for in civil wars and wars of national independence, where the lines are zigzag and the fighting is at close range, the use of nuclear weapons of mass destruction would inflict damage on both belligerents.

In a speech delivered on December 16, 1959, Kennedy admitted that U.S. nuclear strength "cannot be used in so-called 'brush-fire' peripheral war. It was not used in Korea, Indo-China, Hungary, Suez, Lebanon, Quemoy, Tibet or Laos. In short, it cannot prevent the Communists from gradually nibbling away at the fringe of the free world's territory and strength, until our security is being steadily eroded in piecemeal fashion. . . ."

It is our view that in order to strive for world peace, it is necessary to give full support to the national-liberation movement and the revolutionary struggles of the peoples of all countries. The more these struggles develop, the more the imperialist forces will be weakened. . . .⁵

On September 2, 1965, Lin Piao, vice chairman of the Central Committee of the Chinese Communist Party and Minister of National Defense, wrote an article entitled "Long Live the Victory of the People's War." In this widely publicized article, he wrote:

Taking the entire globe, if North America and Western Europe can be called "the cities of the world," then Asia, Africa, and Latin America constitute "the rural areas of the world." Since World War II, the proletarian revolutionary movement has for various reasons been temporarily held back in the North American and West European capitalist countries, while the people's revolutionary movement in Asia, Africa, and Latin America has been growing vigorously. In a sense, the contemporary world revolution also presents a picture of the encirclement of cities by the rural areas. In the final analysis, the whole cause of world revolution hinges on the revolutionary struggles of the Asian, African, and Latin American peoples who make up the overwhelming majority of the world's population. The socialist countries should regard it as their internationalist duty to support the people's revolutionary struggles in Asia, Africa, and Latin America.

On January 3, 1966, an event of vital importance to the security of the United States and the question of "wars of national liberation" took

⁴ *Current Soviet Policies, IV: The Documentary Record of the 22nd Congress of the Communist Party of the Soviet Union* (Columbia University Press, New York and London, 1962), pp. 10, 11.

⁵ *Peking Review*, Sept. 6, 1963, No. 36, p. 12.

place in Havana, Cuba. It was the first meeting of the Tri-Continental Conference of African, Asian, and Latin American Peoples and one of the largest gatherings of Communists, pro-Communists, and anti-American personalities ever assembled. The resolution on the "liberation" theme adopted by the delegates was summarized as follows by a leading theoretical journal of communism:

The resolution calls for support of the struggle of the people along three lines:

Support for the peoples fighting for liberation from the "traditional" colonial yoke—the peoples of Angola, Mozambique, "Portuguese" Guinea, Sao Tome and Principe, the Spanish colonies, Aden and Oman in South Arabia, Northern Kalimantan and Malaya (including Singapore), Puerto Rico, British Guiana and Guadeloupe.

An active, all-out movement of solidarity with countries subjected to imperialist aggression, with maximum attention to Vietnam, which "is in the very centre of the struggle against U.S. imperialism." Solidarity should be displayed for Laos and Cambodia, Cuba, the Dominican Republic, the Korean People's Democratic Republic, the Congo (Brazzaville), Ghana, Guinea, Mali and Tanzania.

Support for the national liberation struggle, especially in countries where armed struggle is under way: Venezuela, Colombia; Guatemala, Peru, Oman and the Congo (Leopoldville).

The resolution declares that it is "the right and duty of peoples subjected to aggression" to reply with revolutionary force to "the armed force of imperialism." The countries of the three continents should "render full moral support as well as material, political and diplomatic support to revolutionary movements waging armed or political struggle."⁶

The North Vietnam Government recognizes its attack on South Vietnam as a part of the Communist global strategy of wars of "national liberation." The relationship between the two was set forth in a recent pamphlet by General Nguyen Van Vinh, Deputy Chief of Staff of the Vietnam People's Army:

Our revolution is the condensed picture of the world revolution at present: national liberation, building and defence of socialism, contribution to the safeguard of world peace and the speeding up of the revolutionary struggle of the world people. We are fighting with arms in hands against a most cruel enemy of mankind—U.S. imperialism.⁷

The following excerpts from various Communist publications and authorities are indicative of the intense interest placed upon "wars of liberation" by all Communists:

Fifthly, ties between the national-liberation movement in different countries and solidarity of the peoples fighting against imperialism and colonialism have been consolidated. Contemporary national-liberation revolutions are no longer isolated spontaneous actions, but powerful revolutionary movements extending to three continents and maintaining direct ties on the basis of community of interests.

The international situation is exerting a particularly strong impact on the destinies of present-day national-liberation revolutions. Without taking this factor into consideration it is difficult or even impossible to explain, for example, the rise in some countries of an anti-imperialist movement with a broad platform of national liberation even *before the traditional class prerequisites have matured* (they have hardly any proletariat or local bourgeoisie, the national intelligentsia is numerically very small and the bulk of peasantry live in pre-feudal conditions).

It is necessary to grasp the full importance of the interaction of contemporary revolutionary movements to understand also why the national-liberation move-

⁶ *World Marxist Review*, April 1966, vol. 9, No. 4, p. 8.

⁷ General Nguyen Van Vinh, *The Vietnamese People on the Road to Victory* (Hanoi: Foreign Languages Publishing House, 1966), p. 31.

ment is triumphing over imperialism. It must be remembered that, as a rule, the colonialists have overwhelming military superiority over the liberation fighters. The existence of the Socialist system has a "paralysing effect on intervention by the imperialist Powers", which Lenin had in mind when he spoke about a "particularly favourable conjuncture of international conditions" for the success of national wars.

International factors have also greatly influenced the forms in which the national-liberation revolutions develop. The colonialists, contrary to the false claims of their propagandists, have not withdrawn voluntarily from, and have not "granted" independence to, a single enslaved country. The peoples of North Viet-Nam, Algeria, Indonesia and some other countries had to win independence by armed struggle. A liberation war is now being waged in South Viet-Nam, Angola, "Portuguese" Guinea, North Kalimantan and other areas. Nevertheless, with the support of the world Socialist forces in the new international conditions, approximately two-thirds of the countries in imperialism's former colonial periphery have won political independence without recourse to a military struggle.

The social and ideological tendencies of the national-liberation movements are directly linked with the specific features of our epoch and the relationship of class forces in the world.

The attainment of political independence by countries in imperialism's former colonial and semi-colonial periphery signifies a *deep revolutionary turn in the life of two-thirds of mankind*. The newly-free peoples have received a mighty stimulus in developing their constructive forces, and new horizons have opened up before them in the anti-imperialist struggle and in economic and social progress.

The peoples in the former colonies and semi-colonies have become independent makers of world history. This considerably widens the sphere of social progress and multiplies the numbers taking part in it. Revolutionary development is becoming world-wide, bringing nearer the time when social progress will be the conscious endeavour of all nations without exception.

The break-up of the colonial system is a telling blow at imperialism which is no longer in a position to hold under its undivided sway the political and economic life of scores of countries. The imperialists have been forced to withdraw their troops from close on 40 countries in Asia, Africa and Central America, so that the latter no longer serve as strategic bridgeheads of imperialism.

The Meeting of the Communist and Workers' Parties in 1960 rightly declared: "*The break-down of the system of colonial slavery under the impact of the national-liberation movement is a development ranking second in historic importance only to the formation of the world Socialist system.*"⁸

The absolute majority of the states of the world and all of world public opinion unconditionally recognize the just, progressive character of wars of liberation. In leveling the accusation of aggression against peoples who are liberating themselves, the imperialists are acting on the principle of the petty thief who shouts "Stop the robber." It is not the peoples who are obliged to defend their lawful rights with weapons in hand who are the aggressors but the imperialists who are encroaching upon these rights. The Cairo conference of nonaligned states resolutely branded and condemned "the positions of those powers that are resisting the peoples' exercise of the right to self-determination" and also "their use of force and all forms of compulsion, interference and intervention to prevent the exercise of this right."

The claim that wars of liberation constitute a "new" form of struggle of the oppressed peoples is intended to mislead public opinion deliberately. Such wars have been waged ever since foreign oppression began. With the appearance of the socialist states in the international arena—states giving the revolutionary peoples every support in repelling the imperialist export of counterrevolution—only the effectiveness of these wars and the likelihood of their triumphant conclusion have increased.⁹

⁸ *International Affairs*, vol. I, 1966, pp. 63, 64.

⁹ G. Starushenko, "Fiction and Truth About Wars of Liberation," *Kommunist*, No. 12, August, pp. 94-97, reprinted in *The Current Digest of the Soviet Press*, 1965, vol. XVII, No. 34, p. 5.

The Soviet Union has supported and will always support the just national-liberation struggle, peaceful and non-peaceful, if the peoples are forced to take up arms. In all stages of the national-liberation struggle the nations which have smashed or are fighting to smash the colonial fetters can rely on the disinterested assistance of the Soviet Union whose prestige has more than once compelled the imperialists to abandon their attempts to encroach upon the freedom of small nations.

Lenin's statement that "to deny all possibility of national wars under imperialism is wrong in theory, obviously mistaken historically, and tantamount to European chauvinism in practice" fully retains its significance today. The peoples waging just national wars of liberation can count not only on the political and moral support of the Soviet Union but also on its military assistance. The U.S.S.R. is doing everything to strengthen the defences of the newly-independent states. The Socialist countries, and the Soviet Union above all, have deprived the imperialists of the monopoly of weapon production. Military support of the Socialist states has been of substantial significance for the success of national-liberation movements. For many countries the Soviet Union's military might has served as a shield and guarantee against imperialist aggression.¹⁰

THE U.S.S.R. AND NATIONAL-LIBERATION STRUGGLE

In the summer of 1919 a train slowly traveled along the railroad from Tashkent to Moscow. The first diplomatic mission from independent Afghanistan, crossing an enormous country squeezed by a ring of fronts, was making its way to the capital of Soviet Russia. The Afghans were coming to see Lenin.

"I shall never forget the meeting," recalled Muhammed Yaftali, a member of the mission who later became Afghanistan's first ambassador to Moscow. "Lenin emphasized at the time that Soviet Russia warmly supported the peoples of the East who were struggling for independence, since the Soviet state desired that all the peoples of the world should be free."

The oppressed peoples had waged struggles for their independence long before the formation of the world's first socialist state. The history of the enslavement of various countries and peoples by the capitalist states was at the same time a history of anticolonial, liberation struggle. But the crisis of imperialism's colonial system came after the victory of the Great October Socialist Revolution. It became an integral part of the general crisis of capitalism that began as a result of World War I and the victory of Great October.

The October Socialist Revolution created extremely important prerequisites for the success of the national-liberation movement. The front of imperialism was broken; its economic, political and military might was weakened. The Soviet Union became the mainstay of the world liberation process, a mighty force that revolutionized broad masses of the people in various countries.

Immediately after the birth of the Soviet state it addressed to all oppressed peoples an inspiring call for freedom. The passionate words of Lenin's appeals were summons to battle and instilled confidence in victory in the hearts of the peoples enslaved by colonialism, who at the time made up 70% of the world's population. Lenin's Decree on Peace, the Declaration of the Rights of the Working and Exploited Peoples, the Declaration of the Rights of the Peoples of Russia and the Soviet government's message "To All Working Muslims of Asia, Africa and Latin America that there had emerged in the world arena a state that would unswervingly carry out an anti-imperialist policy and support the liberation struggle of the peoples oppressed by imperialism.

Lenin's ideas of liberation were always embodied in the practice, in the concrete deeds of the Soviet government. The relinquishment by the Soviet state of the special rights and privileges resulting from various covenants and treaties that the tsarist government in its time had imposed upon China and the nullification of the inequitable treaties between tsarist Russia and Mongolia, Iran, Turkey and other countries facilitated the struggle against imperialism for many peoples of the East.

The Soviet socialist state gave assistance to Afghanistan, which was then struggling against the colonialists. It turned over to the Turkish government of

¹⁰ *International Affairs*, vol. 11, 1965, p. 12.

Mustafa Kemal 10,000,000 gold rubles precisely at a time when the fate of the Turkish revolution was hanging by a thread. And not because our people did not need this money, but because the young Soviet Russia understood that this was a question of the destiny of a national revolution and came to its aid. The outstanding Soviet military leaders M. V. Frunze, who went to Turkey in 1921-1922, and V. K. Bluecher, who was invited to Canton in 1924 by the great son of the Chinese people Sun Yat-sen, helped the struggle against the imperialists and their agents. Soviet Russia supported the people's revolution in Mongolia. The Mongolian People's Republic embarked on the path of socialism.

As the Soviet state became stronger and as socialist construction developed, the U.S.S.R.'s aid to the peoples waging an anti-imperialist struggle steadily increased. The Soviet Union consistently fulfilled its internationalist duty. The buildings of textile combines erected with Soviet economic assistance sprang up in the Turkish cities of Kayseri and Nazilli. Soviet airplanes, tanks, artillery and military supplies were sent to China, which was being attacked by the Japanese aggressors. Our volunteer pilots shot down more than 100 planes of the Japanese invaders in the skies over China.

During World War II the Soviet Union played a decisive role in routing the most aggressive detachments of world imperialism: German and Italian facism in Europe and Japanese militarism in Asia. A blow was struck at the reactionary policy of imperialism as a whole and at its colonialist and racist ideology. The rout of facism was accompanied by the victory of socialist revolutions in a number of countries of Europe and Asia. A world system of socialism came into being.

The Soviet Union has constantly felt the support of the suppressed peoples of the colonies and semicolonies who have risen in struggle for their liberation. The Soviet people always highly appreciated the liberation struggle of the Chinese people against the imperialists who tormented them; of the Indian people, who fought against the 200-year-old British rule; of the Indonesian people, who repeatedly rose up against the Dutch colonialists; of the peoples of the Arab East, who waged a heroic struggle in Morocco, Algeria, Egypt, Syria and Iraq against the foreign oppressors.

Great importance in the rout of Japanese militarism in 1945 attached to the joining of the Soviet Union's military efforts with the national-liberation movement that unfolded throughout Southeast Asia and in the Far East. These joint actions showed the high effectiveness of unity, solidarity and mutual aid of the forces of social and national liberation.

The victory of the Soviet Union and all freedom-loving peoples in World War II and the transformation of socialism into a world system further weakened world imperialism. The positions of the principal colonial powers were undermined in the course of the antifacism liberation struggle, and democratic processes became broader and deeper in the metropolitan countries and in the colonies. The second stage of the general crisis of capitalism unfolded. The disintegration of the colonial system of imperialism under the blows of the national-liberation movement became an integral part of it.

The flames of the national-liberation struggle engulfed Asia, Africa and Latin America. Socialist revolutions were victorious in three Asian countries—China, the Korean People's Democratic Republic and the Democratic Republic of Vietnam. The Soviet people are proud that, consistently fulfilling their internationalist duty, they gave these countries comprehensive assistance.

The independence of India, Indonesia, Burma, Ceylon and Pakistan has been proclaimed. The peoples of Indochina are winning victories in their liberation war.

The British, French and Dutch colonial empires in Asia have collapsed.

As J. Nehru emphasized, the victory of the Indian people was the direct result of the enormous influence of the great victory over the forces of facism and militarism in World War II and of the role played in its achievement by the Land of Soviets.

The actions of the Soviet Union facilitated the victory of the Indonesian people in the colonial war begun against them by the imperialists of the Netherlands and Britain with the actual support of the U.S.A. The firm position and unity of the U.S.S.R., the Chinese People's Republic and the Democratic Republic of Vietnam at the 1954 Geneva conference contributed to its success and led to the retreat of imperialism in Indochina.

The Soviet Union has invariably supported the creation of young independent national states and their first steps in the international arena.

The present situation, the new, third stage of the general crisis of capitalism, which developed at the end of the 1950s, is characterized by the further growth of the might of world socialist system, which is being transformed into the decisive factor of social development. The downfall of imperialism's colonialist system is an integral part of the present stage of the crisis of capitalism. Colonial regimes have collapsed in vast areas of Africa, where 36 independent states are now developing. The independent countries of Asia are growing stronger. The socialist revolution has triumphed in Cuba, and the liberation struggle in Latin America is becoming broader.

National-liberation revolutions are increasingly undermining the positions of imperialism. A number of countries are making the transition to the noncapitalist path of development and have proclaimed as their goal the building of a socialist society.

Through its constantly growing might, the Soviet Union is fettering the chief forces of the imperialist powers. The U.S.S.R. and the entire, mighty socialist world are giving comprehensive support and assistance to the forces of national liberation.

The leaders of the national-liberation movement have repeatedly emphasized: If the camp of imperialism, headed by the United States, which has assumed the functions of world gendarme, is unable to resist the national-liberation movement and to strangle the countries that have freed themselves from colonialism, this is because the selfless struggle of the peoples of Asia, Africa and Latin America is finding comprehensive support from the Soviet Union and the other socialist states as a result of the anti-imperialist policy they are pursuing.

The Soviet Union has more than once barred the way to the imperialists and their hirelings. In 1956 the heroic struggle of the Egyptian people was reinforced by the Soviet Union's resolute warning to the initiators of the tripartite imperialist aggression against Egypt. Britain, France and Israel were compelled to withdraw. The independence of Egypt and the other sovereign Arab countries was strengthened.

Relying on the determination of its own people and the support of the Soviet Union, Syria courageously faced up to the threat of foreign imperialist intervention in the autumn of 1957. In 1958 the firm stand of the Soviet Union and the other socialist countries and the solidarity of the countries of Asia and Africa thwarted the schemes of the American and British colonialists who landed in Lebanon and Jordan and were prepared to march on Baghdad.

The resolute anti-imperialist stand of the Soviet Union and the other socialist countries, as well as the solidarity of the peoples of Asia, Africa and Latin America in support of Cuba and against the repeated attacks of American imperialism, has been of great importance. "Were it not for the Soviet Union," Fidel Castro has said, "the imperialists would not have hesitated to make a direct armed attack on our country. It was the might of the Soviet Union and the entire socialist camp that prevented imperialist aggression against our homeland."

Making use of the United Nations and other international organizations in the interests of the national-liberation struggle, the Soviet Union persistently strives for the mobilization of progressive forces and the isolation of the imperialist colonialists. The Declaration on Granting Independence to Colonial Countries and Peoples adopted by the U.N. on the initiative of the Soviet Union and with the active support of the young independent states has contributed to this.

Of course, the Soviet people do not set their hopes on the U.N. Declaration as some kind of panacea for colonial exploitation; they feel that the Declaration should be constantly reinforced by concrete actions on the part of the peoples against the imperialists and their accomplices.

In the wake of the downfall of the principal colonial empires a situation has been created in the world in which it is becoming increasingly difficult to keep in colonial bondage the peoples of Angola, Mozambique, South Africa, "Portuguese" Guinea, Rhodesia, Bechuanaland, Swaziland, the "Spanish" Sahara and the Pacific Islands.

The Soviet Union advocates the use of every form of struggle for national liberation. The peoples' right to freedom and independence, whether established by peaceful means or in armed struggle, is sacred. The Soviet Union gives comprehensive assistance to the peoples fighting with weapons in hand against imperialism and colonialism.

Our country also proceeds from the premise that recognition for each people of the right to independence, the right to decide its destiny for itself, is a mandatory condition for the establishment of lasting peace on earth. The Soviet Union's vigorous statements in support of the liberation struggle of the peoples are at the same time concrete actions in defense of peace. The Soviet Union favors the peaceful coexistence of states with different social systems. But we shall never permit the imperialists to distort the principles of peaceful coexistence, to strangle the peoples who are struggling for freedom and independence.

One of the most important tasks now confronting the forces of social and national liberation is resolute support for the heroic Vietnamese people, who have become the victims of aggression on the part of U.S. imperialism. The American invaders are waging an open war against the people of South Vietnam and are making barbarous, piratical attacks on the territory of the D.R.V.

In conformity with an agreement with the D.R.V. government, the Soviet Union is helping the Democratic Republic of Vietnam to strengthen its defense capacity. The Vietnamese comrades have repeatedly noted the great importance of this aid in the cause of securing the rebuff of the imperialist interventionists. If necessary, U.S.S.R. aid to the Democratic Republic of Vietnam will be stepped up.

The peoples are raising an angry voice against the American intervention in the Dominican Republic, where U.S. imperialism, with the help of the Organization of American States, is attempting to implant reactionary puppet authorities.

Now as never before it is urgently necessary to strengthen the unity of action of all the socialist countries and of all progressive, peace-loving forces in order to repulse the high-handed aggressor. Such actions can and must be taken despite the existing differences on certain questions in the anti-imperialist camp. To deny the need for unity of action is tantamount to striking a blow at the interests of the anti-imperialist struggle, the interests of world socialism and the national-liberation movement.

In the chief areas and on the most acute sectors of the struggle, the Soviet Union has given and will continue to give the most effective assistance to the revolutionary, anti-imperialist forces that are storming the bastions of colonialism and racism. Suffice it to cite a few convincing examples. The Soviet Union helped the courageous Algerian people in their heroic struggle against the French colonialists. In the days of the decisive battles for independence, Algeria received comprehensive assistance and support from the Soviet Union, Czechoslovakia, the U.A.R. and a number of other states.

When the people of Indonesia unloosed their struggle for the return of West Irian, which had been illegally retained by the Dutch colonialists, it received arms from the Soviet Union. The U.S.S.R. sent warships to Indonesia. Thus was created the backbone of the Indonesian navy, the existence of which has extremely great importance for this island country.

The Soviet Union has given the U.A.R., Ghana, Mali, Guinea, Cambodia and other countries great assistance in the creation of powerful national armies.

Soviet weapons are being used by the patriots of Asia and Africa who are fighting for the independence of their countries.

Everyone clearly understands the great importance of the Soviet Union's economic assistance to the developing countries of Asia, Africa and Latin America. It is contributing to the overcoming of the economic backwardness of the young national states that resulted from the colonial period.

The economic cooperation of the U.S.S.R. and the developing countries undermines the existing exploitative economic ties of the former metropolitan countries with the young independent states of Asia, Africa and Latin America. The predatory division of labor imposed by world capitalism is also being undermined.

Soviet aid is aimed at the creation of genuinely national economies in the developing countries. In cooperation with the Soviet Union, industrialization is being successfully carried out in the U.A.R., Ghana, India and other countries, and new branches of industry and agriculture are being created. These countries are now beginning to have their own power, metallurgy, machine-building and mining enterprises. About 30 enterprises and shops for ferrous and nonferrous metallurgy, 45 machine-building and metalworking enterprises, 30 power plants and hundreds of other projects have been or are being built with Soviet technical assistance in the young national states of Asia and Africa. All these enterprises are being built on the basis of the latest achievements of world technology.

Enterprises that have already been or are now being built with the aid of the Soviet Union in the developing countries of Asia and Africa will increase production capacities for steel smelting by 6,100,000 tons and for oil processing by 8,600,000 tons. The rated capacity of power plants will increase by 4,700,000 kw.

The Soviet Union's economic cooperation with and technical assistance to the developing countries are strengthening the public sector of the economies of these countries. The development of the state sector and the introduction of planning principles in economic construction are strengthening the noncapitalist tendencies in the national economies of a number of young states and are contributing to profound socio-economic changes in their life. It is becoming increasingly difficult for the imperialist monopolies and internal reaction to resist the social and economic transformations that are being carried out in these countries and that are frequently anticapitalist in nature.

Assistance in the training of national cadres of engineers and skilled workers has become an important part of Soviet aid to the developing countries. Ninety educational centers have been created and are now operating. They are turning into centers for the training of technical cadres in the countries of Asia and Africa.

The construction of hundreds of industrial enterprises in the developing countries is more than just the creation of important branches of the economy; it also means the formation of a working class. This class is growing in numbers. Skilled industrial and agricultural workers are exerting great influence on the workers who were employed in the old, often semiprimitive enterprises.

The Soviet people, fulfilling their internationalist duty, have given and will continue to give comprehensive aid and support to the national-liberation movement. The Soviet Union has been, is and will continue to be a friend and brother to the peoples waging a struggle for the complete and final liquidation of colonialism.

A characteristic feature of the world revolutionary process is unity, the indissoluble organic link between its three main parts: the world system of socialism, the national-liberation movement and the revolutionary struggle of the working class of the capitalist countries. Any actions aimed at splitting or isolating these parts, at setting one against the others, plays solely into the hands of the imperialists. Such actions weaken the revolutionary struggle, give imperialism an opportunity to maneuver, and create a situation that contributes to the increased activity of the most aggressive, most reactionary elements in the ruling circles of the imperialist countries.

The national-liberation movement has long since ceased to be a "local" movement that carries out perhaps important but nevertheless private tasks having no great significance for the other currents of the revolutionary forces. Today the national-liberation movement has merged with these currents, with all detachments of fighters who are struggling on the most diversified fronts against imperialist reaction.

The increasingly close tie between the different currents of the anti-imperialist revolutionary struggle is reciprocal. World socialism helps the national liberation of the oppressed peoples; the liberation struggle of these peoples in turn makes a substantial contribution to the struggle for socialism and strengthens its positions. Marxist-Leninists see this contribution in the fact that the national-liberation movement strikes severe blows against the common enemy—imperialism. Representing the interests of the broad masses, the national-liberation movement strengthens the position of the socialist and democratic forces in the international arena and opens new possibilities for the struggle against the imperialist policy of expansion and degradation. Exceptionally important is the fact that the peoples of the former colonies and semicolonies, having achieved national liberation and set on the path of independent development, are beginning to move actively in the direction of socialism, augmenting the ranks of its supporters, enriching its world experience and making it increasingly universal.

There is also a profound link between the national-liberation movement and the struggle for peace. Wars of aggression have been and still are one of the chief tools of the imperialists' colonial policy. The resolute struggle against militarism and the arms race, against military adventures organized and planned by imperialism, is a big and serious help to the peoples who are defending their independence, fighting for national liberation and social progress. The upsurge of the national-liberation movement, the emergence of the independent national states and their anti-imperialist, peace-loving foreign policy have greatly increased

the might of the forces opposing the imperialist warmongers and have broadened the possibilities of the struggle for the preservation and consolidation of peace.

The forces of the fighters against imperialism and for peace, democracy, national liberation and socialism are greater today than ever before. The task consists in uniting and consolidating these forces.

The objective prerequisites for such consolidation already exist, first and foremost the extremely deep community of vital goals among all the main currents of the revolutionary movement. The realization of these possibilities for unity and firm cooperation in action depends on the solidarity of the chief revolutionary forces of our times, the Communists first of all.

In today's complex conditions, the Communists bear the greatest historical responsibility for the organization and consolidation of all progressive forces. The Communist Party of the Soviet Union, well aware of this responsibility, is persistently and consistently struggling for such consolidation. Our party has waged, is now waging and will continue to wage this struggle despite all the attempts to drive the Communist movement onto the path of schism and internecine strife.¹¹

NATIONAL LIBERATION MOVEMENT: VITAL PROBLEMS

PRESENT STATE OF THE NATIONAL-LIBERATION MOVEMENT

A major feature of our time is the extensive development of the national-liberation movement sweeping away colonialism. In this struggle, in which scores of nations are involved, the destinies of almost half of mankind are being shaped. By cementing their solidarity with the countries of the socialist community and the working class of the capitalist countries, the peoples of Asia, Africa and Latin America are casting off all forms of national oppression and taking up the road of social progress.

The national-liberation movement as a whole has entered a new phase of its development. Whereas in the past it was *outward-looking*, with more and more countries and territories becoming involved in it, at present it is becoming *inward-looking*, giving its primary attention to the complete eradication of colonialism and destruction of the economic roots of imperialist influence, to social and economic problems. In forms peculiar to these countries as former *colonies*, some of them are passing over from national-liberation revolutions to socialist revolutions.

* * * * *

INALIENABLE PART OF THE WORLD REVOLUTION PROCESS

* * * * *

Marxism-Leninism has proved that the revolutionary role of the colonial and semi-colonial peoples can become manifest only in the conditions brought about by world revolutionary development and in connection with the international labour movement and that the national-liberation struggle as such is, in point of fact, their contribution to this development.

In contrast to the anti-colonial struggles in the past *the signal feature of the national-liberation movement in our time is that it is an integral part of the world revolutionary process.* It is this specific feature that determines the development of the national-liberation movement, its strength and scope, its social content and social perspectives.

In speaking about the national-liberation movements which had flared up in the Asian countries Lenin stressed that they were being drawn and had been drawn into the revolutionary struggle, into the revolutionary movement, into the *international revolution*, into the *general maelstrom* of the world revolutionary movement.

The world revolutionary process is in fact a process of liquidating capitalism and at the same time of ridding mankind of all other forms of oppression. In view of unequal historical development, characteristic for all antagonistic formations and particularly for capitalism, this process cannot unfold as a "purely"

¹¹ *Pravda*, June 28, 1965, editorial, pp. 2, 3. Reprinted in *The Current Digest of the Soviet Press*, vol. XVII, No. 26, July 21, 1965, pp. 3-5.

social revolution; its social "maturity" is unequal and it appears in varying concrete forms in different parts of the world—in the form of struggle against capitalism, colonialism or even against feudal and pre-feudal relations.

Nonetheless, it is a *single* process. However different the forms of oppression in the imperialist states and the countries they had subjected and exploited as, for example, in the United States and South Vietnam, in Britain and the principalities in the Arabian peninsula, they are organic parts of one and the same world system of oppression; directly or indirectly their standard-bearers are the imperialist monopolies. Therefore, irrespective of the social composition and immediate aims of those taking part in the fight against imperialism they merge into a single world stream.

But from this there also stems the interconnection and identity of the social "purport" of the different streams of the liberation movement. The present trend of development of the world revolutionary process is the increasing social content of the struggle of those of its detachments which come out against imperialism on a platform of struggle against colonial oppression, and for national liberation. This is determined by both the objective dialectics of the revolutionary process itself, by the coordinated action of its forces against the common foe and the influence of the vanguard of this process—the labour movement.

The *objective* relationship within the framework of the world revolutionary process acts as a source and foundation for united and coordinated action of the national-liberation movement and the international labour movement and the forces of world socialism. It also determines the reactionary essence and the futility of the attempts to divert this movement to a kind of "isolationism" and to divide it from the forces of socialism.

The great Lenin warned time and again that the way to victory for the world revolutionary process as a whole and for each of its forces lies unquestionably through their close unity and fraternal solidarity. Lenin wrote: "World imperialism must fall when the revolutionary onslaught of the exploited and oppressed workers in each country, overcoming the resistance of the petty-bourgeois elements and the influence of the small upper layer of labour aristocrats, merges with the revolutionary onslaught of hundreds millions of people who have hitherto stood outside of history and have been regarded merely as the object of history."

If the oneness of the world revolutionary process and the relationship of its various detachments assures a lasting prerequisite for cohesion, then unity between them develops and undergoes a change along and in accordance with the development of these forces and the entire revolutionary process. The continued strengthening of the unity of world socialism and the national-liberation movement, the growing variety of the forms of this unity and its increasing spread to other spheres of relationship is a natural historical phenomenon.

* * * * *

The forces of world socialism are directly opposed to the capitalist system whereas the national-liberation movement does not directly overstep the framework of capitalism, and some of its objectives, may, if only partially, be realized within this framework. Therefore, the struggle of the proletariat and the forces of world socialism most fully and clearly expresses the social essence of revolutionary development. It is on this front that the main forces of imperialism and the world revolutionary process are massed. It is the labour movement and the forces of world socialism which are armed with a scientific ideology, which illumine the law-governed processes and the prospects for the development of the world revolutionary process in its entirety and its component parts, including the national-liberation movement.

The foremost role of the proletarian movement is historically manifested also in the fact that it lays the foundation of the world revolutionary process. It is not at all a matter of chance that the working class had to inflict serious blows on imperialism and triumph in socialist revolution before the national-liberation movement could, from isolated and spontaneous outbursts, develop into an international phenomenon. The foremost role of the international proletariat does not, naturally, pose it "over" the forces of national liberation; it gives it but the "privilege" of being the pioneer in the struggle against imperialism and to fight it tooth and nail.

It should be also stressed that Marxism is thoroughly opposed to any attempt to treat the national-liberation movement as a kind of "subsidiary" force of

world revolutionary development. Marxist-Leninists regard the national-liberation movement as an important and independent force of the historical process. That is exactly how the issue is posed in the CPSU Programme which states that "the world is experiencing a period of stormy national-liberation revolutions", that the peoples of the enslaved countries "have emerged as makers of a new life and as active participants in world politics, as a revolutionary force destroying imperialism".

* * * * *

The entire development of the national-liberation struggle—its course and forms, the order of events and landmarks, its evolution—is witness to the fact that it is associated with the world revolutionary process, with the strengthening of socialism. Beginning with the October Socialist Revolution in Russia the link between the national-liberation and the labour movement within the framework of the world revolutionary process was reinforced by unity and militant interaction between them. The October Revolution itself which united in one single onslaught the socialist revolution and the uprising of the oppressed nations of tsarist Russia was the first alliance of this kind and its prototype on a world scale. The October Revolution gave the liberation movement a mighty impetus not only in the capitalist countries but also in the colonial and semi-colonial countries.

* * * * *

After the October Revolution the colonial empires lived on for a few more decades but the golden age of colonialism had already ended. The empires were not destined any more to expand their possessions and had to defend their gains. In collaboration with the socialist state and close to it the fighters for national independence inflicted serious defeats on the colonialists, frustrating their attempts at territorial expansion and ushering in the era of *victorious* national-liberation movements. Turkey, Mongolia and Afghanistan were saved from foreign subjection. The imperialist designs of dismembering and completely subordinating China also fell through.

Subsequently, together with the consolidation of the Soviet Union, with the mounting organisational and political role of the world proletariat and with the conversion of the international communist movement into a most influential factor of historical development, the national-liberation movement gained strength, increased in scale and scope. If the victory of the first socialist revolution led to a *crisis* of the colonial system, then the conversion of socialism into a world system brought about its *disintegration*. The third phase of the general crisis of capitalism was marked by the *collapse* of the colonial system.

In the second post-war decade the process of national liberation spread throughout Africa and at the close of the fifties and early sixties reached out to the Western hemisphere. There at the very gates of the USA the torch of the Cuban revolution burst into flame.

Today the remnants of the colonial order are being wiped out. In contrast to capitalism *socialism ushers in the era of liberation of peoples*.

The support of the forces of world socialism did not only decisively promote the rise and victorious development of the national-liberation struggle but gave the oppressed nations the opportunity to put an end to colonial rule in a more or less painless way. Of the more than fifty countries which had won state independence in the post-war years roughly two thirds had achieved sovereignty without any armed struggle. Had not the war machine of imperialism been handicapped by the socialist community events, would have taken a different turn.

Furthermore, the disintegration of the colonial system and the turbulent upsurge of the national-liberation struggle seriously promoted the world revolutionary process as a whole. By weakening imperialism and forcing it to divert part of its forces to the struggle against the colonial and semi-colonial peoples, the national-liberation movement dealt serious blows at the imperialist policy of aggression, at the strivings of international reaction to exert pressure on the socialist community and the world labour movement.

But the unbreakable bonds of the national-liberation movement with the whole world revolutionary process are most clearly evident in the social content of the movement and in its socio-transforming trends. It is common knowledge that in the last century, and even at the beginning of this century, the national-liberation revolutions pursued bourgeois, or at best bourgeois-democratic objectives. Crushing foreign oppression they created state sovereign frameworks to

clear away the medieval and other obstructions standing in the way to the development of national capitalism. Although, as a rule, the masses were the leading force in these revolutions they were unable to influence the course of events decisively.

This was the outcome not only of undevelopment of the processes of social differentiation and class self-determination of the labouring masses; it was due, above all, to the fact that foreign domination, which the national-liberation revolutions destroyed, was, in point of fact, a remnant form of feudalism.

In contemporary times national-liberation revolutions are destined to play a new historical role. They are developing in the period of transition from capitalism to communism on a world scale, form a part of *this* era and bear its imprint. The yoke they destroy is one form of oppression by monopoly capital. It is true that the common aim of a national-liberation revolution—political self-determination of nations—may, if only formally, be achieved within the framework of capitalism. However, by their very system of international economic control and exploitation the imperialist monopolies “pose” before the national-liberation revolution the task of achieving economic emancipation. By creating obstacles to solving the problem, obstacles which cannot be overcome under capitalism, they merely “prompt” the revolution onto the road of social progress.

The same holds for the existing ties of the national-liberation movement with other forces of the world revolutionary process. Therefore, in the national-liberation revolutions of today the people are able to play the part not only of the main force, but also of “conductor” of the historical action. That is why revolutions in the one-time colonial empire are able to develop along *national-democratic* lines.

Enrichment of the social content of the national-liberation struggle on the basis of its development within the framework of the world revolutionary process brings about consequences of utmost importance.

* * * * *

The world revolutionary process is unfolding in scale and scope, ever more profoundly changing life on our planet and bringing ever nearer the bright future of mankind. The national-liberation movement is an organic part and a motive force of this great transformation. It was able to achieve and has indeed achieved outstanding success in the fight against imperialism and colonialism only within the framework of the world revolutionary process and in cooperation with the other motive forces—the socialist states and the labour movement in the capitalist countries. Only within the framework of this process, only in cooperation with these forces can the national-liberation movement score fresh victories and fully play its revolutionary role, do its duty to the peoples of the former colonies and semi-colonies, to the whole of mankind.¹²

¹² *National-Liberation Movement; Vital Problems* (U.S.S.R.: Novosti Press Agency Publishing House, 1966), pp. 7, 159-165, 172.

(The publication is a collection of articles prepared by R. Avakov, K. Brutents, K. Ivanov, V. Kiselev, G. Mirsky, Y. Ostrovityanov, L. Stepanov, O. Tuganova, and V. Tyagunenko—“prominent Soviet experts in problems facing the developing countries of Asia, Africa and Latin America.”)

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