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INVESTIGATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES—PART 4

(Foreign Propaganda—Entry and Dissemination in New Orleans, La., Area)

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

FEBRUARY 14, 1957

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

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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(Part 4 (New Orleans, La., February 14, 1957) is a continuation of the series of hearings entitled "Investigation of Communist Propaganda In the United States (Foreign Propaganda—Entry and Dissemination)" held in several areas of the country during 1956; Parts 1, 2, and 3 were held in Washington, D. C., June 13; Philadelphia, Pa., July 17; and San Francisco, Calif., December 10 and 11, 1956, respectively.)

Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

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

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

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

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

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

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

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

* * * * * * *

Rule XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

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

RULES ADOPTED BY THE 85th CONGRESS

House Resolution 5, January 3, 1957

* * * * * * *

Rule X

STANDING COMMITTEES

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

* * * * * * *

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

* * * * * * *

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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

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* * * * * * *

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

SYNOPSIS

Hearings were held in New Orleans, La., on February 14, 1957, on the dissemination of Communist propaganda in that area.

Witnesses who testified before a subcommittee of the Committee on Un-American Activities were Milton L. LeBlanc, Assistant Collector of Customs, New Orleans, La.; Irving Fishman, Deputy Collector of Customs, New York City; Margaret M. Rosano, United States Customs Service, New York City; Saul J. Mindel, Post Office Department, Washington, D. C.; and Sgt. Hubert J. Badeaux, New Orleans Police Department.

Their testimony provided further confirmation that the propaganda operations of the Communist conspiracy rank among its foremost instruments of conquest and that communism cannot successfully exist without the effective distribution of its propaganda.

Mr. Fishman, who dealt at length with the transshipment of propaganda through the port of New Orleans, testified also on the efforts of the United States Government to control the flow of Communist propaganda into the United States. He stated that the customs service has control units at three ports of entry: in San Francisco, Chicago, and New York. However, he noted that there are approximately 45 ports of entry through which material may be sent into the United States.

Commenting on the labeling of Communist propaganda as required by the Foreign Agents Registration Act, Mr. Fishman stated that during his entire period of service with United States Customs he had never seen a piece of Communist propaganda from abroad labeled in compliance with the act.

Mr. Fishman testified further that during 1956 customs officers had examined some 6,900,000 pieces of individual Communist propaganda coming into this country from foreign sources. Most of these, he said, were weekly, monthly, or special issue publications. About 40 percent were printed in foreign languages.

In a 30-day spot check of material transshipped from New Orleans to points outside the United States, he said, customs officers examined 1,246 sacks of mail and found that these contained some 11,000 individual pieces of Communist propaganda. This proportion, he said, would indicate that some 130,000 individual items of Communist propaganda passed through the port of New Orleans each year.

During the hearings, several sacks of mail were opened and inspected for the first time. In them the committee found a number of copies of a Bulletin of Information from the Soviet Embassy in Mexico, along with other propaganda material.

Most of this material, the committee was told, was destined for schools, colleges, libraries, and church groups. Mr. Fishman testified that many of the officials of these organizations receiving this propa-

ganda had asked Customs to withhold any future material of this type so addressed because they did not want it and would rather have it destroyed before they receive it.

Mr. Fishman stated further that not all of the Communist propaganda he had examined during his service with Customs originated from the Soviet Union or the satellite countries; much of it came from France and England.

Sgt. Hubert J. Badeaux, of the New Orleans Police Department, gave the committee extensive information about the dissemination of Communist propaganda and the activities of the Communist Party in general in the New Orleans area. He supplied a number of Communist Party directives and examples of propaganda which he had obtained in the course of official investigations.

Sergeant Badeaux testified that the Communist Party in the South planned to distribute some 25,000 copies of the party's national program, as well as some 3,000 copies of party literature. These included William Z. Foster's History of the Third International, Doxey Wilkerson's People Versus Segregated Schools, and pamphlets dealing with the farm problems and racial issues.

INVESTIGATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES—PART 4

(Foreign Propaganda—Entry and Dissemination in New Orleans, La., Area)

THURSDAY, FEBRUARY 14, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New Orleans, La.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:07 a. m. in room 245, Post Office Building, 600 Camp Street, New Orleans, La., Hon. Edwin E. Willis, chairman, presiding.

Committee members present: Edwin E. Willis, of Louisiana; Morgan M. Moulder, of Missouri; and Bernard W. Kearney, of New York.

Staff members present: Richard Arens, director; W. Jackson Jones and George C. Williams, investigators.

Mr. WILLIS. The subcommittee will come to order.

Let the record show that the Honorable Francis E. Walter, of Pennsylvania, chairman of the Committee on Un-American Activities of the United States House of Representatives, pursuant to law and the rules of the committee, has duly appointed a subcommittee for the purpose of conducting this hearing composed of Representatives Morgan M. Moulder, Bernard W. Kearney, and myself as chairman.

The authorizing resolution was adopted by the committee on January 22, 1957, and will be inserted in the record at this point.

(The pertinent resolution and order in the New Orleans hearings are as follows:)

The following is an extract from the minutes of an executive meeting of the Committee on Un-American Activities, held on January 22, 1957:

A motion was made by Mr. Kearney, seconded by Mr. Willis, and unanimously carried, approving and authorizing the holding of hearings in New Orleans, La., beginning February 14, 1957, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, the subject of which hearings and the investigations in connection therewith to include, in general, all matters within the jurisdiction of the committee and, in particular, Communist foreign propaganda entering New Orleans, and dissemination thereof.

The following order was entered by the chairman appointing this subcommittee:

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, House of

Representatives, consisting of Hon. Edwin E. Willis, chairman, and Hon. Morgan M. Moulder and Hon. Bernard W. Kearney, associate members, to hold hearings in New Orleans, La., beginning on February 14, 1957, on all matters within the jurisdiction of the committee, and to take testimony on said day or any succeeding days, and at such times and places as it may deem necessary, until its work is completed.

The clerk of the committee is directed to immediately notify the appointees of their appointment and to file this order as an official committee record, in the order book kept for that purpose.

Given under my hand this 11th day of February 1957.

FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities,
House of Representatives.

Mr. WILLIS. The committee has devoted much time to the investigation of the subject of communism and has endeavored to keep Congress well informed regarding the extent, character, and objects of the Communist conspiracy in this country.

It has been duly established by testimony before congressional committees and before the courts of our land that the Communist Party of the United States is a part of an international conspiracy which is being used as a tool or weapon by a foreign power to promote its own foreign policy, and which has for its object the overthrow of the governments of non-Communist countries, resorting to the use of force, if necessary.

It has become increasingly apparent that the propaganda operations of the Communist apparatus rank as one of its foremost instruments of conquest by engendering strife, division, and subversion. The purpose of this hearing today is to investigate the extent, character, and objects of un-American propaganda activities.

Communism cannot successfully exist in our country except by the promulgation and diffusion of subversive and un-American propaganda and, in the opinion of this committee, every person who remains a member of the Communist Party is contributing to the ultimate accomplishment of the objectives of the Communist conspiracy.

Communism and Communist activities cannot be investigated in a vacuum. Therefore, it is necessary, if Congress is to legislate intelligently on the subject, to call as witnesses those who the committee has reason to believe have knowledge on the subject.

This the committee proposes to do in the discharge of the responsibilities placed upon us by the Congress of the United States. From such knowledge acquired, it is the hope of the committee that legislative means may be found to more adequately protect our form of government and our country and our American way of life from the threat of this international Communist conspiracy.

In addition to the testimony relating to the propaganda activities of the international Communist conspiracy, while in New Orleans we will take testimony relating to the activities of the Communist Party in this area of the United States or its members which is available for presentation to the committee at this time. We propose to ascertain the facts regarding Communist schemes and the activities of individuals affiliated with them, whether that be in the field of labor or in any other field, so that Congress will be enabled to legislate more ably and comprehensively on the subject.

It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the com-

mittee hearings be given an early opportunity to appear before this committee, if he desires, for the purpose of denying, affirming, or explaining any testimony adversely affecting him.

If this be any person's desire, he should communicate with a member of our staff. Any individual called before the committee is accorded the privilege of having counsel of his own choosing. These are the rules of the committee promulgated for the benefit of the individual witness as well as to facilitate an orderly hearing.

Of course, there will be no smoking during the hearing of the committee, and we will request order among those in attendance at all times.

General Kearney, would you care to make a supplemental statement?

Mr. KEARNEY. Not at this time.

Mr. WILLIS. Mr. Moulder?

Mr. MOULDER. I have nothing except to compliment you on your statement.

Mr. WILLIS. Mr. Arens, call your first witness.

Mr. ARENS. Mr. Milton LeBlanc, kindly come forward and remain standing while an oath is administered to you, please, sir.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEBLANC. I do.

TESTIMONY OF MILTON L. LeBLANC, ASSISTANT COLLECTOR OF CUSTOMS, DISTRICT, 20, NEW ORLEANS, LA.

Mr. ARENS. Have a seat in the witness chair, please.

Kindly identify yourself by name, residence, and occupation.

Mr. LEBLANC. Milton L. LeBlanc, Assistant Collector of Customs, District No. 20; residence, New Orleans, La.

Mr. ARENS. How long have you been assistant collector of customs?

Mr. LEBLANC. 25 years, sir.

Mr. ARENS. Could you give us just a brief sketch of your career in the Customs Service?

Mr. LEBLANC. I entered Customs on October 19, 1920, as a clerk and later went into another division as cashier. I was cashier for about 4 years and then was promoted to the position that I presently hold for the past 25 years, sir.

Mr. ARENS. Kindly tell the committee, Mr. LeBlanc, the physical area which is embraced within the jurisdiction of this customs office.

Mr. LEBLANC. All of the State of Louisiana, excepting the two parishes of Calcasieu and Cameron, and all of the State of Mississippi lying north of the 31 North latitude.

Mr. ARENS. Could you kindly give us a résumé of the jurisdiction of the collector of customs from the standpoint of day-by-day operations?

Mr. LEBLANC. Briefly, the collector of customs is charged with enforcing all customs laws and navigation laws, and naturally he works with other Federal agencies in the enforcement of other laws.

His primary job is to collect revenues or duties on merchandise entering the district. We have approximately 10 vessels a day entering; say, between 3,300 to 3,600 vessels a year entering, which would probably be equally divided between foreign arrivals and coastwise arrivals. Probably half of those vessels would be American vessels and others would be vessels under foreign registry. The collector's job is to see that every piece of merchandise that enters the port is properly covered by a foreign manifest which must be presented to the boarding officer, and every piece of merchandise on the manifest has to be properly entered through Customs and duty paid or accounted for through some type of entry, either by export without the payment of duty or the warehousing of the merchandise or the payment of duty.

The collector's job includes, naturally, the entrance and the clearance of the vessels, to see that the necessary tonnages are collected.

Without going into too many details that is just about the collector's job.

Mr. ARENS. What is the volume of mail arriving in the course of a year in the New Orleans area?

Mr. LEBLANC. Are you speaking of this type of mail [indicating]?

Mr. ARENS. Yes, sir.

Mr. LEBLANC. I have no records at all concerning——

Mr. WILLIS. The record will show when you say "this type of mail," you are referring to political propaganda.

Mr. LEBLANC. Yes, sir.

I have no record on the in-transit mail at all. Mr. Fishman could give you that data because he has been investigating that and has made several surveys on it.

I have a memorandum here which I had compiled by the Chief of our Mail Division, who is here now, and during 1956 he examined approximately 141,895 bags of this magazine type of mail.

Mr. ARENS. How do you characterize that professionally?

Mr. LEBLANC. That would be fourth-class; wouldn't it?

Mr. HENRY WILDE (Deputy Collector of Customs, Mail Division). Yes, sir.

Mr. LEBLANC. That is the percentage that was turned over to us by the Post Office Department. He informed me this morning that that represents only about 10 percent of the number of mail bags that actually came through the Post Office Department. But this was a spot check.

Mr. ARENS. What percentage of this fourth-class mail which we have been discussing is in transit and what percentage is for domestic use?

Mr. LEBLANC. The majority of it, these data that I have just given you, is for domestic consumption except that once in a while, he tells me, intransit mail will get mixed with the mail for domestic consumption, but it is a very small percentage. All of this is for domestic consumption.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the memorandum which the witness has submitted be marked, "LeBlanc Exhibit No. 1" and incorporated in the record.

Mr. WILLIS. Let it be so marked and incorporated in the record.

LeBlanc Exhibit No. 1

February 13, 1957.

Prints, consisting of magazines, periodicals, pamphlets, newspapers, etc., were submitted to this office by the Foreign Station, United States Post Office for the past 12 months as follows:

	Sacks	Prints		Sacks	Prints
February 1956	53	12,693	October 1956	46	11,515
March 1956	55	10,337	November 1956	35	12,812
April 1956	43	7,874	December 1956	34	10,266
May 1956	74	14,993	January 1957	24	14,026
June 1956	53	12,793			
July 1956	46	9,426	Total	566	141,895
August 1956	43	10,526			
September 1956	60	14,634	Average per sack		250.70

The above represents not less than 10 percent of the sacks of prints received by the Foreign Station, United States Post Office.

The above are received directly from Central and South American countries and Mexico.

The majority of the prints are received from countries listed in the following manner as to volume:

Argentina
Brazil
Guatemala
Salvador
Various Central and South American countries and Mexico

Occasionally, sacks received from Brazil and Honduras labeled for New Orleans, will also contain prints intended for foreign countries mixed with those for domestic delivery.

Mr. Arens. We thank you very much, Mr. LeBlanc, for your testimony.

Mr. Kearney. Mr. Chairman, I would like to inquire as to whether future witnesses appearing today will identify the areas of the country to which the mail is in transit.

Mr. LeBlanc. Sir, I believe that Mr. Fishman will tell you that most of this mail is in-transit mail. This is mail which has come into the United States for reexportation, in other words. It isn't mail which is coming in for domestic consumption. The data that I submitted to the chairman, sir, are mail that we examined that goes into domestic consumption. The in-transit mail, most of which goes into Puerto Rico, I understand, isn't that right, is not screened here in the United States at all. It is screened in Puerto Rico.

Mr. Kearney. Is the mail you are talking about, which you scrutinize, mailed for the southeastern area of our country?

Mr. LeBlanc. That mail is for any part, all over the Nation.

Mr. Kearney. Thank you.

Mr. Arens. The next witness, if you please, Mr. Chairman, will be Mr. Irving Fishman. Please come forward and remain standing while the chairman administers an oath.

Mr. Willis. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Fishman. I do.

TESTIMONY OF IRVING FISHMAN, DEPUTY COLLECTOR OF CUSTOMS, DISTRICT 10, NEW YORK

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FISHMAN. My name is Irving Fishman. I live in New York City. I am Deputy Collector of Customs assigned to the New York port of entry.

Mr. ARENS. Mr. Fishman, give us, if you please, just a brief sketch of your own personal career.

Mr. FISHMAN. I have been in the Customs Service for over 29 years. The last 5 or 6 years the Treasury Department has assigned me on a nationwide basis to enforce those provisions of existing law which deal with the importation of political propaganda into the United States.

Mr. ARENS. Tell us, if you please, about the setup of your particular units within the Customs Service.

Mr. FISHMAN. We have three control units around the country. One is located in San Francisco, one in Chicago, and one in New York. We are presently considering the possibility of establishing such a control unit here in New Orleans. The three units which are now established examine such mail from the Soviet bloc countries and from Hong Kong as is directed to these units by the Post Office Department. We have attempted, with the assistance of the Post Office Department, to divide the country so that we get all of the mail which comes from European countries to the East referred to our New York office, all of the mail which comes from the West to the San Francisco office; and as much of it as is destined to Wisconsin and Illinois is sent to our Chicago office for examination at that port.

In that way we think we have covered about as much of the mail from abroad as we can without setting up additional units and within the limits of our budgetary appropriations.

Mr. ARENS. How many ports of entry are there in the United States through which foreign political propaganda enters?

Mr. FISHMAN. There are 45 customs ports of entry. That refers to the major collection districts. Of course, each port of entry may have 6 or 7 subports, smaller ports, through which imported merchandise may be entered into the United States.

Mr. MOULDER. Will you explain that?

For example, would New Orleans have 6 or 7 of the subports that you mentioned?

Mr. FISHMAN. The port of New Orleans has one subport.

Mr. LEBLANC. Baton Rouge is the only subport in the State?

Mr. FISHMAN. This port has one. For example, the port which incorporates Laredo, Tex., may have 7 or 8 subports, customs offices in various parts of that State through which imported material may be cleared. It would include San Antonio, Houston, and other small ports of entry.

New York State, for example, is divided. In the city of New York, we concern ourselves with importation of all merchandise which enters through the port of New York, Perth Amboy, Newark, and Albany. We have a port in Buffalo which takes care of some of the Canadian

border. We have another port in Ogdensburg, N. Y. But the main office or the customs port of entry where the collector is stationed will be in a principal city. Then an attempt is made to cover all of the border of the United States by establishing these subports. Actually there may be several hundred subports with 45 major customs ports of entry.

Mr. ARENS. Mr. Fishman, kindly tell the committee the principal statute or law which governs your operations.

Mr. FISHMAN. The Customs Service concerns itself with the importation of merchandise into the United States. In dealing with the assessment of duty, which is our principal function, we have as a matter of law, the responsibility for concerning ourselves with prohibitions in Federal statutes which deal with imported merchandise. There is a provision in the customs law which prohibits the importation of obscene and immoral material and also with treasonable material or material which advocates insurrection against the United States. There is also a statute, the Foreign Agents Registration Act of 1938, as amended, which is for the most part a disclosure-type type of legislation. It very briefly contemplates that agents of foreign governments will record themselves with the Justice Department and will keep the Justice Department advised of their activities in the United States on behalf of foreign governments. This provision of law also contemplates that, having identified themselves, these agents will also identify political propaganda which they disseminate in the United States so that recipients of this material may be aware of the source.

Mr. ARENS. The theory is about the same as the theory of the food and drug laws, namely, that the recipient is entitled to know the nature of the commodity which he consumes; is that correct?

Mr. FISHMAN. That is correct.

Mr. KEARNEY. May I interrupt, Mr. Chairman?

Mr. WILLIS. Yes, General.

Mr. KEARNEY. You say that the registered agent of a foreign government is supposed to advise the recipients of this propaganda mail concerning its contents?

Mr. FISHMAN. At least identify its source so that the person in this country who reads it may evaluate it properly and not suspect——

Mr. KEARNEY. Let me ask you this: Do they generally do that?

Mr. FISHMAN. It hasn't come to my attention that they have done it.

Mr. KEARNEY. In other words, we are rather naive in this country to think they would do it.

Mr. FISHMAN. That is correct.

Mr. ARENS. Mr. Fishman, in the course of your experience in the Customs Service, have you ever seen a single piece of Communist propaganda emanating from abroad which has been labeled in accordance with the provisions of the Foreign Agents' Registration Act?

Mr. FISHMAN. Personally, I have never seen a piece labeled, but I understand that some of the exhibits which under the law registered agents are required to file with the Library of Congress have been so labeled. There is an ambiguity here, which I expect to touch on later, on the issue of whether this material is to be labeled on its way into the country or by the registered agent who is to decide for himself whether the material he disseminates is political propaganda.

Mr. WILLIS. What the act contemplates, as counsel pointed out, is that this subject of political propaganda should be treated as we do under the Pure Food and Drug Acts. Thus, if a compound, a liquid, or anything, is poison, it must be labeled "Poison." In my judgment, this political literature, which I hope you will go into in more detail later, is poisonous, as a liquid may be poisonous. I think it is true that loopholes have been found to get away from the law.

Mr. FISHMAN. That is right.

Mr. WILLIS. By the way, may I say for the record that this question was the subject of legislative recommendations made by this committee to the Congress this year, on January 2, in our annual report, so we are considering this morning something dealing with a direct legislative purpose and direct legislation.

Mr. FISHMAN. Mr. Arens, may I read this one provision of the law which covers this subject. It is section 4 (b) of the Foreign Agents Registration Act, and it provides:

> It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce, any political propaganda in the form of prints—

and so forth—

> unless such political propaganda is conspicuously marked at its beginning with or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda setting forth that the person transmitting such political propaganda or causing it to be transmitted is registered under this Act with the Department of Justice, Washington, D. C., as an agent of a foreign principal—

and so on. It has other requirements.

Mr. ARENS. Of the tens of thousands of pieces which I am sure you have seen, have you ever personally seen a single piece of Communist propaganda emanating from abroad labeled in accordance with the provisions of the Foreign Agents Registration Act?

Mr. FISHMAN. I have never personally seen such a piece.

Mr. ARENS. I would like to explore, before you proceed with the pattern of your presentation today, the exceptions to the Foreign Agents Registration Act. Is the Foreign Agents Registration Act applicable to a person in diplomatic status who imports Communist propaganda?

Mr. FISHMAN. No. In section 3 of the act there are exemptions:

> The requirement of section 2 (a) hereof shall not apply to the following agents of foreign principals: (a) A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State 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. ARENS. Has the State Department interpreted that language with reference to any person in diplomatic status so as to require his registration or require labeling of Communist political propaganda which he may import in the country and disseminate over the land?

Mr. FISHMAN. It has never been brought to my attention that such a decision was made.

Mr. ARENS. Is the Foreign Agents Registration Act applicable to another category, namely, to individuals who themselves receive Communist propaganda in single issues?

Mr. FISHMAN. No.

Mr. ARENS. In other words, if Mr. Jones, Mr. Brown, or Mr. Smith here in New Orleans opens up his mailbox and sees a magazine such as one of these exhibits which you have on the table, Communist propaganda, emanating from the Soviet Union or from any country in the world, is there any requirement in the Foreign Agents Registration Act that that propaganda be labeled as such before he receives it?

Mr. FISHMAN. Not at the present time. Unless he disseminates the information, he is entitled to receive it and read and use it—provided he knows the source of the material. There is another application of this act, which is in line with the discussion of our interest in this problem. Rule 50, which was promulgated pursuant to an opinion of the Attorney General, provides that—

> Any person not within the United States who uses any means or instrumentality of interstate or foreign commerce within the United States or the United States mails to circulate or disseminate any political propaganda in the form of prints or in any other form reasonably adapted to being or which he believes will be or which he intends to be circulated or disseminated to two or more persons shall be regarded as acting within the United States and as subject to the provisions of this Act.

Mr. ARENS. If a person disseminates Communist propaganda in the United States which is of domestic origin, is he obliged to register under the Foreign Agents Registration Act and to label it Communist propaganda?

Mr. FISHMAN. I believe so. That is part of the requirements of the Foreign Agents Registration Act.

Mr. ARENS. If the Communist Daily Worker disseminates Communist propaganda, as it does, is it required to register?

Mr. FISHMAN. I believe so, although there is a current test being made of the provisions of the Internal Security Act as it applies to the Communist Party and possibly to other similar organizations.

Mr. ARENS. If a Communist in the United States disseminates political propaganda which he has procured from abroad but which he has not procured in any official capacity with a foreign government, is he required to register?

Mr. FISHMAN. Yes.

Mr. ARENS. Mr. Fishman, kindly tell this committee something of the volume of Communist propaganda which is arriving in bulk shipment in the United States.

Mr. FISHMAN. As I pointed out, we have established three control units throughout the United States, and we have just completed our 1956 statistics. The Post Office Department turned over to our units for examination around the country a total of 3,462,640 packages of mail.

Mr. ARENS. Over what period of time?

Mr. FISHMAN. The calendar year 1956.

Mr. ARENS. How many individual items would there be in a package?

Mr. FISHMAN. We do not keep specific statistics on that subject, but we have estimated, because of our experience, that these packages contain some 6,900,000 individually printed periodicals, newspapers, magazines, books.

Mr. ARENS. And from whence do they emanate?

Mr. FISHMAN. Most of this, or practically all of it, came from Soviet bloc countries and Hong Kong.

Mr. KEARNEY. When you say packages mailed do I understand you to refer to what is exhibited here as "sacks of mail"?

Mr. FISHMAN. No. We have no count of the number of sacks. When we talk about a package, the Post Office Department refers to it more particularly as a mail article. A mail article is a wrapper of possibly a dozen or two dozen of one publication. For the purpose of maintaining our own records we refer to the package as the mail article which may contain from 1 to 50 individual publications.

Mr. WILLIS. You estimate the individual pieces would run to 6,900,000?

Mr. FISHMAN. Yes.

Mr. WILLIS. Is that material which has been turned over to you? In other words, from that figure can you say what the actual figure is or can you estimate it or can anyone estimate it?

Mr. FISHMAN. We like to think that we are now handling 85 percent of all the material at our three units. It would be merely conjecture to say what else comes in which we do not see. We are talking here today, incidentally, about mail, but a good deal of propagnda material comes by means other than mail.

Mr. ARENS. Mr. Fishman, do you process first-class mail at all?

Mr. FISHMAN. No.

Mr. ARENS. The Post Office Department does not process or inspect first-class mail?

Mr. FISHMAN. No. We respect the privacy of the seal on first-class mail.

Mr. ARENS. So the only processing you do on Communist propaganda from abroad is what we generally refer to as fourth-class mail.

Mr. FISHMAN. Ordinarily mail and registered mail, and mail which is suspected of being dutiable. That would include fourth-class mail.

Mr. MOULDER. You mentioned packages a while ago and a certain number, and within those packages a certain number. Could you give us the total of the individual pieces of propaganda?

Mr. FISHMAN. There were some 6.9 million, approximately 7 million pieces that were turned over to us for examination. That is countrywide for the year 1956.

Mr. ARENS. The only mail coming in in fourth-class which was turned over to you and which is subject to confiscation would be mail of the obscene variety or mail which calls for the commission of a criminal act; is that correct?

Mr. FISHMAN. That is right.

Mr. ARENS. If the particular propaganda said in effect, "We must now overthrow the Government by force and violence," that would be subject to confiscation; would it not?

Mr. FISHMAN. That is a violation of the customs law.

Mr. ARENS. But the propaganda which comes in, as I am sure you will exhibit in a few moments, is of the subtle variety; isn't that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. Mr. Fishman, in what languages is this propaganda coming into the United States in fourth-class mail?

Mr. FISHMAN. I was just glancing through these publications. One of them, for example, is published in 13 different languages. I guess that would cover almost anything that could be read here in the United States.

Mr. ARENS. What percentage of the propaganda which is coming in is in a foreign language as distinct from the English language? What would be a rough estimate?

Mr. FISHMAN. Probably 40 percent of it.

Mr. ARENS. What other mode of transmission is there for Communist propaganda besides the fourth-class mail which you inspect and the first-class mail which you cannot touch?

Mr. FISHMAN. We get to examine a good deal of printed matter which comes by vessel and a good deal of it which comes by air express—not by mail, by means other than mail.

Mr. ARENS. What is the total aggregate volume of that per year?

Mr. FISHMAN. I do not have the figures here, but they are quite sizable because some of the freight shipments we have examined in New York, consisting of possibly 10 cases of printed matter, may have anywhere from five to six or ten thousand publications in a given shipment. The airfreight usually concerns itself with current periodicals, things which senders are anxious to have disseminated almost immediately. A good deal of that comes from China via Hong Kong.

Mr. ARENS. Then your 6 million figure does not include first-class mail. It does not include mail which comes in in diplomatic pouch or diplomatic mail bags. It does not include the shipments which you have just alluded to; is that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. And it does not include plates which are sent in to be used for reproduction of propaganda; is that correct?

Mr. FISHMAN. No.

Mr. ARENS. Have you any way of ascertaining the volume either of the plates or of the reprints?

Mr. FISHMAN. No, sir.

Mr. WILLIS. Where would those plates be fabricated?

Mr. FISHMAN. We have seen shipments from the Soviet Union sent here for use.

Mr. WILLIS. And the format is in their style?

Mr. FISHMAN. Yes; that is right.

Mr. ARENS. Mr. Fishman, do you also have occasion to notice Communist propaganda motion-picture films, coming to the United States?

Mr. FISHMAN. Oh, yes. There are regular shipments of film. Most of this material is consigned to agents registered with the Department of Justice.

Mr. ARENS. If Communist propaganda is coming to a registered agent, do you inspect that?

Mr. FISHMAN. No. We have no control over it.

Mr. ARENS. So we have still another area in which you have no information as to the volume?

Mr. MOULDER. Can you estimate where the major part of it goes?

Mr. FISHMAN. I didn't get the question, Congressman.

Mr. MOULDER. To what city or to what area of the country is the major part of the material destined?

Mr. FISHMAN. With the cooperation of the Post Office Department, we broke down a 2-week importation of this material and tried to determine the areas to which it was directed. We found, for example, if my memory serves me right, that the greatest portion of this was directed to the New York area; second, Pennsylvania, Illinois, San Francisco, and California.

Mr. MOULDER. Chicago?

Mr. FISHMAN. Chicago would be included in that Illinois area. I may have some of those figures here.

Mr. KEARNEY. When you say they were directed to New York or Chicago areas, to whom was it directed?

Mr. FISHMAN. I suspect that the senders obtained telephone directories for these areas. They obtain organization directories. Some of these very large organizations, for example, the Polish American Congress, has some 25,000 members. If any one had access to their membership list, they could flood the area around Chicago, for example, with some 20,000 individual pieces of propaganda. You see, the political propaganda program varies depending upon the issues involved.

Mr. MOULDER. Are they individually addressed?

Mr. FISHMAN. Yes; a lot of it is individually addressed. If an issue concerns the Poles, for example, there is a heavy influx of material from Poland addressed to people of Polish extraction. If the situation touches on Hungary, there is another approach. Of course there are the regular shipments of periodicals, apart from these specific publications, which are directed to current events and current subjects in the United States, where the propaganda seeks to give the other side of the picture, so to speak.

Mr. KEARNEY. Who receives that particular material?

Mr. FISHMAN. That would be consigned to people who do not request it and who frequently have pleaded with us to see to it that this mail does not reach them. We have had, both in our service and in the Post Office Department, hundreds of requests.

Mr. MOULDER. Will someone testify as to that?

Mr. ARENS. Yes. We will link it up.

In addition to the Communist propaganda which you have discussed which is disseminated in the United States, do you have information respecting Communist propaganda that goes in transit through the United States from Communist area to another area?

Mr. FISHMAN. That would bring it closer home here. My job is to try to keep abreast as much as we can with the transportation situation of this material into the United States. Sometimes we feel that, when the pressure is put on in one given area, an attempt is made to divert the material to other areas. We then have occasion to make tests around the country to see what is coming into the United States at other ports of entry. At New Orleans we conducted such a test a year or so ago and we conducted a test about 2 months ago.

Mr. ARENS. Will you give us the findings of your tests as to the volume?

Mr. FISHMAN. We have opened the transit mails these last several days while the committee is here. We also examined this mail in October 1956 to determine whether the influx of this political propaganda through the United States was as heavy as it had been a year

or so ago. We found that it is not only as heavy but that it has increased considerably.

My information here deals particularly with what is known as transit mail, mail which comes from South American countries and from Europe through the port of New Orleans on its way to other South American countries, apart from such mail which is destined to the United States, to which Mr. LeBlanc alluded a few minutes ago.

Because of the lack of adequate personnel, our test necessarily had to be very limited. We chose a number of bags from mail presented to us by the Post Office Department. We found during the test we conducted that approximately 26,000 sacks of mail were available for our examination. We could have examined that many sacks of mail.

Mr. ARENS. 26,000 over what course of time?

Mr. FISHMAN. This was a 3½-week period, I believe.

We actually examined 1,200 sacks of that mail. In those 1,200 sacks we found one hundred eighty-three-some-odd-thousand parcels or articles of mail which contained approximately three hundred ninety-some-odd-thousand individual periodicals.

Mr. ARENS. Of Communist propaganda?

Mr. FISHMAN. This was the overall figure. We hadn't had it segregated. We found political propaganda in 7,552 of these packages, or a total of 11,000 individual pieces of what we consider political propaganda as defined by the Foreign Agents Registration Act.

Mr. ARENS. If your spot check has value as to the aggregate mail passing here, what would that indicate as to the volume?

Mr. FISHMAN. We would anticipate that if we were to examine all the mail that came through here in transit through the United States, there would be some 294,000 sacks a year.

Mr. ARENS. 294,000 sacks a year through New Orleans?

Mr. FISHMAN. Yes.

Mr. ARENS. How many of the 294,000 sacks would contain Communist propaganda, using the same average?

Mr. FISHMAN. 7,000 represented a month. We could multiply that by 12 and you would have a pretty good idea. Of course many of the periodicals we saw were weekly and monthly periodicals. We may have missed a huge shipment, for example, of periodicals because we missed that printing date. We don't know.

Mr. ARENS. Do you feel the average of 84,000 mail sacks a year through New Orleans of Communist propaganda is a fair appraisal or fair estimate?

Mr. FISHMAN. Yes, that is right.

Mr. WILLIS. You are talking only about transit mail?

Mr. FISHMAN. I am talking now about transit mail. We have not touched the situation as it applies to mail destined for people in the United States.

Mr. ARENS. Let the record be clear. Is it your testimony that you estimate there are approximately 84,000 mail sacks a year similar to the sacks which we see before us today—84,000 a year that contain Communist propaganda, which are processed through New Orleans? Is that correct?

Mr. FISHMAN. No. The figure I was giving you was on packages. If you are talking about sacks——

Mr. ARENS. 84,000 packages.

Mr. FISHMAN. 84,000. We found in these 1,246 sacks that we examined over a period of 30 days, not working days but calendar days, 7,552 packages of propaganda mail. If you multiply 7,552 by 12 you will have a pretty accurate figure of what our estimate is of the amount of political propaganda.

Mr. ARENS. You have 84,000 packages, and what is your estimate as to the number of individual items per package?

Mr. FISHMAN. In these 7,500 packages we found 11,560 items. Multiply that by 12 and you will have an estimate of the yearly shipment of transit propaganda.

Mr. ARENS. Eighty-four thousand packages a year through New Orleans times how many in order to get the individual items?

Mr. FISHMAN. Eleven thousand would give you the individual items.

Mr. WILLIS. Multiply 11,000 by 12.

Mr. ARENS. That would be over 130,000 individual items of Communist propaganda processed through here a year; is that correct?

Mr. FISHMAN. Approximately; yes, sir.

Mr. KEARNEY. That is just through New Orleans?

Mr. FISHMAN. That is correct.

Mr. ARENS. Eighty-four thousand times how many?

Mr. FISHMAN. Let us see if we can get this straight. In 30 days we saw 7,552 packages containing 11,560 items. If you multiply both by 12 you will have the total number of packages and the total number of items. I would say about 120,000 items and eighty thousand-some-odd packages.

Mr. ARENS. Mr. Fishman, that was all transit mail going from one South American country to another?

Mr. FISHMAN. Yes; including some to possessions of the United States, of course.

Mr. ARENS. Did you have occasion to examine, or do you have information respecting, the Communist propaganda that veers off here in New Orleans for distribution to the south?

Mr. FISHMAN. Not too much information. I have just returned from a visit to Laredo where I tried to determine how much of this material was actually destined for the United States. There is every indication that considerable quantities of it are destined to our country, and especially in those areas where there are people of Mexican extraction. We have as yet not completed our survey. Neither do we have a report for you this morning on that.

Mr. ARENS. Mr. Fishman, you have brought with you this morning several mail sacks. First of all, could you tell us what are in those mail sacks? What are they?

Mr. FISHMAN. During this test, our representative here went to the Foreign Mail Division of the Post Office and selected a number of sacks from the mail which were there. We could not possibly look at all of them. So we selected about 10 percent, I would say. These 13 sacks represent the material selected for examination.

Mr. ARENS. Over what course of time?

Mr. FISHMAN. I would say 2 days.

Mr. ARENS. Am I clear in my impression that these mail sacks which you have brought with you, these 13 mail sacks, represent 2 days' processing of Communist propaganda?

Mr. FISHMAN. Two days of a 10 percent selection from the material we could have examined here as suspected of containing political propaganda. We can't tell you right now how much political propaganda there is in those sacks. We can open 1 or 2 of them for you.

Mr. ARENS. I would suggest you might pick out a sample sack here and open it, Mr. Fishman.

Have you opened at random one of the mail sacks?

Mr. FISHMAN. Yes. This is a sack of mail which emanates in Mexico and is on its way to Lima, Peru.

Mr. ARENS. Those 13 mail sacks represent 10 percent of the volume processed here in 2 days?

Mr. FISHMAN. Yes; 2 days.

Mr. ARENS. This represents 10 percent of 2 days' processing. In other words, you have 10 times that amount.

Mr. FISHMAN. That we could have selected from.

Mr. ARENS. Being processed from here in just 2 days' time?

Mr. FISHMAN. That is right. One of these packages, for example, contains individually addressed material. This contains a publication "Bulletin of Information of the Embassy of the URSS" in Mexico.

Mr. ARENS. Is there any indication on that that it is stamped as Communist propaganda?

Mr. FISHMAN. No; not that I can see.

Mr. ARENS. This has a picture of Lenin on the front of it.

Mr. FISHMAN. Yes.

Mr. ARENS. Lenin's picture. URSS. What does URSS stand for?

Mr. FISHMAN. It is the Soviet Union. Here it is. Bulletin of Information of the Embassy of the URSS. (Boletin de Informacion De La Embajada de la URSS.)

Mr. ARENS. Mr. Fishman, this Communist propaganda which is going through the United States is paid for in part by the United States taxpayers, is it not?

Mr. FISHMAN. I would prefer to have the representative from the Post Office Department comment on that.

Mr. ARENS. I was only surmising that from the fact that the Post Office Department is not self-sustaining.

Mr. FISHMAN. So far as I know.

Mr. WILLIS. From the package that you selected I see you have one magazine.

Mr. FISHMAN. Each one of these is individually addressed.

Mr. MOULDER. May we see them?

Mr. KEARNEY. For the record, Mr. Fishman, I think you should clear up why this mail from the U. S. S. R. information center in Mexico would come to New Orleans and then be shipped to Peru.

Mr. FISHMAN. We discussed that this morning. We have an idea that it probably moves faster going through this area on its way out to other areas of South America. It probably is cheaper and faster from the transportation standpoint.

Mr. KEARNEY. In other words, they get, let us say, speedier service from here instead of sending it out direct from Mexico to South America.

Mr. FISHMAN. That is right.

Mr. ARENS. Mr. Fishman, was there not a convention entered into among the various powers governing the shipment of transit mail?

Mr. FISHMAN. I believe so. There is in existence the agreement reached as a result of a postal convention.

Mr. ARENS. Yes. Where and when was that held?

Mr. FISHMAN. 1952, I think, was the latest meeting of the various countries. I have something on that here.

Mr. ARENS. Under the provisions of that postal convention, if a recipient country does not want the Communist propaganda, it is subject to confiscation in the transit country, is it not?

Mr. FISHMAN. You are touching on two sections of law. One of them, of course, is contained in the Postal Union Convention of Brussels in 1952, article 59, paragraph 5, which provides:

> Moreover, the right is reserved for any country not to convey in transit in open mail over the territory articles, other than letters and postcards, in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed. Such articles must be returned to the administration of origin.

That is the end of that quote. There is also a proviso in the Foreign Agents Registration Act which more closely touches on this subject you just mentioned.

Mr. ARENS. In other words, if Peru in this instance would notify, through its diplomatic channels, the United States Government that it, Peru, did not want the Communist propaganda coming into their country, that propaganda which you have just displayed to us today would be subject to confiscation in the United States. Isn't that correct?

Mr. FISHMAN. Yes, sir. Also the Foreign Agents Registration Act says that—

> The Postmaster General may declare to be nonmailable any communication * * * in the form of prints or in any other form reasonably adapted to or reasonably appearing to be intended for dissemination or circulation * * * which is offered or caused to be offered for transmittal in United States mails to any person or persons in any other American republic by any agent of a foreign principal if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American republic has made written representation to the Department of State that the admission or circulation of such communication * * * is prohibited by the laws thereof—

of this South American Republic.

Mr. ARENS. This thought crosses my mind and I would like to pose it to you, Mr. Fishman: To your knowledge, has anyone in the United States taken it upon himself through diplomatic channels to notify the Government of Peru in this instance—or in other instances, other governments—that we are processing through this country into their country Communist propaganda, so they could notify us please to confiscate it?

Mr. FISHMAN. Not to my knowledge.

Mr. KEARNEY. Mr. Counsel, that also brings to my mind the great difficulty that any agency of our Government might have in arriving at what is political propaganda.

Mr. FISHMAN. It is defined in the law.

Mr. KEARNEY. I know it is defined in the law, but it seems to me from some of the test cases made with the Post Office Department a year or so ago that there are loopholes in this law which should be plugged up.

Mr. FISHMAN. I thought, Congressman, you were going to touch on another subject. It is difficult for our agencies to know of the existence of this material. We do not have units established to handle this. It is a huge volume of mail and it is in transit through the country. There is also some question as to whether we have any concern with it.

Mr. ARENS. Mr. Fishman, do you have with you certain typical exhibits of the Communist propaganda coming in from abroad which is disseminated in the United States?

Mr. FISHMAN. During our test we found a quantity of this material which was destined to people in the United States.

We found some in English and I have selected several at random.

Mr. ARENS. Would you select one and describe it, and then we will move to another one. I hope you have them on the basis of typical illustrations.

Mr. FISHMAN. I would like to point out that many of these publications make the same approach to a specific problem. Although they came from various countries in the Soviet bloc, they will discuss the same issue and refer to the same issue, which indicates pretty clearly that these are all dictated by the same source.

I am trying to find specific examples so we can make reference to this.

Mr. ARENS. While you are looking for that may I ask you, does the recipient pay a cost at all commensurate with the apparent cost of publication?

Mr. FISHMAN. No. Some of these publications in this country, without advertising probably would have to sell for $1 or $1.50. There is no advertising in these publications except a statement telling you where you can buy them.

New Times, December 1956, issue No. 50, discussion is had on the situation affecting Egypt. The same discussion appears in Bulgaria Today, issue No. 22, of November; People's China, issue No. 22 of November; and in News, A Soviet Review of World Events, December 1956.

Mr. MOULDER. A question arose a moment ago in counsel's question to you along the line that existing laws were sufficient, without any action on the part of Congress, to call to the attention of foreign countries this propaganda coming through into our country—that no additional legislation is necessary; that it is just a question of enforcement under our present administration in the executive department, which is neglecting to take any action on it. Could you clarify that?

Mr. FISHMAN. There is merit to the suggestion. As I have said, we intend to make a report to our administrative branch of this information which has come to us by way of these tests, and the Post Office is now aware of it. Possibly the committee might bring it to the attention of other agencies. We will try to cover every agency we can think of and see if they will go further with the problem.

Mr. MOULDER. My point, though, is whether any action should be taken by Congress.

Mr. FISHMAN. In connection with this transit mail?

Mr. MOULDER. As I understand you, reading the laws and the regulations you have mentioned, additional legislation is not needed.

Mr. FISHMAN. I mean specifically for the transit mail.

Mr. MOULDER. It is a matter of execution of the laws which are now being neglected?

Mr. FISHMAN. I think that is probably correct.

Mr. WILLIS. I think, though, it should be pointed out that the existing law, either under the Foreign Agents Registration Act or the convention there, touches upon only one phase of the picture, that is, the transit phase.

Mr. FISHMAN. That is what I was trying to bring out.

Mr. WILLIS. We do have, as I understand, loopholes in existing law for mail destined for, and distributed in, the United States.

Mr. FISHMAN. That is right.

Mr. MOULDER. I am referring to mail coming through this country destined for another country.

Mr. ARENS. May we clear that up by a question, Mr. Fishman. Under existing postal conventions if the recipient country requests the United States or tells the United States it does not want this Communist propaganda coming into its country, the United States is empowered to confiscate it; is it not?

Mr. FISHMAN. Yes, under the Foreign Agents Registration Act.

Mr. ARENS. But we have loopholes, which we will discuss, in the existing law with respect to the dissemination of propaganda in the United States?

Mr. Fishman. Yes.

Mr. WILLIS. By the same token, it appears that some of this material comes from Mexico. I wonder why we cannot notify Mexico that we do not want it here, and let Mexico invoke its laws.

Mr. KEARNEY. Mr. Chairman, I think it might be proper to ask any of the witnesses who appear before us this morning as to whether our Government has asked that of any of these countries, not particularly Mexico, but all of the South American countries.

Mr. ARENS. Do you know whether or not the United States has requested any of the countries through which Communist propaganda is coming to the United States not to ship it in here and to confiscate it?

Mr. FISHMAN. I have no information that such a request has been made on any of the South American countries, or any other country for that matter.

I was going to continue with some of the material which we have found. In this publication, New Times, No. 50 of December 1956, under International Notes, in discussing the "Plot Against Syria," the comment is made:

> But the most active and sinister role in the conspiracy is played by the United States. This is evident from the State Department's announcement that it supports the Baghdad Pact. The American press is whipping up anti-Syrian hysteria, and on November 30 the New York Times bluntly declared that the United States "would have to move troops if war broke out in the Syria area, with or without the authorization of the United Nations."

Propaganda carried on against Syria by the press and official spokesmen of the United States warrants the belief that it is Washington which is behind those who have joined in conspiracy against Syria, a conspiracy which, in effect, is directed against all the Arab nations and the peace of the Middle East.

Mr. ARENS. All of this is material which has been disseminated in the United States; is that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. Do you see on a single copy the label required by the Foreign Agents Registration Act that it is Communist propaganda?

Mr. FISHMAN. No.

Mr. ARENS. Do you have another exhibit or two that you have alluded to? Perhaps the committee would like to see some of them.

Mr. FISHMAN. People's China, issue No. 22, November 1956, from the Editor's Desk:

The wanton aggression of the British and French imperialists on Egypt has aroused the bitter indignation of the Chinese people. The hope that a peaceful solution to the Suez Canal question would be found on the basis of the principles worked out by the U. N. Security Council has been cynically shattered. A powder keg has been lit which jeopardizes peace in the Middle East and throughout the world.

Other comments:

There has been relief at the latest news that the Hungarian people, rallying to the new Worker-Peasant Revolutionary Government and with the support of the Soviet Army, has smashed the plots of the reactionaries and got the situation under control.

Comment of that type, as I say, appears in Bulgaria Today and in many of these weekly and monthly publications, all during the same time, all in November, and all on the same subject.

Mr. ARENS. Mr. Fishman, is this Communist propaganda to which you are alluding now going to schools, colleges, libraries, church groups, various organizations of a non-Communist nature at the crossroads of this country?

Mr. FISHMAN. Yes. Also such publications, for example, as World Youth, World Student News, publications which are directed to the youth, go to the students. These are sent to all colleges and youth organizations. They contain the same line of propaganda.

Mr. MOULDER. Let us be specific. You say they are sent to all colleges. Are they individually addressed or how are they sent?

Mr. FISHMAN. No. These are sent generally to student organizations at the colleges, the chairman of the student committee or whatever title they can dig up.

Mr. MOULDER. They apparently have information as to the name of the organizations.

Mr. FISHMAN. They know the names of all of the colleges in the United States. That is a sure thing.

Mr. MOULDER. But the individual organizations that you referred to.

Mr. FISHMAN. They suspect it is going to get to the people for whom it is intended if they say "student council" or "student organization" or "general organization." It generally gets to someone who is associated with the student group in the college.

Mr. ARENS. Is it a fact that the individual recipients in most cases do not ask for the propaganda?

Mr. FISHMAN. That is true. Many of the colleges have requested us to discontinue letting this material through.

Here in the World Student News, still on the subject of Suez, there is a chapter:

Students and Suez. Where do you stand? What has Suez nationalism to do with students? Egyptian students do not need to be asked. Letters and information poured into the IUS—

which is the International Union of Students—

from them explaining how they stood united to defend the nationalism and their country's sovereignty. They also said that they were willing to die in defense of these things. Long years of foreign oppression have taught them that their lives as students are indivisibly linked with their country's freedom and economic independence.

Mr. ARENS. Mr. Fishman, may I interpose this question: Much of this Communist propaganda which you are alluding to here obviously emanates from behind the Iron Curtain. Are there also instances in which the Communists, in order to conceal the source of the material, have had it printed in non-Communist countries, say countries such as France or England, and then sent it into the United States?

Mr. FISHMAN. There is considerable quantity of this material coming in from France and England. The names of the suppliers generally appear in these publications. They will list all the places where you can obtain them so you do not have necessarily to write to the Soviet Union. In this publication, for example, addresses are listed in Australia, Belgium, Brazil, Burma, Canada, Ceylon, China, Colombia, Denmark, East Africa, France, England, Egypt, and so on. You can write to any of these places and obtain the same publications and probably escape scrutiny by our service since we do not examine thoroughly, publications or periodicals or paper mail from neutral or friendly countries.

Mr. ARENS. Is the amount of Communist propaganda hitting the shores of the United States from abroad increasing or decreasing?

Mr. FISHMAN. I would say it is increasing. It keeps pretty steady when it comes to the usual weekly and monthly publications.

Mr. ARENS. I would like to ask you a few specifics with reference to proposed concepts and changes in the law. Would it be of service in your judgment in undertaking to cope with this problem, if the law provided that a single agency should have jurisdiction over the surveillance of this material?

Mr. FISHMAN. I think it would be of inestimable help. I think right now the agencies to some degree—this is my own personal opinion—are shifting for themselves. We know this material should be scrutinized and some control should be exercised. It leaves it pretty much up to the Post Office and Treasury, customs, to exercise what control it can under the law.

Mr. ARENS. As a practical matter there is no control to speak of?

Mr. FISHMAN. I wouldn't say that.

Mr. ARENS. I don't mean to criticize the agencies as such, but the material is getting through.

Mr. FISHMAN. Some of it does come through, and it is largely due to the fact that there are no specific prohibitions. Neither is there a

specific provision of law which deals only with this subject. There is a little ambiguity here as to what may not be imported.

Mr. MOULDER. For example, will the packages over there on the table go through and be distributed?

Mr. FISHMAN. Yes. We have made no attempt to define this material or to report its condition, since our position here is merely one of observers. We are just looking this material over. We make reports on it which we hope to get to all of the agencies concerned. What action they will take we don't know.

Mr. KEARNEY. But under the law, you cannot hold any of this back unless you definitely know that it is political propaganda.

Mr. FISHMAN. That is right. The only way we can tell is by looking at it.

Mr. ARENS. Mr. Fishman, would it be helpful in your judgment in undertaking to cope with this problem if the law required that all political propaganda fed into the United States be labeled before it actually hits our shores?

Mr. FISHMAN. I would like to state my own position on this. It is a serious problem. The picture as it now exists is somewhat like this: A registered agent may have sent to him 50,000 copies of a publication, and he may have delivery of it without any question. The agent then, as it works out in practice, decides whether this material which he has just received consists of political propaganda, also whether he is distributing it in the United States mails or by any means or instrumentality of interstate commerce.

If, within his judgment, this consists of political propaganda, he then labels the material. It would seem a more direct and simple approach to require this material to be labeled at the time it arrives in the United States rather than at a time it becomes the property of the registered agent, who then decides whether he shall label it.

Mr. ARENS. But under the existing practice, as it comes to an individual recipient who is not a registered agent, no labeling is affixed to it; isn't that right?

Mr. FISHMAN. Yes.

Mr. ARENS. Would it be helpful in your judgment if the law stated in effect that all Communist propaganda coming to the United States must be labeled before it reaches our shores?

Mr. FISHMAN. It surely would be helpful.

Mr. ARENS. Or be subject to confiscation?

Mr. FISHMAN. It would be very helpful.

Mr. ARENS. Mr. Fishman, are there problems with reference to agency in the law, as to who is a foreign agent?

Mr. FISHMAN. That always presents a problem. We have to try on frequent occasions to define such agents.

Mr. ARENS. Would it be helpful if the law provided in effect that any one who distributes Communist propaganda in the United States emanating from abroad shall be deemed to be the agent of the principal for whom he is distributing the propaganda?

Mr. FISHMAN. It would be helpful.

Mr. ARENS. Have you other suggestions for undertaking to cope with this serious problem?

Mr. FISHMAN. I don't think so. I think if we could have the law specifically state the agency charged with responsibility for this work,

and if we could get this ambiguity concerning when the labeling requirement applies clarified, that would be helpful. Those are two of the major problems.

Mr. ARENS. May I ask you about a third problem, namely, diplomats. Would it be helpful if the law required the labeling of Communist propaganda disseminated in the United States by people who are engaged full time as propagandists for a foreign power on our soil?

Mr. FISHMAN. It would be helpful.

Mr. KEARNEY. Mr. Chairman, it would be but, Mr. Counsel, do you think that has ever happened? In other words, what I am getting at is that you can take punitive measures, let us say, against a certain diplomatic mission in this country, but what results then?

Mr. ARENS. The material would be subject to confiscation, would it not, Mr. Fishman?

Mr. FISHMAN. I think probably the law contemplated that the dissemination of this material would be within the scope of the functions of that officer. As I read before, the requirements of this section shall not apply to agents of foreign principals engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of that officer.

Mr. KEARNEY. I agree with the question of counsel. As a matter of fact, I agree that a lot of these diplomatic immunity laws should be changed. We see violations in the city of Washington every day. If an ordinary American citizen did those things, he would be in jail. They are getting away with murder today all over the country because every diplomatic agent they have over here is a potential spy.

Mr. ARENS. The law is clear, at the present time, or at least the practice is clear, that a person in diplomatic status in the United States can disseminate all the Communist propaganda he wants, all the magazines, books, or anything else he wants, and not label them as Communist propaganda.

Mr. KEARNEY. Do you have an estimate as to the volume of that practice? That is beyond the purview of your inquiry is it not?

Mr. FISHMAN. It is a domestic mailing problem with which I am not familiar.

Mr. KEARNEY. Mr. Fishman, we have asked you a number of questions here. In view of your background and experience and specialized activity in this field, I should like to ask you if there are other items of information of significance which you would like to bring to the attention of the committee before you conclude your testimony.

Mr. FISHMAN. I don't believe so. We have additional exhibits which the committee might like to look at and observe.

Mr. KEARNEY. Allude to them, please.

Mr. FISHMAN. We talked about these Information bulletins. For example, here in New Orleans there are continuous importations of a Daily News release from Hong Kong.

Mr. KEARNEY. That is imported here in New Orleans?

Mr. FISHMAN. That is right.

Mr. KEARNEY. In what language?

Mr. FISHMAN. English. This one is January 8, 1957.

Mr. KEARNEY. To whom is that Daily News release directed?

Mr. FISHMAN. It was directed to an individual whose name, as the committee knows, we cannot disclose at this open hearing. One of the items is dated at Peking, January 7:

> A Government delegation of the Chinese Peoples Republic headed by Premier Chou En-lai left here for Moscow on a special TU-104 jet plane this morning for a friendly visit to the Soviet Union.
> Members of the delegation included,

so and on.

Mr. ARENS. Is that directed to people in public-relations work here?

Mr. FISHMAN. That is right.

Mr. ARENS. Is that directed to one of the newspapers?

Mr. FISHMAN. Yes, and intended for dissemination.

Mr. ARENS. This was intended for dissemination or for reproduction by a newspaper here?

Mr. FISHMAN. I would suspect so, since it is a daily-news release. Most other news releases of this type are sent to newspapers and other disseminating agents. I don't know, however, that any newspapers would disseminate much of this material.

Mr. ARENS. Does that daily bulletin that you are talking about which comes in here indicate, except from its source, that it is Communist propaganda?

Mr. FISHMAN. It is issued by the Hsinhua News Agency of Kowloon, Hong Kong, but there is no other indication here.

Mr. ARENS. They come in every day here?

Mr. FISHMAN. They are made up every day. Some of them may come in once or twice a week, but they are daily reports.

Mr. KEARNEY. Is there any indication on any of those reports that it is political propaganda?

Mr. FISHMAN. No. We have other material here. We have observed a great deal of material being sent from Hong Kong, which probably emanates in China. The speeches of Mao Tse-tung; a publication, Equality of Soviet Women in the Economic Sphere; a semimonthly published in China which contains anti-American propaganda dealing with invasion by an American plane on the territorial air limits of China. It talks about the fact that the plane was actually shot down by the Communist government. We also observe here some of the usual run of "Return to the Homeland" material with which we had experience in Philadelphia. This is a Polish publication, Kraj, which is a homeland publication. In one package, for example, there are a dozen copies of this publication.

Mr. KEARNEY. Are those copies that you have in your hand, individually addressed?

Mr. FISHMAN. No, these 12 were addressed to 1 individual.

Mr. KEARNEY. I take it, that it was contemplated that individual would disseminate the other 11.

Mr. FISHMAN. Yes. He would have no use for 12 of them.

Mr. KEARNEY. Is there any other item of information you want to call to the attention of the committee?

Mr. FISHMAN. I think we have covered the scope of the inquiry that we made here. I would be glad to answer any other questions that the committee has.

Mr. ARENS. I have no further questions to ask, Mr. Chairman.

Mr. MOULDER. What percent of the packages or mail of Communist propaganda entering New Orleans is destined to domestic consumption in this country and what percentage flows to South America?

Mr. FISHMAN. We would have to estimate that. Mr. LeBlanc has given some figures on material which is submitted to Customs for examination and intended for domestic consumption. But the scope of our investigation here dealt pretty much with transit mail. I made some small inquiries in Laredo and San Antonio about this, but in the 1 day available to me I could not get very much specific information. We know that Mexico sacks mail directly for states in the United States, so several bags of mail intended, for example, for the State of Illinois, will come through Laredo directly on its way to Chicago for distribution in the Illinois district.

Mr. MOULDER. It seems to me to be so ridiculous that our great Nation is serving as an intermediary in transporting Communist propaganda, say, to South America.

Mr. FISHMAN. That is the ironic part of the situation here.

Mr. MOULDER. It certainly is. My personal observation and conviction is that our country has neglected South America in our fight against communism and more attention should be concentrated on South America, because in the future it will become one of the most important areas in the world.

Mr. FISHMAN. We could save them from a lot of this material if we kept it out.

Mr. MOULDER. As far as I am concerned, we have done nothing toward that end.

Mr. ARENS. I respectfully suggest we might have a brief recess.

Mr. WILLIS. Thank you very much, Mr. Fishman.

The committee will take a 5-minute recess.

(Brief recess.)

(Members of the committee present: Representatives Willis, Kearney, and Moulder.)

Mr. WILLIS. The subcommittee will come to order.

Counsel, will you call the next witness.

Mr. ARENS. Miss Margaret Rosano, kindly come forward.

Will you kindly remain standing while the chairman administers an oath to you.

Mr. WILLIS. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss ROSANO. I do.

TESTIMONY OF MARGARET M. ROSANO, UNITED STATES CUSTOMS SERVICE, NEW YORK CITY, N. Y.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss ROSANO. Margaret Rosano. I live at 292 Claflin Court, New York. I am a clerk-translator for the Customs Service at New York.

Mr. ARENS. What languages do you translate?

Miss ROSANO. French, Italian, and Spanish.

Mr. ARENS. Miss Rosano, did you in the course of the recent past conduct a test in the New Orleans area of Communist propaganda which is coming through this port of entry?

Miss ROSANO. Yes, in November I was here for about three and a half weeks conducting a survey on the mail that arrived here.

Mr. ARENS. May I suggest, just at your own pace, you tell the committee first of all what you did in the test and, secondly, what your findings were.

Miss ROSANO. During the test I went to the foreign mailroom and selected from the thousands of bags there those which I could containing miscellaneous matter that would be of interest to us insofar as it might contain propaganda. There are very many of the bags that do come in that contain serial-type things like comics, family magazines, or scientific magazines, that are wrapped in such a way that they are almost visible from the outside. They come in bulk. Those we did not handle at all, but we took all the miscellaneous that we could handle during that period to examine fully at the customhouse.

Mr. ARENS. Proceed to tell us the results of your examination.

Miss ROSANO. I believe Mr. Fishman has given you the figures on what was accomplished at that time. What we did was open each bag that came through the customhouse and segregate among the things found in each bag those which contained political propaganda emanating usually from Mexico or Hong Kong and destined almost exclusively for South America.

Mr. ARENS. Did you make any examination of the bags for distribution in the United States?

Miss ROSANO. No, we did not.

Mr. ARENS. Your examination was exclusively with reference to transit mail?

Miss ROSANO. Transit mail, yes.

Mr. ARENS. Would you give us a quick résumé of your findings?

Miss ROSANO. The majority of the propaganda found seems to emanate from the Russian Legation in Mexico. They put out a semimonthly publication. They call it an information bulletin. They disseminate it throughout the South American countries. Practically every one of them is represented. I do not know how many of those may come in for distribution in the United States because I did not see that mail.

Mr. ARENS. You did not examine anything except the transit mail?

Miss ROSANO. That is right.

Mr. ARENS. What was the total volume?

Miss ROSANO. Those are the figures that Mr. Fishman gave you.

(The figures supplied by Mr. Fishman follow:)

Period covered.—November, 1956

Sacks of mail received by New Orleans Post Office Department en route to destinations in United States island possessions and South American Republics.—Ordinary mail, 19,350 sacks: registered mail, 6,862 sacks; total, 26,212 sacks.

Sacks actually examined during test period of 1 month, 1,246 sacks; quantity of mail packages contained therein, 183,593 packages; quantity of mail packages found to contain political Communist propaganda, 7,552 packages; quantity of individual printed books, pamphlets, etc., 11,560 pieces.

Mr. ARENS. Do you have other information to submit?

Miss ROSANO. Mr. Fishman has stated some of the items that appear in these publications. They are all apparently dictated by Russian rule, and all they do is try to disseminate their propaganda and their mode of life.

Mr. ARENS. What percentage of it is in foreign language?

Miss ROSANO. The majority I would say is in Spanish or French, going to the South American countries.

Mr. FISHMAN. Transit mail.

Mr. ARENS. You translate from Spanish to English?

Miss ROSANO. Yes.

Mr. ARENS. Did it contain what we regard as the Communist Party line?

Miss ROSANO. Yes indeed.

Mr. ARENS. What were the principal lines which were used?

Miss ROSANO. I tried to get a translation of one of the Informational Bulletins of the Embassy of the U. S. S. R.

Mr. ARENS. Is that the bulletin you have your hand on now?

Miss ROSANO. It is this one specifically, of January. They refer to speeches made by the Russian high officials in reference to world events. This is a reply by Bulganin to the Polish question. In answer to "What in your opinion will 1957 bring to Humanity?" Bulganin says—

> The aggressive circles of some of the Western countries and their propaganda are endeavoring strongly to inspire pessimism and insecurity in the people insofar as the perspective to perservere and consolidate peace, by compelling them to believe in the unavoidable need of the race for armaments and war.

Mr. ARENS. Have you seen any propaganda coming through which undertakes to explain away the Hungarian situation?

Miss ROSANO. They have referred to Hungary in what I have read in the last few ones. It refers specifically to the Egyptian question and includes the Hungarian in that, too. As to what new steps should be taken to minimize the tensions in the Middle East and Hungary, they said:

> The first step must be taken by the colonial powers. They must acknowledge the independence and freedom of the people in these zones. They must end their interference in internal affairs of other countries.

Mr. ARENS. Is there any other principal source in Mexico than the Russian Embassy in Mexico?

Miss ROSANO. Yes. They have the Bulgarian Embassy. They also have a bulletin of information for Hungarian people. They have Czechoslovakia of Today, which is issued by the Czech Legation in Mexico. Then they also have some workers organizations in Mexico. These are not from the Communist bloc. They are just workers organizations. This type of propaganda, though different from the actual Legation propaganda, is usually directed against the United States.

Mr. ARENS. Can you give us just a word about them?

Miss ROSANO. One of the articles I noticed is this particular one: First of all they are against armaments. They want it unified, but without use of weapons because arming Germany again means a threat to all of Europe and the world. They also have an article in here about the Hungarian situation which they claim was instituted by Hoover. Hoover, Senior, they call him, was the one who plotted

the first revolution in Hungary in 1919, and his son, now in the State Department, is the one who plotted and contrived to have this new revolution which is only for their monetary gains and not anything else.

Mr. FISHMAN. I didn't know whether it may be of interest in connection with previous testimony, but the committee might like to know the countries which are covered by this propaganda in South America. I don't know whether you want the record to include that.

Mr. ARENS. I think it would be well to have it; yes, sir.

Mr. FISHMAN. For example, some of this material is addressed to Venezuela, Peru, Ecuador, Chile, Argentina, Brazil, Panama, Cuba, the Dominican Republic, Colombia, Uruguay, Honduras, Bolivia, Puerto Rico, Paraguay, Costa Rica, and the Canal Zone.

Mr. ARENS. Mr. Fishman, is Puerto Rico a dissemination point in the Western Hemisphere for Communist propaganda emanating from behind the Iron Curtain?

Mr. FISHMAN. We have had comment to that effect. As yet we have made no investigations. There is information in our informal reports which make that a possibility because of the volume of material which is destined for Puerto Rico.

Mr. ARENS. From where?

Mr. FISHMAN. Some of it from South America, some from Europe. There is quite a sizable quantity of it. Our last information was that there were some 400 bags of this mail which comes through this port on its way to Puerto Rico per month.

Mr. ARENS. That is Communist propaganda?

Mr. FISHMAN. No, that is mail which we suspect may contain political propaganda. We may not have looked in yet to see.

Mr. ARENS. Miss Rosano, are there any other items of information you would like to comment on?

Miss ROSANO. No. I think I have covered all of the publications that I have looked through.

Mr. ARENS. Thank you very much.

Mr. WILLIS. I certainly want to compliment you for the very splendid contribution you have made to this committee and to the Government in connection with this work.

Miss ROSANO. Thank you.

Mr. MOULDER. How did you secure the position that you hold, may I ask?

Miss ROSANO. I was appointed in Customs about 7 years ago as a translator, and when Mr. Fishman was given this task I was assigned to this work.

Mr. FISHMAN. We have a limited budget for this kind of test and, rather than employ somebody locally on a temporary basis, we generally send someone from one of our active units. Miss Rosano's normal function is in New York City but since she is aware of our interest and the kind of work we do, it saves a lot of time to send her out on these trips.

Mr. WILLIS. Is that all, Counsel?

Mr. ARENS. That is all.

Mr. WILLIS. Thank you very much.

The committee will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 11:50 a. m., Thursday, February 14, 1957, the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION—THURSDAY, FEBRUARY 14 1957

(Committee members present: Representatives Moulder, Willis, and Kearney.)

Mr. WILLIS. The subcommittee will come to order, and counsel will call the next witness.

Mr. ARENS. Mr. Saul Mindel, kindly come forward and please remain standing while the chairman administers an oath to you.

Mr. WILLIS. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MINDEL. I do, sir.

TESTIMONY OF SAUL J. MINDEL, ATTORNEY, BUREAU OF GENERAL COUNSEL, POST OFFICE DEPARTMENT, WASHINGTON, D. C.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MINDEL. My name is Saul J. Mindel. I am an attorney in the Bureau of the General Counsel, Post Office Department, Washington, D. C.

Mr. ARENS. How long have you been so engaged?

Mr. MINDEL. For a period of approximately 16½ years. That is, in that Bureau. Prior thereto I was in the Post Office Department for an additional period of about 9 years.

Mr. ARENS. What are your responsibilities?

Mr. MINDEL. Part of my responsibilities are to review reports from the postmasters concerning mailings of foreign propaganda or materials suspected of being foreign political propaganda received from abroad.

Mr. ARENS. Mr. Mindel, in what classes, from the standpoint of the postal service, does the foreign Communist political propaganda arrive into the United States?

Mr. MINDEL. I think you could classify them broadly as open mail and closed mail. That is, under closed mail you would have personal correspondence in sealed envelopes. Other mail would be printed matter, periodicals, and other publications that would be sent in a form of mail comparable to our third-class mail here in the United States. Still others perhaps in larger shipments might go in parcels which would be designated as parcel post and still subject to inspection.

Mr. ARENS. Which of the mail is subject to inspection?

Mr. MINDEL. Everything that is in the open mail.

Mr. ARENS. If the open mail comes to a recipient who has solicited the propaganda, is that subject to inspection or confiscation?

Mr. MINDEL. It is subject to inspection. However, it would not be confiscated, and I make that statement with reference to our procedures in enforcing the Foreign Agents Registration Act with respect to political propaganda sent by foreign agents who have not complied with the requirements for registration with the Department of Justice.

Mr. ARENS. What mail coming in, in the nature of foreign Communist propaganda, is subject to confiscation under present postal regulations?

Mr. MINDEL. So far as the character of the mail itself is concerned, I think I would have to answer all of it, but I think you probably have

in mind the exceptions because of the type of addresses for whom destined. Is that correct?

Mr. ARENS. Yes, sir.

Mr. MINDEL. Under that heading you would have, first of all, the foreign agents in the United States who have registered with the Department of Justice. Secondly, you would have the diplomatic and consular officers who are located in the United States. Thirdly, you would have the group of persons who have ordered or subscribed for this material.

Mr. ARENS. May I hesitate there a moment, please, sir, so the record is absolutely clear. If the Communist propaganda comes to a registered agent or to a person in diplomatic status or to a person who has solicited that propaganda, it is not subject to confiscation under any circumstances, is that correct?

Mr. MINDEL. It is not subject to confiscation if the only question as to mailability is with regard to the Foreign Agents Registration Act and its foreign political propaganda character.

Mr. ARENS. If the propaganda does ask for or incite to riot or call for the overthrow of the Government by force and violence or is of a scurrilous nature, it would be subject to confiscation in any event, would it not?

Mr. MINDEL. If it is of a character to incite acts of violence, treason, insurrection, and so forth, yes, sir, it would be nonmailable under a separate statute, section 1717 of title 18 of the United States Code. Of course, if it were of a different character and involved obscene and indecent matters, then you would have it under still another statute, the domestic statute here being section 1461 of title 18 of the United States Code.

Mr. MOULDER. Who ascertains and determines whether or not the material that you have referred to is Communist or that it proposes the overthrow of the Government? Who is to judge that?

Mr. MINDEL. The Bureau of Customs in its control units, as Mr. Fishman referred to them this morning, will have the first chance at inspection of most of this material. Some additional foreign mailings come in at points where there is no such unit, for example, Los Angeles, and the material itself is forwarded to us in Washington, where we make the initial examination and determination as to whether it is of that character. I might say, Congressman, that in my recollection none of this material has ever gone in that direction. They have apparently been satisfied with the efforts to propagandize people here to accept their statements and viewpoints with regard to the international issues and the Communist movement.

Mr. MOULDER. Who are the individuals who decide whether or not it should be censored and not distributed or not permitted to go through our mails?

Mr. MINDEL. With regard to that which customs examines they would make the initial decision that in their opinion it constitutes foreign political propaganda within the meaning of the Foreign Agents Registration Act. That would then be turned over to the postmasters at whichever port it is received. With that information the postmaster in turn would make a report to the Bureau of the General Counsel of the Post Office Department in Washington, and then we would issue the final instruction as to the disposition to be

made of that mail. I am now speaking of mail shipments exclusively.

Mr. MOULDER. I understand that material has been passed here in New Orleans and gotten delivered which I would regard as at least indirectly subversive, promoting and sponosoring the Communist cause. I am wondering whose duty it would be to censor that propaganda.

Mr. MINDEL. I believe the answer to that might lie in certain administrative problems in the area with regard to adequate staff for handling, and so forth.

Mr. ARENS. If this foreign Communist political propaganda arrives at the shores of the United States in open mail status and is not destined to a recipient who has requested it, nor is it destined to a person in diplomatic status, nor is it destined to a registered agent, what is its status from the standpoint of operations of the post office?

Mr. MINDEL. Its status, Mr. Arens, is that it is nonmailable under section 1717, the statute I referred to before, which has been the subject of interpretation by the Attorney General of the United States in his opinion to the Postmaster General on December 10, 1940, when the question was put to him as to the treatment that might be given by the Post Office Department to great numbers of mailing pieces that were then being received, in 1940, via Siberia from various countries abroad, consisting of propaganda with regard to the controversy at the time. The Attorney General's opinion was to the effect that if this or any material constituted foreign political propaganda within the definition of the statute, the Foreign Agents Registration Act, and if also it was being distributed by an agent of the foreign principal and if, finally, that agent had not complied with the Foreign Agents Registration Act by registering and labeling, then the Postmaster General may treat that material as nonmailable under that section of the law.

Mr. ARENS. That would be in effect, would it not, a finding that the agent in a foreign country should have registered and labeled his material before he sent it into the United States. Isn't that correct?

Mr. MINDEL. That would be inherent in that determination; yes, sir.

Mr. ARENS. Since he did not register and since he did not label his material which was being sent in, that material would be subject to confiscation; is that correct?

Mr. MINDEL. That is correct.

Mr. ARENS. How much material was confiscated by the post office in that status during the course of, let us say, the last year?

Mr. MINDEL. We do not have exact figures. In fact, we do not have figures to give you that answer. We have compiled a figure showing that during the calendar year 1956 there were reported to us in Washington by the several postmasters to whose offices propaganda has come, approximately 1.5 million pieces that were either regarded as propaganda by customs or that had not been examined by customs and yet were suspected of being propaganda. We approximate, and it is only an approximation because we do not have any figures on it, that of that total possibly 60 to 70 percent were finally held to be nonmailable and therefore subject to disposition as confiscated material. I think that that comes out to something like 900,000 pieces.

Mr. ARENS. Let the record be clear here. May I state the fact and see if I have it correct. Is it your testimony that during the course of

the last year approximately 900,000 pieces of Communist propaganda were confiscated in the United States because that Communist propaganda was being sent into the United States by an agent abroad who had not registered under the Foreign Agents Registration Act in the United States nor had he labeled the material pursuant to the provisions of the Foreign Agents Registration Act. Is that correct?

Mr. MINDEL. That is correct, sir.

Mr. MOULDER. What percentage would you say that would represent in comparison to the total amount of foreign propaganda from the Soviet Union or its satellite countries?

Mr. MINDEL. To this country?

Mr. MOULDER. Yes.

Mr. MINDEL. I can't answer that, Congressman, for this reason: The propaganda comes in not only in the mails but by way of freight shipments which we would not see at all in the postal service. That is one reason I can't answer that.

The second is that it is the practice, as I understand it, at New York that the shipments of propaganda that come in there, mail or otherwise, addressed to the registered foreign agents located in New York City, are delivered to them without referring to us in the usual manner as they do with regard to the others.

In other words, it is an established fact in the way the law is interpreted, that these people are entitled to receive it, so there is no point in setting up another phase of administrative handling to report it to us and report it to the Postmaster and have him go through the other steps. So they turn it over directly and therefore we do not have any figures on that.

Mr. ARENS. At how many ports of entry does the post office maintain this check system?

Mr. MINDEL. Actually any postmaster, under the regulations, if he sees something in the mails that he regards as of questionable mailability, is authorized and, as a matter of fact, directed in effect to hold it and send it in to us for an opinion. That has actually, though, boiled down to several of the larger ports or exchange offices, especially New York. Through New York port comes about 75 percent of all the mail that comes in from abroad. So New York, Chicago, and San Francisco are the three where customs has control units, and then also we get a good bit from Los Angeles, some from Seattle, and some little bit from San Juan, Puerto Rico; Detroit; and several others.

Mr. MOULDER. Do you have a control unit in New Orleans?

Mr. MINDEL. No, sir; there is none here.

Mr. MOULDER. Then how do you know that 75 percent of it comes through New York?

Mr. MINDEL. I was speaking there not of propaganda but of total mail.

Mr. ARENS. Do you have access in the Post Office Department to Communist propaganda which comes in as first-class mail?

Mr. MINDEL. There is more of a problem there, because there is in the law of this country the concept of the protection of a person's private papers. However, there is a joint regulation, that is, between Customs and Post Office, under which sealed matter, if it is suspected of containing prohibited matter of whatever character—propaganda, lottery, or whatever—is to be endorsed by the postmaster who first

makes that determination that it is suspected of containing matter prohibited importation—that is the language—and then a notice will be sent to the addressee that that mail is being held because of that suspicion, and he will be called on to authorize the opening of that mail in the presence of a customs agent.

That has been done sparingly for the reason, I must say, with regard to propaganda that it is difficult to detect it when it is sent in, in what is apparently letter-mail form. On 1 or 2 occasions it came in in great numbers. That is, five or ten thousand pieces, I believe, at one time. They had certain identifying markings on them which we could recognize from previous mailings that had not been withdrawn from the mails but that had been reported to us by the addressees.

In those 1 or 2 cases where that happened we were able by a sampling and the receipt of authorizations from those which were sampled to establish that the material was of the character suspected, and then we treated it all in that fashion, that it was nonmailable.

Mr. ARENS. Mr. Mindel, kindly give us the highlights of the applicable law and regulation pertaining to mail in transit, bulk shipments of mail in transit, such as the mail which Mr. Fishman identified this morning as pouring through the port of New Orleans.

Mr. MINDEL. Under the Universal Postal Union Convention, the last one at Brussels in 1952, and under the Convention of the Postal Union of the Americas and Spain, transit mail, as it is termed, is to be dispatched across our country and out to wherever it is going without examination. In other words, they are closed pouches and we don't ordinarily make any examination of them because of those treaty regulations.

Mr. KEARNEY. You spoke about the representatives of foreign governments in New York City. Do you know the individuals?

Mr. MINDEL. There are at least two I guess you would call bookstores in New York. One is Four Continent Book Corp., and the other one I believe is called Imported Publications and Products. They are registered as agents. They receive for their customers here great numbers of publications of all sorts, including the type of material which we are talking about.

Mr. KEARNEY. Can you tell the committee whether or not the owners of those bookstores are American citizens or not?

Mr. MINDEL. I have no information on that, sir.

Mr. WILLIS. I believe in that connection, one of the registered agents of the Soviet Union was before our committee in Washington last year. What was his name, Counsel?

Mr. ARENS. Mr. Edwin S. Smith.

Mr. WILLIS. Mr. Edwin Smith. He admitted that he was a regular vistor of the Russian Embassy in Washington. He admitted that he received and distributed propaganda material, and so on. Among the things that he admitted he received were faked photographs showing that we were supposed to be using germ warfare in Korea. We asked him whether that provided him with any qualms of conscience, and I think his reply was that it didn't bother him at all. Isn't that right, Counsel?

Mr. ARENS. That is substantially correct, yes, sir.

Mr. KEARNEY. As a matter of fact, I believe he also admitted in his testimony that he didn't take the trouble to find out whether these pictures were faked or not.

Mr. ARENS. Mr. Mindel, under the Foreign Agents Registration Act, is it not true that a country processing mail that goes in transit to another country may confiscate that material if the ultimate recipient country requests that it be confiscated or requests that it not be sent in transit through the transit country?

Mr. MINDEL. There is something in the nature of that in the Foreign Agents Registration Act.

Mr. ARENS. May I read you an excerpt from the Foreign Agents Registration Act, and then I should like to ask you what has been done to implement that. I am quoting now from the Foreign Agents Registration Act of 1938.

> The Postmaster General may declare to be nonmailable any communication or expression falling within clause (2) of section 1 (j) hereof in the form of prints or in any other form reasonably adapted to or reasonably appearing to be intended for dissemination or circulation among two or more persons, which is offered or caused to be offered for transmittal in the United States mails to any person or persons in any other American Republic by any agent of a foreign principal, if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American Republic has made written representation to the Department of State that the admission or circulation of such communication or expression in such American Republic is prohibited by the laws thereof and has requested in writing that its transmittal thereto be stopped.

Mr. ARENS. In other words, under the Foreign Agents Registration Act, if the nation of Peru, to which much of this Communist propaganda alluded to by Mr. Fishman is destined, would through diplomatic channels express to the Secretary of State of our Nation their abhorrence of that material and that its admission would be in violation of the laws of Peru, the Secretary of State of this Nation then is empowered to direct that fact to the Postmaster General of the United States, and he in turn is empowered to confiscate the material. Is that correct?

Mr. MINDEL. Yes, sir; that is correct.

Mr. ARENS. To your knowledge, in the course of your career in the Post Office Department, has our Department of State ever called to the attention of any of the Republics of South America the fact to which Mr. Fishman testified this morning, namely, that there is this flood of Communist propaganda going into those Republics in transit through the United States?

Mr. MINDEL. I have no information whether the State Department has done that, except that I can only say I have never seen any indication of it in the files of the Post Office Department that I have had contact with.

Mr. ARENS. Without saying anything offensive to yourself or without undertaking to condemn yourself, does it occur to you that the Post Office Department or the Customs or some agency of this Government which has cognizance of this flood of Communist propaganda crossing the United States into neighboring Republics in South America ought to call the State Department's attention to it and say in effect, "State Department, please notify these other countries of this

flood of Communist propaganda and undertake to solicit them to ask us to please stop it"? Don't you think that would be a good idea?

Mr. MINDEL. Undoubtedly it is. I think to keep the record straight on the law here, I should point out, however, that the section of the act that you read, about notification by the other American Republics, and so forth, specifically referred to part 2 of the section of the act interpreting political propaganda, and that that part 2 is not of the same broad nature as is part 1, which is what we have been talking about generally, but is material which, and now I am reading—

advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American Republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence.

Mr. ARENS. Then is it your position—if I misinterpret it please correct me—that under existing law, even though the President of Peru would tell the Secretary of State they don't want this material coming in to Peru, we could not confiscate it unless we could show that that particular propaganda calls for forcible overthrow of the Government of Peru?

Mr. MINDEL. Within this act I think the answer to that is "Yes." There is generally in international postal administration a provision, which undoubtedly is in the Universal Postal Union Convention, that any country may notify the other member countries that material of whatever character is regarded by them as "prohibited." That is the term they use.

Then notice will go out to all of those other postal administrations so that none of them should thereafter dispatch any mail to the country which has established that prohibited item.

Mr. ARENS. Then we are back where we started from, Mr. Mindel, are we not, namely, that under the Postal Convention or treaty that you referred to, if the President of Peru tomorrow morning went to the post office in Peru and saw this flood of Communist propaganda and said to himself, "This is unwholesome, this is in violation of our laws," and if he then notified the Secretary of State, the Secretary of State could notify the Postmaster of the United States, who would cause this material to be seized in transit. Is that correct?

Mr. MINDEL. I think it could be done that way.

Mr. ARENS. From what you have told us of your background and experience, you have been in this field a long time. To your knowledge has anyone in our Government undertaken to initiate such a course of action?

Mr. MINDEL. I don't know of any such instance.

Mr. ARENS. I would like to invite your attention to the Universal Postal Union Convention of Brussels, article 59, paragraph 5, which provides:

Moreover, the right is reserved for any country not to convey in transit in open mail over its territory articles, other than letters and postcards, in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed. Such articles must be returned to the administration of origin.

Mr. MINDEL. Yes, sir.

Mr. ARENS. How could that particular provision in your judgment be made applicable to this flood of Communist propaganda which

Mr. Fishman identified this morning as moving through this country to the Latin American Republics?

Mr. MINDEL. There is one key word in that section which would stop us on most of this transit material, and that is the word "open."

It says "transit in open mail." With small exception, transit mail is closed mail. But it occurs to me that there is also question, even as to that which is open, as to whether it constitutes political propaganda within the meaning of the Foreign Agents Registration Act, which requires that it be intended for dissemination to people within the United States. So there is an additional question.

Mr. MOULDER. Going back to the section of law which you referred to about advocating the overthrow of our constitutional form of Government by force and violence, I am curious to know how the Department ascertains just what kind of propaganda would constitute the advocacy of the overthrow of our Government by force or violence.

Mr. MINDEL. That goes back to the original statement. Is that what you have reference to?

Mr. MOULDER. Yes.

Mr. MINDEL. We would have to do as we attempt to do in applying various mailability statutes, and that is to make a judgment in the Bureau of the General Counsel of what the law would require as to a particular writing, and that of course would have to be considered in the light of decisions by the courts which have interpreted the statute.

Mr. MOULDER. My point is: Don't you think any propaganda that promotes the Communist philosophy and its cause or its form of government is actually propaganda advocating the overthrow of our form of government?

Mr. MINDEL. I certainly would agree that it is their ultimate objective to cause its overthrow.

Mr. MOULDER. As a part of the international conspiracy?

Mr. MINDEL. Certainly. But considering the mailability of a particular writing, a particular piece of mail, the Supreme Court has said in the *Hartzel* case, in which I think it spoke of this last, that you must find there some direct appeal to do this overt act, whatever it is.

Mr. MOULDER. The advocacy of immediate action or violence?

Mr. MINDEL. You must have something to equate with "get your gun and let's go," something direct, not just a sort of laying the groundwork for getting the recipient to accept further suggestions that might be made by the Communists later on. That was a case that involved a man in the United States who was convicted in the lower courts of sending what the courts and jury regarded as a violation of the law. It came up to the Supreme Court on two questions: Was the intent of the sender shown that this should have the prohibited effect? And, was its nature such as to come within the terms of the law? The Supreme Court held that it failed on both counts.

This is *Hartzel* v. *United States*, found in volume 322 of the United States Reports, page 680, in 1944.

This was an action under what they referred to as the Espionage Act, which is section 1717 of title 18. The Court said that there were two elements requisite for a conviction under that law. One was the so-called clear and present danger test, which had previously been laid down in the case of *Schenck* v. *United States*, and the second was the need to show intent to violate the law. In reaching its decision—this is a note I made for myself here—upon the latter element the

Court failed to find that there was evidence that the defendant, quoting from the decision—

> intended specifically to cause insubordination, disloyalty, mutiny, or refusal of duty in the military forces or to obstruct the recruiting or enlistment service.

And then the court commented that "no direct or affirmative appeals are made to that effect."

Mr. MOULDER. That would apply internally. How would that apply to the transmittal of mail that we referred to? What jurisdiction would the Supreme Court have over that?

Mr. MINDEL. This constitutes an interpretation of the terms of the law.

Mr. MOULDER. Insofar as controlling the Department's action in confiscating.

Mr. MINDEL. Your question, as I recall, is how would we know what constitutes matters in violation of the statute? Isn't that correct?

Mr. MOULDER. Yes.

Mr. MINDEL. We must refer to the decisions of the courts, if there are any, under a statute which we are applying.

Mr. MOULDER. Would the Supreme Court's decision apply to the Department's action in connection with the transmittal which counsel has referred to?

Mr. MINDEL. Yes, sir. If it came down to a decision as to whether it constitutes matter in violation of 1717, that is, advocating or urging treason, insurrection or forcible resistance to any law of the United States, we would have to refer to the decisions of the Supreme Court or any other Federal court which interpreted the law.

Mr. ARENS. Mr. Mindel, under the present international agreements right now in effect, if Peru says to the United States, "We don't want this Communist propaganda coming in here," the very propaganda that Mr. Fishman talked about this morning and displayed to this committee, which didn't call for treason, didn't call for the overthrow of the Government, but was nevertheless Communist propaganda, if Peru did that tomorrow morning, the Secretary of State would be empowered, if he were so disposed, to notify the Post Office Department to seize it, would he not?

Mr. MINDEL. I think he could inform us of the protest, and I think we could find a way to do it.

Mr. ARENS. I would like to ask what is the total volume of Communist propaganda going in transit through the United States in the course of, say, the last year.

Mr. MINDEL. Mr. Arens, I don't have any figures on that. Those figures are not kept in the Department, so far as I know. I think one reason for that is this: The postal administrations which are members of the Universal Postal Union pay one another for the handling of transit mail according to established schedules of payment, but those payments are based upon a count taken once every 3 years for a period of 14 days, or, in cases where the mailings are not daily during that period, I believe they take a count for a period of 28 days. The last such count was taken in 1955, and that would govern payments for mail in transit handled during the year previous, 1954, and in 1955 and 1956. The next count would be 1958.

As to transit mail coming from the Latin American countries which are members of the Postal Union of the Americas and Spain, they

have a provision in the convention for that postal union which is referred to as gratuity of transit, meaning that there shall be no charge, as there is and has been for other administrations which are members of the Universal Postal Union Convention. However, at its last convention in Colombia the United States filed what is referred to as a reservation to that provision, which means that we do not any longer agree to carry transit mail free from the countries of Latin America and Spain. That reservation was effective March 1, 1956.

Mr. ARENS. While you are talking about pay, is it a fact, that as a practical matter the taxpayers of the United States are paying part of the cost of this Communist propaganda which is shipped through the United States to South America?

Mr. MINDEL. They certainly are paying part of the cost.

Mr. ARENS. That is because the mails are not self-sustaining; isn't that correct?

Mr. MINDEL. Yes, sir.

Mr. KEARNEY. I would like to ask the witness this: We have been talking about countries other than our own. If they call the Secretary of State and say they do not care any longer to receive these shipments of political propaganda, by the same token, is there any reason why our Secretary of State should not call up, for instance, London, from which a great portion of this propaganda is mailed—Mexico, and other countries—and say "We in the United States do not care to receive this propaganda?"

Why should we have it understood that it must come from foreign governments to us? Why can't we do the complaining, too, concerning all this political propaganda coming in here?

Mr. MINDEL. I think the only answer I can make to that is that there is no reason why we can't complain about it.

Mr. MOULDER. You are talking about the Universal Postal agreement. Do we have the same access to Soviet Russia with publications going from this country into the Soviet Union?

Mr. MINDEL. As to that, I would have to make my answers depend upon what I have read in the newspapers, which is the only information I have on that. We know that fairly recently there was some arrangement established to permit the United States to send in a publication of its own to Russia in return for the distribution of a publication here by the Russian Embassy.

Mr. MOULDER. We are being literally showered with all sorts of Communist propaganda in this country, not only in this country but passing in transit through this country to other countries, by a so-called universal convention or agreement that you have referred to, when we have no freedom whatsoever to do the same thing in their country. I do not understand it.

Mr. WILLIS. Is Russia a party to that convention?

Mr. MINDEL. Yes, sir; it is.

Mr. ARENS. Mr. Mindel, I think there are three simple propositions that I should like to clear on this record. No. 1, I take it that you and the Post Office Department feel that it is unwholesome—it is bad, it is not in the interest of our Nation—that Communist propaganda be emanating from Mexico, going in transit into other South American countries. You agree to that, I take it?

Mr. MINDEL. I would certainly agree that we have no pleasure in serving as an instrument for the distribution of any propaganda.

Mr. ARENS. Proposition No. 2 is this: In view of the fact that you abhor that, is there now a legal instrumentality pursuant to which, if proper channels are opened up, that material can be diverted, seized, or labeled?

Mr. MINDEL. Are you speaking of transit mail exclusively?

Mr. ARENS. Yes, sir; this mail that Mr. Fishman was identifying this morning. You have said that it is bad to do it. I am asking you now: Is there an instrumentality pursuant to which we can seize or destroy or stop it?

Mr. MINDEL. Other than in the ways——

Mr. ARENS. In the ways that you mentioned, that are available.

Mr. MINDEL. Just in those ways, that is all.

Mr. ARENS. Please answer the third question: Why is it we haven't done it? That is the difficult question that I have in my mind today. There is an instrumentality available to stop it. Why is it we haven't done so?

Mr. MINDEL. The instrumentality that I recall our discussing was a representation to this Government by the foreign government of destination that the material is regarded as prohibited? Is that what you have in mind?

Mr. ARENS. Yes, sir. Why hasn't that vehicle, route, or instrument been used?

Mr. MINDEL. That, I would think, would have to be initiated by the foreign country of destination. In other words, we couldn't very well tell them to establish something as a prohibited item.

Mr. ARENS. We have diplomatic relations with Peru.

Mr. MINDEL. I can't get into a discussion on that level of consultation.

Mr. ARENS. I should like to invite your attention, if you please, Mr. Mindel, to 1 or 2 other items. Are you conversant with the statutes applicable to domestic Communist propaganda which goes through the United States mails?

Mr. MINDEL. I am conversant with various mailability statutes which I may refer to as follows:

One is the part of section 1461 of title 18 of the United States Code which declares to be nonmailable matter of a character tending to incite arson, murder, or assassination, and which provides for the punishment of those who make such mailing.

Mr. ARENS. That is subject to confiscation; is it not?

Mr. MINDEL. Yes, sir; because the law specifically says that these things are nonmailable and shall not be carried in the mails or delivered by any letter carrier.

Section 1717 of title 18 provides that every letter, writing, circular, and other categories of material in violation of several other sections, which I won't specify at this moment, of title 18, including section 2388, or which contains any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

So there you have 2 facets actually to that 1 statute. You have the one part which makes directly nonmailable those types of material which I referred to last, and then by reference makes nonmailable things which are in violation of other sections of the law. I am speci-

fying at the moment just the one, which is section 2388, for that is the section which makes it a crime for anyone, while the United States is at war to—

willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies or who, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States.

I have referred to the language "when the United States is at war." That has been extended by section 2391 of title 18 so that the provisions of 2388 dealing with wartime acts are continued in effect until 6 months after the termination of the national emergency proclaimed by the President on December 16, 1950. It provides that—

Acts which would give rise to legal consequences and penalties under section 2388 when performed during a state of war, shall give rise to the same legal consequences and penalties when they are performed during the period above provided for.

So that law is presently in effect.

Mr. ARENS. Doesn't the Internal Security Act bear on the dissemination of Communist propaganda by domestic Communists?

Mr. MINDEL. Yes, sir. The Internal Security Act of 1950, section 10, provides that it shall be unlawful for any organization which is registered under the act or concerning which there is a final order requiring it to register, to disseminate in the mail or by any other means of interstate commerce any matter unless it is marked, that is, on material itself and on the envelope or other wrapper in which it is sent, in the following manner: "Disseminated by ———" which, of course, would be the name of the organization, "a Communist organization."

Mr. ARENS. That isn't in effect yet because the Communist Party has not yet been found to be a Communist action organization under the Internal Security Act; isn't that correct?

Mr. MINDEL. Not finally found. There has been an order by the Subversive Activities Control Board so finding, but, as you know, it is in the courts. It went up to the Supreme Court and then was thrown back to the Board because of certain perjured testimony that was included in the record. So the order is not yet final under the law.

Mr. KEARNEY. Going back to the testimony just given by this witness, my mind goes back to the hearing in which the name of Edwin Smith——

Mr. ARENS. A former chairman of the National Labor Relations Board, Edwin S. Smith.

Mr. KEARNEY——appeared last year in the Washington area hearing. There was an individual, who was an American citizen, who not only disseminated propaganda but falsified pictures showing the American troops using germ warfare in the Korean war. I think the recommendation at that time was to send his file down to the Department of Justice. That individual doesn't have to come under this particular section that you are discussing. I think under the United States Code he can come under the definition of treason.

Mr. ARENS. Mr. Mindel, how many Communist publications in the United States have second-class mailing privileges?

Mr. MINDEL. We do not have an accurate figure on that, Mr. Arens. We do know, of course, that the Daily Worker, the principal one, has

an entry, and I believe it is possible that there might be as many as 7 or 8. I am not sure of the figure, but perhaps no more than that.

Mr. ARENS. Does the holder of a second-class mailing privilege get a reduced rate?

Mr. MINDEL. Yes; indeed he does.

Mr. ARENS. Has any consideration been given by the Post Office Department to propose legislation which would preclude the second-class mailing privilege to organizations found to be Communist, so that the taxpayer would not be paying for the dissemination of their propaganda?

Mr. MINDEL. I do not know of any that we have proposed; no, sir.

Mr. WILLIS. You mean a requirement by the Subversive Activities Control Board under the Internal Security Act?

Mr. ARENS. Yes, sir.

Mr. WILLIS. There is no provision in it?

Mr. ARENS. No, sir. There is no provision of law presently, is there, Mr. Mindel, which precludes the second-class mailing privilege at a reduced rate to Communist publications in the United States? Isn't that correct?

Mr. MINDEL. The Communist Control Act of 1954 I believe has language which might possibly be interpreted to mean that such a privilege should be withdrawn. That is a matter still under discussion and consideration.

Mr. ARENS. But as of now no second-class mailing mailing privilege has been denied to a Communist publication, has it?

Mr. MINDEL. Not on that sole basis; no, sir.

Mr. ARENS. Do you have any other items of information, Mr. Mindel, which you should like to lay before the committee in connection with this subject matter in the attempt of the committee to develop facts upon which it can recommend legislation to cope with this flood of Communist propaganda?

Mr. MINDEL. I could only refer, Mr. Arens, to a proposed amendment to the Foreign Agents Registration Act which I believe was considered while Mr. Willis was sitting as chairman last fall, proposed by the Department of Justice. That would include a direct and express statement that mail which is sent in violation of the Foreign Agents Registration Act shall be treated as nonmailable by the Postmaster General, and also shall be subject to confiscation by the Bureau of Customs if it is not in the mails.

Mr. ARENS. Would that in effect be incorporating into law the opinion of the Attorney General of December 10, 1940?

Mr. MINDEL. It would be doing that; yes, sir. In his opinion he held that these matters were to be treated as nonmailable, and we have been following that ever since.

Mr. ARENS. During your experience in the Post Office Department, have you ever seen a single piece of Communist propaganda sent into the United States labeled in accordance with the provisions of the Foreign Agents Registration Act?

Mr. MINDEL. I recall none.

Mr. ARENS. I suggest, Mr. Chairman, that will conclude the staff interrogation of Mr. Mindel, with our thanks.

Mr. KEARNEY. The question I have regards counsel's statement to the witness that if this mail is not labeled according to the terms of

the Foreign Agents Registration Act, doesn't the Post Office Department then have the right to seize that mail?

Mr. MINDEL. The foreign political propaganda which comes in from abroad is subject to seizure if it is not so labeled and if it is also of the political propaganda character as the term is interpreted in the law and it appears that it has been sent by an agent of a foreign principal which can be assumed to be the fact, certainly, when it comes from the Iron Curtain countries.

Mr. KEARNEY. According to that in past years thousands and thousands of pieces of mail have come into this country without a notice that this comes from blank, as prescribed in the act.

Mr. MINDEL. We have seized millions of pieces. We have done that. It has been going on for a period of years now. We are regularly seizing this propaganda which is coming in without compliance.

Mr. KEARNEY. Yet there are millions more coming in?

Mr. MINDEL. Yes. They evidently have no end of funds to use in preparing, publishing, and distributing this material. And the flow continues despite the large numbers continually being seized.

Mr. MOULDER. There is just one question I wish to ask you. In your work in the Department, are you handicapped by lack of personnel?

Mr. MINDEL. I hesitate to answer because my work doesn't bring me into budgetary questions and questions of manpower. I think certainly, however, in any such situation if there were more people to handle it, it could be handled more expeditiously.

Mr. WILLIS. Thank you very much, Mr. Mindel.

We will take a 5-minutes recess.

(Brief recess.)

Mr. WILLIS. The subcommittee will come to order.

Call your next witness.

(Committee members present: Representatives Moulder, Willis, and Kearney.)

Mr. ARENS. Sergeant Badeaux, kindly stand while the chairman administers an oath to you.

Mr. WILLIS. Do you solemnly swear that the testimony you are about to give will be truth, the whole truth, and nothing but the truth, so help you God?

Sergeant BADEAUX. I do.

TESTIMONY OF SERGEANT HUBERT J. BADEAUX, AGENT IN CHARGE, DIVISION OF INTELLIGENCE AFFAIRS, NEW ORLEANS POLICE DEPARTMENT

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Sergeant BADEAUX. Hubert Badeaux. I reside at 220 Claiborne Court, New Orleans 21, La. I am a sergeant in the New Orleans Police Department.

Mr. ARENS. How long have you been so engaged?

Sergeant BADEAUX. July of 1947.

Mr. ARENS. How long have you been with the police department in any capacity?

Sergeant BADEAUX. Since July of 1947.

Mr. ARENS. What are your duties and responsibilities at the present time?

Sergeant BADEAUX. I am the agent in charge of the division of intelligence affairs at this time.

Mr. ARENS. What is the jurisdiction of that particular unit?

Sergeant BADEAUX. Our primary scope of duties would be to collect information on Communists and subversive activities in this area, to be referred, of course, to the proper Federal agencies.

Mr. ARENS. Sergeant Badeaux, over the course of the last 10 years, have you devoted yourself intensely to the study of the problem of communism, particularly as it affects this area?

Sergeant BADEAUX. Yes, sir.

Mr. ARENS. Sergeant, about 10 years ago the Communist Party disassociated from itself the soft, namby-pamby membership, did it not?

Sergeant BADEAUX. That is correct, sir.

Mr. ARENS. So it has now only the hard core within its framework, is that correct?

Sergeant BADEAUX. That would be correct, sir.

Mr. ARENS. This hard core might be characterized as the agents of Moscow on American soil, isn't that correct?

Sergeant BADEAUX. Yes. They would be trained agents of Soviet Russia.

Mr. ARENS. To what extent does a particular Communist, on the basis of your background and experience, influence other people, have other people under his discipline?

Sergeant BADEAUX. He would have a tremendous influence, Mr. Arens, not only on people who are willing to accept the discipline of the party but others who have no intention of being connected with the party, but the party member exerts severe discipline particularly upon those who will accept Communist discipline.

Mr. ARENS. Where do these Communist Party operatives, these agents of Moscow, operate? What type of operation?

Sergeant BADEAUX. You would find them in every area of activity. Particularly of course the party wants to infiltrate and dominate basic industries.

Mr. ARENS. Do these agents of Moscow, the hard core, disciplined Communists, go to the nerve centers?

Sergeant BADEAUX. In communications, are you referring to?

Mr. ARENS. Yes.

Sergeant BADEAUX. Yes, sir; that would be a basic industry as far as they are concerned.

Mr. ARENS. Is the Communist Party—I say this almost with tongue in cheek, knowing that I am speaking to a man with your background and experience—is it a political party?

Sergeant BADEAUX. No, sir; definitely not.

Mr. ARENS. Is it a conspiracy?

Sergeant BADEAUX. Yes, sir.

Mr. ARENS. There is a fallacy, is there not, in undertaking to appraise the strength of the Communist Party on the basis of just membership or numbers?

Sergeant BADEAUX. Yes. It would be foolhardy to try to assess their strength simply by numerical strength. Their true strength is far out of proportion to their numbers, Mr. Arens.

Mr. MOULDER. May I ask a question, Mr. Chairman.

Your response to questions propounded to you by counsel are based upon experience you have had in this area?

Sergeant BADEAUX. Yes, sir; I think I can demonstrate that to you in a few moments.

Mr. ARENS. On the basis of the last 10 years' experience and observation——

Mr. WILLIS. Before you proceed, on the question of numbers, I think our records indicate—correct me if I am wrong—that in Russia proper, in the Soviet Union, something less than 4 percent of the population are card-carrying Communists. Is that right?

Mr. ARENS. Between 3½ and 4 percent, sir.

Sergeant, on the basis of your background and experience and surveillance in this area, how many persons have you, on the basis of either informants or intelligence information, been able to identify in the last 10 years as Moscow agents operating in the New Orleans area?

Sergeant BADEAUX. I would not like to give a figure without my records here, but if you would ask for the minimum number I could give you, about 90, about 90 individuals in this immediate area.

Mr. ARENS. These 90 individuals whom you have been able to identify from your intelligence sources of information are not the namby-pamby intellectual dupes, are they?

Sergeant BADEAUX. No, sir. These are the hard-core members of the party.

Mr. ARENS. The party has long ago divested itself of what we would call the intellectual dupes, isn't that correct?

Sergeant BADEAUX. That is correct. These people are dedicated to violent overthrow of the Government.

Mr. ARENS. These people are responsive to a single will, are they not?

Sergeant BADEAUX. Correct, sir.

Mr. ARENS. Sergeant, on the basis of your background and experience in this field, can you tell this committee the degree to which just 2 or 3 Communists within an organization can control that organization?

Sergeant BADEAUX. If they will go by the directives of the party, that is, adhere faithfully to the party line and exert their influence in accordance with specific directives given to them virtually day by day, it is a simple matter of the Trojan-horse technique.

Mr. ARENS. Does the Communist Party—we call it a party even though we know it is a conspiracy—does the Communist Party operate openly these days?

Sergeant BADEAUX. If they do, they do not do it in this area, Mr. Arens.

Mr. ARENS. Do they operate underground?

Sergeant BADEAUX. Yes, sir.

Mr. ARENS. Sergeant, in the course of the last several months have you had occasion to conduct a seizure of certain Communist Party literature and directives in the New Orleans area?

Sergeant BADEAUX. Yes, sir. We have made several seizures, one which received prominent attention, Mr. Arens.

Mr. ARENS. I do not want you to violate any confidences within your Department which you feel would not be in your interest or in

the interest of your Department to disclose publicly. Could you allude, in any terms which you see fit, to some of the seizures which you have made?

Sergeant BADEAUX. Yes, sir. These particular documents which you see displayed here are all from one source. That is, they came to us from one particular source. Their ultimate end, of course, is various parts of the globe. If you wish, I will introduce some of these to the committee.

Mr. ARENS. If the chairman please, I should like the sergeant to allude to the highlights of the documents that he has procured in this seizure, that they may be appropriately marked and we will cause them to be reproduced or incorporated by reference in this record.

Mr. WILLIS. It is so ordered.

Mr. ARENS. Will you kindly proceed at your own pace, Sergeant, to tell us about these documents and their significance.

Sergeant BADEAUX. We were particularly fortunate in receiving this first document. At the time that we obtained it, it was you might say, of recent vintage. It is the proposals on the entire southern Communist Party organization for 1955 and 1956.

Mr. ARENS. Was that seized on the premises of a person you know to be a Communist agent?

Sergeant BADEAUX. Yes. We have known this man to be, as a matter of fact, the top man in the State since 1950.

Mr. MOULDER. Can you disclose the name of this Communist agent?

Sergeant BADEAUX. Yes. Hunter Pitts O'Dell.

Mr. ARENS. O'-D-e-l-l-?

Sergeant BADEAUX. That is correct.

Mr. ARENS. Tell us the contents of the document.

Sergeant BADEAUX. This particular document is the complete details of every phase of party organization, their proposals for the party in the South, not only in the New Orleans area, but the entire Southland. You are particularly interested in the propaganda phase of it. In the paragraph entitled "Mass Education," the plan here is to distribute 25,000 copies of the national program in 1955, just in the South; also to distribute 2,000 to 3,000 copies of the Southern supplement 3 times a year, the first issue at the end of May, the second in the fall.

Mr. ARENS. Do you know by whom that directive was issued?

Sergeant BADEAUX. I can only assume it came from the center, the national headquarters of the party, the central committee. However, this may have been made on a typewriter. It is not printed. He may have taken what he wanted for himself, the district organizer or leader, or it could have come from the party just as it is here, which would be very unusual since anyone familiar with security measures in the party knows these people are supposed to memorize this and destroy it and leave no vestige of it.

Mr. ARENS. But you caught it before they were able to destroy it?

Sergeant BADEAUX. Correct, sir.

Mr. ARENS. Proceed to describe the documents, please.

Sergeant BADEAUX. The next item under "Mass education" is a plan to place the party's political analysis and program for 1956 elections before the people of the South. We got a copy of that intact also in this seizure.

Distribute 50,000 copies of brochure on desegregation in the fall.

Of course, that is primarily aimed at agitation and not to help any social progress.

Plan the distribution of the Southern program after bringing it up to date.

We also seized approximately 400 copies of that Southern program.

Plan the issuance and distribution of State and club material in accordance with needs and possibilities, coordinating with above-mentioned Southwide material.

That would be the bulletins, shop papers, and leaflets, which are specifically marked here.

Use the Southern return address on mailings as soon as available. Examine and analyze the content of materials we use.

Of course that is for the critical discussion in the closed sessions.

Then another paragraph. I am skipping a lot of this, because it doesn't pertain, I believe, too much to propaganda.

Mr. ARENS. I would suggest, if you feel it is of significance, even though it may not be germane to propaganda as such, you might allude to it.

Sergeant BADEAUX. I think you will have sufficient examples in the other material.

Under the paragraph entitled "Literature," the plan was to organize the regular receipts of literature by using all of the following methods:

A. Secure the mailing addresses for P. A.—

that is, Political Affairs, one of their leading theoretical organs, and current periodicals.

B. Plan the trips for bulky materials, the Foster books, such as History of the Third International, Twilight of Capitalism, and so forth, the Stalin sets, large quantities of pamphlets for mass use, programs and brochures, once or twice a year.

C. Plan to use every trip in to the center or from the center for carrying literature into the South.

Obviously they don't use the mail for this bulky literature. They don't want these people to make needless trips to and from the center without making full use of the necessity for transportation, carrying as much literature back and forth as possible.

Mr. ARENS. Does the document indicate that the center to which they allude is outside of this area?

Sergeant BADEAUX. Yes.

Mr. ARENS. And the recipient or the person to whom that directive was issued was to go to some center away from New Orleans to procure this information, literature, and propaganda?

Sergeant BADEAUX. Yes. If the party member went on an assignment or perhaps he might be transferred with the approval of his district officer, he would still be utilized in carrying this material, whether to the center or from the center.

The next:

Select literature for special sale and concentration.

In the next period sell Foster's History of the Third International and Doxey Wilkerson's People Versus Segregated Schools.

The last part is an outline and plan for the industrial concentration club which they want to organize.

So they are instructing the party members to join the mass organizations. They are talking about the mass organizations. This is not

a specific organization. These workers are to infiltrate them whenever possible. They give examples—the churches, the Democratic Party, the NAACP, et cetera. Then once they are in, they put out the party literature, especially planned for these workers, whichever they may be, a political organization, a church, or whatever it is.

Using the information acquired through personal contact as well as general material like the southern program, the national program, the leaflet desegregation or whatever the sphere of interest of these particular people in the mass group might be. Then they would have a particular type of propaganda aimed at making these people favorably inclined toward the party and thereby widening their influence.

Mr. ARENS. Sergeant, in the course of your allusion to that document, you referred to a program of the Communist Party for the South or a southern program?

Sergeant BADEAUX. Yes.

Mr. ARENS. What is the essence of the Communist Party program for the South?

Sergeant BADEAUX. To get the essence of it, of course they have no particular program for the South. It is strictly an international objective that they have, namely, world domination, but what they will do, Mr. Arens, is to make something palatable to an individual group or section of the country, whether it be the South, the Northwest, or whatever it might be. They have general principles. These you will find running internationally.

For instance, England has a system of government somewhat similar to ours, and I think I will be able to demonstrate that to you. The Communists want universal military training abolished; they want the two-house system of legislative government abolished; they want the size of the national militia, the National Guard units, cut down. In this program for the South, in very high-flown language about struggling and improving people and whatnot, they will insert these things:

> Secure the right to vote for every person, Negro and white, 18-year-olds and over.

The significance is not too apparent from that.

Further on, and under the heading of "Expand the public health, educational, cultural, and recreational facilities," they also insert in there:

> Restore and uphold academic freedom. Abolish the practice of loyalty testing and thought control. Cut the size of and introduce democratic reforms into the State Militia, the National Guard, and the police force.

Mr. ARENS. That is what we call the Aesopian language of the Communists.

Sergeant BADEAUX. That is correct. So it would come out in the name of reform and following Lenin's directives to use reforms not for the sake of reforms, but merely to screen illegal activity. That is plainly in this document as well as others from foreign countries.

Mr. MOULDER. May I ask you to be more specific about the National Guard? That seems to be very controversial at this time. To cut down the strength or to place the National Guard under Federal jurisdiction?

Sergeant BADEAUX. No; they simply want to cut the strength of the National Guard as an economy measure. That is the reason they offer

that they want it cut, because we are living in peace and we should adhere to the theory of peaceful coexistence, which of course the Communist is incapable of doing.

Mr. MOULDER. For example, the period of training for National Guard—what is their attitude about that? Have you any knowledge about that?

Sergeant BADEAUX. They are not concerned with the period of training. There are other phases of party work to subvert people once they are in the Armed Forces. They are talking about the overall picture of cutting the strength of the armed forces in the Western Powers.

Mr. MOULDER. If you extended the period required for training in the National Guard, it would have the result of diminishing the number of men who would have the opportunity to serve in our respective National Guards in each State.

Sergeant BADEAUX. I have no cause to disagree with you on that, Mr. Moulder, except that they allude not at all to that. They are concerned only about the overall strength, the numerical strength of the guard unit.

Mr. MOULDER. I won't make any further comments about that.

Mr. KEARNEY. I am inclined to Congressman Moulder's idea. In other words, their idea is to do everything possible to reduce the strength of any arms for the security of our own country.

Sergeant BADEAUX Yes. Then it is primarily an agitation point, to get enough people concerned about it to show them the uselessness of having all this military strength. Once they are talking about it, then, of course, the party can wield its influence in that respect.

You will notice at the end of this southern program you will see the slogan: "If it is about communism, ask a Communist." I hope you don't follow that too literally in your questions toward me because I assure you I am not a Communist.

Mr. ARENS. Sergeant, have you had occasion to seize Communist propaganda which originated abroad?

Sergeant BADEAUX. Yes, sir. You understand, Mr. Arens, I haven't put this exactly in any special form that would be acceptable to the committee. I have first taken all of the important directives——

Mr. ARENS. You have more directives?

Sergeant BADEAUX. Yes; we have several directives which enlarge upon the original one.

Mr. ARENS. Please go ahead and summarize those. These are directives to the hard-core Communists in this area?

Sergeant BADEAUX. Only.

Mr. ARENS. Proceed, if you please.

Sergeant BADEAUX. This is Additional Notes on Party Organization, Immediate Tasks—1955. That was significant to us and it should be significant to everyone because it details the thoroughness with which the Communists organize distribution and dissemination of propaganda. There is nothing haphazard in their methods. In this document party members are instructed what literature to disseminate and what specific group to disseminate it to, so there is no chance of a mistake.

I would like to read to you at this time under the paragraph "Mass Education and Literature Sales," if I may.

Mr. ARENS. Go right ahead.

Sergeant BADEAUX. The first publication they are interested in disseminating is William Z. Foster's History of the Third International. They give the price and tell the members to sell that only to members and friends of members.

Then, Doxey Wilkerson's People Versus Segregated Schools, which is a pamphlet. Sell to every member and all contacts. Mail some to the Negro and white community leaders and the trade-union leaders.

The farm pamphlet: Sell to the farm and trade-union members and friends and mail to farm list and to selected trade-union people. Of course the district organizers have those lists.

The farm folder on Southern farm issues: Their instructions are that that can be mailed together with the pamphlet described above and to additional lists of sharecroppers, tenant farmers and farm workers.

The Case of Claude Lightfoot, another pamphlet. Sell to every member and to all contacts. Mail some to Negro and white leaders.

We have in our files, Mr. Arens, not pertaining to these documents, a breakdown of what these selected contacts are, taken from a member of the party here.

The Junius Scales Case, which is a brochure. Some of that was received in the mail by various individuals in the city of New Orleans and turned over to our division. They can be used together, the members are instructed, with the pamphlet on Lightfoot, and far beyond that, mass distribution. That goes into the mass organizations, labor unions and what-not.

The desegregation leaflet issued by the National Organization Commission, in the fall of 1955. That is also scheduled for mass distribution and mailing. The trade-union merger leaflets issued by the same National Organization Commission is also for mass distribution and mailing. And they are told the leaflets above will cost about $5 for 1,000. The national center is also putting out six other leaflets for the 1956 campaign. All literature, brochures, and leaflets will be available at the new center for the South. The textile pamphlet, mass distribution and mailing to textile workers and trade unions.

Attached to that is the concrete goal for 1955, so I can only assume—I can't prove it—that he referred to the 1955 notes since it was attached. He refers to mass education and agitation and particularly to guard the security of the party.

He also has for the club organizers class a list of material that these people who are being instructed in the organizers class are to read: The General Crisis of Capital; the Convention Resolutions of the Opening Session; Foster's Twilight of World Capitalism; chapter 1, Malenkov's report to the 19th Congress of the CPSU; United States Imperialism; Stalin on Foundations of Leninism; Foster's History of the CPUSA; selected material on American imperialism.

The role of the working class: When they come to that subject in the organizers class, the reading material is as follows: Communist Manifesto, chapter 1; The 15th Convention Resolutions, section 3; on united front for peace and democracy, Dimitrov's United Front; and other selected material.

The National Question and the struggle against white chauvinism, which plagues the party at times. The reading material is again the 15th Convention Resolutions, section 4; and Jim Jackson's Report in Political Affairs, February 1951. Then the party, Stalin's Foundations of Leninism, the History of the CPUSA (Bolshevik), and so forth.

This is all quite detailed. They don't leave the people too much room for flexibility when it comes to distributing the propaganda and having it fall into the right hands.

Mr. KEARNEY. Not to appear to be to naive, I would like your opinion as to what effect all this has now with reference to the convention of last week in New York City of the Communist Party where they disavowed all connection with Moscow, whether that is a front.

Sergeant BADEAUX. Yes, of course. They can't possibly disavow connection with Moscow. In the very material which is mentioned there, the Foundations of Leninism, among others, Lenin himself is constantly exhorting the party members, the Bolsheviks, not to fall into petty bourgeois concepts of nationalism and so forth. They can't do that. There is only one party, the Communist Party. However, Lenin himself instructs them to use whatever device is necessary to deceive the bourgeoisie and capitalism. You may do anything you like but you can't deviate from the ultimate objective of the world Communist conspiracy, which is to overthrow the capitalistic system and set up a Socialist government and the dictatorship of the proletariat.

Mr. ARENS. Is it your judgment, as one who has spent 10 years of your life in this field, that this new look of the Communist Party in the United States is only a facade?

Sergeant BADEAUX. Correct. It has been done before.

Mr. ARENS. It is done, is it not, for the purpose of undertaking to upset the convictions in the Smith Act cases or future convictions?

Sergeant BADEAUX. Yes, sir.

Mr. ARENS. And to upset the findings of the Subversive Activities Control Board?

Sergeant BADEAUX. Yes. It is to make people more amenable to be recruited into the Communist Party. Many an American will have nothing to do with the Communist Party if he is convinced that it leads to overthrow of the United States Government, but with such a program as that, peaceful coexistence, "you go your ways and we go ours," and "live side by side in peace and harmony," a lot of people are lulled into the belief, "Well, the Communists are all right. It is just their views, and we as Americans should respect their views."

Many a liberal would insist that you respect these people for their views. Of course they won't bother to get the education in what is actually behind the expression of views, which is only deceit, a screen, as Lenin says, to hide your illegal activity.

Mr. ARENS. Now would you kindly proceed with further discussion of the documents.

Sergeant BADEAUX. We were particularly glad to get this one also. This was sent to all districts, addressed "Dear Comrade," signed by Martha Stone, who was convicted under the Smith Act. It deals with the urgency of improving the circulation drive of the Daily Worker

and publications of the Marxist press in order to promote party propaganda.

The fourth one, Proposals on Farm Work for the Party Organization in the South, deals with specific pamphlets and publications to be given in organizing the farmers and to get them close to the party line. For instance, in this paragraph No. 3:

> We must orient on the development of a mass approach to farmwork and a tactical line as set forth in the national party program. We must seek for the necessity, the forms, and tactical approaches around specific issues such as those outlined in the program for the southern farmers. The district leadership must give lead to our forces in the rural areas and how they are to function, how to develop and unfold issue movements, which organizations to concentrate upon—

and so forth.

The main emphasis at this time to be placed on working with and in existing rural organizations. They are not going to organize anything. They are going to infiltrate the farm and nonfarm, the churches, the 4–H clubs, the farm union groups, the cooperatives, the voter organizations, the fraternal and beneficent societies, the trade unions. Anything that is already organized in the farming region they will infiltrate—they are instructed to do so—and bring the propaganda with them.

The program for the southern farmers was alluded to. We also received a copy of that. Of course they emphasize trade with the Soviet and Red China.

Again, do away with universal military training and promote their program for peaceful coexistence.

You see that theme harked upon in all of the documents, no matter where they come from throughout the world.

The next one: A directive from the National Organization Commission. It is actually an abridged version of a report of one of the members of the commission on the state of the Marxist press, the importance of the Marxist press to every member of the party, and the use of the press in widening the influence of the party. He talks about reorientation and what it does consist of. It is to make circulation of the Marxist press a basic primary function of the party's political work, integrated with all its activities and part of its way of life at all times.

Here is how they want the press to be used:

> The systematic use of the paper both in mass struggles and campaigns with the aim of projecting the position of the left and strengthening its influence. Also systematic use in all mass movements, trade unions, shops, mass organizations, with the same aim in view. At all times the question of expanding circulation has to be in the minds of State, county, or local leadership—

they are talking about Communist leadership—

> as an integral part of their political thinking and planning.

This came out as a reaction to the attempts of the party to organize a special press cadre, as they call it, people who would do nothing but promote the circulation. They didn't seem to get as much of a degree of success as they desired, so now they are making it a basic and primary function of every member of the party, to be headed by the district leadership but to be participated in daily by every member of the party in all phases of activities, whoever he might be, a trade union, a mass group—it makes no difference.

The Communists have no concern at all for the capitalistic system. Yet I could not help but think that they have taken a page from the book of the capitalists in order to promote themselves, which they don't mind doing.

This next document is nothing more than the details of a special technique for improving the circulation of the Marxist press. It is somewhat similar to the sales manager's pep talk to his salesmen down to even offering premiums for the best man in the sales force, which is certainly not to their way of thinking. The Big Five movement, it is called. It is termed a movement initiated by the rank and file of a particular section taken up, popularized by the leadership throughout the region. To qualify for the Big Five, a member of the party must have a perfect attendance record at club meetings for 5 months, have a perfect dues-payment record for 5 consecutive months, secure 5 subscriptions to one or another of our publications or other approved progressive publications, and sold—apparently there is a typographical error—and sell 5 basic Marxist books or pamphlets to 5 different people. They are being instructed to exert their influence and become a Big Fiver. Then you contribute or raise $5 for the sustaining fund. Then write 5 letters to Eugene Dennis or other political prisoners. It goes on just as any other capitalistic sales meeting would be.

The next, Mr. Arens, is an extremely valuable document. This is the actual proceedings in its entirety of a closed meeting of a Communist division. It richly illustrates the party discipline, the amenability of these people to criticize themselves. They grovel in self-criticism. The names of the people attending the meeting are stated in this document, which I would prefer not to state in public. You have a section dealing with the press.

Mr. MOULDER. How many are named in the document?

Sergeant BADEAUX. They have 8 or 9 actual names given. This is a division. It is obviously a district meeting, Mr. Moulder. It goes a little further than what a cell would undertake to do. We have been able to identify the location of this meeting in the Birmingham, Ala., area. The person we seized this from actually extended his sphere of influence and his demand for party discipline as far as Birmingham from New Orleans. He speaks about the agitation in putting the Alabama police force in a bad light. "We have kept alive the stories about police brutality on television, radio, and in the press."

As a matter of fact, he feels a little put out because the district organizer didn't give them too much credit for it. He was criticized for it by some of the members present, and he states that, "like a good Marxist, I accepted my criticism and confessed by mistakes."

He didn't have the true Marxist position on this, and he had admitted he was wrong and he was going to make every effort to better himself as a Marxist.

There is one section that you would be interested in, and that is on the press. They set a goal. "For the next 6 months we set ourselves the goal to increase the workers' subscriptions from its present state." Whoever wrote this was either deficient in grammar or spelling or both, and his ability with the typewriter left much to be desired. But still it is rather simple to make it out. It is hard to read, though.

The plans to be made particularly by white workers to sell 15 March of Labor—

which is a Communist publication in the labor movement—

with the Negro workers playing a part among labor. We work to carry out our previous plan of getting 150 Freedom subscriptions.

We have some copies of Freedom.

To issue at least 3 hot blasts in the 6-month period and at least 3 statewide leaflets and 5,000 of our national program.

These directives, Mr. Arens, are of significance to people in our Intelligence Division and indicate to us that there was active in the city an individual who was specifically assigned to receive and distribute and disseminate this propaganda, and not on a haphazard or intermittent basis, but as part of an overall plan which was well prepared in advance and meant to be put into effect on a widespread and continuing basis.

Since it is stated and reiterated and emphasized that this plan of dissemination of propaganda is the active duty of every Marxist and a basic and primary function of his work in the party, it is not too difficult to understand how threatening the presence of this plan is to the community; and of course the danger spreads out of the community and ultimately threatens the security of the Nation since propaganda is but one duty of the Communist to improve the influence and power of the party, a party whose objective, as described by J. Peters in his Manual of Organization, is to fight for the revolutionary overthrow of capitalism, for the establishment of the dictatorship of the proletariat, for the establishment of a Socialist Soviet Republic in the United States.

That will end the directives that I selected which pertain to propaganda and literature.

Mr. ARENS. Will you kindly allude to the typical exhibits you have brought with you? As I understand it, these are only typical of a vast quantity of Communist propaganda which you have caused to be seized in this area in the course of the last several months. Is that correct?

Sergeant BADEAUX. Yes.

Mr. ARENS. You have much more than this?

Sergeant BADEAUX. Yes; we have hundreds of documents, Mr. Arens. As a matter of fact, we have not had time to analyze and extract all of them as yet.

Mr. ARENS. This is just typical material you have brought today?

Sergeant BADEAUX. Yes.

Mr. ARENS. Would you allude to each of the several categories there?

Sergeant BADEAUX. I have put them in some semblance of order in order to show you the main themes of international propaganda and how it is promulgated in our own immediate area and in the country.

This is a copy of the Cominform, the Communist Information Bureau, printed in Bucharest, Rumania, which carries the directive of the party and the usual diatribes against the United States, their imperialism, the struggle of the Canadian workers against United States monopolies, and so forth.

At the time we received this it was fairly recent, January 1956. I have no idea how it got into the country.

This is the policy for Britain. Again you will see this is the general election program of the Communist Party in Great Britain. It

is a propaganda leaflet aimed, first of all, at creating public pressure in England for splitting the Anglo-American unity and in turn increasing the friendship of the English with the Soviet and Red China; destruction of NATO and SEATO; recognition of Red China and her admisssion to the United Nations and trade with Red China; then the abolition of the bicameral system of representative government and that they want to do away with the House of Lords.

Mr. ARENS. Incidentally, does there appear on any of that Communist propaganda you have, which has come from abroad, any stamp pursuant to the provisions of the Foreign Agents Registration Act that it is Communist propaganda?

Sergeant BADEAUX. No, sir. We searched diligently for such a stamp, but on none of them does it appear.

In England the Communist Party is also interested in the vote at 18. They are also interested in cutting the strength of the armed forces. They plan the breakup of big business through nationalization and increased taxation on business, and to extend nationalization of British industry.

This document was published by the Foreign Languages Press in Peking, China.

Mr. ARENS. Identify the document, please.

Sergeant BADEAUX. This is Stalin and the Chinese Revolution, written by Cheen Po-ta, a member of the Central Committee of the Communist Party of the Chinese Republic. In talking of Stalin and the Chinese revolution, it seems that they are trying to replace the birthday of Christ with the birthday of Stalin. Mao Tse-tung is quoted on the first page as saying:

> Stalin is the leader of world revolution. This is of paramount importance. It is a great event that mankind is blessed with Stalin.

Mr. ARENS. Was that written before or after the desanctification?

Sergeant BADEAUX. It was before the desanctification. I often wonder how people get out of that when they write things so dogmatically.

> Since we have him, things can go well. As you all know, Marx is dead and so are Engels and Lenin. Had there been no Stalin, who would be there to give direction, but having him this is really a blessing. Now there exists in the world a Soviet Union, a Communist Party, and also a Stalin. Thus the affairs of the world can go well.

A simple philosophy as far as this man is concerned. Everything is provided for.

People's China. I have marked some pages here which I would like to call to your attention. It is featured by American atrocities in Korea. This is also published in Peking, China, by the Foreign Languages Press. They have photographs and the full text of what is supposed to be a captured United States document. The photograph purports to show American crimes in Korea, with the legend:

> These photographs, captured at the home of an American adviser in Korea, show the real nature of the American puppet regime of Syngman Rhee. Puppet troops and gendarmes, armed, clothed, and directed by America, carry out mass murder of Korean and patriots south of the 38th parallel.

Mr. ARENS. Sergeant, I just wonder in view of the relative lateness of the afternoon, if you could merely summarize in essence the types of propaganda you have there.

Sergeant BADEAUX. Some of the propaganda here is textbooks for people studying in the Communist movement. The actual propaganda documents have a central theme, that is, propaganda of this particular period, which would be agitation among the minorities, particularly the Negro; the splitting of capital and labor, making their aims further apart; the recognition of Red China; revoking the present United States embargo upon trade with Red China; agitation against universal military service, a decline in every country of the strength of armed forces.

There are several other journals which purport to show the cultural side, cultural scenes in Soviet life.

There is one particular document which was prepared to show that the United States is planning an atomic war upon humanity. That is International Law and Preparation for Atomic War, under the auspices of the Bureau of the International Association of Democratic Lawyers, which although first disseminated in April of 1955, is virtually the same words as spoken by the Foreign Minister of Soviet Russia just the other day, Mr. Shepilov. He just repeats himself.

This particular one should be of interest to your committee, Mr. Arens, because people in this country tend to be agitated by any attempt at what they term "censorship" or any attempt to restrict intellectual freedom. This is a series of decisions of the Central Committee of the Communist Party of the Soviet Union (Bolsheviks) on literature and art. Apparently this committee reviewed several newspapers, a play, and a movie. This is typical of what they decided:

The papers were decided to be liquidated. The movie was ordered not to be shown. One poet's style of poetry didn't agree with this committee and he was forbidden to publish any more poetry whatsoever.

Mr. ARENS. Sergeant, I believe you have given us a good sampling of the material which you have seized to indicate to the committee the nature and style of the Communist line which was disseminated in this material. We thank you very much for your appearance here today, and that will conclude the staff interrogation of this witness.

Mr. MOULDER. Mr. Chairman, the witness mentioned a number of names. Are they to be divulged in public hearings or is that to be in executive session?

Mr. ARENS. He will give those to the staff in executive session. They are not people, Mr. Moulder, who have been identified by live witnesses. His source of information is principally confidential informants and intelligence sources. Therefore, he cannot reveal those publicly.

Mr. WILLIS. Before recessing until tomorrow morning at 10 o'clock, the Chair wishes to state that all witnesses not heard today but summoned to appear today will be continued under subpena until tomorrow at 10 o'clock, to return to this same hearing room.

We will adjourn until tomorrow morning at 10 o'clock.

(Whereupon, at 4 p. m., Thursday, February 14, 1957, the hearing was recessed to reconvene at 10 a. m. the following day, Friday, February 15, 1957.)

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