

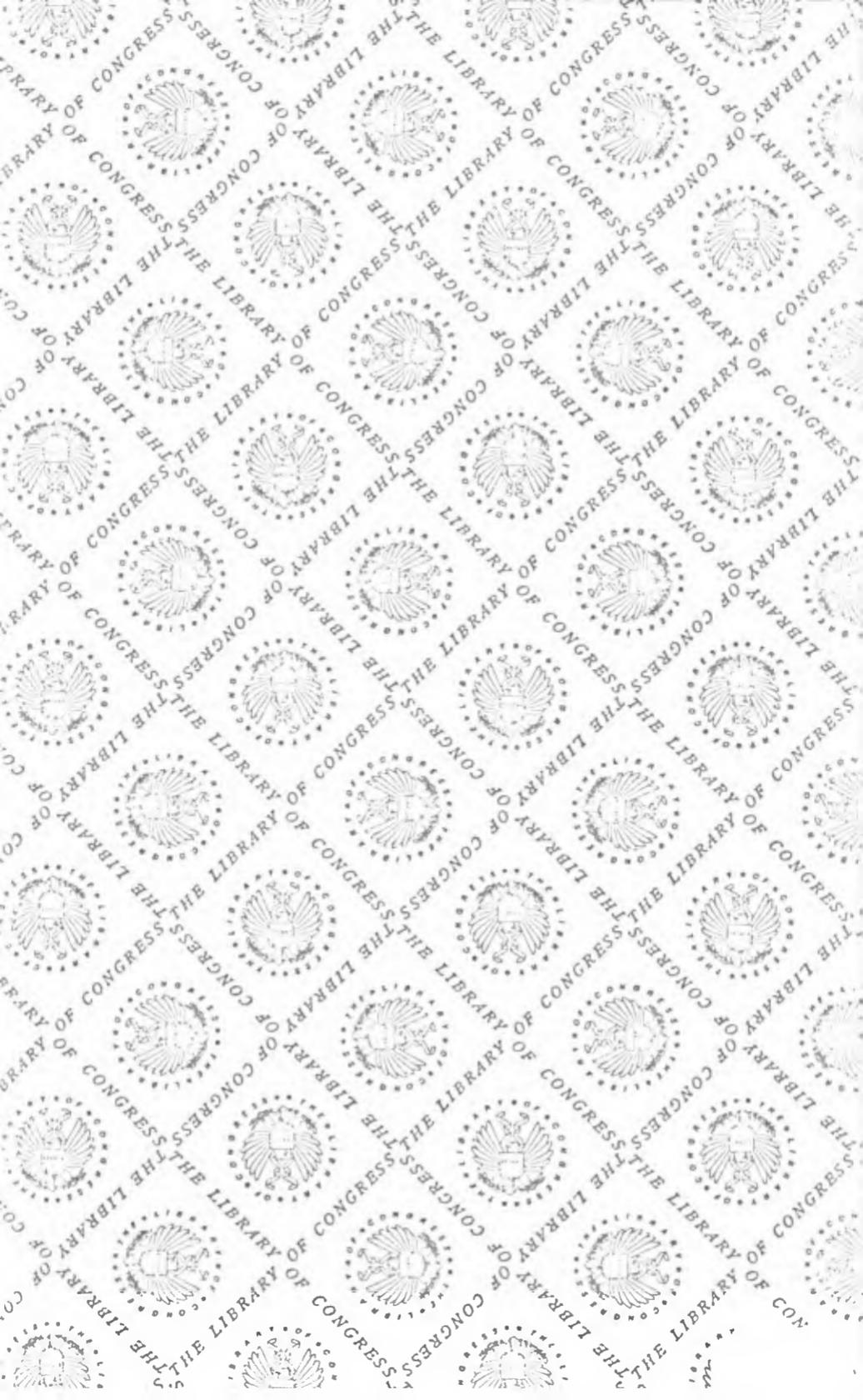
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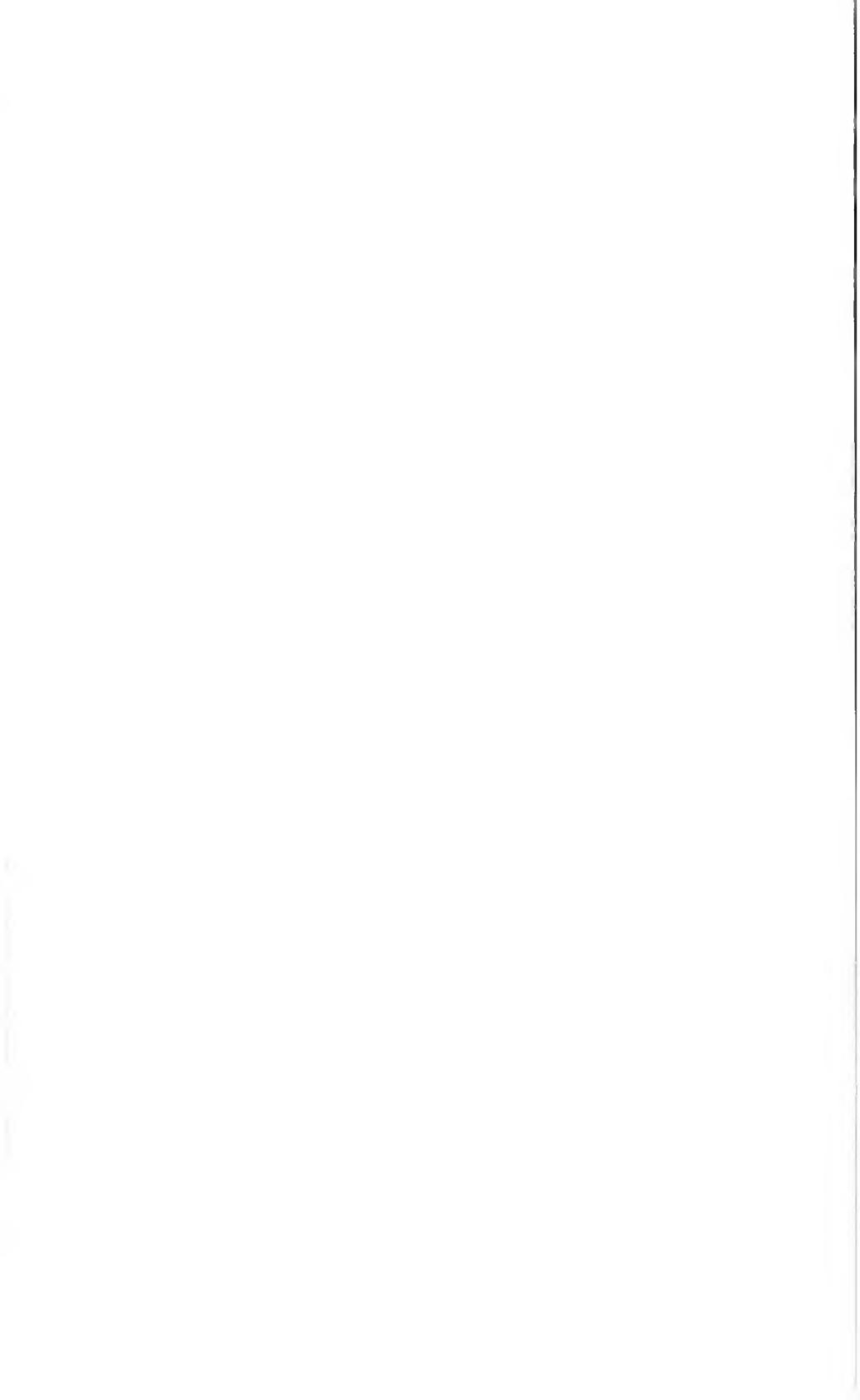
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No. 1







**REGISTRATION OF CERTAIN PERSONS TRAINED
IN FOREIGN ESPIONAGE SYSTEMS**

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HEARING

BEFORE

SUBCOMMITTEE NO. 3

OF THE

COMMITTEE ON THE JUDICIARY.

HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 3882 and H. R. 4102

BILLS TO REQUIRE THE REGISTRATION OF CERTAIN PERSONS WHO HAVE RECEIVED INSTRUCTION OR ASSIGNMENT IN THE ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE SERVICE OR TACTICS OF A FOREIGN GOVERNMENT OR FOREIGN POLITICAL PARTY, AND FOR OTHER PURPOSES

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MARCH 21, 1955

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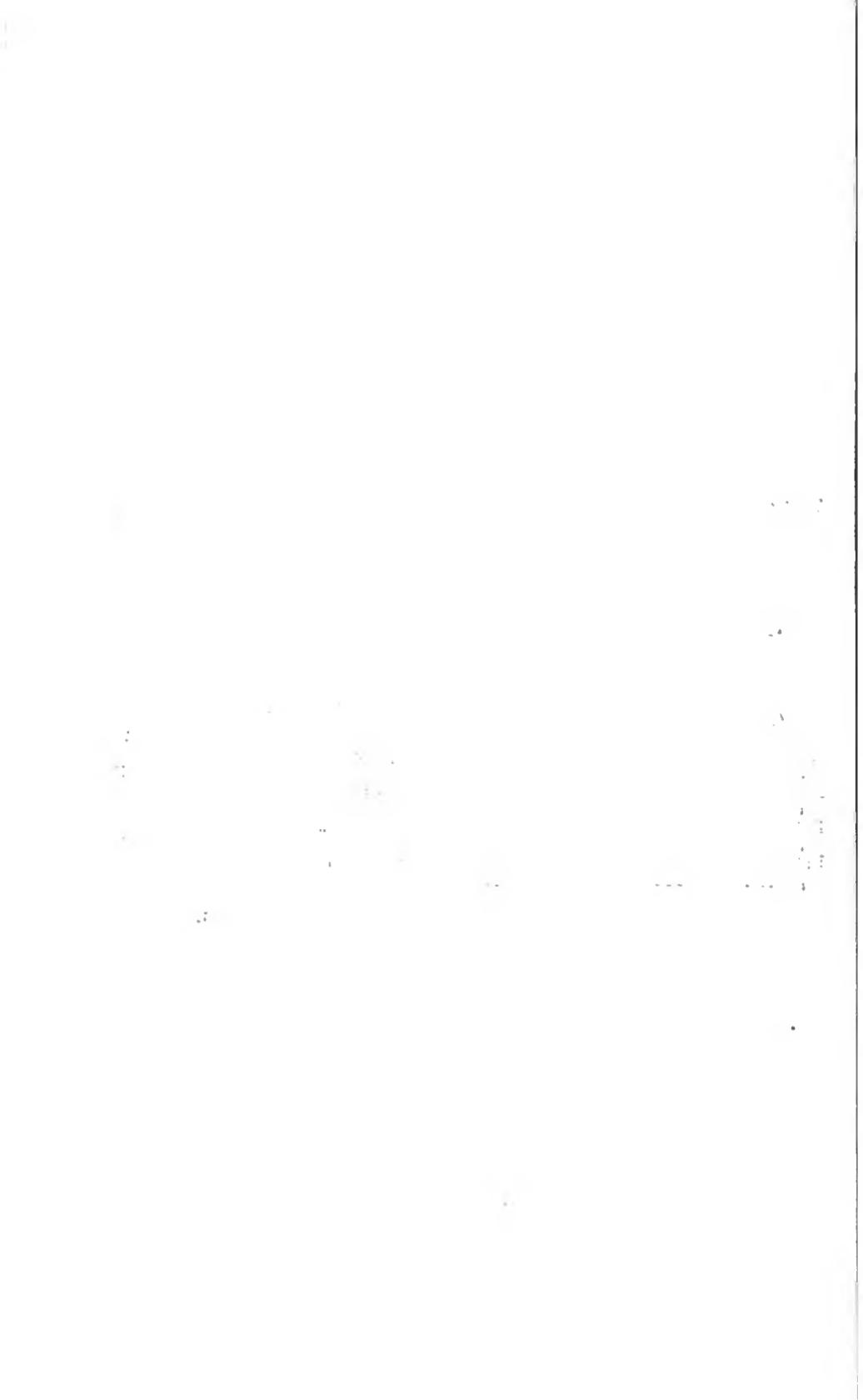
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no. 1



REGISTRATION OF CERTAIN PERSONS TRAINED IN FOREIGN ESPIONAGE SYSTEMS

MONDAY, MARCH 21, 1955

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE NO. 3
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:15 a. m., pursuant to notice, in room 346, Old House Office Building, Hon. Edwin E. Willis (chairman of the subcommittee) presiding.

Present: Representatives Willis, Jones, Quigley, Crumpacker, and Curtis.

Committee counsel: Cyril F. Brickfield.

Mr. WILLIS. The committee will come to order.

Today we will consider the bills H. R. 3882 and H. R. 4102, the first by our colleague, Mr. Celler, and the other by our colleague, Mr. Reed, of this committee, which is to require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes.

(The above-mentioned documents are as follows:)

[H. R. 3882, 84th Cong., 1st sess.]

A BILL To require the registration of certain persons who have knowledge of or have received instructions or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Internal Security Act of 1950 is amended by repealing subsection (a), and by deleting the designation "(b)" which appears in said section.

SEC. 2. Except as provided in section 3 of this Act, every person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such information as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes.

SEC. 3. The registration requirements of section 2 of this Act do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, is a matter of record in the files of an agency of the United States Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) who is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a member of a force of a NATO country who enters the United States under the provisions of article III, paragraph (1) of the Agreement Regarding Status of Forces of Parties of the North Atlantic Treaty, or who is a civilian or one of the military personnel of a foreign armed service who has been invited to the United States for training purposes at the request of a military department of the United States; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee.

SEC. 4. The Attorney General shall retain in permanent form one copy of all registration statements filed under this Act. They shall be public records and open to public examination and inspection at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination and inspection.

SEC. 5. The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations, and forms as he deems necessary to carry out the provisions of this Act.

SEC. 6. (a) Whoever willfully violates any provision of this Act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this Act or any regulation thereunder is subject to deportation in the manner provided by chapter 5, title 11, of the Immigration and Nationality Act (66 Stat. 163).

SEC. 7. Failure to file a registration statement as required by this Act is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

8. Compliance with the registration provisions of this Act does not relieve a person from compliance with any other applicable registration statute.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, is not affected thereby.

[H. R. 4102, 84th Cong., 1st sess.]

A BILL To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Internal Security Act of 1950 is amended by repealing subsection (a), and by deleting the designation "(h)" which appears in said section.

SEC. 2. Except as provided in section 3 of this Act, every person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such information as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes.

SEC. 3. The registration requirements of section 2 of this Act do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security.

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, is a matter of record in the files of an agency of the United States Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) who is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a member of a force of a NATO country who enters the United States under the provisions of article III, paragraph (1) of the Agreement Regarding Status of Forces of Parties of the North Atlantic Treaty, or who is a civilian or one of the military personnel of a foreign armed service who has been invited to the United States for training purposes at the request of a military department of the United States; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee.

SEC. 4. The Attorney General shall retain in permanent form one copy of all registration statements filed under this Act. They shall be public records and open to public examination and inspection at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination and inspection.

SEC. 5. The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations, and forms as he deems necessary to carry out the provisions of this Act.

SEC. 6. (a) Whoever willfully violates any provision of this Act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this Act or any regulation thereunder is subject to deportation in the manner provided by chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163).

SEC. 7. Failure to file a registration statement as required by this Act is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

SEC. 8. Compliance with the registration provisions of this Act does not relieve any person from compliance with any other applicable registration statute.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, is not affected thereby.

Mr. WILLIS. The first witnesses we have scheduled, who, I understand, will testify together, are Mr. Nathan B. Lenvin and Mr. Harold D. Koffsky, of the Internal Security Division of the Department of Justice.

Will you gentlemen identify yourselves by name and the capacity in which you appear, please.

Mr. LENVIN. I am Nathan B. Lenvin, and I am Chief of the Foreign Agents' Registration Section, Department of Justice.

Mr. KOFFSKY. Harold D. Koffsky, Chief of Appeals and Research, Internal Security Division, Department of Justice.

Mr. WILLIS. Do you have a statement?

Mr. LENVIN. Not a prepared statement other than that letter that you have, Mr. Chairman.

Mr. WILLIS. That is the letter addressed to the Speaker on January 26?

Mr. LENVIN. Yes, sir.

Mr. WILLIS. That will be made a part of the record at this point. (The above-mentioned document is on p. 40, herein.)

STATEMENTS OF NATHAN B. LENVIN AND HAROLD B. KOFFSKY, INTERNAL SECURITY DIVISION, DEPARTMENT OF JUSTICE

Mr. LENVIN. As you know, sir, this bill was passed by the House in the last session. The Senate made certain changes in the bill, and before the committee of the House and the Senate could agree on the proposed changes, I think the session expired, and nothing was done on the bill.

That is why we are here again today urging again that this bill be passed in the form in which it is contained in H. R. 3882 and H. R. 4102.

You may recall that section 20 (a) of the Internal Security Act of 1950, which is section 1 (c) (5) of the Foreign Agents Registration Act of 1938 as amended was enacted at the request of the Interdepartmental Intelligence Committee.

We found in the administration of the Foreign Agents' Registration Act, of which section 20 (a) is an integral part, that we could not effectively accomplish the purposes or the objectives for which section 20 (a) was passed, while it remained an integral part of the Foreign Agents' Registration Act, and as the letter explains, that is because the Foreign Agents' Registration Act bespeaks itself of the present, and section 20 (a) does nothing more than create a new class of persons who are defined as agents of a foreign principal.

Therefore, every other section of the Foreign Agents' Registration Act is as applicable to this class of agents as they are to all the other classes of agents defined in section 1 (c) of the Foreign Agents' Registration Act.

From that I think it is fairly clear that we would have to show a present agency relationship before we could require registration or to institute prosecution for failure to register.

We feel we could accomplish the purposes and objectives of the statute—that is old section 20 (a)—by a new registration act, which would require registration for the reasons stated in the statute and not because the individual concerned is an agent of a foreign principal.

Mr. WILLIS. I notice in this letter to the Speaker, to which I referred a while ago, the Attorney General states:

However, the remaining provisions of the act make it clear that the registration requirements are applicable only to those persons who are currently acting as agents.

Would you explain that a little bit more?

Mr. LENVIN. Yes, sir. Section 20 (a) of the Foreign Agents' Registration Act says that no person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement, then we come to this clause—

except as hereinafter, provided every person who is or who becomes an agent of a foreign principal shall within ten days thereafter file a registration statement.

The provisions of section 20 (a) of the Internal Security Act make it fairly clear that the act was intended to apply to persons who received training in foreign espionage or sabotage systems or who received an assignment in the service of a foreign government or a foreign political party.

In other words, the purpose of the statute is to assist the counter-intelligence activities of the United States by obtaining information regarding foreign espionage and sabotage systems which would be revealed by people who would register rather than run the risk of prosecution for failure to register.

If we know of an individual who has been trained previously in Soviet espionage even though not in this country at that time, we would request his registration because of the agency status.

The most that we could say is that the mantle of agency falls upon him as a result of section 20 (a)—that is, it would have to operate

retroactively—and I doubt whether a court would go along with us on that line if we were forced to institute prosecution for failure to register.

Mr. WILLIS. In other words, as I understand it, if someone received his training in a foreign country, and was in the past an agent of that foreign country, but has severed his agency, he is not subject to registration?

Mr. LENVIN. It would appear so judging by the terms of section 2 of the act, which is the section that sets forth the registration requirements since all that section 1 does is define the term "agent of a foreign principal" and all that section 20 (a) did, was just to add one more class of persons who are defined as agents of a foreign principal.

Mr. WILLIS. In order to fix that more firmly in my mind, by saying "acting as an agent," does that mean actually in the employment of a foreign government, say, Russia?

Mr. LENVIN. Yes, sir; that would be one of the requirements. But we would not need section 20 (a) to require registration if he is an agent of a foreign government or a foreign political party and is so acting within the United States.

We can require his registration under the Foreign Agents' Registration Act, under the definition of the term "agent of a foreign principal" as now in the statute without reference to section 20 (a).

Mr. WILLIS. In other words, the present law requires, let's say, a Communist to register, never mind where he received his training, is that correct?

Mr. LENVIN. No, sir.

Mr. WILLIS. It does not?

Mr. LENVIN. It does not go as far as that.

Mr. WILLIS. How far does it go? You said if someone received his training, let's say, from Russia—we might as well be frank about it—and was employed by that country, and received his salary, and then severed his agency and received no salary, then you say this act would not apply because it is so strictly drawn, but you said a while ago he would have to register under another act of Congress.

Mr. LENVIN. Not exactly, sir. I am afraid I did not make myself clear. If it is a person who is on the payroll of a foreign government, he is required to register, period, under the Foreign Agents' Registration Act without regard to section 20 (a) of the Internal Security Act of 1950.

The effect of section 20 (a) would be that if we knew he had received training in the espionage system of this foreign government and had thereafter severed his connection, he would still be an agent and still would be required to register; but I don't think any court would construe the act in that way or permit us to enforce it in that way.

Mr. WILLIS. Because that would be retroactive in effect?

Mr. LENVIN. That is right, sir. It would be attempting to place an agency status after, in fact, an agency relationship had been terminated.

Mr. WILLIS. In other words, under the act as presently written, it imposes the necessity of establishing an agency relationship before registration can be required under present law, is that it?

Mr. LENVIN. Yes, sir; in other words, we cannot require the registration of any person under this statute, under the Foreign Agents'

Registration Act, unless we can establish an agency relationship, as defined by section 1 (c) of the Foreign Agents' Registration Act.

Mr. WILLIS. The Attorney General states:

For these reasons, it is recommended that the Foreign Agents' Registration Act be amended by deleting from it any reference to persons who have received training or assignment in foreign espionage or sabotage systems and to substitute therefor a separate and distinct registration statute which would require the registration of such persons irrespective of any technical agency status or relationship.

What disturbed me—and I probably did not up to now understand the full import of the proposal—is this: that in the suggested amendment presented in the letter, there is a list of exemptions of those who need not register.

Mr. LENVIN. Yes, sir.

Mr. WILLIS. That exempts persons who received their training in the United States, for instance, is that correct?

Mr. LENVIN. Who received their training where?

Mr. WILLIS. In the United States.

Mr. LENVIN. Yes, sir; if it was in the service of the United States Government, if they received that training in the service of the United States Government or a State government, they would not be required to register.

I presume—this is, of course, only a presumption—that our intelligence agencies do train people who do know a great deal about foreign espionage and sabotage systems.

I do not think, however, that we would be promoting the internal security of the United States by requiring such people to register and describe their training.

Mr. CRUMPACKER. Section 2 of this bill which is before us today—or these two bills which are identical—section 2 is a restatement of the language contained in the present law, is it not?

Mr. LENVIN. Pretty much, sir. In other words, what we have tried to do in drafting that section of the statute was to generally put in a blanket statement that everyone who falls within the category of the registration requirements has a prima facie duty to register and then unless it can be established that they can avail themselves of one of the exemptions from registration as contained in the statute, they must register.

Mr. CRUMPACKER. Is there any new language in section 2 at all?

Mr. LENVIN. You mean as compared to section 2 of the Foreign Agents' Act? No; I do not think, as far as the definition or the categories of persons who are required to register, that there would be any change. It would be the same.

Mr. CRUMPACKER. Where specifically in this bill do you take care of the objection which you have to the present law with respect to agency connection?

Was that provision contained in a section other than the equivalent to this section 2?

Mr. LENVIN. First, what we have done, of course, is take out section 1 (c) (5) from the Foreign Agents' Registration Act.

Mr. CRUMPACKER. What was that?

Mr. LENVIN. That defines as an agent of a foreign principal any person who has knowledge or who has received an assignment or train-

ing in the espionage, counterespionage, or sabotage service or techniques of a foreign government or a foreign political party.

Mr. BRICKFIELD. That is exactly the language that is presently in section 2 of this bill.

Mr. LENVIN. That is right.

Mr. BRICKFIELD. So then to that extent we are repeating what was formerly paragraph 5 of the 1950 Internal Security Act.

Mr. LENVIN. That is correct, to that extent. In other words, we are going to require the registration of the same people that were covered in section 20 (a) of the Internal Security Act except that under this bill they will be required to register because they have knowledge of or have received training or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, and not because they are agents of a foreign principal.

Mr. CRUMPACKER. In other words, the registration section of the present law says in substance that agents of a foreign power must be registered and then subsequently referred in language as set out here to those that received training?

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. And in this language you merely include all those who have received training?

Mr. LENVIN. Yes, sir; without first showing that they are agents of a foreign principal.

Mr. CRUMPACKER. In section 3 where you have included all these exemptions, I am wondering if possibly you have not exempted almost everyone.

Section 3 (a) I understand is a repetition of language contained in the 1950 act, is that correct?

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. In section 3 (a) an exemption is given to those who received their training under the United States Government or some agency or subdivision thereof.

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. Now, section (b) would exempt those who merely have an abstract, academic interest in the subject, is that correct?

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. I understand that that is a repetition of existing law, too.

Mr. LENVIN. To a large extent it is; yes, sir.

Mr. CRUMPACKER. In subsection (c), you exempt those that have made full disclosure of their activities to officials within an agency of the United States Government having responsibilities in the field of intelligence, and you keep their identity a secret?

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. Subsection (d)—I understand is the first new exemption which is included in this section.

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. Under subsection (d) an exemption is given to those whose activities are a matter of record in the files of an agency of the United States Government. Will you explain that to me—what that does and how it is separate and distinct from subsection (c)?

Mr. LENVIN. During the course of the administration of section 20 (a), we came across a number of instances where the Central In-

telligence Agency would have all of the knowledge regarding a particular person that would be necessary for their purposes; not only for their purposes, but they would have all the knowledge that there was to have about a particular individual, but he had not made, or there was not opportunity to have made a full written disclosure, which, as you will recall was one of the requirements in section 20 (a) to avoid registration.

Therefore, on the recommendation of that agency, in order to facilitate their operations and in order to prevent adverse reaction to registration or perhaps a registration which would be inimical to the best interests of the United States, they requested this exemption from registration to be inserted in the statute.

Mr. CRUMPACKER. Looking at it from the viewpoint of such an agent, who might be reading the law and trying to determine whether he would be required to register in order to prevent possible criminal prosecution, how is he to know whether such a certification has been made?

Would he have to inquire of the Attorney General or something of that sort?

Mr. LENVIN. He might. In practical operation it generally works this way: If we have no knowledge, for example, that he is being utilized by the Central Intelligence Agency, and if we were to solicit his registration, he could, of course, communicate with Central Intelligence Agency and we have a liaison set up between the Department and the Central Intelligence Agency simply to take care of matters of this sort.

Mr. CRUMPACKER. You have indicated you emphasize people who have not made disclosures to the Central Intelligence Agency.

Mr. LENVIN. They might have made the disclosures themselves.

Mr. CRUMPACKER. But the agency knows of their activities, but not the people. In other words, the people do not necessarily know that the intelligence agency is aware of their activities.

Mr. LENVIN. If they do not know that the intelligence agency is aware of their activities, I don't think a determination would be made either by the Attorney General or the Director of the Central Intelligence that registration would not be in the interests of national security.

Mr. CRUMPACKER. I am having a little trouble grasping this distinction between people being used by an intelligence agency who have made a disclosure of their activities to the agency and people who are being used by that agency and who apparently have not made a formal disclosure.

Mr. LENVIN. It is not so much a matter of making a disclosure. You will recall under the present statute, a man had to sit down and make a full written disclosure, and we batted that around a bit, and we wondered whether if he had made an oral disclosure, which then had been reduced to writing, let's say, by an agent of Central Intelligence, and that had been put in the files, whether that would be sufficient to exempt him from registration.

In fact, we felt that would not have met the requirements to exempt him, and it was to take care of that situation where the man has fully disclosed, but it does not amount to a full written disclosure.

Mr. CRUMPACKER. It does not meet the technical requirements under the law?

Mr. LENVIN. That is right. We ran into a couple of snags in the old law, and we wanted to take care of them.

Or the disclosure may have been given outside the United States at one time or another, and it was eventually placed in the files, but the man himself may never have sat down or dictated a disclosure.

It may not have been feasible at the time.

Mr. CRUMPACKER. You think there would be ample protection for any individual possibly affected if he simply inquires of the Attorney General as to whether he should or should not register.

Mr. LENVIN. It could look that way.

Mr. CRUMPACKER. I am concerned about whether a person who would be covered by this law would have knowledge.

Mr. LENVIN. Possibly not. I do not think so. Their knowledge as to whether they would be required to register, generally, comes to them in the form of a request from us that they file a registration statement.

In fact, that is true under the old law. Sometimes where we obtain information that they should register and so inform them, they are terribly surprised to know there is such a statute on the books.

Mr. CRUMPACKER. But the mere discussion whether they should or should not make a registration would not reveal the nature of their activities?

Mr. LENVIN. No, sir; but the discussion as to whether they should or should not register would be with members in the Department of Justice and members of the intelligence agency concerned.

Mr. CRUMPACKER. Is this subsection (e) about diplomatic corps members and their families a repeat of the present law?

Mr. LENVIN. It is to a large extent a repeat of the Foreign Agents Act.

Mr. CRUMPACKER. Was not one of the objections the Senate raised to this legislation last year that this section was included? In other words, did they not want to delete the protection given to diplomats?

Mr. LENVIN. I do not know the answer to that question, sir. The State Department was pretty strong on that one.

Mr. CRUMPACKER. You say the next five exemptions are all new?

Mr. LENVIN. Yes, they are.

Mr. CRUMPACKER. Section (f) deals with an official of a foreign government who is not an accredited diplomat.

Mr. LENVIN. That is not new from the point of view of the old Foreign Agents Registration Act. Officials of the foreign governments are exempt unless they engage in dissemination of political propaganda.

Mr. CRUMPACKER. Who, for example, would fall into the category of officials of a foreign government who are not accredited diplomats?

Mr. LENVIN. People with the tourist bureaus, heads of a foreign government information offices, perhaps even trade commissions, purchasing commissions and the like. There are a number of them, I think.

Mr. CRUMPACKER. Would officials of the Russian Purchasing Agency, Amtorg, be exempt under this section?

Mr. LENVIN. I do not think that they are technically recognized as officials of the Soviet Government, at least I know that they do not have diplomatic status because we indicted Amtorg back in 1948, and we also indicted the officers of the corporation, and the State Depart-

ment ruled that while they were here on diplomat passports, they did not have diplomatic status which made them immune from arrest.

Mr. CRUMPACKER. This section (g) also is new language, is it not?

Mr. LENVIN. No; this language is very similar to language in the Foreign Agents Registration Act, which exempts this class of persons under that statute.

Mr. CRUMPACKER. This would also exempt American citizens who might be employed by such agencies or consulates or embassies, would it not?

Mr. LENVIN. Yes, sir; it would.

Mr. CRUMPACKER. Section (h) exempts those who are in the United States on an official mission for the purpose of conferring or otherwise cooperating with the United States intelligence or security personnel.

What personnel do you envision being covered by that?

Mr. LENVIN. There is an exchange, as I understand, occasionally under programs of our Armed Forces or our intelligence agencies whereby they invite foreign intelligence officers or foreign members of the foreign mission to come and examine installations or materials in the United States.

It might prove embarrassing, of course, if such people were confronted with the demand for registration during the short period they were here in this country. Technically speaking, they would be required to register.

For example, as I understand, recently there was a visit from the Japanese head of what would be the equivalent of the Japanese FBI to this country, and he was shown, of course, every courtesy while he was here; but unless he was exempt from the registration requirements, it would be my duty to insist that he register.

Mr. CRUMPACKER. Perhaps a year or so ago when we had German intelligence agents in this country—

Mr. LENVIN. It might have been a good idea.

Mr. CRUMPACKER. Is that section (h) new?

Mr. LENVIN. That is new, sir.

Mr. CRUMPACKER. Section (i) deals with North Atlantic Treaty Organization representatives, and that is new too, is it not?

Mr. LENVIN. That is new, sir.

Mr. CRUMPACKER. Section (j) deals primarily with United Nations officers?

Mr. LENVIN. Yes, we would run into a problem there, sir, under the International Organizations statute, the immunity statute, and the headquarters agreement, and I think (j) just simply restates what would be the situation even without that section of the proposed bill.

Mr. CRUMPACKER. Were all these sections contained in the bill which passed the House last year, which eventually died in the Senate?

Mr. LENVIN. Yes, sir.

Mr. CRUMPACKER. Which of them was it that the Senate objected to? Do you know?

Mr. LENVIN. I am not exactly certain, and I would not like to say since I do not know.

Mr. KOFFSKY. I believe it was from (f) on. It may have included (e), but I think it was from (f) on.

Mr. CRUMPACKER. It is rather important, I think, to this committee to have information as to what their objections were, because we may run into the same thing, of course, this year as we did last year.

Mr. LENVIN. Mr. Congressman, I think perhaps I should say that these exemptions, the bulk of them, especially the new ones, were inserted into the bill at the request of the Department of Defense or the Department of State, and it was those departments that carried the brunt or the burden to try to persuade the Senate to pass the bill with all these exemptions in it. We did not.

Mr. CRUMPACKER. After you have exempted all of these people, do you contemplate that you are going to have many left?

Mr. LENVIN. Well, I think under the old unworkable statute that we have about 80 registrations of people that have registered.

Mr. CRUMPACKER. Did you say 80?

Mr. LENVIN. It is between 75 and 80 people who have registered.

Mr. WILLIS. Under the direct provisions of this schedule?

Mr. LENVIN. As a result of the agency status being created by section 20 (a) of the Internal Security Act of 1950.

Mr. CRUMPACKER. That covers people whom you might describe as people currently working at the business of espionage?

Mr. LENVIN. No, sir; this covers people who long since have terminated any connection with the foreign government or the foreign political party which created the agency.

I might add that these were all voluntary. I do not think I could have gone into court to prosecute them if they had refused, and that is why we want this bill, because we did have a number of people who did refuse to register, and whom we thought should register.

Mr. CRUMPACKER. In other words, those were 80 people who would technically not have been required to register?

Mr. LENVIN. Yes; I think if they had wanted to contest it, that they would have successfully contested it.

Mr. CRUMPACKER. But since the registration is a voluntary thing, it is a safe assumption that they were not engaged in current activities of that sort, is it not?

Mr. LENVIN. Yes, sir; that is true.

Mr. QUIGLEY. Do I gather that your department is interpreting the act of 1950 as to require the registration only of those who are currently engaged as agents of a foreign government or a foreign political party?

Mr. LENVIN. Or have so engaged within the period of the statute of limitations.

Mr. QUIGLEY. Under this proposed bill, you would require the registration of those who at any time in the past were such agents or even people who are potentially so?

Mr. LENVIN. Yes, sir; that is one of the purposes and objectives of the statute.

Mr. QUIGLEY. Who would be persons of background who had the experience, the know-how to become effective agents?

Mr. LENVIN. Yes, sir; who may become successful espionage agents because of past training.

Mr. QUIGLEY. And I gather your interpretation is the Department's, and although it has never been tested in court, you feel confident that the answer would be the way you are treating it?

Mr. LENVIN. Yes, sir; and one of the reasons I am saying this is we lost a heartbreaker of a case, the Peace Information Center, which was the organization which was then disseminating the Stockholm peace appeal.

Judge McGuire would not even let the case go to the jury. He said we failed to establish the necessary nexus to establish an agency relationship.

In fact, he indicated that we would have to show an agency relationship as defined by the restatement of the law of agency. So, while there is not a great deal of interpretation, we do have some judicial expression upon which we base our opinion.

Mr. QUIGLEY. You would no longer be interested in proving a current or past agency relationship?

Mr. LENVIN. That is right.

Mr. QUIGLEY. Merely a potential capacity to be an agent on the basis of present knowledge.

Mr. LENVIN. All we have to prove would be that they did receive the training or that they did receive an assignment. Once we can establish that, then registration is required.

We do not want to have to prove that they are an agent, because an agent after all has a certain technical meaning, sir.

Mr. QUIGLEY. Let me ask you this question: you said prove that they did receive the training or the instruction or an assignment.

Much of the bill is devoted to section 3 and, of course, section 3 is only that because you have in there the provision about knowledge. Would you be ahead of the game and not run into the obstacle which you encountered in the Senate last time if you limited it to people who had instruction or were given assignments?

Mr. LENVIN. Not entirely, sir, because as to many of the people that State and Defense want to avoid requiring to register, it is perfectly apparent on the face of it that they received the training or assignment.

For example, I would think some of the members of the present British diplomatic mission had training as commandos.

I think that some of the members of the French diplomatic mission at one time belonged to the Free French Underground. We have had that situation arise in connection with the diplomatic mission of Denmark and others.

I think a number of the people who would come over here on diplomatic or official missions, from their World War II experiences, would fall within the province, without question, of knowledge.

Then there are others who, from the very position that they hold when they come to the United States, must have had training in the espionage, sabotage, and counterintelligence systems of the governments that they now represent.

For example, this Japanese gentleman that was here. If he is the Japanese equivalent of J. Edgar Hoover, he would have to have had training in the espionage system or counterintelligence system of the Japanese Government or he could not hold the position he does.

Mr. QUIGLEY. So even if you were to delete that part where you say assignment or instruction, you would still have to include a number of diplomatic personnel, would you not?

Mr. LENVIN. Yes, sir.

Mr. QUIGLEY. Have you any idea of the number of people this would affect if it were to pass in its present form?

Mr. LENVIN. It would be very difficult to say. As you know, we are dependent upon our knowledge of the people into whose province

such information falls, as we are in the operation and administration of the entire Foreign Agents Registration Act.

It may affect, in addition to those we have already registered, perhaps another 20 or 25, and there is really no telling how many more.

In fact, as you stated, the idea is to nip in the bud, so to speak, the potential agent; so that the act would be most effective in connection with people who might be coming to the United States in the future.

Mr. QUIGLEY. That is all.

Mr. BRICKFIELD. I would like to call your attention to page 2, line 1. Section 2 requires persons to register who have received instruction in the espionage service, et cetera, of a foreign government or of a "foreign political party."

Would you describe exactly what the term "foreign political party" would mean, and the activities it might encompass?

Mr. LENVIN. I think the term "foreign political party" is based—we had it before, and as it is defined, it includes—

any organization or any other combination of individuals in a country other than the United States or any unit or branch thereof having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to the establishment, administration, control or acquisition of administration or control of a government of a foreign country or a subdivision thereof or of the furtherance or insuring of the political or special interests, policies, or relations of a government of a foreign country or a subdivision thereof.

Mr. BRICKFIELD. What is it that you are reading from?

Mr. LENVIN. I am reading from section 1 (f) of the Foreign Agents Registration Act which defines the term "political party," and while, of course, we would not give that same definition here, I think it is pretty well recognized that that is what the term "political party" means.

Mr. BRICKFIELD. In addition, a foreign political party is one which is either wholly or substantially situated outside the continental limits of the United States, is it not?

Mr. LENVIN. Yes, sir.

Mr. BRICKFIELD. A person could receive training in the espionage system while in a foreign country—could it not be possible that they could also receive that training here in the United States?

For example, during World War II when we had many people in the British armed forces here to train.

Mr. CRUMPACKER. Also the Chinese.

Mr. LENVIN. It is possible that they could receive it, but I think it is those people concerning whom the Government of the United States would then have full information, that it has been decided by the Interdepartmental Intelligence Committee would not be the proper subject or the type of person that they would want to have registered.

Mr. BRICKFIELD. In other words, in many cases and in the final analysis, it would be the Attorney General's Department which would be making the decision as to whether or not a particular person had to register under the provisions of this act; is that correct?

Mr. LENVIN. I do not think that would be really so, sir, because as I said before, if the individual fell within the province of section 2, there is a prima facie obligation to register; and the next question would be to determine whether any of the exemptions contained in section 3 would be available.

If not, he would be required to register. We have that problem every day under the Foreign Agents Act. We get information regard-

ing a person who acts within the United States as an agent of a foreign principal, as defined by the section 1 (c).

Our position is that he is required to register unless he can show us that one of the exemptions contained in section 3 is available. If he cannot, he is required to register.

Mr. BRICKFIELD. In other words, under the procedural requirements of this bill, and under the procedural requirements of the present law, a person first makes application to register, and while so doing he can seek the exemption provisions of the present law; is that correct?

Mr. LENVIN. That is right. We have that situation arise every day. We will get a letter from an individual, a corporation, or a law firm, saying that they know there is this Foreign Agents Registration Act, they have been retained by so and so, and they will describe the activities, and then they would like to know whether they are required to register or can be exempt and point out the provision of section 3 of the Foreign Agents Act under which they think they may be exempt.

Mr. BRICKFIELD. In line with that, may I draw your attention to subsection (e), of section 3? It is on page 3, and beginning on line 18, they exempt:

duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him.

First off, do consular officers enjoy diplomatic immunity?

Mr. LENVIN. I understand that they do to the extent—and, of course, I am treading on State Department ground—when such immunity is granted by the foreign government concerned to American consular officers.

Mr. BRICKFIELD. Do you know whether people who are duly accredited representatives of NATO and the U. N. enjoy diplomatic status?

Mr. LENVIN. That I do not know. That would, of course, be a matter for the State Department.

Mr. BRICKFIELD. Assuming that they would enjoy diplomatic immunity, and they refused to register under the provisions of this act or the provisions of this bill if it becomes law, could you tell us whether these provisions would be enforceable?

Mr. LENVIN. No, if they had diplomatic immunity, they would not be. The only punitive action would be that they could be declared undesirable by the Department of State and would have to leave the country.

Mr. BRICKFIELD. So legally the bill is not enforceable, but as a practical matter, if they did not register, we could state that they are persona non grata and ask that they leave the country, is that correct?

Mr. LENVIN. Yes, sir.

Mr. BRICKFIELD. That is all, Mr. Chairman.

Mr. WILLIS. Mr. Jones, do you have any questions?

Mr. JONES. No, Mr. Chairman.

Mr. WILLIS. Mr. Quigley?

Mr. QUIGLEY. No, sir.

Mr. WILLIS. Mr. Crumpacker?

Mr. CRUMPACKER. No.

Mr. WILLIS. Mr. Curtis?

Mr. CURTIS. No.

Mr. WILLIS. Thank you very much.

We will hear next from Mr. Arens, who, I understand, has another committee meeting. Is he with us?

Mr. ARENS. Yes, sir.

Mr. WILLIS. This is Mr. Richard Arens, associate counsel of the Senate Internal Security Subcommittee.

At this time I want to thank both Mr. Arens and Mr. Eastland, who is chairman of the committee on that side for permitting us to have the privilege of hearing from you, Mr. Arens.

You are familiar, of course, with the course that this bill took on the Senate side after it left us last year, and we want very much to coordinate our efforts, and we would appreciate the benefit of the explanation of the questions that arose on the other side, which perhaps could be ironed out at this time.

**STATEMENT OF RICHARD ARENS, ASSOCIATE COUNSEL, SENATE
INTERNAL SECURITY SUBCOMMITTEE, UNITED STATES SENATE**

Mr. ARENS. Mr. Chairman and gentlemen of the committee, I think that I should make it clear for this record that my appearance here today is, as the chairman has indicated, at the solicitation of the chairman and at the solicitation of Mr. Brickfield of the staff: that I appear here only for the purpose of undertaking to be helpful to the committee, to give the committee the benefit of some of the experience which we have had in the past in this field, particularly with reference to legislation.

Unfortunately, I was unable to reach the chairman of our subcommittee, Senator Eastland, to obtain his permission to speak, perhaps, with a little bit greater degree of authority, so I can now only speak as an individual staff member who has humbly been working with the committee over the course of many months in the field.

Mr. WILLIS. We appreciate and understand your position very thoroughly.

Mr. ARENS. May I first, Mr. Chairman, give the committee just a very brief word as to the significance of this field.

We have over the course of many months been running a task force of our Internal Security Subcommittee on Communist propaganda. I should just like to allude to just one example of this Communist propaganda and to the extent which it is being shipped into this country.

Some months ago, we contemplated a check in the New York City Customs Office of the propaganda that was coming in, and so in anticipation of the hearing, I called down in New York City and spoke to the director down there, and asked him if he wouldn't kindly hold the Communist propaganda that was coming in there for 3 or 4 days, so that the committee, when it arrived in New York, would have a fair sampling of the type of propaganda that was coming in there.

The reply on the telephone was that if he held up for 3 or 4 days the Communist propaganda coming in through the port of New York there would not be enough warehouses in Manhattan to hold it. He did not hold it up, and when we got down there, we were taken to 2 or 3 warehouses at least 1 of which was equally as large as this hearing room.

This Communist propaganda was stacked in huge stacks, just that current day's operation, much higher than this screen here, I would say some 8 to 10 feet tall, much taller than I am, plus my hands stretched out.

It is coming in not only in New York; it is coming in on the west coast; it is coming in over the Mexican border; it is coming in at various other ports of entry by the shiploads, flooding into the United States.

It is spewing out in large part through the consulates and embassies and diplomatic personnel who under policies which have been practiced are not registered and the material is unlabeled.

Of course, I am sure, as are the chairman and the distinguished members of this committee, that neither the Foreign Agents Registration Act, or any other legislation that is currently on the books, has any provision for the United States Government to censor material coming into the United States or to confiscate such material, with very limited exceptions.

It is the purpose of the Foreign Agents Registration Act to require labeling so that the recipient of the material will know he is reading Communist propaganda just as the recipient of some kind of drug would know if he had seen the label on the drug that he is about to drink poison.

I would like to allude for just a moment now, if I may, Mr. Chairman, to some hearings which we had in July, August, and September of 1951. At that time we had a series of four hearings, in which we had members of the Foreign Agents Registration Section of the Department of Justice, people from the Bureau of Customs, and others testify with respect to this Communist propaganda, principally, which is being disseminated via the consulates and embassies.

In the course of those hearings, and as pointed out by the report which accompanies the hearings, it was revealed that the Department of Justice back in 1946 sent a letter to the then Secretary of State asking for cooperation toward the registration of diplomatic and semi-diplomatic personnel who were then and who are now nerve centers for the transmission and dissemination of this political propaganda.

Under the then existing law, persons who were disseminating political propaganda in the United States had to register and had to label their political propaganda.

The law then said in effect that there should be an exemption for "a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State."

I call your attention to the next clause particularly—

While said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer.

Mr. BRICKFIELD. That is the present language.

Mr. ARENS. That language is brought forth, as I understand it from a cursory examination, in the instant bill which is now before this subcommittee.

The Department of State under date of March 13, 1947, addressed a communication back to the Department of Justice saying in effect that they would not make suggestions as to how diplomatic or semi-diplomatic personnel could be required to register because "informational activities" were considered by the Department as being within

the scope of the proper function of the diplomatic and the consular officers.

The Senate subcommittee—if I may summarize on this particular point—after these extensive hearings in its findings and recommendations on this particular point had this to say :

The subcommittee has had brought to its attention instances in the history of our diplomatic relations in which foreign diplomats in the United States have been declared *persona non grata* because of statements made or letters written in this country against the interests of the United States. How any responsible officer of this Government can conclude, after glancing at the reams of Communist propaganda which is disseminated in this country by foreign diplomatic and consular officers, that the dissemination of such Communist propaganda is a proper diplomatic function and, therefore, that such propaganda need not be labeled in accordance with the provisions of the Foreign Agents Registration Act, is beyond the comprehension of the subcommittee. It is to be noted that the United States Government is precluded from any informational activities in the Soviet Union. The policy of the Department of State is in effect an administrative nullification of an established law.

Thereafter the late Senator McCarran introduced in the Senate a bill, S. 37, copy of which I have here, which was designed to force the registration of persons engaged full time as public relations officers in the dissemination of political propaganda, irrespective of their diplomatic or semidiplomatic status.

It provided for the amendment of the Foreign Agents Registration Act by creating an exception to the exemption, to this effect :

except that no person engaged in service as a public relations counsel, publicity agent, or information service employee, or who is engaged in the preparation or dissemination of political propaganda shall be so recognized.

That would be, Mr. Chairman, an exception to the provision of the Foreign Agents Registration Act exempting from the overall provisions diplomatic or semidiplomatic personnel.

Mr. BRICKFIELD. Mr. Arens, do you have a copy of the bill which is presently before the committee there, H. R. 3882?

Mr. ARENS. Yes, sir.

Mr. BRICKFIELD. Would you turn to page 3, subparagraph (e) ?

Mr. ARENS. Yes, sir.

Mr. BRICKFIELD. In substance this repeats, I believe what S. 37 did last year—in other words, it would continue to exempt diplomatic or consular officer personnel, and then at the end of line 24, you would insert the words “except people who are engaged in the informational service or who disseminate political propaganda for foreign governments.”

Is that the gist of it ?

Mr. ARENS. In order that your record would be clear on that, perhaps you would desire me to read the exact language here.

Mr. WILLIS. That language would come after the semicolon on line 24, which you are about to read, is that correct ?

Mr. ARENS. Yes, sir.

Mr. WILLIS. Which would be the late Senator McCarran's bill.

Mr. ARENS. Yes, sir. S. 37.

Mr. CURTIS. Of the 83d Congress ?

Mr. ARENS. Yes, sir.

Mr. CURTIS. Is that back in the works this year ?

Mr. ARENS. I am unable to say as of the moment. I am under the impression it is, but I could not say. Other Senators have undertaken

to reintroduce some of the legislation introduced by Senator McCarran, which did not actually get through the Congress but did get through the Judiciary Committee.

Mr. WILLIS. The 83d Congress, did you say?

Mr. ARENS. Yes; the 1st session, 83d Congress, S. 37. I also have with me a copy of the committee report which accompanied S. 37 when it was approved by the Judiciary Committee. It is Report No. 1694, 83d Congress, 2d session.

Mr. Chairman, I have, at the request of Mr. Brickfield, supplied him with this bill and the report.

Mr. WILLIS. Thank you. The bill and the report of the committee will be made part of our file on this matter.

Now, will you read the language following the semicolon on line 24?

Mr. ARENS. The language would be:

Except that no person engaged in service as a public relations counsel, publicity agent or information service employee or who is engaged in the preparation or dissemination of political propaganda shall be so recognized.

May I interpose this additional observation, Mr. Chairman, that S. 37 as finally reported by the committee contained not only this element but also this element of agency, in which we would undertake to clarify those provisions of the Foreign Agents Registration Act in such a manner that that agency could more easily be established as a requisite to requirement of registration. That element is developed further in the report on S. 37.

The Senate subcommittee, beginning in March and ending in July of 1953, held a series of hearings which were germane to this general subject matter of Communist underground printing facilities and illegal propaganda.

I invite the attention of the committee here to the report appearing in the front of the hearings, and the recommendations in particular in which the Senate subcommittee states as follows:

Among its recommendations the subcommittee repeats the recommendation heretofore made by the Internal Security Subcommittee that the Foreign Agents Registration Act be amended so as to require the registration of every diplomatic or consular officer of a foreign government who is engaged in the preparation or dissemination of political propaganda.

The subcommittee took the position that, first of all, under the then existing law—and I speak only of the consular officers and diplomatic officers who are engaged exclusively in the dissemination of political propaganda—that they should have been required to register; that the interpretation of the then existing law, the administrative practice was in error.

Secondly, that assuming that the diplomatic and consular officers were not under the then existing law subject to registration, it was the position of the committee, as reflected from these documents and from these recommendations, that the law ought to affirmatively require such registration.

It was upon that basis, Mr. Chairman—and I, of course, again repeat, I am not speaking for the committee, I am only speaking from the documents which are presently before me.

Mr. WILLIS. You are simply relating the history of what has happened.

Mr. ARENS. Yes, sir. It was on that basis, Mr. Chairman, when this bill or the bill of the House, H. R. 9580, the Espionage and Sabotage

Act of 1954, was presented to the Senate committee which contained language, title 3 at least, repeating the old law, that the committee amended it to strike out title 3 so that it would not be affirmatively concurring in a suggestion even by implication that it was the will of the committee on the Senate side that diplomatic or semidiplomatic personnel should be exempt from registration.

That is all I feel might be of help to the committee—that is on that subject—that I can at this time recount, Mr. Chairman.

Mr. WILLIS. You have had no hearings, no consideration of that problem since the report that you have read to us?

Mr. ARENS. Yes, we have, sir. Since that report, which I have read to you, and I cannot in this public session recount details—we have had executive sessions on this subject matter.

We have had executive hearings on this subject matter, and we have had continuous studies on this subject matter.

Mr. WILLIS. I know you must of necessity have considered the problem of the difficulty of enforcement of that affirmative statement contained in the bill introduced by former Senator McCarran, and I imagine that your overriding desire to have it caused you to brush aside the administrative difficulties of this you talk about.

Mr. ARENS. The noise outside precluded me from hearing your last comment, Mr. Chairman.

Mr. WILLIS. I said you must certainly have considered that an affirmative position along the lines you have read and adoption of Senator McCarran's bill and the inclusion of that provision in this bill would cause an administrative difficulty; you must have considered that.

Mr. ARENS. We have considered that, sir; but may I call your attention on that particular point to the fact that this bill S. 37 does not require the registration of the Soviet Ambassador to the United States who might make a speech. It does not require the registration of any incidental propaganda activities of a person in that status.

It would only require registration of a person who is engaged as a public relations counsel, publicity agent, or informational service employee or who is engaged in the preparation or dissemination of political propaganda.

It would be a full-time man.

Mr. WILLIS. The bill would contemplate that such a public relations man would be an attaché of the diplomatic corps, would it not?

Mr. ARENS. That he might be; yes, sir.

Mr. WILLIS. Let us assume that he is, and your bill is certainly broad enough to reach him, is it not?

Mr. ARENS. Yes, sir.

Mr. WILLIS. How then could we enforce it, and I am not by any means opposing the view, I am just trying to find out whether we could reach him.

Suppose we wrote to the Russian Embassy and said, "Do you have an individual in your employ doing this?" and they ignored the letter. How will you find out who he is?

Mr. ARENS. I think there are two facets to the question there, sir. First of all, if he were in violation of the provisions of the Foreign Agents Registration Act, the political propaganda which he would

be undertaking to disseminate would be subject, as I understand it, to confiscation, because it would be illegally transmitted.

Secondly, he would be subject to the penal provisions of the Foreign Agents Registration Act.

Mr. WILLIS. That is if you found out who he is?

Mr. ARENS. Yes, sir.

Mr. WILLIS. I certainly appreciate your views. We want it very badly.

Mr. CRUMPACKER. Is it your feeling that the addition of this language which you have quoted following the end of the present section in the bill we are considering would cure the Senate objections to the legislation?

Mr. ARENS. I am frankly, sir, just a little bit embarrassed for the reason that I cannot speak for the committee. I am only a staff man trying to be helpful here.

Mr. CRUMPACKER. I am just asking your opinion.

Mr. ARENS. Just as a servant of our committee, I would suggest that language of that character would go a long way toward reconciling the differences which occurred in the past on this legislation, and I would at staff level want to see the entire bill studied again as against the old law.

I haven't done that, a comparison of your new bill against the old law in the light of the experience of our subcommittee.

Mr. WILLIS. Did you find at that time that the State Department would oppose such a provision in this bill?

Mr. ARENS. My recollection is a little rusty on that, sir. I am under the impression that the State Department as of the time we had these hearings, back some few years ago, was in opposition to it.

Mr. WILLIS. I understand we will hear today from representatives of the State Department.

Mr. QUIGLEY. Mr. Chairman.

Mr. WILLIS. Yes, Mr. Quigley.

Mr. QUIGLEY. I do not know whether this is a question or an observation. I found your testimony of interest, but I think your suggested amendment to the bill is not logical.

I think Senator McCarran's bill was a logical and a natural and a necessary amendment to the Internal Security Act. I think it is realistic to require such propaganda agents to be viewed and to be considered as what they are and they should be required to register; but I do not know that we should single out in the act or the bill that is now before us merely the propaganda agents who might be attached to the Russian Embassy, because I think the bill which we have before us is dealing with people who are skilled and have know-how in sabotage, and I think what Senator McCarran's desire was to amend the bill to include such propaganda agents as agents of a foreign government currently serving as agents. I think that this bill is in effect directed at something entirely different.

I think we are not worried about the present agents. We are worried about potential agents, who have the know-how to become agents of a foreign government; and I feel that I could and would support an amendment to the Internal Security Act along the lines of Senator McCarran's bill.

I am not so sure that it follows that the language presently suggested to be added to subsection (e) of section 3 ties in at all.

Mr. ARENS. There are two phases to the Foreign Agents Registration Act. One pertains to persons who have been trained in sabotage, espionage, and the like, irrespective of the activity in which they may proceed to become engaged in in the United States.

The other phase of the Foreign Agents Registration Act, the principal phase, which refers to persons who, irrespective of their background, are currently engaged in the preparation or dissemination of political propaganda.

The Internal Security Act amended the Foreign Agents Registration Act. Do you feel that an amendment here should be to the Internal Security Act rather than the Foreign Agents Registration Act itself?

Mr. QUIGLEY. No; I would say to the Foreign Registration Act, but to cover those people who are currently serving as agents, but as I indicated in my earlier question, I believe this bill is not aimed at current agents who are the propaganda artists attached to the Russian Embassy, but I think this bill is aimed at potential agents, who are not now in any activity.

Mr. ARENS. Perhaps I did not make it clear. The amendment which S. 37 of the 83d Congress proposes is not at all germane to the sabotage, espionage people; it is only to the propaganda people.

Mr. QUIGLEY. That is right. That is why I think to put that particular language into this particular bill does not follow at all.

Mr. ARENS. It only goes in the bill as an amendment to those provisions which are applicable exclusively to these propaganda people.

Perhaps I did not make it clear.

Mr. WILLIS. Through an amendment to the exemption?

Mr. ARENS. Through an amendment to the exemption, which exempts people engaged in the propaganda field.

Mr. CURTIS. I would like to inquire how procedurally these consular and embassy officers can disseminate a roomful of propaganda. We men who have to engage in elections have a little experience with the dissemination of circulars and things like that; and it is not an easy thing to do.

I just wonder how a whole roomful of mail for dissemination can be handled procedurally by these people who are doing it.

Mr. ARENS. Very simply, sir. They receive this in any harbor, say, 100 sacks of Communist propaganda, disguised in a magazine that, say, looks like Life Magazine, or Look Magazine, very beautifully gotten up, perhaps in a foreign language.

They have mailing lists of members of the associations of the American Slav Congress, which is a Communist-controlled organization.

The bulk of this would come right to Washington—we will say, and this is not necessarily true, but in this particular instance it is an example—to the Russian Embassy.

It would then be shipped out over the country to the mailing list of the American Slav Congress.

Mr. CURTIS. That would have to be addressed you mean in the Embassy?

Mr. ARENS. Yes.

Mr. CURTIS. Addressed and remailed?

Mr. ARENS. Yes. Or mechanically within the bags themselves, they would have the addresses on them.

Mr. CURTIS. They could not be already addressed when they come into the country, could they?

Mr. ARENS. Yes, some of them do. I am sorry I did not bring over some of the samples. We have quite a stack, if it were on this table it would be several feet high, which is coming into the United States now, being disseminated over the country.

I think that the statistics reveal that 70 to 80 percent of it goes to foreign language groups in the United States.

Mr. CURTIS. Thank you, Mr. Chairman.

Mr. WILLIS. I want to tell you, Mr. Arens, that we are very grateful to you and my colleagues on the other side for permitting you to come over here and exchange views with us and give us the benefit of your knowledge. And, we accept your mission in the sense in which you expressed it.

Mr. ARENS. Thank you, sir.

Mr. WILLIS. Now, the committee will hear Mr. Warde Cameron of the Department of State.

Mr. Cameron, I believe you have some assistants with you who might like to sit with you. Please have them do so.

**STATEMENT OF WARDE CAMERON, ASSISTANT LEGAL ADVISER,
DEPARTMENT OF STATE, ACCOMPANIED BY MISS VIRGINIA
MEEKISON, ASSISTANT TO MR. CAMERON, AND GEORGE GRAY,
SPECIAL ASSISTANT, OFFICE OF CONGRESSIONAL RELATIONS,
DEPARTMENT OF STATE**

Mr. CAMERON. That is correct, I do, Mr. Chairman. Thank you. I am Warde Cameron. I am Assistant Legal Adviser of the Department of State. I have with me Miss Virginia Meekison, who is one of my coworkers in the Office of Legal Advisers, and Mr. Gray, from the Office of Congressional Relations.

Mr. WILLIS. Do you have a statement?

Mr. CAMERON. I have no prepared statement, Mr. Chairman. The Department of State has delivered to the subcommittee this morning a letter in which it expresses its views with respect to H. R. 3882, and I am quite certain that it is unlikely that any members of the subcommittee have had an opportunity, since this letter was delivered, to study it.

When the definition of "agent of foreign principal" was amended in 1950 to include persons having knowledge or instruction in espionage and counterespionage and sabotage, the Department of State took the position, which has been discussed here at considerable length this morning, that any inclusion of persons in that category within the meaning of "agent of foreign principal" under the present Foreign Agents Registration Act should provide for certain exemptions, such as diplomatic and consular officers, officials of foreign governments here serving their governments in a representative capacity, and those people engaged as representatives of foreign governments to international organizations.

When legislation similar to H. R. 3882 was before this committee last year, the State Department supported that legislation, because

in substance it continued the exemptions which were already contained in the 1950 amendment to the Foreign Agents Registration Act.

The letter which is before the subcommittee this morning is consistent with the position which the Department of State took in 1950 and again last year, except that because of more recent events, we think there ought to be several minor changes in the provisions under section 3, particularly subsection (i), which at the present time is a category of people:

Who is a member of a force of a NATO country who enters the United States under the provisions of article III, paragraph (1) of the Agreement Regarding Status of Forces of Parties of the North Atlantic Treaty, or who is a civilian or one of the military personnel of a foreign armed service who has been invited to the United States for training purposes at the request of a military department of the United States;

Since that time the Manila Pact has been entered into and we also have a number of other security pacts with other countries, and the Department of State has recommended that the bill be amended to provide in addition to the NATO countries to be exempt from the provisions of this registration law, that the bill should be more general and provide instead for the exemption of civilian and military personnel to enter this country pursuant to arrangements made under a mutual defense treaty or agreement or who have been invited to the United States at the request of an agency of this Government.

There is another minor amendment, which we propose, and that is in section (j)—

Mr. WILLIS. Before going into that, could you suggest some language which would carry out the thought?

Mr. CAMERON. Yes, sir. The language we suggest is as follows:

Who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government.

Our proposed amendment to subsection (j) is to tighten up that provision and add after the word "organization" in line 8, page 5, the words, "in which the United States participates."

Mr. CURTIS. Mr. Chairman, may I ask one question there?

Mr. WILLIS. Yes.

Mr. CURTIS. Would you want this same amendment made in the foreign agents registration law? This bill was taken out of that law.

Mr. CAMERON. I think, sir, there would be no need to put it in the Foreign Agents Registration Act at the present time because of the existing exemptions in the Foreign Agents Registration Act.

Mr. CURTIS. Can you point to anything similar to this in the Foreign Agents Registration Act?

Mr. CAMERON. This language is not there.

Mr. CURTIS. It is a wholly new section?

Mr. CAMERON. The language I propose is new, but I think it is made necessary only by virtue of the fact that this requirement to register by people having knowledge or instruction in espionage or counter-espionage was taken out of the Foreign Agents Registration Act.

Mr. CURTIS. But by and large we have then the same exceptions in this bill as we do in the Foreign Agents Registration Act, so it is a broader question, and I should think those same exceptions ought to go into the broader law too.

Mr. CAMERON. Unless by interpretation they can be considered to be already there, sir.

Mr. WILLIS. All right. Proceed.

Mr. CAMERON. The Department of State considers that if H. R. 3882 is enacted, it should contain the exemptions which are contained in the bill starting with subsection 3 (e) on page 3 and through subsection (j) on page 5.

We feel that foreign diplomatic officers accredited to the United States and whom we accepted in a diplomatic capacity, foreign consular officers of a foreign government, and other officials of a foreign government who are assigned to represent those governments to international organizations are already registered with the Department of State.

The United States Government knows that they are here. In our view these people would feel offended, and, indeed, their governments would feel offended if we required that every individual in the service of a foreign government who comes here to legitimately represent his government in a diplomatic or consular capacity or some other capacity were required to disclose to the United States Government the fact that while he was engaged in some other capacity with his government prior to entering foreign service, the fact that he had knowledge or instruction in espionage or counterespionage would be offensive to that individual and to his government.

We are not entirely unselfish in this view. I think I should say to the subcommittee that if these people were required to register as provided under this proposed legislation, I feel there would pop up all around the world similar legislation by other governments requiring our foreign service and diplomats and consuls and representatives to international organizations to disclose similar information, if indeed they had received such instruction or knowledge.

Mr. CRUMPACKER. Are we at the present time required to so register our people?

Mr. CAMERON. So far as I know, we are not now required to so register our people in any country. I think the primary concern of the Department of State in enacting legislation of this sort is the status of our own people abroad more so than the status of foreign government officials here.

On the practical side, in the enforcement side, if any diplomatic officer happens to have the knowledge of espionage or counterespionage or to have received instruction, and should refuse to register under this law, assuming no provision for exemption was included in the law, there is no way under our present domestic statute and our concept of international law that we could enforce that.

We could not try them for violating the law, nor could we make them register. The Department of State would be left to the remedy which it has today; namely, to require the foreign government to withdraw those people from the United States.

We do not need this kind of law to do that. We have done that many, many times in the past; and we will do it now whenever it is necessary. I think in brief that is the position of the Department of State on this bill.

I was very interested in the gentleman's previous discussion of S. 37 in connection with the foreign propaganda material. If the committee would desire, I would like to summarize briefly the status of the

foreign information propaganda material being disseminated out of the foreign embassies and consulates in the United States and satellite countries, if the committee desires to hear it.

I do not have any facts and figures, but I will say that the Department of State notified the chairman of the House Judiciary Committee in August 1954 its position in connection with the law to which the gentleman referred.

I think I can sum it up very briefly by simply saying that the Department of State has never taken the view that it is a diplomatic or consular function to disseminate propaganda. The Department of State has always taken the view, and so informed the Congress in March of 1947, that an informational press function was a legitimate function of any embassy or consulate, and that so long as a foreign government stayed within the framework of a normal press function, that they had a right to operate out of an embassy or consulate.

You see that any dissemination of political propaganda or subversive material may not be disseminated from a consulate or an embassy, a diplomatic mission as a matter of right, and every government which has an embassy in Washington knows just what the position of the State Department with respect to dissemination of such material is.

I think I can accurately inform the subcommittee this morning then that as far as I know there are no consulates in the United States or any of the satellite countries, with the exception of one embassy, from which political propaganda or subversive material is being disseminated.

That one exception is a news bulletin being distributed by the Legation of the Hungarian Peoples Republic, I think. Political propaganda I would call that.

In connection with that, I should like to note that the State Department is still in Hungary permitted to produce from our Legation in that country our bulletin. To the extent that other political propaganda is being disseminated in the United States by satellite countries, I think it is being disseminated through the information services of those countries, and those information services are legitimate activities and in accordance with the provision of the Foreign Agents Registration Act, those governments are required to register with the Department of Justice, Attorney General's office, those information services, so it should be a matter of record with the Department of Justice, all the political propaganda being disseminated by those governments.

The Department of State has effectively closed down the propaganda activities of the satellite countries in Washington, with the one exception that I noted, and I haven't any status report as of this moment, but I think that we will find that their press activities are confined to legitimate press activities, which we recognize are quite all right.

MR. WILLIS. Let me ask you: You were in the room when Mr. Arens testified a few moments ago, were you not?

MR. CAMERON. Yes, sir; I was here.

MR. WILLIS. To what extent, if any, do you disagree with what he said regarding amending section 3 (e), line 24?

If I understood you correctly, there does not seem to be any sharp disagreement between what Mr. Arens said and what you are now saying.

Mr. CAMERON. It seems to me, Mr. Chairman, it is a different purpose. This bill that we have before you today does not relate to the dissemination of political propaganda. It is a bill which requires registration of individuals who have knowledge or instruction in espionage or counterespionage.

I do not doubt that the amendment Mr. Arens proposed, S. 37, is an appropriate amendment to the Foreign Agents Registration Act—at least it is an appropriate amendment for consideration, but I do not think it is an appropriate amendment to include it in this bill.

Again I say that the curtain countries or the satellite countries, at the present time, if I have been correctly informed, are not disseminating political propaganda from their diplomatic missions.

I think that is evidence to show, Mr. Chairman, that the State Department can effectively control the dissemination of such material from embassies.

The fact that we have asked them to shut down and they have I think proves it.

Mr. WILLIS. I would like to refer you to the paragraph before that on the third page of your letter :

In conclusion, the Department of State perceives no objection, from the standpoint of our foreign relations, to the enactment of the proposed legislation, inasmuch as it contains appropriate exemptions for certain officials and employees of foreign governments and employees of international organizations admitted to this country for specific official purposes, together with certain members of their families.

If the statement made by Mr. Arens were added, as he proposes, to section 3, subdivision (e) at line 24, would your conclusion remain the same?

Mr. CAMERON. I think not, sir.

Mr. WILLIS. Why not?

Mr. CAMERON. In the first place, it is not quite clear to me why we single out these people. If I interpret correctly the Foreign Agents Registration Act, at the present time there is no exemption for staff people acting in a public relations counsel, publicity agent, information service capacity, and again I like to refer to our own particular problem abroad, Mr. Chairman.

The United States runs a very extensive information program abroad.

Mr. WILLIS. What did you say, Mr. Cameron?

Mr. CAMERON. I say we are running a very expensive information program abroad, the United States does. Much of our program is run and operated as part of our embassies and legations and consulates. I think that if we require the registration of diplomatic and consulate officers of a foreign government who are working and operating through their embassy here or one of their consulates, to register with the Department of Justice, we could expect immediately that our information people abroad also operating as our diplomatic and consulate officers, would have to immediately register with the foreign government and that would be particularly bad because they could write into their own registration laws anything they wanted to write into them and require the disclosure of all such information from the embassy or a consulate, and our representatives to international organizations.

In our concept of international law, the archives of our embassies and consulates, of our Government, are immune and inviolable and may not be required to be produced by any foreign government, and it seems to me if we did, not continue exemptions for these people here, bearing in mind, that they are already a matter of record with the Department of State—they are not people who we do not know are here, we know what they are doing—if we do not continue this exemption, we are apt to have much worse registration requirements imposed upon our people abroad, and we think that would be particularly bad.

It might materially affect the success of our information program.

Mr. CRUMPACKER. As I understand, the essence of your argument is that this bill is designed primarily to smoke out agents who are not known, whereas the people you are talking about are already known, is that it?

Mr. CAMERON. You are talking about the bill before you?

Mr. CRUMPACKER. Yes, sir.

Mr. CAMERON. I understand it is primarily designed to smoke out agents, but it is not written, of course, in that wording.

Mr. CRUMPACKER. I should not use the word "agents." I should say people trained in espionage.

Mr. CAMERON. Yes, sir.

Mr. CRUMPACKER. I think I understood you to say that the Department does not recognize these political propaganda activities as being within the scope of the diplomatic function.

Mr. CAMERON. We do not recognize political propaganda as far as the type Mr. Arens referred to as being a legitimate diplomatic function which an embassy may conduct.

Mr. CRUMPACKER. Referring then to this section, where it says exemption shall be give to a—

duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him ;.

The addition to this section, proposed by Mr. Arens, insofar as it pertains to political propaganda activities, the information agencies, would really reinforce in statutory language what the Department has already decreed by administrative action, would it not?

Mr. CAMERON. Yes; the Department of State feels that at the present time, we would want to have the flexibility to recognize those people who are noted to us by the foreign government.

We have to bear in mind that the foreign government notifies people to us in the capacity of a second secretary or a first secretary or a consul or an ambassador. When people are notified to us in that general consulate or embassy for economic affairs, we recognize them in that capacity, and if ever the embassy in the future should desire or commence to disseminate political propaganda, we do not attach that dissemination necessarily to any one individual.

We attach it to the embassy and simply send the ambassador a note and instruct him to forthwith discontinue that practice. We do not send one person a note, because, after all, I suppose an ambassador is responsible for everything that comes out of an embassy, and I do not think the State Department would want to be responsible for

seeking out one person and saying, "You, in the blue shirt, can't work there."

We follow the function, and if it is not being carried out correctly, we notify the ambassador to discontinue the function. I think we would be burdened with language of this sort, because we would be required to pick out people and decide what those people are doing for the ambassador internally, within the embassy.

Mr. BRICKFIELD. Mr. Cameron, when you were addressing the committee earlier, you pointed out, I think, that with one exception, there had not been any evidences of political propaganda activities in the embassies or legations situated here in Washington, is that correct?

Mr. CAMERON. If I said that, I left the wrong impression. I was making the point that if in the past there had been political propaganda disseminated from the embassies and consulates, and there has been, that it has now been effectively stopped.

I was trying to make the point that the Department of State already has authority to order a foreign government or a foreign ambassador to discontinue a particular function such as dissemination of political propaganda to the extent that the function exceeds the common and accepted diplomatic function under international law; and we do feel that dissemination of political propaganda is not a diplomatic function.

We, therefore, feel that we have it within our power now to stop it, and we have, if my information is correct, effectively stopped it with the one exception; and we have permitted that one bulletin to be disseminated here because we are enjoying a reciprocal privilege in the foreign country that that embassy represents.

Mr. BRICKFIELD. You say that in the event that we require informational officers to register, foreign governments in turn may enact registration laws which would require American personnel overseas to register, and that they could supplement those laws so as to require the disclosure of certain vital and necessary information.

If that is so, would that not be taken care of by international law which in effect states that even if a foreign government enacted a law, it would not be controlling?

Mr. CAMERON. I think you are right. By the same token, the foreign government would say this transcribes international law, and we are not going to abide by it.

Mr. BRICKFIELD. At first glance it would not appear wrong in asking an informational officer of a foreign government to come down to the Department of Justice and register, assuming that he is not engaged in political propaganda.

Mr. CAMERON. I do not think I quite understand the question.

Mr. BRICKFIELD. You said that the dissemination of political propaganda right now is outside the scope and function of any embassy or diplomatic corps, but that the dissemination of information is not outside the scope and function of the diplomatic corps.

If that is so, I do not understand why it would be wrong to ask those people to register.

Mr. CAMERON. I do not have the facts, the statistics, before me; but I think that the majority of the foreign governments disseminating information about their countries and political propaganda in the United States are doing so at the present time, to the extent that

it is taking place, through their information centers, which for the most part are located in New York.

I am quite certain that the officials of the foreign governments who are actively engaged in such dissemination have registered with the Department of Justice because that sort of an operation comes within the requirements of the Foreign Agents Registration Act.

As I understand your point, it is why not a diplomat if he is doing it. I think that the best answer I can make to that is that it would have no effect on the satellite country diplomats, because they are not doing it at the present time, and it would serve only as a harrassment and irritant to free countries.

Mr. BRICKFIELD. When you speak of satellite countries, do you mean countries like Bessarabia which is part of Russia or countries like Hungary?

Mr. GRAY. Hungary, Rumania, and all the Iron Curtain countries.

Mr. BRICKFIELD. They are satellites?

Mr. GRAY. Yes.

Mr. BRICKFIELD. Russia itself has countries which are represented in the United Nations. Are they also known as satellite countries?

Mr. CAMERON. I think we call them Iron Curtain countries. I think we are talking about the same thing, sir.

Mr. BRICKFIELD. Assume a man in the diplomatic service is here in this country, say, in a consular office in New York City, and his particular work relates solely to the dissemination of informational material.

Under the law today is he required to register?

Mr. CAMERON. No, he is not required to register, but again I should like to point out in connection with your question that the consulates of Communist-dominated countries, the ones I referred to as satellite countries, have all been effectively closed by the United States, so there are no consulates of those countries disseminating such propaganda here at the present time.

You may recall that in 1940 and 1941 before we entered the war, we also closed the consulates of Italy and Japan and Germany for that very reason, because we thought they were using the consulates not for legitimate consulate purposes, but as outposts to gather intelligence and send it back to their governments.

So, the State Department simply goes through the routine process of sending the ambassador a note and saying, have the place closed in 10 days or 20 days or whatever the reasonable time is.

We never have any trouble with it. The same thing happens to us abroad.

We are making the point that we do not want to offend or harass the legitimate foreign diplomats who are here for a legitimate purpose in order to get at another group of people who are pretty well under control anyway. We want to stop the dissemination of political propaganda from the embassies or consulates too, but we feel that the State Department already has the authority to do so, and has done that.

Mr. BRICKFIELD. Do you think that asking a man who is engaged in legitimate informational service for his country to register in accordance with our laws, much like we now ask people who drive, to obtain driver's licenses, would be offensive?

Mr. CAMERON. I think it would be in this field. You have to deal with the sensitivities of foreign diplomats, and our own diplomats abroad are sensitive too, and they would feel offended.

The theory of diplomatic immunity is that you will not obstruct or hamper in any way the performance of duties of representatives of a foreign government here, in carrying out the duties of his country.

They are very sensitive about these things; yes, sir. If we did not have their names, I think it would be an entirely different matter. They are registered with the Department of State.

We do know what they are doing. We can close any unauthorized functions down any time we want to. We feel, therefore, that a bill of this sort should contain these exemptions for that very reason.

Mr. BRICKFIELD. Since 1950, which, of course, is the year of the enactment of the Internal Security Act, and which was the first time these particular provisions went into statutory law, has the State Department asked any of our legations or embassies to cease and desist because it thought that the particular embassy was engaging in political propaganda or was engaged in such activities which were beyond the normal scope of diplomatic functions that an agency ordinarily would engage in?

Mr. CAMERON. Yes; since the enactment of that law we have requested foreign governments to discontinue their practice of disseminating political propaganda?

Mr. BRICKFIELD. I am taking the cutoff date, say, 1950.

Mr. CAMERON. I have a summary here. It is not complete, but I would like to read from it. I think it might answer your question.

On August 8, 1951, the Polish Government demanded the termination of activities of the United States Information Service in Poland. The following day the United States demanded that the Polish Research and Information Office in New York be closed within 24 hours.

On June 14, 1952, the United States Government informed the Soviet Government of the suspension of the American magazines, Russian language, publications produced by the Department of State for circulation in the Soviet Union.

At the same time the Soviet Government was directed immediately to suspend publication by the Soviet Embassy in Washington of the U. S. S. R. Information Bulletin, its supplements, and distribution by the Soviet Government in the United States, all pamphlets published at the expense of the Soviet Government or its organizations.

This action of the United States was brought about by the increasing obstacles raised by the Soviet Government on the distribution in the Soviet Union of the American magazine.

We have taken the same action with respect to other governments.

Mr. BRICKFIELD. Have we ever on our own initiative asked them to close down?

Mr. CAMERON. I am not in the operating field and I do not know, but I would chance a guess that we take into consideration the relative advantages and disadvantages, keeping in mind that we are interested in disseminating information about the United States to the people in these various countries abroad; and if we felt that it was better to take a little here in order to get our information disseminated abroad, we might well do that. I just do not know whether we have done it on our own initiative.

MR. BRICKFIELD. When Mr. Arens testified earlier, he stated that the Attorney General complained, apparently, to the Secretary of State about certain informational activities of some diplomatic missions.

MR. CAMERON. Yes.

MR. BRICKFIELD. And that the Acting Secretary of State answered that all activities which were then being carried on were within the scope and function of the particular foreign offices, and he went on to indicate that, having such a ruling, these very governments took advantage of the ruling, and they operated from Washington and increased their informational activities to the extent that there was a fine question as to whether they were engaged in informational activities or whether the activities were in fact, political propaganda activities?

MR. CAMERON. I do not recall exactly what Mr. Arens said, but if you have accurately quoted him, I do not think that the State Department said to the Department of Justice on March 13, 1947, that what was then going on was a legitimate function of an embassy.

I am reading now from a letter which the Department of State sent to the Chairman of the House Judiciary Committee on August 3, 1954. I am sorry; I am reading from an attachment to this letter which says:

For your information, on March 13, 1947, the Acting Secretary of State informed the Attorney General that the Department considers that informational activities are within the scope of the proper functions of the diplomatic and consular officers, within the meaning of section 3 (a). It should be noted that this ruling applies only to accredited representatives of governments which are permitted to engage in informational activities. It was pointed out that it is our policy to seek diplomatic status for at least some of the personnel performing such functions in our missions abroad. The Department has never taken the position that this Government is under any obligation to permit a foreign government to engage in informational activities which go beyond normal press relations. More extensive activities may be carried on only as a matter of privilege rather than of right.

Whenever it is established that the informational activities of a foreign government constitute an abuse of this privilege, or that the United States is not accorded reciprocal privileges in the foreign country concerned, the Department notifies the Chief of Mission that the privilege is being withdrawn. It will be recalled that prior to our entry into World War II, the German, Italian, and Japanese Governments were each in turn ordered to cease their objectionable information activities, just as more recently the Iron Curtain countries have been instructed to cease issuing and distributing magazines and pamphlets in the United States. Inasmuch as the propaganda activities of some diplomatic and consular officials may be and are controlled by the Department under accepted diplomatic procedures, there is no necessity for enacting legislation on the subject.

This is the explanation which the Department of State gave the House Judiciary Committee on August 3, 1954.

MR. BRICKFIELD. Is that the position of the Department today?

MR. CAMERON. That is the position of the Department today.

MR. BRICKFIELD. I would like to read into the record that, according to Senate Report 1694, of the 83d Congress, the Department of State in a letter dated March 13, 1947, advised the Attorney General that the Department of State considered informational activities as being within the scope of the proper functions of diplomatic and consular officers but that the Senate committee found otherwise:

As a result of the ruling of the State Department, there has been an increasing tendency on the part of foreign governments, particularly the Soviet bloc, to operate their propaganda activities in this country through diplomatic and consular officers and thus avoid the registration and labeling requirements of the Foreign Agents Registration Act.

I point this out because it is a finding of fact, and while it probably is in conflict with the ruling of the Department of State, the Senate Subcommittee has nevertheless determined that aside from the ruling, there were activities which were tantamount to propoganda activities, and therefore would be in violation of that rule, and apparently these violations were not being curbed at that time.

That is in 1954. That is all I have.

Mr. WILLIS. Have you completed your presentation, Mr. Cameron?

Mr. CAMERON. Yes, sir; unless you have some more questions.

Mr. WILLIS. At this point we will insert in the record without objection the letter from the Department of State dated March 21, 1955.

(The above-mentioned document is set out on pp. 40-41.)

Mr. WILLIS. Thank you very much, Mr. Cameron. We appreciate your coming in.

FURTHER STATEMENT OF NATHAN B. LENVIN, CHIEF, FOREIGN AGENTS REGISTRATION SECTION, DEPARTMENT OF JUSTICE—

Recalled

Mr. WILLIS. Counsel will proceed to reexamine the witness?

Mr. BRICKFIELD. Mr. Lenvin, do you know that in the 83d Congress the Senate had before it a bill, S. 37, which would amend the Foreign Agents Registration Act and which was reported out by the Senate Judiciary Committee?

Mr. LENVIN. Yes.

Mr. BRICKFIELD. That bill was a direct amendment to the Foreign Registration Act. Is that so?

Mr. LENVIN. That is so. Specifically, I would say it was an amendment to section 3 (a) of the Foreign Agents Registration Act which under present law exempts a duly accredited diplomat or consular officer as long as the Department of State rules that the activities of such an officer are within the scope of his functions.

Mr. BRICKFIELD. Under the Foreign Agents Registration Act is it necessary that a person who is required to register be presently acting as an agent for a foreign principal?

Mr. LENVIN. Under the terms of the Foreign Agents Registration Act I would say that it is required that he be presently acting or that there be a present agency relationship.

Mr. BRICKFIELD. Say, for an example, an attorney who was acting as an agent for a foreign principal would he be required to register under the Foreign Agents Registration Act?

Mr. LENVIN. He would unless he came within the purview of one of the exemptions from registration.

Mr. BRICKFIELD. Suppose a person not an attorney was acting for a foreign country working in an office of a consular agency which was engaged in the dissemination of political propoganda. Would such a person be required to register?

Mr. LENVIN. Yes. The act requires the registration of foreign officials, employees of the diplomatic or consular staffs who are information-service employees, public-relation counsels, or publicity agents.

Mr. BRICKFIELD. But the act does contain certain enumerated exemptions?

Mr. LENVIN. It does.

Mr. BRICKFIELD. Namely people who are duly accredited diplomatic or consular personnel.

Mr. LENVIN. That is one of the exemptions.

Mr. BRICKFIELD. Will you enumerate several of the other exemptions?

Mr. LENVIN. Normally, foreign officials are exempt unless they engage in propaganda activities. The staff and employees of duly accredited diplomatic and consular officials are exempt unless they engage in propaganda activities. Agents of an ordinary private commercial character whose activities are in furtherance of the bona fide trade and commerce of a foreign principal are exempt; and persons engaged in charitable, educational, scientific, and cultural activities are exempt if they do not engage in political activity.

Mr. BRICKFIELD. When the Senate Judiciary Committee considered S. 37 they were dealing specifically with section 3 (a) of the Foreign Registration Act and the exemptions under that act. Is that so?

Mr. LENVIN. I think they were considering section 3 (a) which is the provision exempting duly accredited officers from the registration requirements of the statute.

Mr. BRICKFIELD. When the Senate Judiciary Committee voted out S. 37 it did so, but with a restriction, which, in exempting diplomatic and consular officers, exempted them only to the extent that they did not engage in public relations work, publicity work, and informational service or any work which was in any way connected with the preparation or dissemination of political propaganda.

Mr. LENVIN. That is substantially correct. The effect of S. 37 would be to cut down the present wide scope of section 3 (a) of the Foreign Agents Registration Act.

Mr. BRICKFIELD. Now, Mr. Lenvin, there came a time after the Senate Judiciary Committee had reported out S. 37 that the House passed H. R. 9580, a bill to amend among other things, the espionage and sabotage laws. Title 3 of that bill contained provisions relating to the registration of people who had had training in espionage, counter-espionage, and sabotage laws. Title 3 of that bill contained provisions relating to the registration of people who had had training in espionage, counterespionage, and sabotage service or tactics of a foreign government. Was title 3 of that bill similar or identical with the provisions of S. 37?

Mr. LENVIN. No. They were entirely unrelated.

Mr. BRICKFIELD. Would you tell the committee the differences between these two bills?

Mr. LENVIN. As indicated, S. 37 did nothing more than propose to modify the exemption from registration now available to duly accredited diplomatic and consular officers under the terms of the Foreign Agents Registration Act.

Title III of H. R. 9580 would have required the registration of any person who has engaged in or has received training or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or a foreign political party.

Registration under the terms of this bill would be required regardless of any agency status or relationship. In fact, that is the main purpose of the bill, so as to modify existing law which places such persons trained in espionage tactics of a foreign government in an agency status.

Mr. BRICKFIELD. In order to make the record clear and specific on this point, would you say then that S. 37 is a bill to amend directly the Foreign Agents Registration Act of 1938?

Mr. LENVIN. Yes.

Mr. BRICKFIELD. And that title 3 of H. R. 9580, except insofar as it repeals one definition of the term "agent of a foreign principal" stands alone and is in no way connected or related to the Foreign Agents Registration Act?

Mr. LENVIN. I would say that is substantially correct.

Mr. BRICKFIELD. The bill that the committee is considering this morning, H. R. 3882, is, so far as you know, identical with the provisions of title 3 of H. R. 9580?

Mr. LENVIN. As far as I know, I think the provisions are identical.

Mr. BRICKFIELD. So that the provisions of the present bill H. R. 3882 with one exception also stand alone and are separate and distinct from the Foreign Agents Registration Act.

Mr. LENVIN. Yes. With that one exception you have noted that it repeals one definition of the term "agent of a foreign principal."

Mr. BRICKFIELD. Now, it is a fact, Mr. Lenvin, that title 3 of H. R. 9580 was not enacted into law?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. It was stricken by the conferees and only the first two titles of that bill were sent to the President for his signature?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. So that it became necessary, so to speak, to reintroduce title III of that bill again in this Congress and it has been reintroduced as H. R. 3882.

Mr. LENVIN. Yes, sir. So I understand.

Mr. BRICKFIELD. Did you hear the testimony of Mr. Richard Arens earlier this morning?

Mr. LENVIN. Yes. I did.

Mr. BRICKFIELD. I think Mr. Arens indicated that, insofar as he knew, and he said that he did not have opportunity to thoroughly familiarize himself with this legislation before the committee this morning, that the Senate Judiciary Committee objected to title III of H. R. 9580 of the last Congress since that bill was similar to S. 37.

Mr. LENVIN. I think so.

Mr. BRICKFIELD. Actually H. R. 9580 and the bill before the committee this morning, H. R. 3882, are not similar to S. 37 and with one exception, in no way seeks to amend the Foreign Agents Registration Act?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. In fact, under this bill, a person does not have to be acting as an agent in order to be required to register?

Mr. LENVIN. That is correct. As long as a person has received an assignment or training in the espionage or sabotage service or tactics of a foreign government, registration would be required regardless of any agency status or relationship.

Mr. BRICKFIELD. To repeat, agency status is not a requirement under this bill?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. This bill requires a person to register just so long as at some time he received instruction or assignment in espionage or sabotage tactics of a foreign government?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. Unless he is exempted under one of the specific provisions found in this bill?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. Is this bill aimed principally at propaganda activities?

Mr. LENVIN. No. It is not. It is designed to acquaint the Government and the people of the United States with the espionage service and tactics of foreign governments and foreign political parties which would be obtained from persons who registered rather than run the risk of prosecution for not so registering; and is designed to provide the Government with a weapon to nip in the bud the potential sabotage or espionage agent.

Mr. BRICKFIELD. The underlying purpose of this bill then, is to emphasize and to single out the potential agent rather than one who is presently acting as an agent?

Mr. LENVIN. It has that basic purpose plus the purpose of providing a means for the Government to obtain information regarding foreign espionage and foreign sabotage systems.

Mr. BRICKFIELD. Mr. Lenvin, as you know, section 3 of the instant bill, H. R. 3882, exempts certain people who are specified therein?

Mr. LENVIN. Yes.

Mr. BRICKFIELD. Generally, the bill would exempt people who, because of their employment in the Federal service or in the military, have received training in sabotage and espionage tactics and technique of a foreign government?

Mr. LENVIN. Yes.

Mr. BRICKFIELD. It also exempts those people whose registration would adversely affect the internal security of the United States from registering providing they made a full disclosure? To either the FBI or to CIA?

Mr. LENVIN. Yes.

Mr. BRICKFIELD. Subsection (d) of section 3 provides an exemption for those people who have a knowledge of espionage even though they have not made full written disclosure just so long as the Attorney General or the CIA has information and makes a written determination that registration would not be in the interests of national security.

Mr. LENVIN. That exemption, I will say first, was put in expressly at the request of the Central Intelligence Agency. Second, I might add that experience with the previous statute has indicated the desirability of this exemption from registration since many of the undercover agents used by CIA have not had an opportunity to make a full written disclosure and, in some instances, it was determined by the CIA that they did not desire a full written disclosure. Nevertheless, we have a working agreement with the Central Intelligence Agency to determine whether any of these people fall within the purview of the statute as it is now on the books.

Mr. BRICKFIELD. Well, suppose for example, a person was so trained and he had a doubt as to whether he should register under the provisions of the bill, how would he know whether he fell within the exemption of subsection (d)?

Mr. LENVIN. As a practical matter, he would not. If, during the course of our operations, we received information that a certain individual had been trained in the espionage tactics of a foreign govern-

ment, our first step would be to solicit his registration by registered letter. If it turned out that this person was in fact employed by, or being utilized by the CIA, he undoubtedly would immediately communicate with that agency upon the receipt of the request for registration under the liaison arrangements worked out between the Department of Justice and the CIA. The CIA would immediately advise the Department of the status of the individual concerned and would take the necessary steps under the statute to effect his exemption from registration if it were deemed desirable.

Mr. BRICKFIELD. But suppose—and I am looking at it now from the individual's viewpoint—he failed to register, and the CIA had knowledge of his training under a foreign government, could not the United States attorney proceed against him for violation of this law?

Mr. LENVIN. Yes. He could, because mere knowledge by the CIA of a person's training or assignment in espionage is insufficient to grant the exemption. There must also be a written determination by the Director of Central Intelligence or the Attorney General that registration would not be in the interest of national security. Therefore, if we solicited registration and the individual failed to comply with the request we would proceed to prosecute under this bill if the evidence was sufficient to establish the receipt of an assignment or the receipt of the requisite instruction.

Mr. BRICKFIELD. Off the record.

(Discussion off the record.)

Mr. BRICKFIELD. On the record.

Does not the individual in the first instance have the burden of coming forward under the provisions of this bill and registering?

Mr. LENVIN. Yes. This bill is no different, of course, from any other law of the United States which places a burden or duty on every person to whom the law applies to comply with its provisions.

Mr. BRICKFIELD. Well, suppose a person came within the exemptions of subsection (d), would it not still be incumbent upon him to at least seek to register under the provisions of this act?

Mr. LENVIN. I am not certain whether it would be incumbent upon him to seek to register or to seek to be exempt. The only parallel I have, of course, is the present Foreign Agents Registration Act which, by rule of the Attorney General places the burden upon the individual who seeks exemption from registration. The same, I presume, would be applicable under this law and any person who felt he was exempt would be required to establish the fact that he was entitled to the exemption.

Mr. BRICKFIELD. In other words, an individual has the duty to comply with the registration provisions of this act. That is, he has the duty to come forward and while so doing he simultaneously may seek to be exempted from the registration provisions.

Mr. LENVIN. I think that is a very fair statement.

Mr. BRICKFIELD. What about the individual who knows he has the duty of coming forward but designedly and intentionally refrains from registering even though he could come within the exemption provisions of this statute?

Mr. LENVIN. Well, my own view is that there is no in between ground. Either the registration provisions are applicable or the individual is exempt. And under section 3 (c) and (d) the determination of whether an exemption is available is not up to the individ-

ual concerned but rests in the discretion of the Attorney General or the Director of the CIA.

If, however, either of these two executive officers do not make the necessary written determination then there would be no choice left to the individual and it would be up to the Department of Justice to prosecute for failure to register as provided by section 7 of the bill.

Mr. BRICKFIELD. Isn't there the possibility of having an individual so trained, who may believe that this Government is unaware of his training and, as a matter of fact, our security officers are aware of his training and presence here in the United States, but they do not wish the individual to know that this Government is so aware?

Mr. LENVIN. That, of course, would be a problem of proof in the prosecution for failure to register which may be so difficult as to preclude prosecution until such time as the Government was in a position to disclose the facts which it had in its possession regarding a particular individual. But that is not new in security cases. We have the same problem, for example, in our Smith Act prosecutions when the Government is not in a position to put in all its proof regarding a particular defendant because of security reasons.

Mr. BRICKFIELD. It can be said then that there may be instances where it would be to the Government's advantage to permit such an individual to remain at large for such time as the Government deems advisable and thereafter bring charges against that individual for violations of the provisions of this bill?

Mr. LENVIN. That is substantially correct. It would be a matter of balancing the internal security interests of the United States.

Mr. BRICKFIELD. I would like to move along now to the following subsections, (e), (f), (g), and (h). Subsection (e) for example, exempts duly accredited diplomatic or consular offices of a foreign government so long as they are performing functions recognized by the Department of State. Is that right?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. In other words, these officers will not be required to register under the provisions of this bill?

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. However, is it not a fact that there is a sufficient record of those individuals kept by our State Department?

Mr. LENVIN. That is my understanding.

Mr. BRICKFIELD. Would you care to give the committee your observations with regard to the records which are kept on consular offices and other individuals who would come under the exemptions of this bill?

Mr. LENVIN. It is my understanding, in the first place, that no person can be a diplomatic or consular officer unless he is acceptable to the United States Government and in order for the State Department to render any decision in that respect they must have, of course, some information regarding persons who are accredited to the United States as diplomatic or consular officers.

Secondly, I should like to point out that persons falling within the purview of subsection (e) of section 3 would be immune from prosecutions in any event, that they are always subject to be declared persona non grata by the Department of State if they engaged in any activity which is deemed inimical to the best interests of this country.

You may recall that even where there have been instances of foreign diplomatic officers having engaged in espionage, nothing more could be done than to expel them from the country.

Third, I should like to point out that in order to require registration of a diplomatic or consular officer would prove, undoubtedly, most embarrassing to the Department of State because there would be the implication that an investigative agency of the United States Government had conducted the necessary inquiries or investigations to reach a determination that such diplomatic or consular officer had been trained in espionage or sabotage service of a foreign government or of a political party.

Fourth, it would prove an embarrassment to many of our Western allies—that is, representatives of the Western democracies since many of the present diplomatic representatives of such countries during the period of World War II were undoubtedly trained in the espionage or sabotage service of their home governments.

I might add that every exemption in the present bill that was not part of the original sections 1 to 5 of the Foreign Agents Registration Act was suggested by a Government agency including the Department of State, the Navy Department and the Department of Defense and the Central Intelligence Agency.

Mr. BRICKFIELD. From your last statement, it appears that first, insofar as the individuals who come within the exceptions (e), (f), (g), and (h), that our State Department has on hand "without regard to any other act" substantial records containing personnel data on those individuals.

Mr. LENVIN. I would think so since every official or employee of a foreign government or member of the diplomatic staff or employee of a diplomatic officer, is required to file what I think is designated as a PR-1 form with the Department of State which contains considerable personal information.

Mr. BRICKFIELD. Well, these subsections expressly state that only those are to be exempted whose record is on file with the State Department.

Mr. LENVIN. That is correct. If there is any person, regardless of his official status, who has failed to deposit with the Department of State his name and status and the character of his duties then he would not be exempt from registration.

Mr. BRICKFIELD. And also, as subsection (h) notes, these particular individuals either have a record on file with the State Department or they are "officially acknowledged or sponsored representatives of a foreign government."

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. The other thought which I had was that in any event, as a practical matter, any individual who enjoyed diplomatic immunity and who was for certain reasons unacceptable to the United States that this country could declare him *persona non grata* and in effect request and direct that he return home and, in fact, expel him from this country.

Mr. LENVIN. That is correct.

Mr. BRICKFIELD. I have no further questions, Mr. Chairman. However, I have several communications from Federal agencies, and others, some of which have already been introduced. However there are some others which I believe could properly be made a part of the record of this hearing.

Mr. WILLIS. Very well, incorporate them all into the record at this point.

JANUARY 26, 1955.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. SPEAKER: The Foreign Agents Registration Act of 1938, as amended by section 20 (a) of the Internal Security Act of 1950, presently includes within the definition "agent of a foreign principal" persons who have knowledge of or who have received assignment in foreign espionage or sabotage systems. However, the remaining provisions of the act make it clear that the registration requirements are applicable only to those persons who are currently acting as agents. Hence, persons with past knowledge or training in the espionage, counter-espionage, or sabotage service or tactics of a foreign government or political party are under no obligation to register if they are not acting as agents of foreign principals. The presence of this provision as an integral part of the Foreign Agents Registration Act, which imposes the necessity of establishing an agency relationship or status before registration can be required, seriously impedes achieving the purposes and objectives sought in the enactment of this legislation.

Furthermore, in administering the Foreign Agents Registration Act, the Department of Justice has attempted to make it clear that registration under the act in no way places any limitations on the activities which may be engaged in by an agent of a foreign principal and that there is no stigma attached to registration. The tenor and import of the statute are altered, however, by including within the definition of "agent of a foreign principal" persons who have received training or assignment in foreign espionage or sabotage systems.

For these reasons, it is recommended that the Foreign Agents Registration Act be amended by deleting from it any reference to persons who have received training or assignment in foreign espionage or sabotage systems and to substitute therefor a separate and distinct registration statute which would require the registration of such persons irrespective of any technical agency status or relationship.

There is attached for your consideration a draft of a measure which would effectuate this recommendation. It will be observed that provision is made for the exemption of certain categories of persons from its registration requirements. These exemptions have been concurred in by the Departments of State and Defense.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

HERBERT BROWNELL, Jr.,
Attorney General.

MARCH 21, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter dated February 16, 1955, requesting an expression of the Department's views with respect to H. R. 3882, to require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes. Reference is also made to the Department's preliminary acknowledgment of your letter dated February 18, 1955.

H. R. 3882, if it became law, would repeal section 20 (a) of the Internal Security Act of 1950 and enact in its place legislation intended better to accomplish that section's purpose. The effect of section 20 (a) of the Internal Security Act of 1950 was to include persons who have knowledge or training in foreign espionage or sabotage within the definition of persons who must register with the Attorney General, under the Foreign Agents Registration Act of 1938, as amended.

The only provision in H. R. 3882 which directly relates to this Department's responsibilities is section 3(e)-(j). Subparagraphs (e), (f), and (j) exempt from

registration duly accredited diplomatic and consular officers, certain other officials of foreign governments, and persons attached to international organizations in which the United States participates, together with members of their immediate families residing with them. Subparagraphs (g), (h), and (i) exempt staff employees of diplomatic and consular officers, foreign representatives conferring or cooperating with United States intelligence or security personnel, and members of the forces of NATO countries, and foreign civilian and military personnel invited to the United States for training purposes at the request of military department of the United States. Members of the families of persons exempt under subparagraphs (g), (h), and (i) are not exempt from registration.

As the Attorney General stated in his letter to the Speaker of the House of Representatives dated April 20, 1954, recommending the enactment of such legislation, these provisions were incorporated with the concurrence of the Department of Defense and State (H. Rept. No. 2017, 83d Cong., p. 5).

Subparagraph (i) of section 3 of the bill contains specific reference to the agreement regarding status of forces of parties of the North Atlantic Treaty. Since the preparation of the bill, the Manila Pact and the mutual defense treaties with the Republics of China and Korea have recently entered into force. The United States is also a party to certain other mutual defense treaties. The Department considers that subparagraph (i) of section 3 should be revised to omit the specific reference to the agreement regarding status of forces of parties of the North Atlantic Treaty and, instead, to provide in general language for the exemption of civilian and military personnel who enter this country pursuant to arrangements made under a mutual defense treaty or agreement or who have been invited to the United States at the request of an agency of this Government. Accordingly, it is suggested that subparagraph (i) of section 3 be changed to read:

"Who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government."

The Department also suggests that in subsection (j) of section 3, after the words "international organization," there be inserted the words "in which the United States participates."

Such provisions are considered necessary in view of the requirements of international law and practice, and in order to avoid the possibility of offending friendly foreign governments. It may be noted that, pursuant to section 3 of the Foreign Agents Registration Act (22 U. S. C. 613) and section 7 of the International Organizations Immunities Act (22 U. S. C. 288d), all such persons are presently specifically exempt from registering with the Attorney General, except members of the families of diplomatic and consular officers and other officials of foreign governments not connected with international organizations. However, in practice, members of the families of such persons were not required to register with the Attorney General, as they were not ordinarily acting as an agent of a foreign principal, within the meaning of the Foreign Agents Registration Act. However, it is considered advisable that the proposed legislation specifically exempt such persons from registration, inasmuch as H. R. 3582 applies to all persons who have knowledge of or have received instruction in espionage, etc., irrespective of whether or not they are presently acting in an agency capacity.

In conclusion, the Department of State perceives no objection, from the standpoint of our foreign relations, to the enactment of the proposed legislation, inasmuch as it contains appropriate exemptions for certain officials and employees of foreign governments and employees of international organizations admitted to this country for specific official purposes, together with certain members of their families.

In order that this letter might be submitted at this hearing, it has not been cleared with the Bureau of the Budget.

Sincerely yours,

THURSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington 25, D. C., March 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: Your request for comment on the bill H. R. 3882, to require the registration of certain persons who have knowledge of, or have received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of this measure is to repeal section 20 (a) of the Internal Security Act of 1950 (sec. 1 (c) (5) of the Foreign Agents Registration Act of 1938, as amended) and to enact a separate registration statute which will require the registration of those persons who have knowledge of, or have received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or a foreign political party, without regard to any present agency status of such persons. Section 3 makes provision for the exemption of certain categories of persons from the registration requirements of the bill.

The Department of Defense considers that the proposed exemptions are desirable and if they are retained in the bill the Department of the Navy, on behalf of the Department of Defense, would interpose no objection to the enactment of H. R. 3882.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on H. R. 3882.

Sincerely yours,

IRA H. NUNN,
Rear Admiral USN, Judge Advocate General of the Navy
(For the Secretary of the Navy).

CENTRAL INTELLIGENCE AGENCY,
OFFICE OF THE DIRECTOR,
Washington, D. C., May 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
United States House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: Thank you for your letter requesting the views of this Agency on H. R. 3882, a bill to require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes.

Insofar as section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, 80th Cong.) specifically prohibits the Central Intelligence Agency from any police, subpoena, law-enforcement powers, or internal security functions, it would be inappropriate for this Agency to comment generally on H. R. 3882. However, as sections 3 (e) and (d) of the bill specifically affect this Agency, direct comment on these two sections would be appropriate.

Section 3 (e) of H. R. 3882 is, with some minor language changes, identical with certain provisions of section 20 (a) of the Internal Security Act of 1950. The provisions of section 3 (c) were originally included in the Internal Security Act of 1950 at the request of CIA in order to protect certain intelligence sources and methods in the field of foreign intelligence which I am charged by law to protect. Therefore, as section 3 (e) is a reenactment of section 20 (a) of the Internal Security Act of 1950, which is presently on the statute books, we are anxious to have it continued in the present bill.

Section 3 (d) of H. R. 3882 has been included by the Department of Justice at our request in order to protect certain additional intelligence sources, not covered by section 3 (c), by exemption from registration under the act. We consider this section to be quite important, and strongly recommend its enactment.

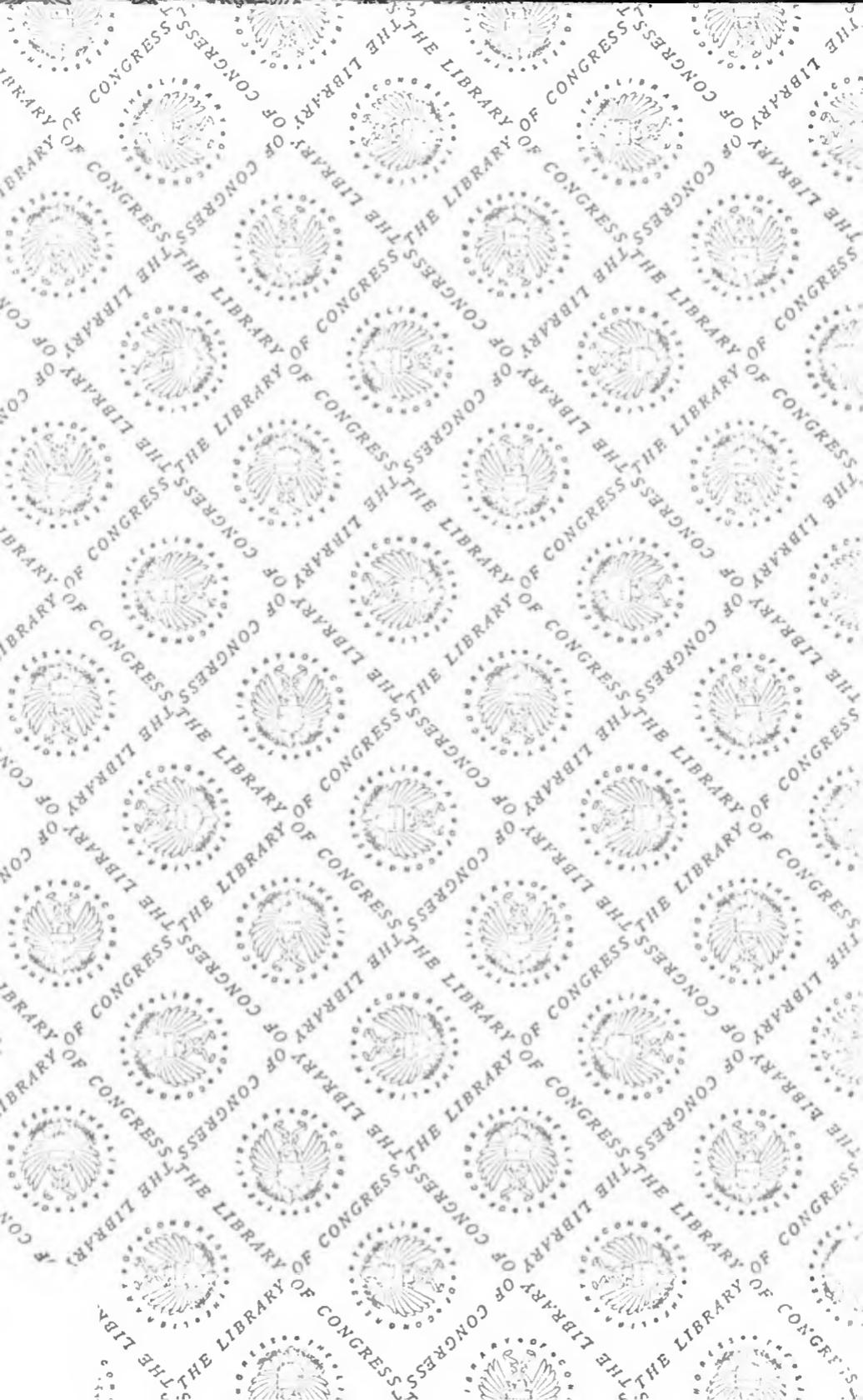
Sincerely,

ALLEN W. DULLES, *Director.*

(Thereupon at 12:20 p. m., the subcommittee was adjourned, subject to the call of the Chair.)

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