



Implications for U.S. International Legal Obligations of the Presence of the Rhodesian Information Office in the United States, Part I

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**IMPLICATIONS FOR U.S. INTERNATIONAL LEGAL
OBLIGATIONS OF THE PRESENCE OF THE RHODESIAN
INFORMATION OFFICE IN THE UNITED STATES**

HEARINGS
BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS

FIRST SESSION

PART I

MAY 15, 17, 1973

Printed for the use of the Committee on Foreign Affairs



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IMPLICATIONS FOR U.S. INTERNATIONAL LEGAL OBLIGATIONS OF THE PRESENCE OF THE RHODESIAN INFORMATION OFFICE IN THE UNITED STATES

TUESDAY, MAY 15, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

This subcommittee met at 2 p.m., pursuant to call, in room 2172, Rayburn House Office Building, Hon. Charles C. Diggs (chairman of the subcommittee) presiding.

Mr. Diggs. The subcommittee will come to order.

On November 11, 1965, Ian Smith, representing a minority of less than 5 percent in the non-self-governing territory of Southern Rhodesia, instituted a unilateral declaration of independence (UDI) in violation of the rights of the more than 95-percent African majority of Zimbabwe to self-determination.

The United Nations, pursuant to the initiative of the United Kingdom, the legitimate authority over the territory, responded to the extreme gravity of the situation and acting under chapter VII of the United Nations Charter, determined that the situation in Southern Rhodesia to be a threat to international peace and security and decided that all member states of the United Nations shall prevent certain activities in their territory and shall prevent certain activities by their nationals. These decisions were taken under article 41 of the United Nations Charter and are therefore binding on all members, including the United States which supported both resolutions, Security Council Resolution 232, of December 16, 1966, and Security Council Resolution 253 of May 29, 1968. The latter, inter alia, imposed a comprehensive embargo on Southern Rhodesia.

It should be noted that since these resolutions were enacted under the United Nations Charter they impose solemn treaty obligations on the United States. Further, the President implemented these resolutions in Executive Order 11419, acting pursuant to the authority granted to him by the Congress in section 5 of the United Nations Participation Act. These treaty obligations are therefore a part of U.S. law.

The subcommittee today is initiating hearings to examine the facts bearing on the implications of the presence of the Rhodesian Information Office in the United States for U.S. adherence to its international legal obligations.

The purpose of the hearings is: (1) to find the facts; (2) to lay each of the disparate kinds of activities of the Rhodesian Information Office beside each relevant paragraph, or paragraphs, of Security

Council Resolutions 253¹ as well as the later Security Council Resolution 277² of May 18, 1970; and (3) to assist the executive departments in carrying out their obligations.

In this regard, I wish to note the confusion and resultant inability of the Executive to state the facts as to even the immigration status of one of the officials of the Rhodesian Information Office correctly. It is regrettable that I, as chairman of the subcommittee, was constrained to point out to the administration the specific relevant provisions of the Immigration and Nationality Act and consequent errors in their advice that Mr. Hooper is "in indefinite voluntary departure status." It was necessary to call upon the Executive "to show cause why it not be considered a blatant circumvention of our immigration laws to permit a deportable alien to stay in this country indefinitely out of status as a foreign agent of an illegal regime." It was not until that point that the administration focused on the issue from the proper legal perspective and then advised us:

Contrary to the previous information furnished, he (Mr. Hooper) has not been granted the privilege of voluntary departure.

Thus, a third basic purpose of these hearings is to assist the Executive in examining the implications, both under U.S. domestic law and under international law, of the presence in the United States of the Rhodesian Information Office.

The first and second purposes, as I said, are fact gathering and examination of the legal meaning of these facts.

For example, all states members of the United Nations are required under Security Council Resolution 253 to prevent "any activities in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia." The inquiry on this point would, of course, include: (1) The in-gathering of the facts as to the existence of any such activities by the Rhodesia Information Office; that is, any activities that were calculated to promote the export of commodities or products from Southern Rhodesia; (2) laying these facts beside U.S. law to determine their conformity therewith.

We propose an exhaustive examination of the facts, as well as an inquiry into the consequences thereof, for the U.S. observance of its legal obligations in accordance with the mandatory decisions of the Security Council in Security Council Resolutions 253 and 277, and in accordance with article 25 of the Charter under which the United States, as a member of the U.N., agrees to accept and carry out the decisions of the Security Council.

We will therefore be looking carefully both at the various paragraphs of the Security Council resolutions and at the specific paragraphs of the implementing Executive order to determine the consonance of the presence of the Rhodesian Information Office with U.S. law.

Accordingly, the first two hearings, today and May 17, will concentrate on finding the facts as to the activities of the Rhodesian Information Office.

We will hold a final hearing at which the subcommittee will have a distinguished international lawyer lay these facts beside the ap-

¹ See appendix, p. 143, for text.

² See appendix, p. 148, for text.

plicable provisions of the Security Council resolutions and the Executive order to determine whether or not the presence of the Rhodesian Information Office in the United States adversely affects our ability to carry out our international legal obligations.³

We think the most beneficial way to proceed today will be to have all the statements put on the record before questions and discussions.

We will first hear from Mr. Kenneth H. Towsey of the Rhodesian Information Office. I wish personally to extend to Mr. Towsey appreciation of the subcommittee for his graciousness in accepting the invitation to testify.

The subcommittee will then hear from Mr. Greene of the Immigration and Naturalization Service and then from Mr. O'Shea of the registration section of the Department of Justice and then from Ms. Barbara Rogers, a research consultant.

Mr. Towsey, you have a prepared statement. You may proceed.

STATEMENT OF KENNETH H. TOWSEY, DIRECTOR, RHODESIAN INFORMATION OFFICE

Born, January 9, 1920, at Beeston, Nottinghamshire, England.

Education, High Pavement Secondary School, Nottingham Brasenose College, Oxford.

War service, Served as a Navy pilot in the British Royal Navy 1939-1945.

Government service, Joined Government of Southern Rhodesia in January 1947.

Holds rank of Deputy Secretary in Ministry of Foreign Affairs.

Posted to Washington in March, 1964 as Counsellor for Southern Rhodesian Affairs.

Lost diplomatic status in U.S.A. in November, 1965 when Rhodesia declared its independence from Great Britain. Now attached to Rhodesian Information Office in Washington, D.C.

Titles and awards, I.C.D. (Independence Commemorative Decoration).

O.B.E. (Officer of the Order of the British Empire for services to the former Federation of Rhodesia and Nyasaland).

Mr. Towsey. Thank you, Mr Chairman, and thank you for your remarks about my presence here today.

I am Kenneth H. Towsey, a Deputy Secretary in the Rhodesian Ministry for Foreign Affairs acting as Director of the Rhodesian Information Office in Washington, D.C. Since February 1966, the Rhodesian Information Office has been registered under the Foreign Agents Registration Act as an agent of the Ministry of Information in Salisbury, Rhodesia. I submit for the record a copy of our most recent registration statements.

Mr. Diggs. Without objection it will be included in the record.⁴

Mr. Towsey. As set forth in the registration statements the main purpose of the Rhodesian Information Office is to promote in the United States a better understanding of the aims and policies of the Government of Rhodesia. Involved in this promotion are the preparation and mailing of printed matter, the dissemination of films and a certain amount of public speaking. We are on record with the Justice Department as engaging in what the Foreign Agents Registration Act describes as "political activities" to the extent of seeking to encourage the Government and people of the United States to reciprocate the friendship that is felt for them by the Government and people of Rho-

³ This hearing will be published in part II of this hearing.

⁴ See appendix, p. 92.

desia. You are a people with a powerful attachment to freedom, justice, fair play, and the right to be heard. It is within that tradition that the Rhodesian Information Office raises its small voice in the United States.

I entered the United States on March 29, 1964, as a diplomatic representative of the Government of Southern Rhodesia, a status which expired on November 11, 1965. Since December 27, 1967, I have had the status of a resident alien.

I do not wish to make a long presentation but there are one or two observations that I would like to offer, mainly in regard to statements by previous witnesses, and I hope these may be helpful to the subcommittee.

Dr. Walters, who testified on March 15,⁵ appeared to be under the impression that the Rhodesian Information Office enjoys a specially privileged position in comparison with protagonists of other Rhodesian points of view by being permitted to operate in the United States. He suggested, and I quote him, that "perhaps other members of political groups from Africa should be allowed to have bases of operation inside this country—such as the African National Council or others." In fact representatives of the African National Council are propagandizing in the United States. Mr. Eddison Zvogbo, who described himself as the external affairs representative of the African National Council of Zimbabwe, testified before you on February 21.⁶ Mr. Zvogbo is not registered under the Foreign Agents Registration Act.

I should like, with your indulgence, Mr. Chairman, to offer a few comments on the United Nations involvement in Rhodesia's affairs and on the relationship between the United States and Rhodesia. Much has been said in the extensive debate on the Rhodesia question about the sanctity of the commitments to mandatory resolutions of the U.S. Security Council. Your own judicial system has made some determinations on this subject which seem to leave the matter open to a large element of political discretion. That being so, I think we might justifiably look at what the United Nations is doing to Rhodesia and consider if it is being legitimately, reasonably and sensibly done.

You have heard testimony from former Associate Justice and U.N. representative, Arthur Goldberg,⁷ endorsing the legal and moral authority of the United Nations to impose a code of domestic political behavior on the Rhodesian Government, and to apply sanctions against it for noncompliance. There are other views.

Former Chief Justice Earl Warren maintains that the United Nations has no authority to impose such a code of behavior. Speaking on human rights conventions to an audience of international jurists in Geneva a few years ago Chief Justice Warren said, "The United Nations is not endowed with the authority to enforce these principles. It is not an international code of laws enforceable as such."

Mr. Ronald Steel, a political scientist of some distinction, believes that the United Nations exceeded its authority in dealing with Rhodesia. He writes as follows in an article in the Commentary magazine in July 1967:

After having shown its inability to deal with such real threats to the peace as the Berlin crisis, Suez, Budapest and Vietnam, the U.N. has now bravely

⁵ Dr. Walters' statement appears on p. 138 of hearing entitled "Future Direction of U.S. Policy Toward Southern Rhodesia."

⁶ Mr. Zvogbo's statement appears on p. 34 of hearing titled above.

⁷ Mr. Goldberg's statement appears on p. 124 of the hearing titled above.

pounced upon Rhodesia and has unleashed its vast legal powers to punish her as a threat to the peace . . . Before we lend our own power to the support of such actions, we would do well to ask whether they might not be a greater threat to the peace than the policies of the government they are designed to punish. Then, too, we ought to ask ourselves whether we would ever be willing to tolerate this kind of intervention in our own internal affairs.

There is a deal more to Mr. Steel's argument and I commend it to the subcommittee's consideration. I shall skip now to his final paragraph. He writes:

Today, it is Rhodesia's turn to have the vast legal powers inherent in the U.N. Charter applied against it by states whose domestic policy is, in many ways, no better than our own. Tomorrow it could be the turn of other isolated and weak states such as Portugal—or Israel. . . . It may be important to make the U.S. powerful. It is even more important to ensure that it does not use its potential power to enforce a tyranny of the majority.

Mr. Steel raises the question of the double standard, of Rhodesia being condemned for crimes certainly no greater than those of her accusers. I was interested to notice recently that Freedom House, a New York organization concerned with human rights, has made what it calls a comparative survey of freedom around the world. Under the heading of political rights 67 countries—31 of them in Africa—score as low as or lower than Rhodesia. Under the heading of civil rights 78 countries—31 of them again in Africa—score as low as or lower than Rhodesia. If the United Nations is going to arrogate to itself the right to dictate domestic policies, one must surely look for somewhat more even-handed treatment.

I understand and respect your concern for the legitimate aspirations of black Rhodesians. I share that concern, and so does my Government. I am sure that as a compassionate man, Mr. Chairman, you have been troubled by events in Burundi, to name but one example of an African conflict area, where possibly as many as 200,000 Hutus, the majority group in the country, have been slaughtered by Tutsis, a governing minority of 15 percent. This is carnage on a scale undreamt of in Rhodesia. It is the ultimate deprivation of human rights. I am not aware of any concerted action to penalize Burundi for this performance; to have the United Nations apply sanctions against her until she introduces majority rule.

The late Dean Acheson thought that U.N. intervention in Rhodesia was "an act of barefaced aggression, unprovoked and unjustified by a single legal or moral principle." Charles Burton Marshall, who is the Paul Nitze Professor of International Politics at Johns Hopkins University School of Advanced International Studies, suggests in a little book entitled "Crisis over Rhodesia: A Skeptical View" that it is not good enough to sit back and accept the pervasive view that in its actions on Rhodesia the U.N. is legitimately "developing the charter." Marshall maintains that "The organization deserves the respect of having its activities subjected to the exacting scrutiny and critical judgment which in all large undertakings are indispensable to the preservation of standards." He then proceeds to dismantle the argument that Rhodesia is a threat to the peace.

In his book "The Discipline of Power" Mr. George Ball, who succeeded Mr. Goldberg as United States Permanent Representative to the U.N., describes economic sanctions as "a romantic delusion." Somewhat more trenchantly, in a view of a book of Mr. Acheson's, Mr. Ball writes that:

As a lawyer who revered his profession, he (Acheson) could not stand to see the U.N. charter—or any organic document—grotesquely misconstrued for a political purpose while, as a seasoned practitioner of diplomacy and foreign policy, he was repelled by wordy resolutions aimed not at achieving a desired result but at giving the actors a moral glow.

I do not propose in these remarks to defend, explain or justify the domestic policies of the Rhodesian Government. I am sure you will agree that would be inappropriate in this forum, just as it would be inappropriate for an official of the U.S. Government to discuss his Government's domestic policies with a parliamentary committee in Rhodesia. I simply want to say a few words that touch on the relationships between our countries, and these summarize to some extent the message that the Rhodesian Information Office has for the people of America.

We do not claim to have built a new Jerusalem in Rhodesia. This will take time. Here in the United States you are not unaware of the problems of organizing a plural society in such a way as to generate the maximum confidence and contentment amongst its constituent parts. Over the past several years I have been privileged to observe this process at firsthand, to listen to the debate, to witness some of the discord and the anguish that has accompanied it. And as I observed all this, I reflected that you had two great advantages over Rhodesia in handling these problems. First, you were able to handle them on your own. Second, you are the most affluent society the world has ever produced, with resources to spare for the betterment of your less advantaged population groups. You have moreover a situation in which your different ethnic groups are culturally much more closely assimilated to one another than they are in Rhodesia. We have a different and in many ways a more difficult situation. We are a much younger country—less than a century old as a nation. We are economically underdeveloped, with few resources to spare for anything but basic needs.

Most of the national wealth comes from sophisticated enterprises based on white capital investment, skills and managerial techniques, and will continue to do so for a long time to come. There are wide cultural differences between the white and black communities. We are a long way from the melting pot. It is a complex and difficult situation which does not lend itself to satisfactory solution on the basis of facile slogans like self-determination and majority rule. We Rhodesians have a greater interest than anyone else in working out solutions to our own problems, and nobody has a larger interest than the minority of white Rhodesians, whose future in the country inevitably depends upon a fair and reasonable sharing of political power and economic opportunity with the black majority. I am quite sure that these arrangements are best left to find their own level by the interplay of domestic political forces. Certainly the classical doctrines of international law prescribe that solution. Thus speaks Emmerich de Vattel, the father of many judgments in international law:

No sovereign state may inquire into the manner in which a sovereign rules nor set itself up as a judge of his conduct nor force him to make any change in his administration. If he burdens his subjects with taxes or treats them with severity, it is for the national to take action; no foreign state is called on to mend his conduct and to force him to follow a wiser and juster course.

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

SUPPLEMENTAL STATEMENT

Pursuant to Section 2 of the Foreign Agents
Registration Act of 1938, as Amended

For Six Month Period Ending JAN 30 1973
(Insert date)

Name of Registrant Rhodesian Information Office Registration No. 1 9 5 8

Business Address of Registrant 2852 McGill Terrace, N.W.
Washington, D.C. 20008

I - REGISTRANT

1. Has there been a change in the information previously furnished in connection with the following:

(a) If an individual:

- | | | | |
|-----------------------|------------------------------|-----------------------------|----------------|
| (1) Residence address | Yes <input type="checkbox"/> | No <input type="checkbox"/> | not applicable |
| (2) Citizenship | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| (3) Occupation | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |

(b) If an organization:

- | | | |
|--------------------------|------------------------------|-----------------------------|
| (1) Name | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) Ownership or control | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) Branch offices | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

2. Explain fully all changes, if any, indicated in Item 1.

None

IF THE REGISTRANT IS AN INDIVIDUAL, OMIT RESPONSE TO ITEMS 3, 4, and 5.

3. Have any persons ceased acting as partners, officers, directors or similar officials of the registrant during this 6 month reporting period? Yes No

If yes, furnish the following information:

Name	Position	Date Connection Ended
------	----------	-----------------------

not applicable

4. Have any persons become partners, officers, directors or similar officials during this 6 month reporting period?
 Yes No

If yes, furnish the following information:

<i>Name</i>	<i>Residence Address</i>	<i>Citizenship</i>	<i>Position</i>	<i>Date Assumed</i>
-------------	------------------------------	--------------------	-----------------	-------------------------

not applicable

5. Has any person named in Item 4 rendered services directly in furtherance of the interests of any foreign principal? Yes No

If yes, identify each such person and describe his services.

not applicable

6. Have any employees or individuals other than officials, who have filed a short form registration statement, terminated their employment or connection with the registrant during this 6 month reporting period?
 Yes No

If yes, furnish the following information:

<i>Name</i>	<i>Position or connection</i>	<i>Date terminated</i>
-------------	-------------------------------	------------------------

not applicable

7. During this 6 month reporting period, have any persons been hired as employees or in any other capacity by the registrant who rendered services to the registrant directly in furtherance of the interests of any foreign principal in other than a clerical or secretarial, or in a related or similar capacity?
 Yes No

If yes, furnish the following information:

<i>Name</i>	<i>Residence Address</i>	<i>Position or connection</i>	<i>Date connection began</i>
-------------	------------------------------	-----------------------------------	----------------------------------

not applicable

II - FOREIGN PRINCIPAL

8. Has your connection with any foreign principal ended during this 6 month reporting period?
 Yes No

If yes, furnish the following information:

Name of foreign principal

Date of Termination

not applicable

9. Have you acquired any new foreign principal¹ during this 6 month reporting period? Yes No

If yes, furnish following information:

Name and address of foreign principal

Date acquired

not applicable

10. In addition to those named in Items 8 and 9, if any, list the foreign principals¹ whom you continued to represent during the 6 month reporting period.

Department of External Services, Ministry of Information, Government of Rhodesia, P.O. Box 8232, Causeway, Salisbury, Rhodesia.

III - ACTIVITIES

11. During this 6 month reporting period, have you engaged in any activities for or rendered any services to any foreign principal named in Items 8, 9 and 10 of this statement? Yes No

If yes, identify each such foreign principal and describe in full detail your activities and services:

The registrant has operated as an agency of the Ministry of Information, which is a division of the government of the Republic of Rhodesia. The operations undertaken have concerned themselves with the mailing of printed matter to interested persons and organizations in the United States and in other countries where materials are requested; addressing various groups and disseminating motion pictures, slides and photographs. Full details of activities conducted during the reporting period are contained in Appendix B to this report as attached.

¹The term "foreign principal" includes, in addition to those defined in section 1(b) of the Act, an individual or organization any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, foreign political party, foreign organization or foreign individual. (See Rule 100(a)(9)).

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under Section 3 of the Act. (See Rule 208.)

12. During this 6 month reporting period, have you on behalf of any foreign principal engaged in political activity² as defined below?

Yes No

If yes, identify each such foreign principal and describe in full detail all such political activity, indicating, among other things, the relations, interests and policies sought to be influenced and the means employed to achieve this purpose. If the registrant arranged, sponsored or delivered speeches, lectures or radio and TV broadcasts, give details as to dates, places of delivery, names of speakers and subject matter.

The main purpose of the work of the Rhodesian Information Office as an agency of the Rhodesian government is to promote in the United States a better understanding of the aims and policies of the government of the Republic of Rhodesia. The office endeavours to influence public opinion to the end that United States policy toward Rhodesia will be based on a desire to reciprocate friendship. This is done by means of regular mailings of printed matter to individuals and groups, educational institutions, legislators, U.S. government officials and the news media. The officers of the Rhodesian Information Office hold themselves available for speaking engagements and interviews. They also pay visits and discuss Rhodesian policies, political and general, with any person or persons expressing the wish to learn more about Rhodesia. Close contact is kept with members of the United States Congress and their staff members when legislation affecting the situation in Rhodesia is being debated or considered.

-
13. In addition to the above described activities, if any, have you engaged in activity on your own behalf which benefits any or all of your foreign principals?

Yes No

If yes, describe fully.

not applicable

² The term "political activities" means the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

IV - FINANCIAL INFORMATION

14. (a) RECEIPTS - MONIES

During this 6 month reporting period, have you received from any foreign principal named in Items 8, 9 and 10 of this statement, or from any other source, for or in the interests of any such foreign principal, any contributions, income or money either as compensation or otherwise?

Yes No

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies.³

<i>Date</i>	<i>From Whom</i>	<i>Purpose</i>	<i>Amount</i>
Aug. 1, 1972 to Jan. 30, 1973	Rhodesian Treasury, Salisbury, Rhodesia	Payment of salaries, Office expenses and operational costs for the Rhodesian Information Office, 2852 McGill Terrace, N.W., Washington, D.C. 20008	\$83,771.49

\$83,771.49

Total

14. (b) RECEIPTS - THINGS OF VALUE

During this 6 month reporting period, have you received any thing of value⁴ other than money from any foreign principal named in Items 8, 9 and 10 of this statement, or from any other source, for or in the interests of any such foreign principal?

Yes No

If yes, furnish the following information:

<i>Name of foreign principal</i>	<i>Date Received</i>	<i>Description of thing of value</i>	<i>Purpose</i>
--------------------------------------	--------------------------	--	----------------

Nothing of value received other than publications for mailing and motion pictures and slides on loan.

³ A registrant is required to file an Exhibit D if he collects or receives contributions, loans, money, or other things of value for a foreign principal, as part of a fund raising campaign. See Rule 201(e).

⁴ Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

15. (a) DISBURSEMENTS - MONIES

During this 6 month reporting period, have you

(1) disbursed or expended monies in connection with activity on behalf of any foreign principal named in Items 8, 9 and 10 of this statement? Yes No

(2) transmitted monies to any such foreign principal? Yes No

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies, including monies transmitted, if any, to each foreign principal.

<i>Date</i>	<i>To Whom</i>	<i>Purpose</i>	<i>Amount</i>
-------------	----------------	----------------	---------------

\$86,033.61

See Appendix A attached.

Total \$86,033.61

15. (b) DISBURSEMENTS - THINGS OF VALUE

During this 6 month reporting period, have you disposed of anything of value⁵ other than money in furtherance of or in connection with activities on behalf of any foreign principal named in items 8, 9 and 10 of this statement?

Yes No

If yes, furnish the following information:

<i>Date disposed</i>	<i>Name of person to whom given</i>	<i>On behalf of what foreign principal</i>	<i>Description of thing of value</i>	<i>Purpose</i>
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Nothing of value disbursed other than publications mailed and motion pictures and slides loaned.

(c) DISBURSEMENTS - POLITICAL CONTRIBUTIONS

During this 6 month reporting period, have you from your own funds and on your own behalf either directly or through any other person, made any contributions of money or other things of value⁵ in connection with an election to any political office, or in connection with any primary election, convention, or caucus held to select candidates for political office? Yes No

If yes, furnish the following information:

<i>Date</i>	<i>Amount or thing of value</i>	<i>Name of political organization</i>	<i>Name of candidate</i>
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not applicable

V - POLITICAL PROPAGANDA

(Section 1(j) of the Act defines "political propaganda" as including any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which 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.)

16. During this 6 month reporting period, did you prepare, disseminate or cause to be disseminated any political propaganda as defined above? Yes No

IF YES, RESPOND TO THE REMAINING ITEMS IN THIS SECTION V.

17. Identify each such foreign principal. The Government of the Republic of Rhodesia
Department of External Services
Ministry of Information
P.O. Box 8232, Causeway
Salisbury, Rhodesia

⁵ Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

18. During this 6 month reporting period, has any foreign principal established a budget or allocated a specified sum of money to finance your activities in preparing or disseminating political propaganda?

Yes No

If yes, identify each such foreign principal, specify amount, and indicate for what period of time.

U.S. \$86,033.61 budgeted by the Treasury of the Republic of Rhodesia for the above purpose from August 1, 1972 to January 30, 1973.

19. During this 6 month reporting period, did your activities in preparing, disseminating or causing the dissemination of political propaganda include the use of any of the following:

Radio or TV broadcasts Magazine or newspaper articles Motion picture films Letters or telegrams
 Advertising campaigns Press releases Pamphlets or other publications Lectures or speeches
 Other (specify) _____

20. During this 6 month reporting period, did you disseminate or cause to be disseminated political propaganda among any of the following groups:

Public Officials Newspapers Libraries
 Legislators Editors Educational institutions
 Government agencies Civic groups or associations Nationality groups
 Other (specify) _____

21. What language was used in this political propaganda:

English Other (specify) _____

22. Did you file with the Registration Section, Department of Justice, two copies of each item of political propaganda material disseminated or caused to be disseminated during this 6 month reporting period?

Yes No

23. Did you label each item of such political propaganda material with the statement required by Section 4(b) of the Act? Yes No

24. Did you file with the Registration Section, Department of Justice, a Dissemination Report for each item of such political propaganda material as required by Rule 401 under the Act?

Yes No

VI - EXHIBITS AND ATTACHMENTS

25. EXHIBITS A AND B

- (a) Have you filed for each of the newly acquired foreign principals in Item 9 the following:

Exhibit A⁶ Yes No not applicable
 Exhibit B⁷ Yes No

If no, please attach the required exhibit.

- (b) Have there been any changes in the Exhibits A and B previously filed for any foreign principal whom you represented during this six month period?

Yes No

If yes, have you filed an amendment to these exhibits? Yes No not applicable

If no, please attach the required amendment.

⁶ The Exhibit A, which is filed on Form DJ-306, sets forth the information required to be disclosed concerning each foreign principal.

⁷ The Exhibit B, which is filed on Form DJ-304, sets forth the information concerning the agreement or understanding between the registrant and the foreign principal.

26. EXHIBIT C

If you have previously filed an Exhibit C⁸, state whether any changes therein have occurred during this 6 month reporting period.

Yes No

If yes, have you filed an amendment to the Exhibit C? Yes No not applicable

If no, please attach the required amendment.

27. SHORT FORM REGISTRATION STATEMENT

Have short form registration statements been filed by all of the persons named in Items 5 and 7 of the supplemental statement?

Yes No not applicable

If no, list names of persons who have not filed the required statement.

not applicable

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this registration statement and the attached exhibits and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief, except that the undersigned make(s) no representation as to the truth or accuracy of the information contained in attached Short Form Registration Statement, if any, insofar as such information is not within his (their) personal knowledge.

(Type or print name under each signature)

(Both copies of this statement shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)

(H. J. C. Hooper)

Subscribed and sworn to before me at Washington D.C.

this 27th day of February, 1973

(Signature of notary or other officer)

My commission expires April 30, 1974

⁸ The Exhibit C, for which no printed form is provided, consists of a true copy of the charter, articles of incorporation, association, constitution, and bylaws of a registrant that is an organization. (A waiver of the requirement to file an Exhibit C may be obtained for good cause shown upon written application to the Assistant Attorney General, Internal Security Division, Department of Justice, Washington, D.C. 20530.

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

EXHIBIT A

TO REGISTRATION STATEMENT

Under the Foreign Agents Registration Act of 1938, as amended

*Furnish this exhibit for EACH foreign principal listed in an initial statement
and for EACH additional foreign principal acquired subsequently.*

1. Name and address of registrant Rhodesian Information Office 2852 McGill Terrace, N.W. Washington, D.C. 20008	2. Registration No. 1958
3. Name of foreign principal Ministry of Information Government of Rhodesia	4. Principal address of foreign principal P.O. Box 8150, Causeway, Salisbury, Rhodesia.

5. Indicate whether your foreign principal is one of the following type:

Foreign government

Foreign political party

Foreign or domestic organization: If either, check one of the following:

Partnership

Committee

Corporation

Voluntary group

Association

Other (specify) _____

Individual - State his nationality _____

6. If the foreign principal is a foreign government, state:

a) Branch or agency represented by the registrant. Ministry of Information
P.O. Box 8150, Causeway
Salisbury, Rhodesia

b) Name and title of official with whom registrant deals. D.T.M. Williams, Director of Information, or
a subordinate official. Registrant also reports on events in the United States to the
Ministry of Foreign Affairs in Rhodesia. This function does not relate to matters falling
within the jurisdiction of the Foreign Agents Registration Act.

7. If the foreign principal is a foreign political party, state:

a) Principal address

b) Name and title of official with whom the registrant deals.

Not applicable

c) Principal aim

8. If the foreign principal is not a foreign government or a foreign political party,

a) State the nature of the business or activity of this foreign principal

Not applicable

I believe that wisdom points in the same direction. People living in communities work out their own relationships with one another, and the relationships they work out are likely to be more stable than any that are imposed upon them, because they are organic and not contrived. These may not always accord with every nation's conception of political justice but I suggest that allowance should be made for diversity of approach to these problems, since the problems themselves are so diverse.

Mr. Chairman, I appreciate the opportunity you have given me to express these thoughts to you. I hope you may consider that they fall within the spirit of your deliberations. I hope also you may consider that the presence of the Rhodesian Information Office in your community is not such a bad thing from the point of view of communicating ideas in both directions. At least we can do it without unduly raising our voices over a space gap of 8,000 miles.

Mr. Diggs. Thank you, Mr. Towsey.

We will next hear from Mr. James J. Greene, Acting Commissioner from the Immigration and Naturalization Service.

Without objection, Mr. Greene's background of distinguished career in law enforcement will be made a part of the record.

Mr. Greene has a prepared statement and you may proceed.

STATEMENT OF HON. JAMES F. GREENE, ACTING COMMISSIONER, IMMIGRATION AND NATURALIZATION

James F. Greene, a 57-year-old career law enforcement officer, has been Associate Commissioner for Operations since 1968. He was named Acting Commissioner April 5, 1973 until a successor is chosen to replace former Commissioner Raymond F. Farrell.

Mr. Greene, a native of Springfield, Illinois, and now a resident of Maryland, began his INS career with the Border Patrol in 1941.

He served along the Mexican and Canadian borders until 1949 as a patrolman, immigration inspector and investigator.

He was a supervisory investigator from 1949 to 1955, first in Washington, D.C., and later in St. Paul, Minnesota.

He returned to the Central Office of INS in Washington in 1955 as chief of the general investigations branch and in 1957 became national chief of the Border Patrol.

In 1961 he became Deputy Associate Commissioner of the Service, supervising both the uniformed officers of the Patrol and the large staff of INS investigators.

He was promoted to Associate Commissioner for Operations on August 8, 1968.

Mr. Greene is also a member of the International Association of Chiefs of Police and the Narcotic Officers Enforcement Association, and has been a member of the U.S. Delegation to Interpol the past eight years.

Mr. GREENE. Thank you, Mr. Chairman. Thank you for the opportunity to appear before your subcommittee and furnish what I believe is the requested information.

In accordance with the request of the chairman of this subcommittee, I have prepared the following statement concerning the immigration status of Mr. Kenneth H. Towsey and Mr. Henry J. C. Hooper.

Mr. Towsey, a native of England and a citizen of Rhodesia, entered the United States on March 29, 1964, in the nonimmigrant classification of a foreign government official. He applied for adjustment of status to that of a permanent resident on May 4, 1967. His application was approved on December 27, 1967, following receipt of a letter from the Department of State dated December 8, 1967, advising that it had

b) Is this foreign principal

Owned by a foreign government, foreign political party, or other foreign principal Yes No

Directed by a foreign government, foreign political party, or other foreign principal Yes No

Controlled by a foreign government, foreign political party, or other foreign principal Yes No

Financed by a foreign government, foreign political party, or other foreign principal Yes No

Subsidized in whole by a foreign government, foreign political party, or other foreign principal Yes No

Subsidized in part by a foreign government, foreign political party, or other foreign principal Yes No

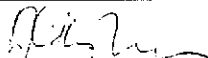
Not applicable

9. Explain fully all items answered "Yes" in Item 8(b). (If additional space is needed, a full insert page may be used.)

Not applicable

10. If the foreign principal is an organization and is not owned or controlled by a foreign government, foreign political party or other foreign principal, state who owns and controls it.

Not applicable

Date of Exhibit A March 11, 1975	Name and Title H. J. C. Hooper Senior Information Attache	Signature 
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UNITED STATES DEPARTMENT OF JUSTICE
Washington, D.C. 20530

EXHIBIT B

TO REGISTRATION STATEMENT
Under the Foreign Agents Registration Act
of 1938, as amended

INSTRUCTIONS: A registrant must furnish as an Exhibit B copies of each written agreement and the terms and conditions of each oral agreement with his foreign principal, including all modifications of such agreements; or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is acting as an agent of a foreign principal. This form shall be filed in duplicate for each foreign principal named in the registration statement and must be signed by or on behalf of the registrant.

Name of Registrant	Name of Foreign Principal
RHODESIAN INFORMATION OFFICE	Ministry of Information Government of Rhodesia

Check Appropriate Boxes:

1. The agreement between the registrant and the above-named foreign principal is a formal written contract. If this box is checked, attach two copies of the contract to this exhibit.
2. There is no formal written contract between the registrant and foreign principal. The agreement with the above-named foreign principal has resulted from an exchange of correspondence. If this box is checked, attach two copies of all pertinent correspondence, including a copy of any initial proposal which has been adopted by reference in such correspondence.
3. The agreement or understanding between the registrant and foreign principal is the result of neither a formal written contract nor an exchange of correspondence between the parties. If this box is checked, give a complete description below of the terms and conditions of the oral agreement or understanding, its duration, the fees and the expenses, if any, to be received.

There is no written agreement, as the registrant is a permanent agency of the Ministry of Information of the Government of Rhodesia. Its fees and expenses, including the remuneration of its staff, are allocated by the Rhodesian Treasury as part of the Rhodesian Government budget which is subject to approval each year by the Rhodesian Parliament.

4. Describe fully the nature and method of performance of the above indicated agreement or understanding.

The Rhodesian Information Office, as an arm of the Government of Rhodesia, is staffed by members of the Rhodesian Public Service and certain locally recruited personnel in clerical capacities.

They are paid salaries and allowances in accordance with scales laid down by the Rhodesian Public Services Board.

5. Describe fully the activities the registrant engages in or proposes to engage in on behalf of the above foreign principal.

The purpose of the work of the Rhodesian Information Office on behalf of its foreign principal is to educate in the United States on the responsibilities of the African policies of the Government of Rhodesia. The registrant endeavours to disseminate information to the United States public policy towards Rhodesia will be based on mutual respect and friendship. The registrant therefore preoccupies itself with the regular mailing of printed matter to interested individuals and groups, educational institutions, the news media, legislators, U.S. Government officials and other interested parties. The officers of the registrant hold themselves available for interviews, speaking engagements and radio or television appearances. They visit, where appropriate, any area of the United States and discuss Rhodesian Government policies and other matters relating to Rhodesia with any person or persons expressing the wish to learn more about their country. Films are distributed through the film distributing company Association Sterling, and where requested slides and photographs are made available.

6. Will the activities on behalf of the above foreign principal include political activities as defined in Section 1(a) of the Act? Yes No

If yes, describe all such political activities indicating, among other things, the relations, interests or policies to be influenced together with the means to be employed to achieve this purpose.

The registrant engages in political activities to the extent of seeking to promote the normalisation of relations between the United States and Rhodesia. Whilst this objective is primarily pursued through the dissemination of information material as described in paragraph 5 above, the registrant has contact and dialogue with individuals and organisations in the United States working towards a similar objective. It is also within the registrant's sphere of activity to discuss U.S./Rhodesia relations with appropriate officials and members of the legislature whenever the opportunity offers.

Date of Exhibit B	Name and Title	Signature
4/22/73	H. J. C. Hooper Senior Information Attache	<i>H. J. C. Hooper</i>

- ¹ Political activity as defined in Section 1(a) of the Act means the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

AMENDMENT TO REGISTRATION STATEMENT

Pursuant to the Foreign Agents
Registration Act of 1938, as amended.

1. Name of Registrant Air Rhodesia	2. Registration No. 2073
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3. This amendment is filed to accomplish the following indicated purpose or purposes:

- To correct a deficiency in To give a 10-day notice of a change in information as required by Section 2(b) of the Act.
- Initial Statement
- Supplemental Statement Other purpose (specify) _____
for the six month period
ending on 1st February 1973
- To give notice of change in an exhibit previously filed.

4. If this amendment requires the filing of a document or documents, please list -

N/A

5. Each item checked above must be explained below in full detail together with, where appropriate, specific reference to and identity of the item in the registration statement to which it pertains. If more space is needed, full size insert sheets may be used.

Please refer to Supplemental Statement for six month period ending 1st February 1973-

Question 14 (a)

I, Renton Cowley, am employed and paid by Air Rhodesia. No monies are received by this office from the foreign principle. All relevant expenses are cared for by Air Rhodesia, on behalf of the foreign principle, and reimbursement to Air Rhodesia, from the Rhodesia National Tourist Board for their share of expenses incurred with U.S.A. is effected in Rhodesia. All expenses are tabulated at the end of each month then transmitted to Air Rhodesia in Salisbury (Rhodesia). They in turn have their bankers instruct the Standard Bank Ltd. at 52 Wall Street, New York, N.Y. 10005, to reimburse the Bus. Account No. #14209559, in the name, R. S. C. COWLEY accordingly, from the Rhodesia Dollar Free Account. This funding is with the approval of the U.S. Treasury, who on the 9th November 1971 granted license number RS-1255 to permit the operation of this account.

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this amendment and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief.

(Both copies of this amendment shall be signed and sworn to by the registrant or by a duly qualified person performing similar functions who are in the United States, if the registrant is an organization.)

Subscribed and sworn to before me at 214 114

this 214 day of February, 19 73

My commission expires 3 30 73

(Notary or other officer)

APPENDIX "A"

SUPPLEMENTAL STATEMENT-- AUGUST 1, 1972, to JANUARY 31, 1973.

DATE	TO WHOM	PURPOSE	AMOUNT
Aug. 1	American Society of Civil Engineers	Proceedings	1.50
9	Postmaster, Washington	Postage meter setting	300.00
14	Postmaster	Postage meter setting	300.00
15	K.H. Towsey	Rent	725.00
18	McGraw-Hill Book Company	Book	10.53
21	Treasurer of the U.S.	Book	.50
28	Ramparts	One issue	1.00
28	Yale University Photographic Services	Photostat material	17.30
28	Lawyers Co-operative Publishing Co.	Legal books	18.15
28	International Civil Aviation	Publications	2.50
29	Canada Law Book Limited	Dominion Law Reports	25.50
29	Association-Sterling Films	Distribution Of movies	1,413.55
29	Humble Oil & Refining Co.	Casoline	34.20
29	Lee D. Butler, Inc.	Car repairs	49.87
29	Africa	Subscription	4.50
29	Wackenhut Protective Systems	Alarm service	39.42
29	Bishop Equipment Co., Inc.	Air conditioner repairs	12.00
29	Pitney-Bowes, Inc.	Meter rental	67.50
29	C. & P. Telephone Company	Telephone service	116.00
29	R.C.A.	Cable service	9.94
29	PEPCO	Electricity	41.61
29	Washington Gas Light Company	Gas	5.02
29	Chas. G. Stott & Co. Inc.	Stationery	167.28
29	Corporate Press Inc.	Stationery	359.84
29	Press Intelligence Inc.	Clipping service	58.16
29	Xerox Corporation	Copier rental	105.07
29	Addressograph-Multigraph Corp.	Addressograph rental	64.30
29	Imperial International Learning Corp.	Slide/Lecture set on Africa	334.48
29	Ayer Press	1972 Directory	42.63
29	Association Sterling Films	Movie distribution	417.00
29	Local staff salaries		3306.42
29	K.H. Towsey	Salary	2795.28
29	H.J.C. Hooper	Salary	2009.29
29	Petty Cash - cleaning, Superintendent of Documents, postage, household supplies, maps, garden supplies		
	TOTAL expenditure in August, 1972		134.73
			\$12990.07

RECEIVED
 AUG 15 1972
 NATIONAL ARCHIVES
 COLLEGE PARK, MARYLAND

DATE	TO WHOM	PURPOSE	AMOUNT
Sept. 7	Postmaster, Washington	Postage meter setting	300.00
8	General Electric Company	Publication	10.00
8	The Oxford Press	Publication	2.95
19	K.H. Towsey	Rent	725.00
21	K.H. Towsey	Travelling expenses	34.00
21	U.C.L.A.	Publications	3.00
22	J.B. Lippincott Co.	Subscription	23.00
22	Society Commercial Seed Technologists	Subscription	3.50
22	Experimental Aircraft Association	Subscription	15.00
22	Superintendent of Documents	Publications	1.80
22	National Fire Protection Association	Dues	30.00
22	International Civil Aviation Organ.	Subscription	4.00
22	Africa Report	Subscription	15.00
22	American Society for Testing & Materials	Subscription	5.25
22	Humble Oil & Refining Co.	ASTM Journal	24.20
22	Lee D. Butler, Inc.	Gasoline	31.46
22	Postmaster	Car repairs	300.00
22	Ober-United Travel Agency	Meter setting	895.00
22	District Delivery Service	Air fare	19.50
22	Africa Magazine	New York Times - subscription	6.60
22	Johnson Publications Co. Inc.	Publications	5.00
22	National Review	Subscription	12.00
22	Oxford University Press	Subscription	.24
22	Wackenhut Protective Services	Handling charges	39.42
22	Samuel C. Boyd Co. Inc.	Alarm service	80.00
22	Decatur Press, Inc.	Plumbing	33.25
22	Chas. G. Stott & Co. Inc.	Letterheads	49.77
22	PEPCO	Stationery	39.17
22	Washington Gas Light Co.	Electricity	4.52
22	Metropolitan Fuels Company	Gas	21.21
22	D.C. Treasurer	Furnace oil	130.56
22	I.T.T.	Personal property tax	139.06
25	Virginia Paper Company	Telephone service	48.44
25	Xerox Corporation	Cable service	155.50
25	pitney-Bowes	Envelopes	153.16
28	Corporate Press, Inc.	Copier rental	5.75
28	Press Intelligence, Inc.	Meter tape	329.68
28	Reuters Limited	Printing	80.16
28	I.B.M.	Clipping service	200.00
		Teletype rental	17.40
		Ribbons	

Carried down

\$ 3,993.65

1972

APPENDIX "A"

DATE	TO WHOM	PURPOSE	AMOUNT
	Brought forward		\$ 3,993.65
Sept. 28	Association Sterling Films	Distribution of movies	296.00
28	Addressograph-Multigraph Corp.	Addressograph rental	64.30
28	R. Archie Burgess	Electrical work	48.50
28	D.C. Treasurer	Real Estate taxes	1,500.30
28	Association Sterling Films	Distribution of movies	1,433.97
	Local staff salaries		3,592.32
	K.H. Towsey	Salary	2,978.10
	H.J.C. Hooper	Salary	2,009.29
	Petty Cash - cleaning, stamps, garden supplies, household supplies, US Government Printing Office		91.91
	TOTAL expenditure in September, 1972		\$16,008.34

DATE	TO WHOM	PURPOSE	AMOUNT
Oct. 5	Postmaster, Washington	Postage meter setting	300.00
18	Herald Tribune International	Two issues	1.20
20	National Bank of Washington	Insurance policy	95.00
24	K.H. Towsey	Rent	725.00
24	Humble Oil & Refining Company	Gasoline	34.75
24	State of the Nation	Printed matter	3.00
24	Samuel C. Boyd Co. Inc.	Cleaning gutters	28.00
24	Wackenhut Protective Systems	Alarm service	39.80
24	Pitney-Bowes, Inc.	Maintenance agreement	45.76
25	I.T.T.	Cable service	21.28
25	R.C.A.	Cable service	10.57
25	C. & P. Telephone Co.	Telephone sarvice	107.58
25	Decatur Press, Inc.	Accounting vouchers	55.50
25	PEPCO	Electricity	35.96
25	Washington Gas Light Company	Gas	4.69
25	Canada Law Book Limited	Gas	25.50
25	Corporate Press, Inc.	Dominion Law Reports	551.37
25	Association-Sterling Films	Printing	570.00
25	Radio TV Reports Inc.	Movie distribution	35.40
25	Reuters Inc.	Transcript	400.00
25	Press Intelligence, Inc.	Teletype rental	121.79
25	Xerox Corporation	Clipping service	54.52
25	I.B.M. Corp.	Copier rental	47.25
25	Addressograph-Multigraph Corp.	Selectric rental	64.30
25	Mack Publishing Company	Addressograph rental	15.00
25	UCLA	National Formulary	3.00
27	The Illini Bookstore	Book	3.21
	Local staff salaries	Book	2,838.42
	K.H. Towsey	Salary	2,612.46
	H.J.C. Hooper	Salary	2,009.29
	Petty Cash - cleaning, air freight, household supplies, postage, publications		135.11
	TOTAL expenditure in October, 1972		\$ 10,994.71

DATE	TO WHOM	PURPOSE	AMOUNT
Nov. 1	Postmaster, Washington	Postage meter setting	300.00
9	Postmaster	Meter setting	300.00
9	H.J.C. Hooper	Advance	500.00
13	Clifford J. Hynning	Court case transcript	8.40
15	Tape-Tronics, Inc.	Repairs to Telefunken	41.43
17	H.J.C. Hooper	Reimbursement - entertainment	88.92
20	Humble Oil & Refining	Gasoline	43.25
20	United Nations	Publications	2.00
20	Wackenhut Protective Systems	Alarm service	39.80
20	C. & P. Telephone	Telephone service	116.95
20	I.T.T.	Cable service	77.49
20	R.C.A.	Cable service	12.04
20	Washington Gas Light Company	Gas	5.19
20	PEPCO	Electricity	25.80
20	Metropolitan Fuels	Furnace oil	33.00
20	Addressograph-Multigraph Corp.	Graphotype rental	79.05
20	I.B.M. Corp.	Selectric rental	70.88
20	Xerox Corporation	Copier rental	63.01
20	Xerox Corporation	Developer	14.70
20	Press Intelligence, Inc.	Shipping Service	66.25
20	Reuters Limited	Teletype rental	200.00
20	American College of Physicians	Subscription	18.00
20	The American Journal of Nursing	Subscription	10.00
20	International Monetary Fund	Subscription	10.00
20	International Civil Aviation Organisation	Publication	2.00
20	Lawyers Co-operative Publishing Co.	Books	20.65
20	American Journal of Nursing	Subscription	10.00
20	American Journal of Clinical Pathology	Subscription	28.00
22	Postmaster	Meter setting	300.00
22	K.H. Towsey	Rent	725.00
24	Alexander Sutlov Publications	Pamphlets	10.00
28	Postmaster	Meter setting	300.00
29	Superintendent of Documents	Publications	23.50
30	Canada Law Book Limited	Dominion Law Reports	25.50
30	Metals Week	Subscription	105.00
30	Christian Science Monitor	Subscription	16.50
30	Pitney-Bowes, Inc.	Meter rental	70.50
30	Multigraphics Division	Addressograph rental	64.30
30	Association-Sterling Films	Film distribution	302.00
30	Corporate Press, Inc.	Printing	551.37

carried down

\$ 4,680.48

1972

APPENDIX "A"

DATE	TO WHOM	PURPOSE	AMOUNT
Brought forward			\$ 4,680.48
Nov. 30	Reuters Limited	Teletype rental	200.00
	M.C. Newman	Refund	5.97
	Local staff salaries		3,113.08
	K.H. Towsey	Salary	2,795.28
	H.J.C. Hooper	Salary	2,009.29
	Petty Cash - cleaning, postage, light bulbs, cleaning fluid, U.S. Court of Appeals		97.42
	TOTAL expenditure for November, 1972		\$12,901.52

no objection to the adjustment of Mr. Towsey's status. A copy of the letter is attached.⁸

After Mr. Towsey's status was adjusted, United Nations Security Council Resolution No. 253 was adopted on May 29, 1968. Article 5(b) of the resolution requires all member states of the United Nations to:

Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged the unlawful actions of the illegal regime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966.

The resolution could not be applied retroactively to Mr. Towsey. Mr. Hooper, a native of England and citizen of Rhodesia, entered the United States on September 17, 1965, in the classification of a non-immigrant foreign government official. He applied for adjustment of status to that of a lawful permanent resident on March 5, 1968. While his application was pending, United Nations Security Council Resolution No. 253 was adopted. The State Department recommended that Mr. Hooper's application be denied on the grounds that his activities have been a source of embarrassment to the U.S. Government, and that his case clearly comes within the ambit of article 5(b) of Security Council Resolution 253. A copy of the State Department's letter of recommendation dated March 13, 1969, is attached.⁹

Shortly thereafter the Senate Judiciary Committee requested that no action be taken to deny Mr. Hooper's application and the Visa Office of the State Department requested that no action be taken to require Mr. Hooper's departure. Under the circumstances, decision on Mr. Hooper's application was deferred and he was not asked to leave the United States.

Mr. DIGGS. Will the gentleman yield? You say the Senate Judiciary Committee. What do you mean by that? You mean the committee met and took formal action?

Mr. GREENE. A representative of the committee conveyed that information to the Immigration Service and to the Department of State. Mr. Drury Blair, of the committee's staff.

Mr. DIGGS. Acting on his behalf?

Mr. GREENE. The chairman's, I presume.

Mr. DIGGS. Did he call you?

Mr. GREENE. It was conveyed by telephone.

Mr. DIGGS. By who?

Mr. GREENE. Drury Blair.

Mr. DIGGS. He called you on the phone and represented himself as conveying the wishes and/or the consensus of the Senate Judiciary Committee, is that correct, and you accepted this kind of authority for taking the action without anything in writing?

Mr. GREENE. Yes; he called our office.

Mr. DIGGS. You may proceed.

Mr. GREENE. Because of the length of time Mr. Hooper's case was pending, the Immigration and Naturalization Service on December 26,

⁸ See p. 34.

⁹ See p. 34.

DATE	TO WHOM	PURPOSE	AMOUNT
Dec. 15	K.H. Towsey	Entertainment allowance	263.36
15	Ober-United Travel Agency	Air fares	2,646.00
15	The Journal of Commerce	Subscription	23.00
15	The District Delivery Service	Subscription - New York Times	19.50
15	Wackenhut Protective Systems	Alarm service	39.80
15	G. & G. Company	Chauffeur's uniform	92.49
15	Decatur Press, Inc.	Stationery	21.50
15	Chas. G. Stott & Co. Inc.	Stationery	51.70
15	Association-Sterling Films	Film distribution	165.00
15	Xerox Corporation	Copier rental	77.17
15	Virginia Paper Company	Envelopes	177.98
15	Copenhaver, Inc.	500 Christmas cards	158.65
15	I.B.M.	Ribbons	56.00
15	Press Intelligence, Inc.	Clipping service	56.35
15	C. & P. Telephone Co.	Telephone service	115.40
15	I.T.T. World Communications, Inc.	Cable service	14.42
15	RCA Global Communications, Inc.	Cable service	10.64
15	PEPCO	Electricity	26.35
15	Washington Gas Light Company	Gas	5.73
18	Metropolitan Fuels Company	Furnace oil	30.66
18	Lawyers Co-operative Publishing Co.	Law books	20.60
18	I.C.A.O., Canada	Subscription	9.00
18	I.C.A.O., Canada	Documents	300.75
19	K.H. Towsey	Rent	725.00
21	Postmaster	Meter setting	300.00
29	Association-Sterling Films	Film distribution	7,032.76
29	International Journal of Leprosy	Subscription	20.00
29	Pick Publishing Company	Subscription	275.00
29	Humble Oil & Refining	Gasoline	36.20
29	Research Publications, London	Subscription	27.50
29	Multigraphics Division	Addressograph rental	64.30
29	Local Staff salaries		3,331.84
29	American Society of Photogrammetry	Subscription	40.00
	K.H. Towsey	Salary	2,795.28
	H.J.C. Hooper	Salary	1,652.14
	Petty Cash - cleaning, household supplies, publications, Christmas boxes, postage		208.58
	TOTAL expenditure in December, 1972		\$20,890.65

DATE	TO WHOM	PURPOSE	AMOUNT
Jan. 2	Asbestos	Subscription	5.00
4	Braniff International	Cartage	6.40
4	H.J.C. Hooper	Rent	550.00
4	H.J.C. Hooper	Travel expenses	89.45
11	Postmaster	Meter setting	300.00
16	Freedom House	Publication	1.64
16	W.B. Saunders Company	Books	41.00
24	Ober-United Travel Agency	Air fares	2,028.80
24	Dr. J.H. Thibadeau	Medical examination	10.00
24	Exxon Company	Gasoline	25.54
24	Capital Publishers, Inc.	Book	7.90
24	Human Events	Subscription	15.00
24	Wackenhut Protective Systems	Alarm service	39.80
24	C. & P. Telephone	Telephone service	113.34
24	Western Union	Cable address	15.00
24	I.T.T.	Cable service	6.02
24	R.C.A.	Cable service	8.68
24	PEPCO	Electricity	25.72
24	Washington Gas Light Company	Gas	5.75
24	Metropolitan Fuels Company	Oil	73.82
24	Rueters Limited	Teletype rental	200.00
24	Press Intelligence, Inc.	Clipping service	58.29
24	Multigraphics Division	Addressograph rental	64.30
24	Virginia Paper Company	Envelopes	136.20
24	Xerox Corporation	Copier rental	63.01
24	African Studies Association	Subscription	25.00
24	American Journal of Clinical Pathology	Subscription	33.00
24	Clinical Obstetrics & Gynecology	Subscription	22.00
24	Science Editors, Inc.	Subscription	36.00
24	Canada Law Book Limited	Dominion Law Reports	25.50
24	American Society of Travel Agents	Subscription	130.00
24	W.B. Saunders Company	Book	20.00
26	Congressional Staff Directory	Publication	37.00
26	Corporate Press, Inc.	Printing	662.17
	Local staff salaries		
	K.H. Towsey	Salary	3,092.75
	H.J.C. Hooper	Salary	2,795.28
	Petty Cash - cleaning, U.S. Government Printer, stamps, filters, snow salt, household		1,342.66
	TOTAL expenditure in January, 1973		<u>136.30</u>
			\$12,248.32

TOTAL expenditure from August 1, 1972, to January 31, 1973:-

August, 1972:	\$ 12,990.07
September, 1972:	16,008.34
October, 1972:	10,994.71
November, 1972:	12,901.52
December, 1972:	20,890.65
January, 1973:	<u>12,248.32</u>
	\$ 86,033.61

Schedule BDETAILS OF INFORMATION AND POLITICAL ACTIVITIES DURING THE PERIOD
FROM August 1, 1972 TO January 31, 1973.1. PUBLICATIONS

The following publications were distributed during the period of this supplemental statement as follows:-

RHODESIAN SCENE 1970

(Illustrated booklet in magazine form containing a collection of articles on aspects of life and industry in Rhodesia.)

278 copies mailed to individual addressees

RHODESIAN SCENE 1971

(Illustrated booklet in magazine form containing a collection of articles on aspects of life and industry in Rhodesia.)

307 copies mailed to individual addressees

RHODESIAN SCENE 1972

(Illustrated booklet in magazine form containing a collection of articles on aspects of life and industry in Rhodesia.)

323 copies mailed to individual addressees

RHODESIA IN BRIEF

(Pocket book of basic information on Rhodesia - history, geography, statistics, etc.)

411 copies mailed to individual addressees

THE MAN AND HIS WAYS

(Reprint of talks on the customs and habits of Rhodesia's tribesmen.)

276 copies mailed to individual addressees

RHODESIAN COMMENTARY

(Eight page newsletter published once a month in Salisbury and reprinted in Washington, D.C., containing the latest news about developments in Rhodesia.)

30,773 copies mailed to individual addressees and
67 libraries
62 officials
294 newspapers
15 press associations
234 educational institutions
82 civic groups
1 recipients of 100+ copies

RHODESIAN VIEWPOINT

(Four page newsletter published once a month issued by the Rhodesian Information Office, Washington D.C. Designed to put American views in connection with the Rhodesian situation in context with the facts.)

25,419	copies mailed to individual addressees and
67	libraries
620	officials
294	newspapers
15	press associations
234	educational institutions
82	civic groups
1	recipient of 100+ copies

ADDRESS TO THE NATION BY IAN SMITH, MAY 1969

(Prime Minister Smith explains the new Rhodesian constitution).

138 copies mailed to individual addressees

ADDRESS TO ALL-AFRICA CHRISTIAN CRUSADE CONGRESS, JANUARY 1969

(Prime Minister Smith's address to the All-Africa Christian Crusade during their visit to Rhodesia.)

83 copies mailed to individual addressees

THE AFRICAN TIMES - Vol. 5, No. 6 - June 1970.

(Special issue of the African Times to mark the event of Rhodesia becoming a Republic)

356 copies mailed to individual addressees

AFRICAN EDUCATION

(The historical development and organisation of the system of African education in Rhodesia.)

213 copies mailed to individual addressees

A Judge's Thoughts

(The Hon. Mr. Justice H.N. MacDonald discusses different aspects of the Rhodesian situation)

246 copies mailed to individual addressees

RHODESIA*

(Tourist and general information about Rhodesia, illustrating accommodations, schooling and industry)

216 copies mailed to individual addressees

RED FOR DANGER

(Summary of communist activity in Africa)

32 copies mailed to individual addressees

TOTAL: 14 registered pamphlets

2. PUBLIC SPEAKING

The following speaking engagements were fulfilled by officers of the Rhodesian Information Office during the six-month period ended on January 31, 1973.

January 15, 1973: Speech to the Lions Club of Greensboro, North-Carolina.

4. FILMSTELEVISION DISTRIBUTION

<u>Station</u>	<u>Date (Month ending)</u>	<u>State</u>	<u>Estimated Audience</u>
<u>KNOWN ONLY TO GOD</u>			
CAME	08/30/72	Mich.	421
WICZ	09/30/72	N.Y.	14,403
KNOP	09/30/72	Neb.	8,299
<u>SILENT SOS</u>			
WATR	08/31/72	Con.	30,510
WATR	08/31/72	Con.	30,510
WICZ	08/31/72	N.Y.	---
WVNY	09/30/72	Verm.	---
CIMP	12/31/72	Ohio	630
WQLN	12/31/72	Pa.	2,734
CPCO	01/31/73	Ohio	1,337
WQLN	01/31/73	Pa.	2,734
WUAB	01/31/73	Ohio	---
<u>THE NET GET</u>			
WDAU	09/30/72	Pa.	110,228
CIMP	09/30/72	Ohio	2,475
CIMP	09/30/72	Ohio	630
CIMP	09/30/72	Ohio	630
CGEN	10/31/72	N.Y.	378
CGEN	10/31/72	N.Y.	729
CGEN	10/31/72	N.Y.	378
WCMC	12/31/72	N.J.	21,643
WCMC	12/31/72	N.J.	21,643
WSKG	12/31/72	N.Y.	---
<u>ANTBEAR TO ZEBRA</u>			
WMUL	08/31/72	W.V.	5,656
WOAY	09/30/72	W.Va.	22,574
CPTV	10/31/72	Pa.	840
WUAB	11/30/72	Ohio	39,637
WSMW	12/31/72	Mass.	---
WJAN	01/31/73	Ohio	15,536
<u>THE HEAVYWEIGHTS</u>			
WUAB	08/31/72	Ohio	39,637
WATR	08/31/72	Con.	30,510
WDAU	08/31/72	Pa.	110,228
WATR	08/31/72	Con.	30,510
CTRI	09/30/72	Va.	275
WVNY	10/31/72	Vt.	---
CPCO	12/31/72	Ohio	1,337
WCMC	12/31/72	N.J.	44,088
CMOH	12/31/72	Ohio	---
CIMP	01/31/73	Ohio	630
CIMP	01/31/73	Ohio	630
CIMP	01/31/73	Ohio	630

GENERAL DISTRIBUTION LISTEDGE OF UNDERSTANDINGMonth ending August 1972

(Month/day/year)

St. Mary Hospital	Tucson, Ariz.	8/09/72
Silver Strand Hotel	Los Angeles, CA	7/29/72
Newport Hrbr. Yacht Cl.	Balboa, CA	7/29/72
San Francisco, State Empl.	San Francisco, CA	8/04/72
The Bahis Assembly	Concord, CA	8/06/72
Breakers Conv. Hosp.	West Haven, Conn.	8/07/72
Georgetown Univ.	Washington, D.C.	8/10/72
Presby Church	Jacksonville, Fl.	7/17/72
Harvard Club	Fl. Lauderdale, Fl.	7/17/72
Yacht Club	Indian Rock, BH, Fl.	7/17/72
Salvation Army	Jacksonville, Fl.	7/17/72
Public Lib.	Jacksonville, Fl.	7/17/72
Fla. Yacht Club	Jacksonville, Fl.	7/17/72
College of Lk. Cnty	Grayslake, Ill.	7/17/72
Rock Island Arsenal	Rock Island, Ill.	7/20/72
Salvation Army Mssc.	Springfield, Ill.	7/25/72
Shelter R. Care Home	Chicago, Ill.	8/04/72
Blue Skippers Boat Cl.	Oak Forest, Ill.	8/12/72
State Hospital	Madison, Ind.	8/04/72
Good Samaritan Ctr.	Newell, Iowa	7/13/72
Un Meth. Ch.	Satanta, Kansas	7/22/72
State College	N. Adams, Mass.	7/27/72
MN Security Hosp.	St. Peter, Minn.	7/31/72
Moffett AFB Hospital	Omaha, Nebr.	8/03/72
Salvation Army	Tonawanda, N.Y.	6/30/72
Watchtower Bible Sch.	Brooklyn, N.Y.	7/22/72
McClellan Hospital	Cambridge, N.Y.	8/08/72
Lloyd Richards	Berea, Ohio	8/11/72
Pub Libraries	Ardmore, Okl.	8/01/72
Meridian Up Church	Butler, Penn.	6/19/72
St. Joseph Hospital	Rading, Penn.	7/12/72
U.P. Church	Cannonsburg, Penn.	8/14/72
Lone Star Gas Co	Dallas, TX.	7/18/72
Colonial Bapt. Church	Dallas, TX.	7/19/72
General Hospital	Plainview, TX.	8/01/72
TX. ST. Dept. Hlth.	Houston, TX.	8/02/72

Total estimated audience

2,450

Month ending September 1972

So. Conserv. Ctr.	Chino, CA	6/05/72
Cal. Poly Univ.	Baldwin Pk. CA	8/16/72
Ponderosa Lodge	Mt. Herman, CA	8/18/72
Euclid Ctr.	San Diego, CA	8/29/72
Casa Carlos CTR.	Anaheim, CA	9/05/72
Euclid Conv. Ctr.	San Diego, CA	9/05/72
Beverley Mnr. Trvl. Clb.	Los Altos, CA	9/08/72
VA, Hospital	Gainesville, Fl.	8/16/72
South H.S.	Palatka, Fl.	8/31/72
Kiwanis Club	St. Maries, Idiaho	9/12/72
Leroy, C.B. Radio Clb.	Leroy, Ill.	8/30/72
Meth. Mens Club	Pleasant, Hill, Ill.	8/30/72
Chiropractic, Soc.	Harvey, Ill.	9/11/72
T.R. White H.S.	Fendleton, Ind.	8/21/72
Tabor Coll. Hillsboro	Hillsboro, Kansas	9/15/72
St. Johns Hosp. Staff	Lowell, Mass.	9/11/72
N.W. Holiday Club	Detroit, Mich.	9/04/72
Biggersville H.S.	Corinth, Miss.	8/29/72

Month ending September 1972 cont.

(Month/day/year)

General Hospital	I rvington, N.J.	8/15/72
Hargrove Movie, Fan Cl.	Paterson, N.J.	8/25/72
St. Francis Seminary	Lafayette, N.J.	9/11/72
Families ed. Center	Toledo, Ohio	9/08/72
Meth Church	Clark, Penn.	8/14/72
St. Lukes Ev. Luth Ch.	Cabot, Penn.	8/14/72
Allghny Ludlm. Steel. Co	Brackenrigdge, Penn.	8/14/72
E. Thompson U.S. Steel	Braddock, Penn.	8/14/72
Meridian C.M. Church	Butler, Penn.	8/14/72
H.S.	Gallatin, Tenn.	8/23/72
Westside H.S.	Memphis, Tenn.	8/23/72
State Voc. Tech. Sch.	Morristown, Tenn.	9/11/72
E. Town Osteo Hosp.	Dallas, TX.	8/30/72
Naval Air Station	Norfolk, VA	8/28/72
Riverview Terrace	Spokane, Wash.	8/12/72
Total estimated audience		1,963

Month ending October 1972

State Sanatorium	Tempe, Arizona	10/04/72
Mixx C. Truelove	Willcox, Arizona	10/10/72
Pub. Library	Huntington Beh. CA	9/15/72
West Valley Coll.	Campbell, CA	09/21/72
Northrop Inst.	Los Angeles, CA	09/22/72
General Dynamics	San diego, CA	09/28/72
Lionell Harper Rec. D.	Long Beh. CA.	09/29/72
Pacific Missile Range	Pt. Magu, CA	09/29/72
Critique Trvl. Serv.	S n Bernardino, CA	10/03/72
Disneyland Hotel	Anaheim, CA	10/05/72
Community Hospital	Durango, COI.	09/12/72
Conn. YMCA	Waterbury, Conn.	10/10/72
V.A. Hosp.	Lake City, Fl.	09/23/72
Ft. Gaines Nursg. Home	Fort Gaines, Georgia	10/04/72
Nursing Home	Ft. Gines, Gjeorgia	10/04/72
Morgan Pk. Masonic Ldg.	Chicago, Ill.	09/15/72
First Church	Lombard, Ill.	09/17/72
Bell Lahs. Trvl. Club	Naperville, Ill.	09/28/72
Sister of Casimer	Chicago, Ill.	10/08/72
Opportunity Industries	Marion, Ind.	10/01/72
Mrs. T. Krenc	Wioux City, Iowa	09/19/72
S.M. SpecI. Ed.	Overland Pk. Kansas	09/20/72
Teachers Asso.	Luenburg, Mass.	10/10/72
Co. Dept. Hlth.	Saginaw, Mich.	10/05/72
Mercy Hosp. Ctr.	Vicksburg, Miss.	09/21/72
Starkloff Mem. Hosp.	St. Louis, Missouri	10/06/72
Lodge of 4 Seasons, Lakeozark	zark, Missouri	10/09/72
Orvis Ring Sch.	Reno, Nevada	10/10/72
Delta Kappa Gamma	Belmont, N.H.	09/25/72
Dana Place	Jackson, N.H.	09/26/72
US Gypsum Co	Jersey City, N.J.	09/13/72
Vailsburg, Movie Clb.	Orange, N.J.	10/10/72
City Bank Club	New York, N.Y.	09/13/72
Central School	Harpursville, N.Y.	09/14/72
Helen Fuld Sch. Nrsg.	New York, N.Y.	09/22/72
Mary Mc Clellan Hosp.	Cambridge, N.Y.	09/25/72
Nitrogen Complex	Clean, N.Y.	09/27/72
N.Y. Tele. Co.	Syracuse, N.Y.	10/02/72
Marble Hall Women, Clb.	Rye, N.Y.	10/04/72
IBM Corp.	N.Y. N.Y.	10/04/72
Hall Nursing Home	Clyde, N.C.	10/02/72
Pta Parent Tchrs.	Bethel, Ohio	09/27/72
Moline U.M. Church	Walbridge, Ohio	10/04/72
Coll. Of Medicine	Cincinnati, Ohio	10/11/72
College	Westchester, Penn.	09/28/72
Friendship Church	Washington Penn.	10/02/72
U.S. Steel Works	Braddock, Penn.	10/10/72
Church of Nazarene	Unola, Penn.	10/10/72
1st Bapt. Church	Aiken, S.C.	09/14/72
Elks Club	Spartanburg, S.C.	10/09/72
St. Anthony's Hosp.	Amarillo, TX.	09/14/72
Health Dept.	Martinsburg, W.V.	09/13/72
S.W. VA. Comm. Coll.	Williamson, W.V.	10/02/72

Month ending October 1972 cont.

(Month/day/year)

Total estimated audience

6,503

Month ending November 1972

Pstr. Lyle Sonntag	Bylas, Ariz.	10/30/72
James Cornelio	Phoenix, Arizona	10/31/72
Dept. Pub. Hlth.	Ft. Smith, Arkansas	10/25/72
Dept. Pub. Hlth.	Ft. Smith, Arkansas	11/08/72
Academy of Avatar	San Jose, Ca.	10/26/72
Park Manor,	San Diego, CA.	11/01/72
Salvation Army	San Diego, CA	11/01/72
C.J. Montana	Ojai, CA.	11/01/72
Metro Adult Educ.	San Jose, CA	11/08/72
Union College	Denver, Col.	10/30/72
Supt. of Schools	Derby, Conn.	10/25/72
GWN Hospital	Washington D.C.	11/08/72
St. Marys Hosp.	Cairo, Ill.	10/17/72
Chicago Chirprctc. Soc.	Harvey, Ill.	10/30/72
Lawn Moose Edge. 44	Chicago, Ill.	11/09/72
1st Bapt. Church	Streamwood, Ill.	11/09/72
Deaconess Hosp.	Eveansville, Ind.	10/19/72
Boonville Kiwanis Clb.	Chandler, Ind.	11/06/72
Masonic Lodge 76	La Grange, Ind.	11/07/72
Police Dept.	Muncie, Ind.	11/09/72
Ks State Coll.	Hays, Kansas	10/23/72
Funk Mfg. Co.	Coffeyville, Kansas	11/09/72
Mt. Blue JHS	Farmington Maine	10/14/72
Meth Church, Grp.	Brockston, Mass.	10/30/72
St. Johns Luth Church	Three Rivers, Mich.	10/13/72
Hanock Gen Hosp.	Bay St. Louis, Miss.	10/26/72
All Seasons Resort	N. Conway, N.H.	10/21/72
Somerset Co A.V. Comm.	Somerville N.J.	10/30/72
Salvation Army	Newark, N.J.	10/31/72
Chamber of Commerce	Glendale, N.Y.	10/16/72
N.Y.U Med. Ctr.	New York, N.Y.	10/19/72
St. Mary Seminary,	Garrison, N.Y.	10/20/72
J.H.S. Club	E. Northport, N.Y.	10/30/72
Monroe H.S.	Central VLY, N.Y.	10/30/72
1st Presby Church	Hickory, N.C.	10/13/72
Calvery Meth. Church	North Lima, Ohio	10/23/72
U.S. Steel Corp.	Youngstown, Ohio	10/23/72
St. Thomas Hosp.	Akron, Ohio	10/24/72
County Nrsg. Home	Cleveland, Ohio	11/01/72
Adult Educ.	Norwalk, Ohio	11/02/72
Un. Meth. Church	New Madison, Ohio	11/06/72
Clackmas Cnty. Hlth. D.	Oregon City, Oregon	10/18/72
Center	Hood River, Oregon	11/02/72
Dannys Cafe	Pittsburgh, Penn.	11/01/72
Fiar Winds Ctr.	Sarver, Penn.	11/02/72
Blssd. Sacramt. Sisters.	Cornwells Hits. Penn.	11/02/72
State Gen. Hosp.	Connellsville, Penn.	11/06/72
First Luthl. Ch.	Galveston, TX.	10/13/72
Armed Services YMCA	El Paso, TX.	10/14/72
Ifirst Assembly God	Perryton, TX.	10/15/72
McMurry College,	Abilene, TX.	10/16/72
Bapt. Hosp.	Beaumont, TX.	10/23/72
1st Christian Chrueh	Gainesville, TX.	11/05/72
Holy Ghost Church	Houston, TX.	11/05/72
Cntrl. Vt. Hosp.	Barre, Vermont	10/13/72
Skagit Vly. Coll.	Mt. Vernon, Wash.	10/23/72
S.C. Johnson Snd. Son	Rabine, Wisc.	10/30/72
1st Presby Church	Satatoga, Wyomint	11/07/72
Total estimated audience		3,977

1972, requested current views of the State Department with regard to his case. On March 7, 1973, that Department advised:

We continue to believe that Mr. Hooper's status should not be adjusted because the granting of such status would be counter to our obligations under U.N. Security Council Resolutions. At the same time we are unable to conclude that the Resolutions require Mr. Hooper's deportation. Accordingly, we believe that continued deferment of action on this unique case remains acceptable.

At the present time Mr. Towsey is a lawful permanent resident alien. Mr. Hooper's status is that of an applicant for adjustment of status to permanent resident. As in the case of any such applicant, Mr. Hooper is not required to leave this country while decision on his application is pending. Any impression that he was granted indefinite voluntary departure is erroneous.

Application for adjustment of status under section 245 of the Immigration and Nationality Act and the implementing regulations (8 CFR 245) may be approved in the exercise of discretion if the statutory provisions are met. Possession of a passport is not required. The statute provides that the applicant must be admissible to the United States for permanent residence and an immigrant visa must be immediately available to him. Mr. Towsey and Mr. Hooper met the statutory provisions. However, a decision has not been made on Mr. Hooper's application for the reasons which I have explained. A blank application form which is used in adjustment cases is attached for your information.¹⁰

A check of the records of the Immigration and Naturalization Service fails to disclose any departure from or return to the United States by Mr. Towsey or Mr. Hooper since their arrivals on March 29, 1964, and September 17, 1965, respectively. In this connection, it should be noted that a records search to locate arrival data concerning return to the United States of a permanent resident after a temporary absence abroad, or to locate data concerning his departure, can be made only if the date and port of arrival or departure are known. In the absence of such information a records search for arrival or departure concerning reentry or departure of a permanent resident is not feasible.

The Service is aware of article 5(a) of Resolution No. 253 which requires member states to

Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person traveling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal regime in Southern Rhodesia.

As a consequence, the Service does not regard a passport issued or revalidated on or after November 11, 1965, by Southern Rhodesian authorities as meeting the definition of "passport" in section 101 (a) (30) of the Immigration and Nationality Act. However, it should be noted that pursuant to section 211(b) of that act and implementing regulations (8 CFR 211.2) an alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad is exempt from the passport requirement of the immigration laws.

With respect to visa requirements, a returning lawful permanent resident alien after a temporary absence abroad may present a reentry permit or his alien registration receipt card (form I-151) in lieu of

¹⁰ See appendix, p. 89.

Month ending December 1972

(Month/day/year)

Ala Cncl. on Alco	Mobile, Alab.	11/24/72
Brophy Coll. Prep.	Phoenix, Arizona	11/11/72
Methodist Church	Mammoth Spring, Ark.	11/12/72
Canyon Adult Ski Clb.	Castro Valley, CA.	11/15/72
Pacific Sntfc. Co.	Anaheim, CA.	11/15/72
Mar Vista Ref. Ch.	Los Angeles, CA	11/15/72
Ft. Macatthor Av. Ctr.	San Pedro, CA.	11/17/72
Garey H.S.	Pomona, CA.	11/20/72
UCLA	Los Angeles, CA.	11/22/72
DE Paul Pavillion	Los Angeles, CA.	11/30/72
Mar Vista Refrmd Ch.	Los Angeles, CA	11/30/72
Jewish Rec. Ctr.	San Francisco CA	12/04/72
Devonshire Chr. Ch.	Mssn. Hills, CA.	12/06/72
Ch. of Nazarene	Mjonterey Pk. CA	12/06/72
Pac. Serv. Emp. Assn.	Murro Bay, CA	12/06/72
United Methodist,	Newport Bch. CA.	12/06/72
Meth. Manor House	Seaford, Del.	11/18/72
Blaine Cnty. Hosp.	Hailey, Idaho	12/05/72
St. Raphael Rel. Ed. Ctr.	Naperville, Ill.	11/19/72
Field Safety Agy.	Charlestown, Ind.	11/15/72
De Paul Univ.	Indianapolis, Ind.	11/27/72
Lyons Club	New Virginia, Iowa	11/16/72
Univ. Hosp.	Iowa City, Iowa	12/08/72
YWCA	New Orleans, Louisiana	11/13/72
St. Mary Gen Hosp.	Lewiston, Maine	11/14/72
People Un. Meth. Chruch	S. Portland, Maine	12/01/72
Travel Club	Hyannis Port, Mass.	11/13/72
Raython Co	Redford, Mass.	11/20/72
City	Peabody, Mass.	12/08/72
Immanuel Luth. Ch.	Palmyra, Mich.	11/19/72
M.T. U. Jaycees	Ionia, Mich.	11/24/72
Norton Co.	Livonia, Mich.	12/08/72
St. Louis Co Water Co	Univ. City, Missouri	11/13/72
Columbus Hospital	Great Falls, Mont.	11/15/72
Sr. Socl. Ctr.	Bozeman, Montana	11/30/72
H.S.	Stewart Nev.	11/22/72
White Pines Coll.	Chester, N.H.	11/29/72
Med. Dentstry Coll.	Newark, N.J.	11/22/72
Comm. Mntl. Hlth. Ctr.	Passaic, N.J.	12/01/72
HYWY Marna, Gishing Sta.	E. Moriches, N.Y.	11/15/72
Salvation Army	Watertown, N.Y.	11/15/72
Employment Prog	Syracuse, N.Y.	11/20/72
B.P. O. Elks	Albion, N.Y.	12/02/72
St. Jacobl Luth. Ch.	Barryville, N.Y.	12/03/72
Perp Help. Monastrery	Esopus, N.Y.	12/04/72
State Univ. Coll.	Oneonta, N.Y.	12/04/72
Avensteinian Acad. Hs.	Carthage, N.Y.	12/07/72
Cont. Educ.	Liberty, Ohio	11/15/72
Copeland Oaks	Sebring, Ohio	11/30/72
YMCA	Middletown, Ohio	12/05/72
Entrl. St. Univ.	Edmond, Oklahoma	11/28/72
Arkay Movie Clb. Sr.	Portland, Oregon	11/20/72
Loyal Order Moose	Tillamook, Oregon	11/20/72
Honeywell Inc.	Ft. Washington, Penn.	11/14/72
P. Com. Barth Pavillion	Philadelphia, Penn.	11/14/72
Grpche. Art Tec. Fdtn	Pittsburgh, Penn.	11/15/72
Gannon College	Erie, Penn.	12/01/72
Penn. St. Univ.	Erie, Penn.	12/04/72
Allegheny Co Comm. Col.	Pittsburgh, Penn.	12/08/72
Bapt. Home	Newport, R.I.	11/30/72
Tech. Ed. Center	Greenville, S.G.	11/20/72
Hume Fogg Tech.	Nashville, Tenn.	12/01/72
St. George Church	Texas City, TX.	11/19/72
Mc Murry College,	Abilene, TX.	11/20/72
TX. Womans Univ.	Denton, TX.	11/23/72
Job Sorps.	McKenney, TX.	11/28/72

Month ending December 1972 cont.

(Month/day/year)

Kennecott Copper Corp.	Magna, Utha	11/13/72
College	Ferrum VA	11/13/72
Correctnl. Inst.	Bland, VA.	11/16/72
Texaco	Richmond, VA	11/20/72
Atlntc. Flt. Cmra Grp.	Norfolk, VA	11/22/72
Vet. Admin. Ctr.	Hampton, VA.	12/04/72
H.S.	Camas, Wash.	12/05/72

Total estimated audience

4,290

Month ending January 1973

Post Serv. Clb.	Redstone, Alabama	12/27/72
Carver School	Yuma, Ariz.	12/18/72
H.S.	Willox, Ariz.	12/25/72
Frindshp. Move Clb.	Phoenix, Ariz.	01/04/73
CA. Inst. For men	Chino, CA.	12/12/72
Merryland Club	San Diego, CA	12/18/72
Air Force Dept.	Mather AFB, CA	12/20/72
Adult Sch.	Tracy, CA.	12/21/72
Chath. Hill Sch. Adltd.	Monroe, Conn.	12/11/72
Confrat. of Chrstn. Doc.	Wash. D.C.	12/21/72
University	Pensacola Fl.	12/12/72
VA Hosp.	Lk. City, Fl.	12/14/72
Dr. A. H. Clair	E. Point, Georgia	12/11/72
Thornton TWP HS	Harvey, Ill.	12/13/72
St. John Luth. Chr.	Sparta, Ill.	12/29/72
Jefferson Area Voc. Sc.	Jeffersontown, Kent.	12/18/72
Open Mess Club	Ft. Devens; Mass.	12/07/72
Leominster HS	Leominster, Mass.	12/12/72
Peerless Invst. Clb.	Detroit, Mich.	12/12/72
Coll	Grt. Falls Mont.	12/18/72
University	Lincoln, Nebr.	01/02/73
Republicn. Clb.	Cliffside Pk. N.J.	12/12/72
Cnty Coll. Morris	Dover, N.J.	12/14/72
Iona College,	New Rochelle, N.Y.	12/18/72
Salesian Seminary,	Goshen, N.Y.	12/19/72
Hercules Inc.	Glen Falls, N.Y.	12/24/72
Lutheran Grp.	Charleston, N.C.	12/11/72
Calvary Asso. God	Rouzerville, Penn.	12/11/72
Lankenau Hosp.	Phila, Penn.	12/15/72
Evan Luth. Church	Lancaster, Penn.	12/17/72
Dept. Pub. Welfare	Harrisburg, Penn.	12/19/72
St. Pauls Luth Ch.	Sounderton, Penn.	12/28/72
Voc. Ctr.	Florence, S.C.	12/12/72
Wheatley Assoc.	Greenville, S.C.	12/21/72
YMCA	Waco, TX	01/01/72
Atlantic Flt, Cmr. Grp.	Norfolk, VA.	12/21/72
J. Rumsey Vo. Tech. Ctr.	Martinsburg, W.V.	12/11/72
Kee St. Meth. Church	Princeton, W.V. q	12/31/72
Harnischfeger Corp.	Milwaukee, Wisc.	12/11/72
Knights of Columbus, Racine,	Wisc.	12/12/72
Lions Club	Wausaukee, Wisc.	12/29/72

Total estimated audience

2,912

THEATRICAL BOOKINGS

<u>Theatre</u>	<u>State</u>	<u>Date</u>	<u>Estimated Audience</u>
<u>TURN ROUND ELEPHANT</u>			
Palace Theatre	N.J.	8/19 - 8/22	1,800
Woodside, Deluxe Th.	N.J.	8/02 - 8/08	2,900
Century's Argo Th.	N.Y.	8/30 - 9/05	3,100
Savoy Theatre	N.Y.	9/11 - 9/17	2,900
RKO Ritz Th.	N.J.	9/20 - 9/26	3,300
RKO Ritz Th.	N.J.	9/27 - 10/3	3,300
Cameo Th.	N.Y.	10/21 - 10/24	1,900
Cameo Th.	N.Y.	10/25 - 10/31	3,300
Rome Th.	N.Y.	10/28 - 10/31	1,800
RKO Embassy Th.	N.J.	11/1 - 11/7	2,975
<u>IVORY KINGDOM</u>			
Regent Theatre	N.J.	08/19 - 08/22	2,400
Regent Theatre	N.J.	08/23 - 08/29	3,250
Grant Lee Th.	N.J.	08/23 - 08/29	2,500
RKO Embassy Th.	N.J.	08/02 - 08/08	2,950
Ritz Th.	N.J.	09/06 - 09/12	3,500
Ritz Th.	N.J.	08/30 - 09/05	3,500
Midtown Theatre	N.Y.	09/20 - 09/26	3,200
Cameo Th.	N.Y.	10/28 - 10/31	1,650
Earl, Th.	N.Y.	10/04 - 10/10	3,750
Rome Th.	N.Y.	11/05 - 11/07	1,900
Rome Th.	N.Y.	11/08 - 11/14	3,500
<u>CROCODILE</u>			
Amelia Th.	N.Y.	07/28 - 07/30	2,100
Ditmars Th.	N.Y.	08/09 - 08/12	2,000
Century's Bellerose Th.	N.Y.	08/23 - 08/29	3,300
Sauby Th.	N.Y.	08/07 - 08/13	3,100
Century's Alan Th.	N.Y.	08/23 - 08/29	3,275
Midtown Th.	N.Y.	07/26 - 08/01	3,100
RKO Sanford Th.	N.J.	09/20 - 09/26	3,700
Century's Queens Th.	N.Y.	09/20 - 09/26	2,900
Drake Th.	N.Y.	09/06 - 09/12	3,300
Deluxe Th.	N.Y.	09/06 - 09/12	3,150
RKO Cranford Th.	N.J.	10/11 - 10/17	3,200
Bellerose Th.	N.Y.	10/11 - 10/17	3,500
Rome Th.	N.Y.	10/21 - 10/24	1,900
East Islip Th.	N.Y.	10/28 - 10/31	1,400
Palace Th.	N.J.	11/11 - 11/14	1,200
Cameo Th.	N.Y.	11/25 - 11/28	3,000
Goshen Th.	N.Y.	11/04 - 11/07	1,500
Fair Th.	N.Y.	11/18 - 11/21	1,600
Midtown Th.	N.Y.	11/08 - 11/14	3,200
Beacon Th.	N.Y.	11/10 - 11/14	1,900
Earl Th.	N.Y.	12/06 - 12/12	3,150
Old Country Th.	N.Y.	11/29 - 12/05	3,300
Grand Ave. Cinem.	N.Y.	12/23 - 12/26	2,100
Commun. Th.	N.Y.	12/13 - 12/19	3,250

5. GENERAL

In addition to the specific activities stated in this appendix, the officers of the Rhodesian Information Office have held themselves available for numerous informal meetings with American citizens who have expressed a desire to know more about the Rhodesian Government's case. Periodic visitors to the office have requested and been given the use of a small reference library containing, in addition to government reports and statistics, books pertaining to Africa and Rhodesia, and Rhodesian newspapers and magazines.

Officers have attended congressional hearings on the Rhodesian situation and have met at their request with Congressmen, Senators, members of the news media, officials and diplomats who have expressed interest in the Rhodesian situation.

Numerous telephoned and personal enquiries were processed each day and general correspondence passing through the office has covered a wide range of Rhodesian interests.

APPENDIX 3

LETTER TO CHAIRMAN DIGGS FROM JUSTIN J. O'SHEA ATTACHING DEPARTMENT OF JUSTICE'S COMMENTS ON LETTER RECEIVED FROM BARBARA ROGERS

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 29, 1973.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee of Africa,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The attached comments are submitted in response to the May 18, 1973, communication of Ms. Barbara Rogers concerning additional alleged deficiencies in the registration statement of the Rhodesian Information Office filed pursuant to the provisions of the Foreign Agents Registration Act.

Sincerely,

JOHN H. DAVITT,
Chief, Internal Security Section,
Criminal Division.

By JUSTIN J. O'SHEA,
Chief, Registration Unit.

Attachment.

The following comments are furnished in connection with Ms. Barbara Rogers' communication of May 18, 1973, concerning alleged deficiencies in the registration statement filed by the Rhodesian Information Office (RIO) pursuant to the provisions of the Foreign Agents Registration Act.

Ms. Rogers indicates that RIO which has been filing a so-called "Schedule B" to its supplemental statements since January of 1969, also should have been required to file such statements prior to that time. The fact that the RIO did not previously use an attachment in its answers to Items 11 and 12 of its supplemental statements does not necessarily mean that it had violated the provisions of the Act since its previous responses to these items had been accepted by the officials then in charge of administering the Act.

The change in responding to these items, as noted by Ms. Rogers, was based upon a request initiated by the Registration Section at that time when it was determined that responses to Items 11 and 12 did not set forth sufficient details concerning its operation. The RIO was then requested to furnish more details as to its activities in all future supplemental statements. It has complied with this request to date by the use of attachments in responses to Items 11 and 12.

Ms. Rogers indicates an inaccuracy in a financial attachment to the supplemental statement for the six-month period ending January 31, 1971. She states that this set of accounts is labeled "August 1, 1970-February 28, 1971" and points out the fact that it covers payments only "up to January 31, 1971". In view of the fact that the supplemental statement covers the reporting period only up to January 31, 1971, it would be improper to include therein any payments made in February 1971.

Ms. Rogers makes references to an amendment to the supplemental statement for the period ending January 30, 1973, in which the RIO gives the figure \$86,033.61 in amending Item 18 as the total received from its foreign principal during the period. Ms. Rogers points out that in response to Item 14(a) of the same statement the amount of its total receipts is stated as \$83,771.49. There is nothing on its face to explain this apparent discrepancy. Hence, the RIO is being requested to amend its statement to explain or correct this apparent discrepancy.

Ms. Rogers has charged that the RIO has failed to file the pamphlets entitled "Red for Danger" and "Products of Rhodesia." Comment on the latter named pamphlet was made in the previous comments submitted in connection with the statement made before your committee. The RIO is being requested to furnish copies of these pamphlets for review in the light of the filing and labeling provisions of the Act.

Inquiry is also being made of RIO to furnish information concerning the status and duties of its employee Eileen A. Fox.

It should be noted that the mere failure to file registration material within certain time periods is not per se a basis for criminal prosecution under the Act. A violation of the statute must be based upon an action that is willful and not merely negligent.

APPENDIX 4

RESPONSE OF KENNETH H. TOWSEY TO STATEMENT OF BARBARA ROGERS

On the occasion of my appearance before the Africa Subcommittee of the Committee on Foreign Affairs of the House of Representatives I undertook at the invitation of the subcommittee to comment on testimony given by Ms. Barbara Rogers on May 15, 1973.

Comment is directed to relevant parts of the testimony. An absence of comment does not necessarily signify acknowledgment accuracy or validity of any statement.

P. 1 Par 2.—Messrs. Towsey and Hooper did not have their passports withdrawn at the time of Rhodesia's Declaration of Independence. They continue to hold Rhodesian passports.

P. 1 Par 6.—The Rhodesian Information Office does not perform the consular functions which it exercised prior to the Declaration of Independence. These functions are now vestigial, and relate almost entirely to servicing the needs of Rhodesian students (predominantly black) who require passport renewals. There is no other competent authority in the United States to provide this service. Revalidation of passports is not done in the Rhodesian Information Office. Passports are transmitted to Salisbury for this purpose and a modest fee is charged which barely covers the cost of communications. A total sum of \$102.54 has been received in fees since the Declaration of Independence.

P. 2 Par 1.—The Rhodesian Information Office did not make "a false and misleading statement to the Department of Justice" when it registered under the Foreign Agents Registration Act. There is a statement on record at the Department describing the Government of Rhodesia specified in the original registration statement as "the Government amenable to the Constitution of Rhodesia, 1965, proclaimed in Salisbury, Rhodesia on November 11th, 1965." Other testimony has established that "legitimacy" is not a factor relevant to registration.

P. 3 Par 3.—Mr. Towsey has visited Rhodesia for periods of 3-6 weeks each year since 1968. In 1969 and in 1973 he was accompanied by his wife and daughters. The journeys have included transit stops in Portugal, South Africa and (on one occasion) Switzerland.

P. 4.—Certain pamphlets held by the Rhodesian Information Office describe industrial and agricultural conditions. They are only given out as part of the Office's information function if specific inquiry is made. The office does not promote immigration from the United States to Rhodesia.

P. 5.—The operations of the Rhodesian Information Office are financed from "free accounts" paid into New York banks in the manner described in the statement of Assistant Secretary to the Treasury John M. Hennessy to the subcommittee on May 17, 1973.

P. 6 Par 3.—The Rhodesian Information Office has not involved itself in any activities or transactions which it has reason to believe are outside the law.

P. 6 Pa. 4.—A booklet entitled "Rhodesia's Products" was filed with the Department of Justice on April 12, 1967. It was informative and not promotional. Dissemination reports reveal that 417 copies were distributed. The publication is no longer in print.

P. 7 Par 2.—The Rhodesian Information Office has not been involved in the sale of animals to the San Diego and Denver zoos. The National Parks Department of Rhodesia donated elephants to the zoos. The zoos' obligation was to pay for freight and feed. The Rhodesian Information Office was asked to refund an overpayment on these costs.

P. 7 Par 3.—An inquiry has been raised about the reimbursement of \$60.63 to S. F. Rollin of the U.S. Department of Agriculture in September, 1971. The facts are as follows. A Rhodesian agriculturist attended a convention in the United States in the summer of 1971. The cost of his hotel accommodation came to more than he had paid in advance. The Rhodesian Information Office was asked to pay the shortfall to Mr. Rollin, who was in charge of settling the accounts.

P. 7 Par 6.—Reference has been made to a donation accepted by the Rhodesian Information Office on behalf of the Blair Research Laboratory in Salisbury. The circumstances are as follows. The Blair Research Laboratory (a leading research institution on schistosomiasis control) had been conducting field trials with a new molluscicide on behalf of the International Lead Zinc Research Organization Inc. of New York. The latter organization wished to make a donation to the Laboratory in consideration of its assistance. This took the form of the cost of an air fare (\$1064) deposited with the Rhodesian Information Office to enable a scientist from the Blair Research Laboratory to attend a seminar in the United States on "The Future of Schistosomiasis Control."

P. 7 Par 7.—The Rhodesian Information Office had no responsibility for a special supplement on Rhodesia published by the Journal of Commerce on June 19, 1972. Some copies of the supplement were subsequently distributed under cover of a letter dated June 26 bearing Mr. Towsey's signature. The letter was filed with the Department of Justice. It makes the point that, "with limited exceptions, trade between Rhodesia and the United States is forbidden by U.S. Government regulations;" also that "how long sanctions will continue is not in our control."

P. 12 Par 1.—Ms. Rogers' testimony misconceives and overstates the role played by the Rhodesian Government and the Rhodesian Information Office in the passage of what has come to be known as the Byrd Amendment. She claims that the "operation was planned from Salisbury" and that (Prime Minister) "Ian Smith was the first person to talk about the U.S.'s supposed need for Rhodesian chrome to a group of visiting American journalists" on March 2, 1970. The Prime Minister did in fact make a brief reference to Rhodesian chrome at the end of his press conference on that date, but only in response to a question from one of the visiting journalists. As early as March, 1966 members of the United States Congress had referred to prospective difficulties accruing to the United States from a protracted embargo of Rhodesian chrome. At hearings before the Africa Subcommittee held in October/November 1969 concerned testimony was heard from representatives of the Department of Commerce, the Office of Emergency Preparedness, the Union Carbide Corporation and the Foote Mineral Company. Testimony to the same general effect was also presented to a subcommittee of the Senate Armed Services Committee when it was considering disposals from the chrome stockpile.

P. 12 Par 1.—As indicated in the verbal testimony, the Rhodesian Information Office had an interest in the successful outcome of the Byrd Amendment because it would constitute a step toward the normalization of relations between the United States and Rhodesia. In the course of its activities the Rhodesian Information Office has disseminated in its publication "Rhodesian Viewpoint" information bearing on the chrome question, copies of which are enclosed with this letter. It will be seen that very little of the content of this publication is prepared in the Rhodesian Information Office. It is almost exclusively composed of views taken from public statements, editorial opinion and similar sources. The frequency with which the chrome question is referred to in "Rhodesian Viewpoint" is, therefore, a direct reflection of public concern about this subject.

APPENDIX 5

RHODESIAN SANCTIONS—LICENSES ISSUED FROM JULY 29, 1968 TO MAY 15, 1973, FOR MEDICAL, EDUCATIONAL, AND HUMANITARIAN REMITTANCES

Cornell Acheson.....	\$2, 436	Ralph E. Burr.....	\$444
Do	5, 525	Daniel L. Burris.....	72, 000
Do	5, 150	Burris Christian Mission...	3, 823
Do	3, 107	Obadiah Bwerinofa.....	200
Do	6, 214	Robert W. Campbell.....	25
Do	6, 214	George G. and Solveig M. Carlson	1, 235
Mrs. H. K. Adenstedt.....	700	Carmelite Fathers.....	117
Adult Literacy Center.....	180, 000	Do	963
African Evangelical Fellowship, Inc.....	154, 000	Central Africa Mission....	1, 391, 593
Alexander M. Alvord.....	1, 200	Do	16, 800
The Anglican Orthodox Church	6, 000	Max T. Chigwida.....	3, 811
Carlos Anselmo.....	60	Manzuzo Chikzunga.....	59
The Apostolic Faith.....	6, 800	Child Evangelism Fellowship, Inc.....	9, 720
The Apostolic Faith Mission	6, 000	Do	13, 560
Corinne Patricia Armstrong	4, 000	Mashako Chinhenzwah....	2, 880
Mrs. Alma J. Ashby.....	2, 435	Tapera Chiwacha.....	200
Baker University.....	1, 481	Christian Children's Fund, Inc.	9, 600
John T. Baldwin.....	1, 800	Christian Service Corps....	12, 000
Marcia Mary Ball.....	1, 000	Church of Christ.....	1, 800
Ballard Free Methodist Church	139	Church of the Nazarene....	255, 796
Bank of Brewton.....	4, 410	Church World Service....	4, 000
Barclays Bank.....	20	Do	4, 000
Do	50	Circus Productions, Inc....	10, 000
Do	150	Gerald A. Close.....	30, 000
Do	1, 000	David M. Coleman.....	9, 600
Douglas Donovan Bauer....	25, 200	Do	12, 000
Roland J. Beaudet.....	250	P. F. Collier, Inc.....	90, 000
Joseph S. Berliner.....	1, 400	Do	480, 000
Estelle C. Best.....	2, 500	Donald E. Collison.....	30, 000
Mark Albert Binder.....	20, 000	Commission on Ecumenical Mission	350
Robert F. Birch.....	4, 800	Do	1, 000
Anne Bloodworth.....	2, 800	Flora B. Corum.....	8, 400
Hardy Bollongino.....	12, 000	Council on World Service..	92, 525
Rudyerd Boulton.....	17, 856	R. D. Courteau.....	4, 800
Bourne & Co., Ltd.....	3, 500	Ronald Jay Courter.....	2, 875
Richard R. Boyd.....	18, 000	Verna M. Culver.....	9, 420
Lillian K. Brabson.....	200	Thomas L. Curtis.....	2, 000
Brethren In Christ Missions	460, 000	Clyde J. Datson.....	10, 800
David S. Brown.....	10, 200	Reverend and Mrs. Glyn Davies	4, 200
Leo R. Brown.....	25	Dwayne A. Davis.....	2, 400
W. L. Brown.....	28, 000	Daystar Communications, Inc	240, 000
W. L. Brown, Mission Service Account.....	18, 000	Hugh S. Deale.....	2, 400
William Leslie Brown Building Fund.....	20, 000	Constance de Kock.....	31
Isabella Browning.....	3, 600	L. Harold de Wolf.....	1, 600
Bryantsville Church of Christ	665	Ralph E. Dodge.....	2, 100
George E. Bundy.....	2, 000	Domestic and Foreign Missionary Society.....	375, 000
		Joseph A. Donohue.....	3, 230
		Irene Dornfeld.....	500

RHODESIAN SANCTIONS—LICENSES ISSUED FROM JULY 29, 1968 TO MAY 15, 1973, FOR MEDICAL, EDUCATIONAL, AND HUMANITARIAN REMITTANCES—Continued

Joshua Dube.....	\$250	Epworth Theological Col-	
Herbert Clyde Edminster..	3, 000	lege	\$25, 000
Educational Testing Service	32	George S. Erskine.....	173
Do	20	Evangelical Alliance Mis-	
Do	500	sion	200, 000
Do	10	Do	1, 320, 000
Do	1	Faith Missionary Church,	
Do	2	Inc.....	1, 200
Do	5	The Fidelity Bank.....	35, 156
Do	3	Fidelity National Bank....	20
Do	3	The Fields, Inc.....	6, 428
Do	32	Marilyn J. Files.....	174, 000
Do	20	William Chester Finster...	5, 500
Do	2	First Christian Church....	2, 000
Do	4	First Congregational Church	
Do	33	of Glencoe.....	18, 000
Do	4	First National Bank of	
Do	5	Bloomington	2, 700
Do	8	First National Bank, Coral	
Do	500	Gables	2, 000
Do	5	Do	200
Do	5	First National Bank, Sear-	
Do	30	cy, Ark. ¹	NV
Do	4	Foote Mineral Co.....	100
Do	71	Do	500
Do	4	Foreign Mission Board of	
Do	4	Southern Baptist Conven-	
Do	1	tion	2, 429, 885
Do	3	J. Miller Forcade.....	9, 000
Do	3	Laura B. Ford ¹	NV
Do	7	Emerson C. Frey.....	3, 000
Do	4	Friends World Committee..	3, 000
Do	4	Do	4, 000
Do	4	Do	4, 500
Do	10	Do	4, 500
Do	3	Do	5, 000
Do	28	Dewey Frizzell.....	360
Do	4	Do	420
Do	500	Do	480
Do	48	Do	1, 200
Do	5	D. L. or Priscilla Frizzell..	600
Do	4	Full Gospel Pentecostal....	30
Do	3	Do	3, 600
Do	23	Do	1, 200
Do	50	Full Gospel Tabernacle....	30
Do	35	Full Gospel World Mis-	
Do	4	sions	1, 200
Do	3	Do	3, 600
Do	4	Do	3, 600
Do	13	Do	4, 200
Do	3	S. D. Garrett Mission	
Do	11	Fund	24, 400
Do	12	Wilhelmina T. Gazeley....	500
Do	2	General Conference of Sev-	
Do	7	enth-day Adventists.....	1, 094, 000
Emma A. Eide ¹	NV	General Council Assemblies	
Elim Tabernacle, Inc.....	600	of God.....	360, 000
Embry Hills Church of		General Missionary Board	
Christ	1, 200	of the Free Methodist	
		Church	318, 243

Footnotes at end of table, p. 139.

RHODESIAN SANCTIONS—LICENSES ISSUED FROM JULY 29, 1968 TO MAY 15, 1973, FOR MEDICAL, EDUCATIONAL, AND HUMANITARIAN REMITTANCES—Continued

General Motors Corp. ²	\$2, 700	Callisto Madavo.....	\$420
Do. ²	3, 121	Takawira Mafukidge.....	350
Do. ²	2, 377	Manufacturers Hanover.....	5, 180
Do. ²	2, 739	Do.....	720
Kathlyn U. Giannaula.....	520	Do.....	52
Robert Gill.....	12, 000	Beatrice Marsh.....	30, 000
Arvil Glenn.....	500	Dale E. Marshall.....	450
Philip Gomez.....	1, 288	Do.....	19, 800
Do.....	5, 929	Albert P. Martinez.....	204
Do.....	4, 000	Henry I. Maunseil.....	300
Do.....	20, 000	James Keefe Lumbiwa	
Joseph Gomez.....	759	Mayo.....	200
Grace Avenue Church.....	610	Roselle Mazobere.....	1, 150
Zora Greenway.....	500	Charles McClelland.....	38, 400
Do.....	500	Frank McConnell.....	35
Roy Grinestoff.....	150	Harold McLaren.....	2, 400
Kanhoru Gutu.....	1, 200	Mechanics Exchange Sav-	
Alan Hadfield.....	14, 400	ings Bank.....	14, 500
Rev. Gerald S. Harvey ¹	NV	Davis B. C. M'Gabe.....	3, 180
Gerald Harvey.....	3, 600	Missionaries for Christ In-	
Jerry Hayes ¹	NV	ternational.....	87, 500
John P. Higgins.....	10, 440	Loy Mitchell.....	18, 000
Hillcrest Church of Christ.....	252, 000	Peter Molketsi.....	500
W. C. Hinton.....	120	I. E. Montgomery.....	860
Lena Horwitz.....	12, 600	Margaret Moore.....	300
John N. Hoyt Family.....	20, 000	Morgan Guaranty Trust.....	2, 397
Darrell Huddleston.....	2, 000	Do.....	479
Huffmen Church of Christ.....	6, 000	Do.....	2, 380
Institute of Food Technolo-		Do.....	5, 000
gists.....	315	Do.....	122, 000
International Harvester.....	2, 156	Do.....	100
Do.....	13, 624	Movement for a Better	
Do.....	10, 560	World.....	350
International Planned Par-		Ambrose Moyo.....	800
enthood.....	47, 082	Mercy J. Muchena.....	100
Irving Trust Co.....	560	Do.....	500
Do.....	500	Do.....	150
Aaron Jacha.....	2, 000	Anne Ruth Mujeni.....	1, 600
Warren Jennings.....	50	Mary H. Murley.....	25
Jewel Retirement Estates.....	9, 600	Do.....	170
Curtis W. Jones.....	2, 400	Oliver Musuka.....	560
Samuel Lee Jones.....	900	Solomon Mutswairo.....	360
Do.....	7, 200	Do.....	280
Joseph Ave. Church of		Abel T. Muzarewa.....	2, 500
Christ.....	1, 800	National Council of	
Milton L. Kalso.....	10, 500	Churches.....	1, 875
Leonard Kapungu.....	900	Do.....	2, 500
Do.....	300	Do.....	1, 600
Charles H. Keene.....	15, 384	Do.....	4, 000
Raymond Kerns.....	30	Do.....	5, 000
Judy Kimdin.....	11	Do.....	4, 000
Jurgen Klingeilstein.....	600	Do.....	5, 000
B. W. Laing.....	10, 400	Do.....	2, 000
Edward Langley.....	6, 000	Do.....	1, 200
Henriette de S Lehman.....	6, 300	Do.....	1, 000
Frances Lenth.....	2, 500	Do.....	3, 000
Limestone Church of God.....	8, 580	Do.....	4, 200
Lybrand, Ross Bros. &		National Spiritual Assem-	
Montgomery.....	966	of the Baha's of the	
Do.....	3, 926	United States.....	10, 000
Do.....	591	Martha Neavor.....	240
Do.....	1, 000	Jacquelyn Neely ¹	NV

Footnotes at end of table, p. 139.

an immigrant visa. The alien registration receipt card is acceptable only if the alien has been abroad for less than 1 year and has not traveled to, in or through a Communist country.

An alien whose application for adjustment of status is pending, such as Mr. Hooper, may apply to the Service for a travel document which would enable him to return to the United States after temporary departure. Such document, known as form I-512, is an advance parole authorization. It may be issued only under certain circumstances. An alien whose application for adjustment of status is pending may be issued form I-512 upon a showing of necessity to depart temporarily for emergent/personal or bona fide business reasons. Such a document was never issued to Mr. Towsey or Mr. Hooper.

Any alien who is unlawfully in the United States is subject to the institution of deportation proceedings. However, such proceedings are not instituted against an alien while he has an application for adjustment of status pending before the Immigration and Naturalization Service for the reason that approval of the application would preclude deportation. If the application is denied, the alien is given a period of time within which to depart voluntarily; upon failure to depart, deportation proceedings are instituted and a formal hearing is held before an immigration judge. At the hearing the alien may renew his application for adjustment of status and he may appeal from a denial order to the Board of Immigration Appeals in Washington, D.C.

Under the policy of the Immigration and Naturalization Service the privilege of voluntary departure may be accorded to any alien who is statutorily eligible if the District Director determines that there are compelling factors. Aliens who may be deportable on grounds relating to criminal, immoral, narcotic, or subversive activities are ineligible. The Service has prescribed standards for the grant of voluntary departure in specified situations, such as those involving asylum, which are not relevant to the subjects of your inquiry.

I hope the foregoing helps to explain the immigration cases of Mr. Towsey and Mr. Hooper.

That is the end of my formal statement.

Mr. Diggs. Thank you, Mr. Commissioner.

The Chair now recognizes Justin O'Shea, Chief of the Registration Unit, Internal Security Section of the Criminal Division of the Department of Justice.

If the gentleman has a prepared statement you may proceed.

**STATEMENT OF JUSTIN J. O'SHEA, CHIEF, REGISTRATION UNIT,
INTERNAL SECURITY SECTION, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE**

Mr. Justin J. O'Shea has been an Attorney with the Department of Justice since January, 1955. He was appointed Deputy Chief, Registration Section, Internal Security Division on May 14, 1971, and became Chief of the Registration Section on March 17, 1972. He became Chief, Registration Unit, Internal Security Section, Criminal Division, upon the consolidation of the Internal Security Division with the Criminal Division in March, 1973.

Mr. O'SHEA. Thank you, Mr. Chairman. I am Justin J. O'Shea, Chief of the Registration Unit of the Internal Security Section of the Criminal Division of the Department of Justice.

RHODESIAN SANCTIONS—LICENSES ISSUED FROM JULY 29, 1968 TO
MAY 15, 1973, FOR MEDICAL, EDUCATIONAL, AND HUMANITARIAN
REMITTANCES—Continued

Love More Nyoni.....	\$50	Martin S. Sibanda.....	\$500
Mudziviri Nziramasenga..	240	George Sichel.....	28
Oakland Drive Church of Christ	7, 200	Sigma Theta Epsilon.....	250
Rev. Joseph P. O'Brien....	25	Claude E. Simon.....	150
Tom Oines.....	100	C. Simons.....	11
Mathis Ogburn.....	4, 000	Russell G. Simpson.....	135
James J. O'Laughlin.....	10	Arnold Simuchimba.....	1, 400
Norma Dunn Orr.....	65, 133	Eleanor Slimmon.....	1, 400
Naomi Oseni.....	400	Irving Smith.....	1, 200
Rodney Page.....	100	Kathaleen Smithford.....	4, 200
Edith H. Parks.....	19, 600	Gerald A. Snyder.....	600
John Pennington.....	4, 800	Social Security Administra- tion ³	NV
Pentecostal Holiness Church	125, 000	Standard Bank Ltd.....	21, 515
James Pettingale.....	4, 200	Do	23, 828
James Alan Petty ¹	NV	Do	30, 200
Pioneer Park Church of Christ	168	Do	4, 000
Powers Ferry Road Church of Christ.....	300	Do	18, 000
Do	300	Do	26
Do	1, 800	Do	40
Preston Road Church of Christ	57, 600	Do	1, 500
Cora Jo Prieskorn.....	2, 000	Do	300
Protestant Episcopal Theo- logical Seminary.....	3, 000	Do	1, 200
Redwood Christian Cen- ter	12, 000	Do	600
Regents of the University of California	1, 000	Do	223
Robert F. Repke.....	13, 500	Do	2, 533
Do	13, 800	Do	2, 400
The Rockefeller Founda- tion	2, 934	Do	500
Rotan Church of Christ... Walter Ruben.....	15, 600	Do	6, 000
Salvation Army.....	26, 040	Do	1, 500
Do	1, 400	Do	1, 343
Do	10, 000	Do	6, 614
Do	2, 800	State Bank of Saint Charles	222
Do	32, 692	State University of New York	650
Do	30, 000	Mrs. Mildred Stephens.....	5
Do	120, 000	Ira M. Stern.....	2, 000
Richard Sampson.....	1, 500	Stickles Hayden & Kennedy	30, 000
Dawson Sanyangare.....	30	Mrs. B. W. Strauss.....	1, 000
Schemmelpenninck-Camp- bell Education Trust....	1, 721	Joseph V. Taderera.....	2, 764
Agnes Schindler.....	420	Giuseppe Tabanelli.....	249
Rev. Norman L. Schrel- ber ¹	NV	Lois Taylor.....	500
A. P. Selkirk.....	1, 200	Do	3, 000
William Jerome Sexton....	600	Thomas Templeton.....	1, 243
Carroll Wayne Shaw ¹	NV	W. J. Trent.....	280
James Shewmaker.....	1, 000	Do	1, 680
William Shields.....	18, 000	Bernadette Trudeau.....	484
Harold Short.....	1, 230	Unitarian Universalist Service	4,575
John E. Shryock.....	2, 600	United Church Board for World Ministries.....	1, 825, 000
Do	3, 300	United Presbyterian Church	5, 000
Ruth F. Shryock.....	1, 500	University College of Rhodesia	28, 000
Martin Sibanda.....	30	Do	28, 000
		Adam Usoyl.....	400
		Do	300
		John Edward Vallance....	6, 000

RHODESIAN SANCTIONS—LICENSES ISSUED FROM JULY 29, 1968 TO
MAY 15, 1973, FOR MEDICAL, EDUCATIONAL, AND HUMANITARIAN
REMITTANCES—Continued

William Van Winkle.....	\$1,800	Alfred N. Wheeler.....	\$4,122
Do	27,000	Willard Wilson.....	4,200
Do	2,400	John Winthrop.....	400
George Verginakis.....	150	World Division of the	
Veterans' Administration ³ ..	NV	Board of Missions of the	
Claris Vilas.....	100	United Methodist Church..	3,904,000
Vista Rotary Club.....	200	World Outreach, Inc.....	117,400
Benita Von Dahl.....	600	Robert L. Wyckoff.....	3,000
Valjean Warman ¹	NV	Yamhill Christian Church..	17
Valjean Warman.....	24,000	Teddy Zengeni.....	500
Watch Tower Bible and		Do	700
Tract Society.....	125,000	Do	3,000
Marguerite Watson.....	1,800	Do	3,028
David M. Watt.....	70	Zimbabwe Relief and De-	
James Westmoreland.....	400	velopment Fund.....	200
Do	2,400	Do	500

¹ Authorizes American missionary in Rhodesia to receive checks from relatives and friends in the United States for missionary support.

² Authorized delivery to missionary of 1 car.

³ Authorized pension payments.

APPENDIX 6

SECURITY COUNCIL RESOLUTION NO. 232 OF DECEMBER 16, 1966

[U.N. doc. S/RES/232 and Corr. 1 (1966) (S/7621/Rev. 1, as amended); and adopted by the Council on Dec. 16, 1966, by a vote of 11 (U.S.) to 0, with 4 abstentions (Bulgaria, France, Mali, and U.S.S.R.)]

TEXT OF RESOLUTION

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost in order to break off economic relations with Southern Rhodesia,

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that to the extent not superseded in this resolution, the measures provided for in resolution 217 (1965) of 20 November 1965, as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

(a) the import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(b) any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(d) any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

(e) any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(f) participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia; notwithstanding any contracts entered into or licenses granted before the date of this resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV); and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or of the specialized agencies to report to the Secretary-General the measures each has taken in accordance with the provisions of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

APPENDIX 7

TEXT OF EXECUTIVE ORDER 11322, JANUARY 5, 1967, RELATING TO TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations, by Security Council Resolution No. 232 adopted December 16, 1966, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered :

SECTION 1. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order.

(a) The importation into the United States of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products, and hides, skins and leather originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(b) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the export from Southern Rhodesia after December 16, 1966, of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia, and any dealings by any such person in any such commodities or in products made therefrom in Southern Rhodesia or elsewhere, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings: *Provided*, however, that the prohibition against the dealing in commodities exported from Southern Rhodesia or products made therefrom shall not apply to any such commodities or products which, prior to the date of this Order, had been imported into the United States.

(c) Shipment in vessels or aircraft of United States registration of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(d) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia.

(e) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles, and of equipment and materials for the manufacture, assembly, or maintenance of aircraft or motor vehicles in Southern Rhodesia; the shipment in vessels or aircraft of United States registration of any such goods destined for Southern Rhodesia; and any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia.

(f) Any participation in the supply of oil or oil products to Southern Rhodesia (i) by any person subject to the jurisdiction of the United States, or (ii) by vessels or aircraft of United States registration, or (iii) by the use of any land or air transport facility located in the United States.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows :

(a) To the Secretary of State, the function and responsibility of enforcement relating to the importation into, or exportation from the United States of articles, including technical data, the control of the importation or exportation

of which is provided for in section 414 of the Mutual Security Act of 1954 (68 Stat. 848), as amended (22 U.S.C. 1934), and has been delegated to the Secretary of State by section 101 of Executive Order No. 10973 of November 3, 1961.

(b) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of articles other than the articles, including technical data, referred to in subsection (a) of this section; and

(ii) the transportation in vessels or aircraft of United States registration of any commodities the transportation of which is prohibited by section 1 of this Order.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not delegated under subsections (a) or (b) of this section.

SEC. 3. The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 232.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses, or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 232.

SEC. 5. (a) The term "United States," means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association, or other unincorporated body of individuals, or corporation"

LYNDON JOHNSON.

THE WHITE HOUSE, *January 5, 1967.*

APPENDIX 8

SECURITY COUNCIL RESOLUTION NO. 253 OF MAY 29, 1968

[U.N. doc S/RES; 253 (1968); adopted unanimously by the Security Council on May 29, 1968]

The Security Council,

Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

Taking note of resolution 2262 (XXII) adopted by the General Assembly on 3 November 1967,

Noting with great concern that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, and 232 (1966) of 16 December 1966, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

Gravely concerned that the measures taken by the Security Council have not been complied with by all States and that some States, contrary to resolution 232 (1966) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime in Southern Rhodesia,

Condemning the recent inhuman executions carried out by the illegal régime in Southern Rhodesia which have flagrantly affronted the conscience of mankind and have been universally condemned,

Affirming the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility for dealing with the prevailing situation,

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV),

Reaffirming its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the United Nations Charter,

1. *Condemns* all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions;

2. *Calls upon* the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

3. *Decides* that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any

transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

4. *Decides* that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs;

5. *Decides* that all States Members of the United Nations shall:

(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and

(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966;

6. *Decides* that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

7. *Decides* that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

8. *Calls upon* all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

9. *Requests* all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

10. *Emphasizes* the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965);

11. *Calls upon* all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the United

Nations Charter and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article;

12. *Deplores* the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censures in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;

13. *Urges* all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

14. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

15. *Requests* States Members of the United Nations, the United Nations Organization, the specialized agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping her solve such special economic problems as she may be confronted with arising from the carrying out of these decisions of the Security Council;

16. *Calls upon* all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

17. *Considers* that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favoring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole;

18. *Calls upon* all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

19. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

20. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

(a) To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;

(b) To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3(d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

21. *Requests* the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective;

22. *Calls upon* all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution;

23. *Decides* to maintain this item on its agenda for further action as appropriate in the light of developments.

APPENDIX 9

TEXT OF EXECUTIVE ORDER 11419, JULY 29, 1968, RELATING TO TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations by Security Council Resolution No. 253 adopted May 29, 1968, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. In addition to the prohibitions of section 1 of Executive Order No. 11322 of January 5, 1967, the following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Importation into the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(b) Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; *Provided, however,* That the prohibition against the dealing in commodities or products exported from Southern Rhodesia shall not apply to any such commodities or products which, prior to the date of this Order, had been lawfully imported into the United States.

(c) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(d) Sale or supply by any person subject to the jurisdiction of the United States, or any other activities by any such person which promote or are calculated to promote the sale or supply, to any person or body in Southern Rhodesia or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products. Such activities, including carriage in vessels or aircraft, may be authorized with respect to supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material, and foodstuffs required by special humanitarian circumstances.

(e) Carriage in vessels or aircraft of United States registration or under charter to any person to the jurisdiction of the United States of any commodities or products consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

(f) Transfer by any person subject to the jurisdiction of the United States directly or indirectly to any person or body in Southern Rhodesia of any funds or other financial or economic resources. Payments exclusively for pensions, for strictly medical, humanitarian or educational purposes, for the provision of news material or for foodstuffs required by special humanitarian circumstances may be authorized.

(g) Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

It might also be added that I am accompanied by Mr. James C. Hise, presently the Chief of the Statutory Unit of the Criminal Division who was the previous Chief of the Registration Unit.

In response to your request of May 8, 1973, to the Deputy Attorney General I have been appointed to appear before your subcommittee to provide information pertaining to the registration of the Rhodesian Information Office pursuant to the provisions of the Foreign Agents Registration Act.

The Rhodesian Information Office filed a registration statement with the Attorney General pursuant to the provisions of the Foreign Agents Registration Act on February 3, 1966. It named as its foreign principal the Department of External Service, Ministry of Information, Government of Rhodesia. Its stated purpose was to:

Disseminate in the United States factual information about Rhodesia by the distribution of literature and films, by addressing groups and individuals, and by radio and television appearances and presentations.

Such activity is considered political activity under the definition of that term in the act and registration with the Attorney General is required.

Henry S. C. Hooper was named in this statement as the person in charge of the registrant office; and as such he filed a short-term registration statement in connection with the registration statement of the Rhodesian Information Office. His statement was filed on the same date as that of the Information Office, February 3, 1966. He again filed another short-form registration statement on May 13, 1973, on the new form provided following the 1966 amendments to the Foreign Agents Registration Act.

Kenneth Howard Towsey also filed a short-form registration statement on March 6, 1967, in connection with the registration of the Rhodesian Information Office.

A review of the registration file of the Rhodesian Information Office reveals that this registrant is currently in compliance with its obligations under the act. Its next supplemental statement is due to be filed within the 30-day period following June 30, 1973.

This registrant also files proper dissemination reports of its dissemination of political propaganda material together with copies of such material.

I believe that your committee has copies of various filings made by this registrant under the above act. I shall be happy to respond to any questions you may have concerning this material of registration.

Mr. Diggs. Thank you, Mr. O'Shea.

The Chair now yields to Barbara Rogers.

STATEMENT OF BARBARA ROGERS, RESEARCH CONSULTANT

Graduated from the University of Sussex, England, in Russian and European Studies; entered the British Foreign Office 1969, where she worked in African departments until June 1970. Has worked for the Africa Bureau, London; War on Want; and the United Nations Unit on Apartheid. Author of monographs on South African-British economic relations; on the South African "Bantustans" and on African incomes in South Africa, as well as a range of articles in British and American journals and newspapers, on Southern African issues. Currently a research consultant and writer working in Washington D.C. on American involvement in Southern Africa, and working on a book on Congress and Southern Africa.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions, and of those prohibitions of Executive Order No. 11322 of January 5, 1967, specified below, are delegated as follows:

(a) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of commodities and products other than those articles referred to in section 2(a) of Executive Order No. 11322 of January 5, 1967; and

(ii) the carriage in vessels of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(b) To the Secretary of Transportation, the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage in aircraft of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not previously delegated in section 2 of Executive Order No. 11322 of January 5, 1967, and not delegated under subsections (a) and (b) of this section.

SEC. 3. The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 253.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 253.

SEC. 5. (a) The term "United States," as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association or other unincorporated body of individuals, or corporation.

SEC. 6. Executive Order No. 11322 of January 5, 1967, implementing United Nations Security Council Resolution No. 232 of December 16, 1966, shall continue in effect as modified by sections 2, 3, and 4 of this Order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 29, 1968.*

APPENDIX 10

SECURITY COUNCIL RESOLUTION NO. 277 OF MARCH 18, 1970

[U.N. doc. S/RES/277(1970)/Corr. 1 (S/9709/Rev. 1) ; adopted by the Security Council on Mar. 18, 1970 by a vote of 14 to 0, with 1 abstention (Spain)]

The Security Council.

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

Taking into account the reports of the Committee established in pursuance of Security Council resolution 253 (1968) (S/8954 and S/9252),

Noting with grave concern:

(a) That the measures so far taken have failed to bring the rebellion in Southern Rhodesia to an end,

(b) That some States, contrary to resolutions 232 (1966) and 253 (1968) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime of Southern Rhodesia.

(c) That the Governments of the Republic of South Africa and Portugal have continued to give assistance to the illegal régime of Southern Rhodesia, thus diminishing the effects of the measures decided upon by the Security Council,

(d) That the situation in Southern Rhodesia continues to deteriorate as a result of the introduction by the illegal régime of new measures, including the purported assumption of republican status, aimed at repressing the African people in violation of General Assembly resolution 1514 (XV),

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolutions 1514 (XV),

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the United Nations Charter,

1. *Condemns* the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia ;

2. *Decides* that Member States shall refrain from recognizing this illegal régime or from rendering any assistance to it ;

3. *Calls upon* Member States to take appropriate measures, at the national level, to ensure that any act performed by officials and institutions of the illegal régime in Southern Rhodesia shall not be accorded any recognition, official or otherwise, including judicial notice, by the competent organs of their State ;

4. *Reaffirms* the primary responsibility of the Government of the United Kingdom for enabling the people of Zimbabwe to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations and in conformity with General Assembly resolution 1514 (XV), and urges that Government to discharge fully its responsibility ;

5. *Condemns* all measures of political repression, including arrests, detentions, trials and executions, which violate fundamental freedoms and rights of the people of Southern Rhodesia ;

6. *Condemns* the policies of the Governments of South Africa and Portugal, which continue to have political, economic, military, and other relations with the illegal régime in Southern Rhodesia in violation of the relevant United Nations resolutions ;

7. *Demands* the immediate withdrawal of South African police and armed personnel from the Territory of Southern Rhodesia ;

8. *Calls upon* Member States to take more stringent measures in order to prevent any circumvention by their national, organizations, companies and other institutions of their nationality, of the decisions taken by the Security Council in resolutions 232 (1966) and 253 (1968), all provisions of which shall fully remain in force ;

9. *Decides*, in accordance with Article 41 of the Charter and in furthering the objective of ending the rebellion, that Member States shall :

(a) Immediately sever all diplomatic, consular, trade, military and other relations that they may have with the illegal régime in Southern Rhodesia, and terminate any representation that they may maintain in the Territory ;

(b) Immediately interrupt any existing means of transportation to and from Southern Rhodesia ;

10. *Requests* the Government of the United Kingdom as the administering Power, to rescind or withdraw any existing agreements on the basis of which foreign consular, trade and other representation may at present be maintained in or with Southern Rhodesia ;

11. *Requests* Member States to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article ;

12. *Calls upon* Member States to take appropriate action to suspend any membership or associate membership that the illegal régime of Southern Rhodesia has in specialized agencies of the United Nations ;

13. *Urges* Member States of any international or regional organizations to suspend the membership of the illegal régime of Southern Rhodesia from their respective organizations and to refuse any request for membership from that régime ;

14. *Urges* Member States to increase moral and material assistance to the people of Southern Rhodesia in their legitimate struggle to achieve freedom and independence ;

15. *Requests* specialized agencies and other international organizations concerned, in consultation with the Organization of African Unity, to give aid and assistance to refugees from Southern Rhodesia and those who are suffering from oppression by the illegal régime of Southern Rhodesia ;

16. *Requests* Member States, the United Nations, the specialized agencies and other international organizations in the United Nations system to make an urgent effort to increase their assistance to Zambia as a matter of priority with a view to helping her solve such special economic problems as she may be confronted with arising from the carrying out of the decisions of the Security Council in this question ;

17. *Calls upon* Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution ;

18. *Urges*, having regard to the principle stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution ;

19. *Calls upon* Member States to report to the Secretary-General by 1 June 1970 on the measures taken to implement the present resolution ;

20. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report not to be made later than 1 July 1970 ;

21. *Decides* that the Committee of the Security Council established by resolution 253 (1968), in accordance with rule 28 of the provisional rules of procedure of the Security Council, shall be entrusted with the responsibility of :

(a) Examining such reports on the implementation of the present resolution as will be submitted by the Secretary-General ;

(b) To seek from Member States such further information regarding the effective implementation of the provisions laid down in the present resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council ;

(c) To study ways and means by which Member States could carry out more effectively the decisions of the Security Council regarding sanctions against the illegal régime of Southern Rhodesia and to make recommendations to the Security Council ;

22. *Requests* the United Kingdom, as the administering Power, to continue to give maximum assistance to the Committee and to provide the Committee with any information which it may receive in order that the measures envisaged in this resolution as well as resolutions 232 (1966), and 253 (1968) may be rendered fully effective;

23. *Calls upon* Member States as well as the specialized agencies to supply such information as may be sought by the Committee in pursuance of this resolution;

24. *Decides* to maintain this item on its agenda for further action as appropriate in the light of developments.

APPENDIX 11

EXCERPT FROM REPORT ENTITLED "BUSINESS AS USUAL: TRANSACTIONS VIOLATING RHODESIAN SANCTIONS" BY STEPHEN PARK AND ANTHONY LAKE, PROJECT DIRECTOR, ISSUED BY SPECIAL RHODESIA PROJECT, THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Flying to foreign countries can be a trying experience. Visas and shots and tickets, delays and complications . . . all can make travel to most areas of the world something less than an unadulterated pleasure. But if you want to go to Southern Rhodesia, it is a breeze. No visa is required, just one or two inoculations, a passport, and a confirmed onward reservation. And your air travel reservations? Drop by your Pan American ticket counter here in the United States, and in seconds the computer will confirm your space on an Air Rhodesia flight from Johannesburg, South Africa to the Rhodesian capital of Salisbury.

This has been the experience, at least, of many Americans who travelled to Rhodesia during the past few years. It is all very convenient. The trouble is that when Pan American, TWA and perhaps other American carriers help make the going great to Salisbury, they apparently do it illegally.

This study describes a number of ways in which American companies and Rhodesian businesses and representatives are able to carry on business almost as usual, despite the fact that the United Nations Security Council has ordered comprehensive, mandatory economic sanctions against the current illegal Rhodesian regime. And it suggests a number of ways in which such activities may violate American law.

In November, 1965, Ian Smith and his white supporters in Southern Rhodesia unilaterally and illegally declared their independence of Great Britain. Since no provision was made for the political rights of the territory's 95% black majority, the United Nations Security Council, at Britain's request, imposed selective economic sanctions on the regime in December, 1966, and comprehensive sanctions in May, 1968. The United States supported these measures in debate and voted for them. It is legally bound to observe them.

Acting under authority granted by the United Nations Participation Act of 1945, the President issued Executive Orders 11322 and 11419 dated January 25, 1967 and July 29, 1968, which defined American participation in the sanctions. These Orders have the force of law. Under Section 5(b) of the United Nations Participation Act, any person "who willfully violates or evades or attempts to violate or evade" such an Order is subject, upon conviction, to a fine of not more than \$10,000, imprisonment for not more than 10 years, or both.

The Executive Orders prohibited, with certain humanitarian, educational and other exceptions:

Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia, after May 29, 1968, of any commodities or products originating in Southern Rhodesia and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

Activities which "promote or are calculated to promote" the sale of any commodities or products "to any person or body for the purposes of any businesses carried on in or operated from Southern Rhodesia";

Transfer of funds directly or indirectly to any person or body in Southern Rhodesia;

Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

Thus, the regulations issued by the American government appear explicit. And, considering the penalties for their violation, they have teeth. But somehow their bite has been less inhibiting than it could be. Despite the fact that Southern Rhodesia has been declared an international outlaw—the only territory in the world against which the United Nations has ordered economic sanctions—if you live in the United States, you can :

- receive mailings about Southern Rhodesia from its information office in Washington, or pick up tourist brochures at the New York office of Air Rhodesia and the Rhodesian National Tourist Board ;

- read paid advertisements for Rhodesian firms and investment opportunities printed in an American newspaper ;

- make reservations to fly on a Rhodesian airline through airlines registered in the United States ;

- make a hotel reservation or reserve a rented car in Rhodesia through a representative of Pan American in the United States ;

- reserve a Hertz or Avis rent-a-car there through those companies' offices here ;

- pay for your air tickets and rent-a-car with one of a number of American credit cards ;

- or visit Rhodesia as part of a package African tour managed by an American travel company.

The House Foreign Affairs Subcommittee on Africa, chaired by Representative Charles C. Diggs, Jr. of Michigan, is now investigating the activities of the Rhodesian Information Office in Washington. There are only two or three such offices maintained by the Smith regime throughout the world. One other, the Rhodesian Information Centre in Australia, is now under pressure from the Australian government to reduce or close out its activities. Unlike the R.I.O. in Washington, the Australian office is managed by local citizens. The Rhodesians also claim to have an information office in France. (Rhodesia also has consular relations with South Africa and Portugal, which maintain minority white regimes in Africa. And the Rhodesians reportedly have unofficial, *sub rosa* offices managed by local citizens in a number of nations.)

The House subcommittee's investigation of the Rhodesian Information Office apparently seeks to answer more than the general question of why the United States should allow such an office to operate here when so few other nations will officially have anything to do with the illegal regime in Salisbury. The subcommittee has been looking into possible violations of American law and the United Nations' sanctions resolutions with regard to allegations concerning the funding sources of the Rhodesian Information Office ; its promotion of trade by publishing lists of Rhodesian products and by supporting the passage in 1971 of the so-called Byrd amendment, which has allowed the import of certain "strategic and critical materials" into the United States ; its encouraging immigration to Rhodesia ; its performance of consular functions ; the visa status of the two Rhodesians who maintain the office ; and the supply of goods and services to it by American companies.

For example, one witness before hearings held by the subcommittee on May 15, Ms. Barbara Rogers, a former member of the British Foreign Office, suggested that the supply of communications facilities to the R.I.O. by RCA, ITT, and Reuters, Ltd., as well as the supply of other goods and services by American companies, may violate paragraph 1(d) of Executive Order 11419, which prohibits : "Sale or supply by any person . . . to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products." Since the R.I.O. is an agent of the regime in Salisbury, it would, as Ms. Rogers pointed out, "appear likely to fall within the definition of a business operated from Southern Rhodesia."

The same point also applies to the office in New York City of Air Rhodesia and the Rhodesian National Tourist Board. Both are operated from Southern Rhodesia.

The subcommittee's hearings have already raised many important questions ; at the least, they have shown the anomaly of allowing this sort of Rhodesian representation in the United States while United Nations sanctions against

Southern Rhodesia are in force. There are other areas of near business as usual with Rhodesia, however, which have received less attention. They involve U.S. airlines, American rent-a-car companies, American credit card companies, American travel companies, and an American newspaper. All raise the possibilities of violations of American law.

INVITATION TO INTERESTED INDUSTRIALISTS

On June 19, 1972, the Journal of Commerce of New York published a special sixteen-page supplement on Southern Rhodesia. In addition to articles describing Southern Rhodesia's economy, it contained advertisements for Rhodesian industries, banks, hotels, touring companies and other commercial enterprises. This year, such articles and advertising have appeared in the Journal's pages on February 5, March 13, April 26, April 30, May 14, June 11, July 9 and July 13.

While trade with Southern Rhodesia is prohibited (with certain exceptions), and American investment there is outlawed, the Journal's readers have thus been treated to advertisements that suggest both. In the first supplement on June 19, 1972, one found advertisements like these:

"The Rhodesian Promotion Council . . . which aims to promote knowledge of Rhodesia's economic development and potential . . . please write to the Director who will be glad to supply you with the appropriate information and, if desired, to assist in travel arrangements and appropriate appointments."

"Industrial Development Corporation of Southern Rhodesia, Ltd. . . . Interested industrialists are invited to contact us."

"Whatever your product, the most profitable way to enter the Rhodesian market is via The Standard Bank . . . Rhodesia Exports, too."

". . . Rhodesia's Information Office in Washington . . . knows a lot about the country—economics, trade, finance, raw materials and the people who count."

"Bulawayo . . . a fine City for any industrialist to establish himself."

"The Associated Chambers of Commerce of Rhodesia . . . Rhodesian businessmen believe in the country's future and the growth potential is such that foreign businessmen can make profitable investment in confidence."

In the February 5 issue, readers were invited to consider "Real Estate in Rhodesia;" "Transportation Consultants and Project Handlers" (a repeat from the June 19 issue); and ". . . export experts, fully equipped to handle any shipment, large or small" (also a repeat).

On March 13, among other advertisements was one for "Hartley—The progressive town . . . For Industrial Development." And on April 26, the reader was invited to "Invest in CABS—Rhodesia's Largest Building Society."

According to interviews with a number of those involved, the idea for the supplement came during conversations between members of the Journal staff and representatives of the Rhodesian Promotion Council. Who initiated the idea is not clear; most of those interviewed believe it was the Promotion Council. One source on the Journal's staff says that, "it was not a perfunctory decision." But the Journal decided to go ahead for two reasons. First, it has traditionally supported trade among nations without regard to political differences. It was, for example, a leading advocate of increased East-West trade during the 1960's. Secondly, one of those making the decision at the Journal said in an interview that he believes that the Rhodesians "have something to say and do. If they are helped to do so, they may change their thinking, as they must, sooner or later."

The Journal's London correspondent, Harold Horstmeyer, was sent to Rhodesia for three weeks and did most of the writing of the articles in the June, 1972 supplement. (Horstmeyer had covered trade possibilities in Eastern Europe for a number of years.) Horstmeyer has also written many of the articles in subsequent issues, and travelled to Rhodesia again in the late spring of 1973.

The advertisements were paid for by the Rhodesian companies through the Rhodesian Promotion Council. The transfer of funds reported took place through a "free" funds account at a bank in New York. Rhodesia advertisers were charged the Journal's usual rates for advertising.

When the supplement first appeared, the reaction in London was quite intense, according both to the office of the Journal of Commerce there and to Journal officials in the United States. The Journal office there received telephone calls from British Government officials and, with some frequency for a few weeks, from British journalists. Both were registering complaints about the supplement.

The articles and advertising from Rhodesia in the Journal also raise serious questions with regard to American law.

First, the supply of advertising space by the Journal to Rhodesian businesses may be a violation of Section 1(d) of Executive Order 11419. If the print and pages devoted to this advertising are considered "commodities," then the Journal is selling commodities to Rhodesian businesses.

In addition, Section 1(b) prohibits "any activities by any person subject to the authority of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or any products originating in Southern Rhodesia . . ." (Emphasis added.)

Black's Law Dictionary gives the following definition of "promote": "to contribute to growth, enlargement, or prosperity of; to forward; to further; to encourage; to advance."

Thus, it would at first glance seem clear that the Journal has violated the Executive Order. The intent and effect of the articles in the Journal may be ambiguous, and to argue that they run afoul of the Executive Order raises questions about freedom of the press under the First Amendment. But the advertising seems a simpler proposition. By definition, advertising has as its purpose the promotion of goods for sale.

Thus, the Journal of Commerce, in carrying this advertising, would seem potentially liable to serious legal charges. And a similar question can be raised about the Rhodesian Information Office. On June 26, 1972, it sent copies of the June 19 supplement on Rhodesia to hundreds of Chambers of Commerce throughout the United States. In a covering letter, Kenneth Towsey, who manages the Rhodesian Information Office, wrote that, "the enclosed supplement from the Journal of Commerce of June 19 is to let you know that Rhodesia is still around and entering a new era of development." According to our interviews, the Rhodesian Information Office feared that sending the supplement without an explanatory note might seem to be "promoting" trade. Towsey, therefore, stated in his letter that "with limited exceptions, trade between Rhodesia and the United States is forbidden by U.S. Government regulations . . ." But the letter later goes on to say, "be that as it may, our (Rhodesia's) exports and imports last year each amounted to more than \$400,000,000. You will judge from this that sanctions are something less than water-tight." (Emphasis added.)

Thus, the R.I.O. would seem to have joined the Journal of Commerce in promoting business with Southern Rhodesia. Why, then, has not the American Government moved against the Journal and, perhaps, the R.I.O. on this issue? According to testimony on May 17, 1973 before the Africa subcommittee by John M. Hennessy, Assistant Secretary of the Treasury for International Affairs, the U.S. government has a different definition of "promote" or "calculated to promote" from those you will find in your dictionary or in every day usage. (Nor, indeed, is it the definition used by the U.S. Government when it describes what our commercial attaches do in promoting the sale of American goods abroad.) According to Hennessy, the term "promote or calculated to promote" was taken from the United Nations sanctions resolutions. As interpreted by the U.S. Government, it does not "encompass general information dissemination, public relations activities or advertisements."

This interpretation of "promote" was reached within the American Government after consultation with the British, who sponsored the United Nations resolutions on sanctions. According to Hennessy,

"These resolutions were in large part drafted by the United Kingdom and the United States Government has sought in respect to the interpretation views of the UK both in its capacity as the principal drafter and also in its capacity as a lawful sovereign for Rhodesia.

"After adoption of the Resolution 232 the UK informed us that it interpreted the word 'promotion' in the resolutions as relating to activities directly incidental to a prohibited commercial transaction. Hence, in utilizing the United Kingdom's interpretation of essentially their own language which appears in the Security Council resolution to the extent that the activities are the general dissemination of information, public relations activities and advertisements it does not fall within the prohibited activities which are specified in other provisions of the resolution."

According to our interviews with government officials concerned with the issue, the State Department consulted with the British about their definition of a number of terms in their draft resolution before the United Nations Security Council first ordered sanctions on December 16, 1966. The British definition of the term "promote or calculated to promote" was reportedly "vague." Therefore, after the

resolution was passed and before the U.S. Government issued Executive Order 11322 on January 5, 1967, the State Department again asked the British how they defined the term. Again, the British did not provide a specific definition. Instead, they listed a number of examples of how they had interpreted the term previously under their Orders in Council. These examples implied that they interpreted "promote" to mean an activity which was, to use the term of one of the American officials we interviewed, "transactionally related"—in other words, "promote" meant actually writing contracts or shipping orders, etc.

Thus, based on its interpretation of its consultations with the British Government in late 1966, the American Government apparently takes the term "promote or calculated to promote" to have a very limited meaning in the context of the United Nations sanctions resolutions and the United States Executive Orders implementing them. No distinction is made, in the American definition of the term, between promoting a sales contract and actually writing one.

To explore the subject further, we wrote to the British Embassy in Washington to ask their definition of the term, how it was reached, and when and how it conveyed this definition to the American Government. After consulting with the Foreign and Commonwealth Office, the embassy responded in a letter dated July 19, 1973.

It drew attention to the distinction in British law between the prohibition of certain particular acts and the prohibition of "any act calculated to promote the exportation of any goods from Southern Rhodesia." "This provision," it stated "and in particular the word promote, can only be authoritatively interpreted by the British courts. Prosecutions in the British courts for sanctions offences have not so far involved the interpretation of 'promote.' We would expect it to be given its ordinary natural meaning, though its application to particular circumstances may not be easy to decide."

The relevant statutory instrument in British law is The Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968. It states:

"3.—(1) Except under the authority of a license granted by the Minister, no person shall export any goods from Southern Rhodesia.

(2) Except under such authority as aforesaid, no person shall—

(a) make or carry out any contract for the exportation of any goods from Southern Rhodesia after the commencement of this Order; or

(b) make or carry out any contract for the sale of any goods which he intends or has reason to believe that another person intends to export from Southern Rhodesia after the commencement of this Order; or

(c) do any act calculated to promote the exportation of any goods from Southern Rhodesia.

"Except under such authority as aforesaid, no person shall deal in any goods that have been exported from Southern Rhodesia in contravention of paragraph 1 of this article, that is to say by way of trade or otherwise for gain, acquire or dispose of such goods or of any property or interest in them or any right to or charge upon them or process them or do any act calculated to promote any such acquisitions, disposal or processing by himself or any other person." (Emphasis added.)

The "or" at the end of subparagraph (b) is important here. It makes clear that the British make a distinction between *carrying out* an activity and *promoting* an activity. *Neither is allowed.* In the American definition, the one defines the other, and apparently both must be violated before the law applies.

In the light of this letter, a question naturally arises about the continuing validity of the American interpretation of the term "promote or calculated to promote" insofar as it is based on the British interpretation.

And the American definition raises logical questions as well. One American Government official concerned with the issue argued in an interview that while the supplement was misleading to its readers, no real harm was done because anyone applying for a license to carry out illegal trade or to make an investment in Southern Rhodesia would be denied. The implication is that since the government defines "promote or calculated to promote" as actually taking some part in such a transaction, by definition it is impossible to promote trade with Rhodesia without a license from the Treasury Department. This is rather like arguing that a drunken driver who is unable to damage property because of the restraining devices on the highway is not breaking the law.

In addition, in not distinguishing between "promote" and "calculated to promote," the American Government's position apparently seems to require the assumption that the firms paying for the advertising had no immediate purpose in doing so. Indeed, unless the advertisements were placed out of a sense of patriotic duty to promote the image of Rhodesia as a whole (a theory the wording of the advertisements does not support), one can speculate about four possible motives.

First, they could be related to the importation into the United States of certain "strategic and critical materials" under the Byrd Amendment. *Some* of the firms which placed advertisements could be involved in this trade. Other advertisers, like "CABS—Rhodesia's Largest Building Society," clearly are not.

Second, they could be broadly designed to increase pressures within the U.S. for an end to sanctions—still a form of promoting trade.

Third, the advertisements could be designed to solicit future trade with or investment in their own firms after sanctions no longer exist. Since there seems little prospect of sanctions evaporating in the immediate future, the return on the advertising money expended for this contingency would not seem as large as the return on an investment in, say CABS itself.

Fourth, the advertisements could be for the purpose of—or unwittingly have the effect of—soliciting illegal trade or investment. And one can see how an American businessman could gain that impression. For example, on page 8 of the supplement of June 19, 1972, the Journal's reporter wrote:

"Given the present circumstances, the subject of foreign investment in Rhodesia has a cloak-and-dagger air about it, but there is little doubt that opportunities abound.

"Just who is going to take advantage of the prospects, and to what extent, remains a vital question here. *But where there's a will, there's a way.*" [Emphasis added.]

The intriguing allusion in Towsey's letter to the less than "watertight" character of sanctions could also have the same effect on a reader.

Thus, the American definition of "promote or calculated to promote" appears to violate both logic and the dictionary meaning of the word "promote." And it does not seem in accord with the current British definition of the term—although United States Government officials state that our definition was adopted as a result of consultations with the British. Either earlier consultations were misinterpreted by the Americans, or the British definition—as contained in the letter to us—has shifted. In either case, the American definition seems at variance with the British.

Despite its limiting definition, interviews indicate that the American Government did react to the supplement during the summer of 1972. At the request of the State Department, the Treasury Department did send a letter of complaint to the editors of the Journal. It reportedly suggested that the Journal could be misleading its readers by not emphasizing the fact that, with certain exceptions, trade and investment in Southern Rhodesia are prohibited. The letter reportedly also asked about the channels through which the Journal had received payment for the advertisements.

According to a number of non-government sources, the Journal called the Rhodesian Information Office to solicit its advice about how payment should be made. [There is some disagreement among these sources as to whether the Journal had also been in contact with the Rhodesian Information Office to discuss the supplement before its publication.] When asked whether the RIO would pay for the advertising, Towsey reportedly informed the Journal that it would not. When asked what ideas he had on how payment should be made, Towsey reportedly said that he could not offer advice on that subject but could tell the Journal how the RIO itself received its funds. He then, it is said, described the "free" funds accounts and suggested that the Journal consult its lawyers and the Treasury Department.

According to an official at the Journal, it had, in fact, received its first payments for the advertisements through a bank not authorized to make such a transfer. After some correspondence, the Journal returned this money and received payment properly, all within a few months of the supplement's publication.

Thus, the letter of complaint from the Treasury Department did apparently play a role in straightening out the channel for payment of the advertising. But the basic question of whether this advertising violates Executive Order 11419 remains unresolved. The Treasury Department's letter has not seemed to have

Ms. ROGERS. Thank you, Mr. Chairman. The majority of my statement is based on an examination of the registration statements filed by the Rhodesian Information Office.

Mr. DIGGS. Do you have a prepared statement?

Ms. ROGERS. Yes; I do.

Mr. DIGGS. You may proceed.

Ms. ROGERS. The Rhodesian Information Office occupies the same building, employs the same two individuals and apparently performs the same or very similar functions as the Rhodesian Interests Section of the British Embassy in Washington before the illegal declaration of independence. This office was then an annex of the British Embassy, and the United Kingdom, which was responsible for the external affairs of Southern Rhodesia as its government, was responsible for the Rhodesian section.

The two officials of the Rhodesian annex, Mr. Towsey and Mr. Hooper, held British passports with their occupation marked as "diplomat," and enjoyed diplomatic status as officials of the British Embassy. Immediately following the Smith regime's illegal declaration of independence on November 11, 1965, the British Government withdrew the passports of the two officials, and also withdrew their diplomatic and official status with the Embassy.

However, the two officials have continued to perform their pre-UDI functions, and are officially on record as doing the same work before and after November 11, 1965. Mr. Hooper, in a recent registration statement, describes himself as a "civil servant" employed by the Ministry of Information, "Government of Rhodesia." He states: "These services have been rendered by me from September 1965, to November 1965, and from February 1966, until the present." Mr. Hooper has also described himself as the "Senior Information Attaché," title normally used only with reference to diplomatic activity.

Mr. Towsey also reports his occupation as "Government official," whose activities "include the presentation of arguments in favor of the United States resuming full trading and diplomatic relationships with Rhodesia," and reporting to the Government of Rhodesia on political, economic, and social conditions in the United States." For this purpose, he reports to the "Ministry of Foreign Affairs in Rhodesia." As he has just informed the subcommittee, he is a Deputy Secretary of the Ministry of Foreign Affairs of the regime.

A recent newspaper report calls the Rhodesian Information Office "an embassy in all but name." The most recent registration statement openly states:

* * * registrant is a permanent agency of the Ministry of Information of the Government of Rhodesia. Its fees and expenses, including the remuneration of its staff, are allocated by the Rhodesian Treasury as part of the Rhodesian Government budget which is subject to approval each year by the Rhodesian Parliament.

The Rhodesian Information Office, as an arm of the Government of Rhodesia, is staffed by members of the Rhodesian Public Service and certain locally recruited personnel in clerical capacities.

The Rhodesian Information Office openly performs the consular functions which it formerly exercised on behalf of the British Embassy. At your own press conference in January 1971, Mr. Chairman, Mr. Towsey interrupted to inform you that the Rhodesian regime

had any inhibiting effect on the Journal, as it continues to advertise the promise of the Rhodesian economy.

In the Africa subcommittee's hearings on May 17, Assistant Secretary Hennessey said with reference to the Journal of Commerce and the American definition of "promote or calculated to promote," "I think we would want to take another look at that." There do indeed seem to be some serious legal questions at which to look. Enforcement of the relevant sections of Executive Order 11419—sections 1(d) and 1(b)—is the responsibility of the Commerce and Treasury departments.

This study has suggested a number of ways in which American companies and others may be acting in violation of United States law. In some cases, the legal issues appear clear. In other cases, there is a less definite possibility of violations. In other cases still, the United Nations sanctions resolutions are currently being violated, although United States law is not—for example, with regard to expenditures by American tourists in Southern Rhodesia.

There are probably more questions to be raised about the activities we have described than are noted here. There are certainly more answers to be found.

The record of the U.S. executive branch in implementing sanctions compares favorably with the performance of other members of the United Nations. Sanctions violators have been successfully prosecuted by the government in American courts. But our interviews with officials of American companies doing business with Southern Rhodesia would seem to indicate that many American businessmen are unaware of what the sanctions against Southern Rhodesia mean, or do not care. Beyond the legal questions raised in this study, another point thus emerges. The government cannot rely so heavily on American companies' knowledge of the law and their willingness to comply. A better system for monitoring compliance seems required. One would have thought that after the embarrassment of the Byrd Amendment, which places the U.S. in violation of its legal obligation to observe the sanctions fully, the executive branch of our government would do all it could to implement the sanctions. For whenever the American government does less than it can to meet its international legal obligation to observe the U.N. sanctions program, a final question is raised about American concern for international law as well as the laws of our own society.

APPENDIX 12

SPECIAL SUPPLEMENT



RHODESIAN VIEWPOINT

Published in The United States of America by The Rhodesian Information Office.

 U.S. RHODESIA POLICY : A COMMENTARY ON OFFICIAL ATTITUDES

THE RHODESIAN INFORMATION OFFICE HAS BEEN MADE AWARE FROM TIME TO TIME OF THE CONTENTS OF A STATE DEPARTMENT LETTER ADDRESSED TO AMERICAN CITIZENS (INCLUDING MEMBERS OF THE CONGRESS) WHO ENQUIRE INTO THE MOTIVATIONS OF OFFICIAL POLICY TOWARDS RHODESIA. THE RATIONALISATION OFFERED IN THE LETTER IS OPEN TO SERIOUS CHALLENGE ON A NUMBER OF GROUNDS. IT IS THE PURPOSE OF THIS PUBLICATION TO COMMENT ON THE LETTER SECTION BY SECTION IN ORDER TO PROVIDE CONCERNED AMERICANS WITH ANOTHER SIDE OF THE RHODESIA STORY.

THE STATE DEPARTMENT'S POSITION IS SET OUT IN ITALICS. THE COMMENTS OF THE RHODESIAN INFORMATION OFFICE FOLLOW IN REGULAR TYPE.

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"The United States supports the United Nations and the United Kingdom in their continuing efforts to restore constitutional authority in Southern Rhodesia."

There is neither U.N. Charter authority nor precedent for the United Nations to take coercive action to restore what is described as "*constitutional authority*" in any national situation or in any situation in which a colonial territory asserts its independence from a colonial power. These are questions which are essentially within the domestic jurisdiction of a state and therefore immune from intervention by the United Nations. (Article 2, paragraph 7 of the United Nations Charter.)

Many countries today enjoying full membership in the United Nations have governments which came to power by rebellion, coup d'etat or other unconstitutional action. Historically the United States achieved its independence in this way. In a listing of 42 African governments in January 1969 "Africa Report" notes that 14 of them came to power by military coup or other unconstitutional means. None of them is subjected to hostile action or international disability on that account. Recently the constitutional government of Libya was overthrown by an act of rebellion. The new government was quickly recognised by the United States and other countries. No question of restoring the constitutional authority of the former government arose.

THIS MATERIAL IS FILED WITH THE DEPARTMENT OF JUSTICE WHERE THE REQUIRED REGISTRATION STATEMENT IN TERMS OF THE FOREIGN AGENTS REGISTRATION ACT, OF RHODESIAN INFORMATION OFFICE, 2882 MCGILL TERRACE, WASHINGTON, D. C. AS AN AGENCY OF THE RHODESIAN MINISTRY OF INFORMATION IS AVAILABLE FOR INSPECTION, REGISTRATION DOES NOT INDICATE APPROVAL BY THE UNITED STATES GOVERNMENT.

The present Rhodesian Government has exercised effective authority over the country before and for four years since its declaration of independence. It is more than a year since Rhodesia's independent judiciary declared that Mr. Ian Smith's Government must be regarded as the 'de jure' Government of Rhodesia.

Senator Cranston, introducing in the Senate in May of this year a resolution dealing with U.S. recognition policy, pointed out that 'the original American doctrine of recognition was quite simple. During the Jeffersonian era and up to the end of the 19th century, we used fairly objective tests in determining whether to recognise a new government. We merely ascertained whether or not it existed and was capable of sustaining itself. This policy (reflected) a belief that we had no right to interfere in the internal affairs of other nations.'

"The basis of our support (for the United Nations and the United Kingdom) is our concern for the threat to the peace in southern Africa posed by the denial of political rights to the 4.4 million Africans who comprise some 94 per cent of the territory's population. The present regime in Southern Rhodesia not only denies the African majority an effective voice in government but has proposed a constitution which seeks to perpetuate white minority rule and institutionalise racial separation."

There is no denial of political rights to Rhodesia's African population. Under the 1961 and 1965 constitutions there is a non-racial qualified franchise providing equal opportunities for all citizens to qualify and register as voters. Most of the more stable democracies have evolved through a qualified franchise, and it is perhaps worth recalling that at the time of America's independence about six per cent of the white population voted. (There was no question of extending the franchise to include black or Indian Americans.)

Rhodesia's proposed new constitution does not seek to perpetuate white minority rule. It provides for an immediate increase in black representation in the legislature (approximately doubling the present representation) and a progressive extension of this representation, based on income tax contributions to the national exchequer, until parity with white representatives in the legislature is reached.

"U.S. News and World Report" noted in January 1967 that at least 37 member nations of the U.N. had governments based on minority rule and at least 25 other members were open to suspicion in this respect. Fewer than half of the U.N. members had governments clearly based on majority rule.

As to the suggestion that Rhodesia's new constitution will "*institutionalise racial separation*", it is of interest to note that Prime Minister Ian Smith has described it as 'a multi-racial set-up in a multi-racial country.' It is a fact that the proposed new constitution provides for the separate representation of the races in Parliament and for a basic division of land between the races. This may offend integrationist sentiment but is hardly a justification for offensive international action conceived as a penalty for aggression. The reservation of tribal lands is not unknown in the United States. Moreover, according to the Washington Post, a representative meeting of American Indians at Denver last August decided that they 'want the right to be Indians, to preserve their tribal identities and tribal lands, to make their own mistakes, to have a say about their destiny.' The separatist elements in Rhodesia's constitution stem from an acknowledgment of the same instincts in Rhodesian society.

The suggestion that Rhodesia's domestic policies constitute a threat to the peace in southern Africa cannot be regarded as a serious proposition. Mr. Dean Acheson describes it as reasoning worthy of the Red Queen in "Through the Looking Glass". "Rhodesia", he says, "in doing what the U.N. has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N. (Chapter 1, article 4) :

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

"Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced."

Mr. Acheson concludes:- "If this reasoning leads the reader to ask, 'who's loony now?', don't blame Rhodesia, blame the Security Council and Harold Wilson."

Mr. Charles Burton Marshall, Professor of International Politics at Johns Hopkins School of Advanced International Studies, takes a similar view. He points out that Rhodesia has done literally nothing except sever its connection with the British Government. Mr. Marshall says that 'this, while rebellion, is certainly not aggression. Rhodesia has made no attack or threat of attack against anyone.'

Mr. Marshall's research of the United Nations record reveals that the original British resolution calling for mandatory sanctions against Rhodesia did not contain any finding of a threat to the peace, although such a finding is an essential condition for the imposition

of sanctions. When the omission was pointed out, the desired conclusion was inserted without any supporting facts. Supporters of the U.N. position take refuge in the argument that the existence of a threat to the peace may not be questioned once the Security Council has made that determination. Professor Marshall asks if it is enough to stop criticism of a pie to say that a baker made it.

Dr. Walter Darnell Jacobs, Associate Professor of Government and Politics at the University of Maryland, concludes in an article in "World Affairs" (April/June 1967) that 'Rhodesia, whatever her sins and shortcomings, cannot be said to represent a threat to the peace.'

In spite of the danger of terrorist incursions over her northern border, Rhodesia spends a smaller proportion of her national income on defence than most countries. This is revealed in an analysis published in Britain by the Institute for Strategic Studies in September 1969. Rhodesia's 1968/69 expenditure of 1.9 per cent of gross national product is lower than all but a handful of the fifty-two nations enumerated. Britain's expenditure is 5.3 per cent of G.N.P. The United States and Russia both exceed 9 per cent.

The Organisation of African Unity (representing underdeveloped countries generally in receipt of foreign aid) is reported to have allocated over a million dollars in its current budget to equip guerrilla fighters for subversive operations in and against southern Africa, notwithstanding that the U.N. Charter enjoins member nations to 'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'

Clearly Rhodesia represents no threat to the peace. Equally clearly the United Nations Organisation, if it is mindful of its Charter principles, has a plain responsibility to restrain the Organisation of African Unity and its members from initiating and subsidising forceful attempts to overthrow the government of Rhodesia.

An alternative and devious presumption suggests that the 'threat to the peace' in Rhodesia derives from the danger of an internal upheaval in the country that would have repercussions outside its borders. It might be noted in passing that the same consideration has not been applied to Nigeria, which remains immune from U.N. intervention notwithstanding that for the past two years she has been experiencing a real and not merely presumptive internal upheaval. There has been a death toll in excess of a million and a half people but no threat to the peace has been inferred.

Many recent visitors to Rhodesia have testified to the country's conspicuous tranquility, to the absence of racial tension, to the fact that Rhodesia's unarmed police force is seldom seen and even more rarely needed. The Nigerian Editor-in-Chief of the Lagos Daily Times has said that the overseas picture of Rhodesia as a grim, tense, police state is 'a massive fraud.'

South African liberal Laurens van der Post, who visited Rhodesia since independence with what he described as 'a profound emotional and intellectual bias towards finding nothing but evidence of impending Greek tragedy,' found nothing to substantiate his apprehensions. Instead he found 'a general preference among them (black Rhodesians) for an evolutionary rather than a violent revolutionary change of Rhodesian society.'

Congressman John Ashbrook and two American colleagues who visited Rhodesia in 1966 found that the Rhodesian Government commanded 'the virtually unanimous support of the white population and the respect of a preponderance of the Africans;' also that 'the tell-tale signs of racial tension are nowhere to be seen.' They concluded that 'American policy on Rhodesia represents the triumph of ideology over actuality.'

In a letter to the Washington Daily News on December 23, 1966 Mr. Frank Johnson of the American Security Council refers to a cartoon implying that Rhodesia is an oppressive white police state. He writes:- "I have just returned from a visit to Rhodesia and can personally vouch that the contrary is true. The few people to be seen on the streets are black as well as white, and none carry guns. Ian Smith drives his own car, has no bodyguard and is quite careless of the most elementary personal security. Perhaps one of the most impressive testimonials of African support for the Smith Government is the fact that communist-trained terrorists entering the country from Zambia are either killed or reported to the border guards by the local African population."

Another testimonial of black Rhodesian support for the Rhodesian Government is contained in a statement issued November 2, 1966 by the Council of Chiefs, recognised traditional leaders of tribal Africans under the British approved 1961 constitution. Part of the statement reads:- "We wish to state quite clearly that we support the Government of Rhodesia and we do not accept the claim by the British Prime Minister that he has continuing responsibility and authority for and over our people through the Government and Parliament of the United Kingdom."

In January 1967 veteran Chief Simon Sigola sent letters to U.N. Secretary-General U. Thant, President Johnson and President de Gaulle inviting them to visit Rhodesia to see for themselves that it is not 'a bad country and a threat to the peace.'

Militant leaders of the Organisation of African Unity have expressed disappointment at the apathy and lack of co-operation shown by black Rhodesians towards 'freedom fighters' come to 'liberate' them. Zambian Foreign Minister Reuben Kamanga was quoted as saying in April 1968 - "Reports reaching us indicate that the Rhodesian African masses are accepting the Smith regime." In reporting this statement an AP correspondent noted that 'Africans in Rhodesia have been relatively prosperous and their lack of enthusiasm for an anti-white revolution probably grows out of a desire to be left in peace to attend to their own affairs.'

"The United States has supported a variety of peaceful measures designed to influence the Smith regime to change its policies and move towards majority rule. The United States voted for the Security Council's resolution of November 12, 1965, which condemned the illegal Smith regime. It also supported the Council's resolutions of December 16, 1966 and May 29, 1968, which called on all member nations to impose economic sanctions against Southern Rhodesia. Executive orders were subsequently issued to carry out the mandatory provisions of those two resolutions with respect to the United States."

It is open to very serious question whether it is a legitimate objective of national policy to seek by coercion to change the purely domestic policies of another country. Senator Cranston quotes with approval Daniel Webster:- "From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ."

There may be some who are willing to overlook a want of principle in public policy provided that it effectively serves an expedient purpose. Rhodesia policy is deficient on both counts.

In his book "The Discipline of Power" former Under Secretary of State and U.N. Ambassador George Ball shrewdly perceives the futility of sanctions, describing them as 'a romantic delusion.' "In the modern world," he says, "sanctions are not likely to work even when the siege of an economy is enforced by military power. Where military power is not employed and the enforcement of an embargo depends merely on the agreement of nations - whether or not expressed in a United Nations resolution - the result will more likely be annoyance than hardship. As disappointing as it may be to

admit it, the siege of an economy is never total, the options of the beleaguered party are too broad, and the psychology of the besieged is too perverse and complex to make such sanctions more than a blunt instrument."

Reporting from Rhodesia, Mr. Ray Vicker confirms Mr. Ball's judgment in a recent issue (September 11, 1969) of The Wall Street Journal:- "What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people? If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, business men, bankers, farmers and ordinary citizens in this ruggedly individualistic land."

Mr. Vicker notes that U.S. support for sanctions is forcing American chrome buyers to deal with Communist Russia at prices 50 per cent higher than Rhodesian chrome. (Rhodesian chrome mines, possessing the free world's largest supply of high grade ore, are owned by American corporations now forbidden either to finance or export their production.)

The conclusion is inescapable that sanctions against Rhodesia have had a bizarre effect from the viewpoint of the sanctioneers. Whilst consolidating political support behind Mr. Smith's government they have somewhat discouraged the inflow of investment capital and thereby diminished job opportunities for black Rhodesians.

"The United Kingdom considers the territory of Southern Rhodesia to be in a state of rebellion and the United Nations has declared the Smith regime to be illegal. Not a single country has accorded recognition to the regime, and the continuing sovereign authority of the United Kingdom in Southern Rhodesia is universally recognised."

This is repetitive.

In addition to the comments made earlier, which include reference to the Rhodesian High Court's finding in September 1968 that Mr. Ian Smith's government must be regarded as the legitimate government of Rhodesia, it is worth noting that the Chief Justice concluded that he could 'now predict with certainty that sanctions will not succeed in their objective of overthrowing the present government and of restoring the British government to the control of the government of Rhodesia.'

In July 1968 Mr. Thomas McElhiney, a Senior State Department official, was asked in testimony before the Senate Foreign Relations Committee if he believed that the latest round of U.N. sanctions directed against Rhodesia would have more success than past efforts. Mr. McElhiney replied that he did not think there was likely to be any added effect 'in the sense of forcing the present Rhodesian regime to come to terms with the British, which is the object of the sanctions.'

Subsequent events have confirmed these judgments, and there can be no reasonable doubt that, four years after its declaration of independence, the Rhodesian government satisfies internationally accepted criteria for the recognition of governments holding office in these circumstances.

Testifying before the Senate Foreign Relations Committee on June 17, 1969 Mr. Adrian Fisher, Dean of Georgetown University Law Center, expressed the relevant rule of law as follows:-

"So that is the situation you normally deal with when you have a recognition of a new government, and that (Mr. Chairman) only requires a determination that the regime is in control of the territory and population, or a substantial portion of it, and it has a reasonable likelihood of retaining control either of the part already in control or of the entire state."

It is of interest also to note that on September 25, 1969 the United States Senate resolved by a vote of 77 to 3 'that it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology or policy of that foreign government.'

In commending this resolution to the Senate on May 27, 1969 Senator Cranston spoke as follows:-

"And in the end the policy of nonrecognition is doomed to failure. It did not deter Japan. It did not isolate the Soviet Union. It has not isolated Red China. All too often it has tended to isolate us as much as, or more than, it has isolated various regimes we have not approved. It has never really succeeded in bringing hostile regimes either down or to terms. Often nonrecognition actually strengthens a regime it is supposed to weaken, causing the people to rally to the support of their government against the apparent threat posed by hostile foreign powers."

"The Smith regime represents an attempt by a minority to maintain its control over the great majority of the population. The question is not the right of Southern Rhodesia to independence and self-government, but whether a small minority should be allowed to prevent the achieve-

ment of these objectives for all the Rhodesian people. Current British proposals to end the impasse provide for British recognition of Southern Rhodesia independence under the present leadership, provided there are effective guarantees of unimpeded progress toward eventual majority rule. The regime has so far rejected these terms."

This is largely repetitive.

It is true that no agreement has been reached between the British and Rhodesian governments. The Rhodesian government considers that the British government has declined its reasonable proposals for a solution of the conflict between them. It has now decided, following a referendum, to proceed with the implementation of new constitutional proposals which will lead not to majority rule but to parity between the races in the legislature.

"Repressive legislation adopted by the Smith regime to bolster its position, such as that authorizing the arrest and detention of political opponents without benefit of bail or trial, creates its own climate for violence. African nationalist groups, denied peaceful political expression within the colony, are increasingly inclined to resort to more violent methods, including the infiltration into Southern Rhodesia of guerrilla bands."

The methods used by states to protect themselves against subversion do not constitute grounds for taking punitive action against them. Many countries enjoying United States recognition resort to the practices mentioned. In some of these countries the government uses its powers to punish political nonconformity. This is not the position in Rhodesia. Persons are only detained or restricted if the government is satisfied beyond any reasonable doubt that they are prepared to resort to violence in order to achieve political objectives. Provision is made for regular review of these cases, and there has been a progressive reduction in the number of persons held in detention or restriction over the past four years.

There is an active parliamentary opposition, and there is no impediment to the formation of political parties with lawful objectives.

There have been terrorist incursions over Rhodesia's border in recent years with substantial communist backing. The terrorists have received no support from the local population, which has rather co-operated with government security forces in combating the intruders. This may account for a sharp decline in guerrilla activity. There have been no significant incursions for the past twelve months.

would not allow you to visit Southern Rhodesia. The office's accounts also show a payment to Mr. Joshua T. Dube for the return of a passport fee.

In registering the Rhodesian Information Office as an agent of the "Rhodesian Government," carrying out certain functions normally regarded as the proper functions of an Embassy. Two immediate legal problems arise: first, the officers concerned have made what might be considered a false and misleading statement to the Department of Justice, since in the context of United States law the Government of Southern Rhodesia is the United Kingdom; and second, the Rhodesian Information Office is challenging the claim which properly belongs to the British Embassy in Washington, D.C., to represent the Government of Southern Rhodesia. It is for the Justice Department to be aware of these and other factors, and to reconsider the registration of the Rhodesian Information Office in light of the questionable statements and claims filed.

There is also of course the question of whether it is legitimate to register the agent of an entity which the U.S. Government regards as an illegal entity, namely, the Smith regime. An analogy might be the registration of an agent known to be acting on behalf of organized illegality.

Probably the most glaring anomaly with regard to the operation of the Rhodesian Information Office is the legal status of Mr. Hooper and Mr. Towsey. Bearing in mind that they are openly working for the illegal Smith regime, and that the Justice Department has records to that effect, there is a clear responsibility on the part of this Department to apply the relevant clauses of U.N. Security Council Resolution 253 relating to officials of the regime, and also to persons traveling on a Rhodesian passport.

These two individuals have no valid passports, but they are registered with the Justice Department as Rhodesian citizens. Mr. Hooper has in fact altered his claim to British nationality, made at the beginning of 1966, to "Rhodesian" in more recent statements. As Rhodesians without passports, it would be illogical to treat these two any better than Rhodesians with Rhodesian passports, since otherwise such people could enter the United States by leaving their passports behind.

Paragraph 5(a) of resolution 253 decides that all States members of the United Nations shall (a) prevent the entry into their territories, save on exceptional humanitarian grounds, of any persons traveling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal regime in Southern Rhodesia. * * *

Apart from special considerations arising from sanctions legislation, it appears that Mr. Hooper has been in the United States without a passport, and without any kind of visa or any legal right to stay here, since the end of 1965. A spokesman for the State Department originally claimed that Mr. Hooper was in "indefinite voluntary departure" status. Of course, U.S. law provides for no such status. When this was challenged, he declared his original statement to be inoperative, and stated that Mr. Hooper had not been granted the privilege of "voluntary departure." This should mean that he would be subject to deportation proceedings. But now we find that INS is refusing to apply its own regulations, on the grounds that the State Department is not

"We see no present direct communist threat to Southern Rhodesia, but we believe that the rebel regime, by seeking to perpetuate minority rule, creates conditions under which extremism, including communist influence among anti-regime groups, is almost certain to increase."

Whilst the compilers of the statement may not see any present direct communist threat to Rhodesia, other observers can. In 1968 military journalist Colonel Daniel T. Brigham was invited by the American-African Affairs Association to conduct an investigation into the nature, extent and origins of terrorist activity in southern Africa. Colonel Brigham carried out an intensive six-week survey of the terrorist fronts in Mozambique, Malawi, Rhodesia, Botswana and the Caprivi Strip of South-West Africa. He interviewed scores of officials, prisoners and others in possession of relevant information. His report, published by the Association in February 1969 under the title "Blueprint for Conflict", says:-

"Backstage in this development of a blueprint for conflict are the Soviet and Chinese Communists. However their political and ideological quarrels may affect their actions elsewhere in the world, they are pooling technical, military and economic resources to set the stage for one of the bloodiest wars in history - one which they hope and believe will open the road to Cape Town, from which they can dominate the western gateway to the Indian Ocean. Their latest target date for that war is late 1970. Strategically, Red control of Cape Town would end the threat of Free World naval interference with communist long-range planning for conquest of the Far East, the Persian Gulf, and the African east coast. The critical importance of Cape Town has been amply demonstrated during the prolonged closure of the Suez Canal in the wake of the Israeli-Egyptian Six-Day War."

"Military analysts are, of course, aware of the strategic importance of southern Africa. Diplomats in the field have cabled warning reports on the African situation to their home governments, urging a cautious and realistic reappraisal of policy decisions. Free World intelligence is in possession of ample information concerning communist machinations in Africa, including the existence of a joint Red high-command headquarters in Dar-es-Salaam, capital of Tanzania. Judging from actions, however, there are few indications that warning signals have been getting through to top policy-making levels; or, if they have, no one up there seems to be listening. Quite the contrary. Both London and Washington have continued policies of outright hostility to the white-ruled countries of southern Africa, and through careless and injudicious public pronouncements in the United Nations have seemed to endorse the promotion of terrorist war by the Liberation Committee of the O.A.U."

The London Sunday Telegraph's Close-up Team of investigators, after completing a similar intensive survey, reported (April 1969) that 'many of the so-called liberation movements are now largely controlled by the communist powers, and in many cases riddled with Communist party members. Guerrillas are armed with the Russian designed Kalashnik or AK 47 automatic rifles; they are steeped in the revolutionary war theories of Peking or Moscow.' The report goes on to refer in detail to the guerrillas' communist affiliations.

U.S. military historian Brigadier General S.L.A. Marshall has pointed out (June 1969) that the small arms of the terrorists 'are identical with what our troops are up against in Southeast Asia.. Most are of Chinese Communist manufacture. Some are of Soviet make.'

Mr. Dean Acheson has criticised (April 1969) 'hostile harassment with our help of three friendly countries in southern Africa.' "These countries," says Mr. Acheson, "were our allies in two world wars. Today with the Russian Navy in the eastern Mediterranean and the Indian Ocean they are more important to us and, as President Banda keeps telling his sub-Saharan black neighbors, more important to them than all the rest of Africa put together."

It is not unnatural that there should be communist influence in extremist groups seeking to overthrow western aligned governments. It may perhaps be questioned whether that is a good reason for the United States to offer the governments concerned a hostile confrontation.

"We feel a continuation of the present situation is likely to exacerbate racial tensions throughout southern Africa. The attempt by a racial minority to institutionalise and perpetuate its domination over the majority of Rhodesians threatens to lead to chaos and civil strife. Such violence might spread across international boundaries and involve other parties, including extremist elements on both sides. This would be a serious blow to African development and to world peace and security."

Unsubstantiated forecasts of future turmoil within the boundaries of a foreign country cannot by any stretched interpretation of international law or practice be held to justify coercive action against that country to compel a change in its political structure or government.

As to the validity of the forecast itself, it is possibly relevant to note once again the manifest evidence of racial harmony in Rhodesia, where not more than 35 lives have been lost in civil riot since the beginning of the century. (43 lives were lost in a few days of rioting in Detroit in July 1967). By any pragmatic test racial tensions in Rhodesia are minimal.

Mr. Ray Vicker, reporting from Rhodesia in The Wall Street Journal (September 22, 1969) shrewdly observed that "African nationalism never was a widespread yearning for liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population."

It may be worth recalling in conclusion that several of America's leaders have acknowledged the diversity of political institutions across the world and have evinced a spirit of tolerance towards them. President Kennedy considered that 'it is a mistake for the United States to fix its image of Africa in any single mold. President Eisenhower believed that 'there is no single, best way of life that answers the needs of everyone, everywhere.' President Johnson declared that 'in Africa and Asia..we seek not fidelity to an iron faith but diversity of belief as varied as man himself.'

In his Inaugural Address President Nixon spoke as follows:-

"Let all nations know that during this Administration our lines of communication will be open. We seek an open world - open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no-one our enemy."

October 1969

APPENDIX 13

EXCERPT FROM PAMPHLET ENTITLED "RHODESIA IN BRIEF 1972; SOME BASIC FACTS ABOUT RHODESIA," PUBLISHED BY THE MINISTRY OF INFORMATION, IMMIGRATION AND TOURISM, SALISBURY, RHODESIA

IMMIGRATION PROMOTION

It is no idle cry to claim that few countries in the world offer greater opportunities to those with initiative and skills who seek a better and fuller life. Sturdy, independent, and now a Republic, Rhodesia is a virile, young, developing country, proud of its race relations, with a healthy expanding economy based on great natural resources and more than adequate potential to meet the needs of both primary and secondary industries. As a result, the economy is broad and soundly based, sophisticated and resilient, offering excellent employment opportunities to many thousands of skilled persons both now and in the future. Rhodesia has great need of the services of such people in many avenues of employment, particularly among the professional, administrative, technical and artisan fields.

The development of the economy, allied to stable government, can, in the main, be attributed largely to the policy, adopted since self-government in 1923, of encouraging private enterprise to the maximum. The continued and successful implementation of this policy has ensured sound investment opportunity for those with enterprise and initiative. Both primary and secondary industries are prosperous and expanding rapidly. The accepted economic indicators predict a bright and prosperous future for all Rhodesians. The commercial sector has kept pace efficiently with economic development, as has a well-organized infrastructure, providing services and amenities of high standard which, except in the Republic of South Africa, are not encountered elsewhere on the continent.

Apart from employment and investment opportunity, incomes and the standard of living are high by any comparison, particularly in the context of the reasonable cost of living and low taxation Rhodesia enjoys. In addition, the climate is undoubtedly one of the best in the world and those fortunate enough to live in Rhodesia enjoy a comfortable and spacious way of life that others would envy.

Rhodesia's urgent need for skilled immigrants is such that, in addition to the natural attractions, special inducements are offered to skilled people and their families who wish to settle. Generous customs rebates and concessions are offered to new settlers in respect of personal effects, tools and equipment, farm implements and machinery, including one motor vehicle per person, etc. The practical effect of these rebates and concessions is that, in the majority of cases, newcomers are not called upon to pay customs dues.

As will be seen in the chapter dealing with taxation, a new immigrant and his family enjoy substantial additional tax relief during the first two years of their stay.

Not least of the attractive inducements offered are the Assisted Passages Schemes available under certain conditions to selected approved immigrants from overseas. Two schemes are operated, *viz.*: the General Scheme, offered to those who possess skills determined as in the national interest (and which embraces the breadwinner and his family); and the Family Scheme, which is available, under certain conditions, to those who have come to Rhodesia of their own accord, found suitable employment, obtained Residence Permits, and who wish their families to join them.

Requests for full details of immigration procedures, assessments of employment prospects and other matters concerning immigration should be addressed to: The Secretary, Department of Immigration Promotion, Private Bag 7711, Causeway, Salisbury, Rhodesia. The Department will be pleased to advise and assist all intending immigrants as far as possible. The Department operates a reception and settlement service for new arrivals and will assist in all matters pertaining to immigration, including securing employment in liaison with the Ministry of

Labour and Social Welfare. The Department's offices are located on the First Floor, Trafalgar Court, Kings Crescent, Salisbury, and the Third Floor, Cement House, Main Street, Bulawayo.

The Welcome to Rhodesia Association, a voluntary organization, is available to assist new arrivals, particularly in regard to obtaining accommodation, and will advise on many social and domestic problems that newcomers may encounter, such as shopping facilities, domestic servants, clubs, schools, transportation and many other matters. Its offices are in the Women' Institute Building, Second Street, Salisbury, and Room 409, Cement House, Main Street/Selborne Avenue, Bulawayo, where newcomers are always welcome.

In a troubled world, greatly beset by the vexatious problems of the twentieth century, Rhodesia has held fast to its principles and traditions, thereby ensuring a land of opportunity, with room for all to live in peace and friendship.

IMMIGRATION PROCEDURES

All immigrants must apply for a residence permit issued by the Immigrants' Selection Board, Private Bag 7711, Causeway, Salisbury.

There is, however, no objection to applications for residence permits being made by persons after entry as tourists or visitors, provided applicants are able to comply with standard immigration requirements.

APPENDIX 14

PAMPHLET ENTITLED "EMPLOYMENT IN RHODESIA" PUBLISHED BY THE
DEPARTMENT OF IMMIGRATION PROMOTION, SALISBURY, RHODESIA

EMPLOYMENT IN RHODESIA

THE INSIDE STORY

As a prospective immigrant to Rhodesia you are no doubt aware of the country's beauty and the unlimited opportunities that go hand in hand with a healthy, invigorating life. This brochure is an attempt to show what you can expect to earn, the scope in your particular trade, and general conditions of employment.

ARTISANS

To meet Rhodesia's employment requirements, it is necessary to produce certificates or other acceptable documents which prove you have served a recognized apprenticeship. The skilled man who has completed a full apprenticeship is most welcome. Rhodesian employers tend to require men conversant with all aspects of their trade. The more diverse your knowledge, the greater the opportunity for advancement.

THE PROFESSIONS

Members of the professions are required to produce documentary evidence of qualifications acceptable to professional bodies, societies, associations, or institutions. A Doctor of Medicine, for example, must produce certificates which are acceptable to the Medical Council of Rhodesia.

In the same way technicians and technical assistants should be qualified by examination. Further details can be supplied on request.

COMMERCE

Clerical personnel, in commerce, government service and industry (such as book-keepers, clerical officers and others) should have completed their secondary education and, where applicable, produce proof of previous experience. Typists and stenographers should preferably hold certificates issued by recognized examining bodies. Most employers require applicants to pass speed and efficiency tests prior to engagement.

UNSKILLED WORKERS

Vacancies in the unskilled and semi-skilled fields, including such positions as heavy transport drivers, are readily filled from local sources as are vacancies for postmen, waiters, window cleaners, milkmen and other categories which do not require formal training, and potential immigrants seeking such employment are not, as a general rule encouraged.

INDUSTRIAL RELATIONS

Labour organizations are similar to those in fully developed countries. Rhodesia has a proud record of harmonious relationships between management and labour. Virtually all trades have unions and are controlled by a National Industrial Council.

There are three points to bear in mind :

- (a) There is a union to which you may belong ;
- (b) Government machinery exists to settle disputes if needed ;
- (c) Most industries in Rhodesia are governed and regulated by National Industrial Councils.

WAGES

A guide to average wage rates in the major centres is given below. The average working week is 44 hours, after which overtime is payable at increased proportionate rates similar to those in other industrialized western countries.

These figures may vary slightly, depending on the individual's occupation within his industry. The bigger cities usually offer more amenities, but all smaller towns have modern amenities and social services such as housing, schools, medical care and entertainment, and in fact you may prefer a smaller town where the pace of life is less exacting.

APPRENTICESHIP

Rhodesia's industrial standards can perhaps best be measured by its Apprenticeship Act, which provides a modern system of technical training. An important consideration in the latest legislation is that better facilities and greater security are offered to apprentices who would also enjoy standard holiday and other benefits.

MEDICAL AID SCHEMES

'National Health' as known in a Welfare State, does not exist in Rhodesia. No compulsory deductions are made from wages, but instead voluntary contributory Medical Aid schemes have been established. For example, a married man earning R \$200 to R \$250 per month, with a wife and one child, may contribute R \$2.45 for himself; R \$1.20 for his wife and 50¢ for his child. His employer would contribute an equal amount. The benefits available may be in full or in part, dependent upon the circumstances.

In general terms medical aid entitles families to full medical attention during illness. With some exceptions, the choice of doctor, including specialists, is yours. Most Medical Aid Societies also operate Dental Aid Schemes and these facilities are available at slight extra cost.

Normally, there is no provision for financial assistance towards the cost of spectacles, dental plates, wigs or medical prescriptions, but the expenses of the latter may be claimed on income-tax returns.

WORKMEN'S COMPENSATION

All employees are covered by Workmen's Compensation if earning R \$4,000 per year or less. Employer registration is compulsory. The Workmen's Compensation Scheme is administered by Government through the Ministry of Labour and Social Welfare, and regulations are under constant scrutiny to improve and protect the interests of employees.

A maximum benefit of up to R \$160 per month may be paid to a workman whilst temporarily disabled. Permanently disabled workmen may be paid pensions based on previous earning capacity and the size of families. Should the wage-earner become deceased as a result of injuries received during the course of his employment, the family and widow are assisted by a pension. Generous Medical Aid facilities are provided during the time an employee is disabled. Employees are not required to contribute to the Workmen's Compensation Scheme.

FACTORIES AND WORKSHOPS

The safety of the worker and his health are of prime importance. Workshops and factories are subject to frequent inspection. Legislation ensures that modern safety standards are adhered to in ventilation, lighting, sanitation, cleanliness, fire precautions, first aid, protective clothing and appliances, etc.

NATIONAL EMPLOYMENT SERVICES

An efficient network of National Employment Exchanges operates in all main centres in Rhodesia. Staff is available to assist both employers and employees. The Exchanges take pride in placing work-seekers quickly in jobs best suited to their qualifications, training and circumstances.

IMMIGRANTS RECEPTION AND SETTLEMENT SERVICE

If notified in advance, Immigrant Settlement Officers of the Department of Immigration Promotion, Private Bag 7711, Causeway, Salisbury, will meet you

on arrival in Salisbury and/or Bulawayo and, if necessary, arrange temporary accommodation, and assist with any problems you may encounter during your first few weeks. A voluntary body—The Welcome to Rhodesia Association, P.O. Box 8634, Causeway, Salisbury (Telephone 23989)—will also assist in many domestic settling-in problems, including assistance in finding accommodation. Accommodation, particularly furnished accommodation, is often difficult to obtain at short notice in the main centres; consequently the early advice of requirements is essential.

ASSISTED PASSAGES

The Rhodesia Government offers two Assisted Passages Schemes, viz.: a General Scheme and a Family Scheme, to selected approved overseas migrants under certain conditions. Full details of the two Schemes are contained in a separate broadsheet, copies of which may be obtained from the Department of Immigration Promotion. In general, one or other of the Schemes is available to approved immigrants and their immediate families from overseas (but excluding Southern Africa and territories adjacent to Rhodesia), who have been granted Residence Permits and who are assured of employment in Rhodesia, and who meet the specific requirements of either scheme. Under normal circumstances, applications are required to be approved before departure from countries of residence, but for valid reason may be considered after arrival, but not later than three months, or from the date of Residence Permit, whichever period is the later.

MILITARY TRAINING

Rhodesian residents aged between 18 and 23, provided not granted deferment, are subject to eight months initial training. Over the next 3¼ years further spells of weekend training, totalling 40 hours each year, are compulsory, plus a camp period of 28 days once in every two years for attested men in the prescribed areas, i.e. Salisbury, Bulawayo, Gwelo and Umtali, and 14 days for attested men in all other areas. If training has been deferred, the individual may still be liable for basic training until he is 30. All residents between the ages of 17 and 60 are required to register for National Service in terms of the Defence Act. Newcomers are not required to register under the Defence Act until they have resided in Rhodesia for six months, but all newcomers to whom Residence Permits have been granted are required to register in terms of the National Registration Act within 30 days after arrival.

THE RHODESIAN WAY

As has been shown, the Rhodesian employee is well served by a wide network of inter-related agencies, anxious to safeguard his interests within a field of harmonious industrial relations. Rhodesia loses few immigrants and most newcomers settle easily into the relaxed society. You will find Rhodesians a sturdy, independent people, acutely aware of their historic role in the world community, whose friendship radiates throughout all spheres of their lives—in their approach to race relations, in their work and recreation, and, importantly, in the welcome extended to new Rhodesians.

Few countries in the world today offer greater opportunities for initiative and progress. Blessed with a wonderful climate and abundant natural resources, Rhodesia offers a peaceful environment, a relaxed and sophisticated society. There are few who come who ever wish to leave.

JOURNEYMAN GRADE AVERAGE WAGE RATES AS AT DEC. 31, 1969

[Wages per hour]

Industry	Salisbury	Bulawayo	Umtali	Gwelo	Que Que	Fort Victoria
Building.....	\$1.32	\$1.45	\$1.26	\$1.21	\$1.25	\$1.33
Engineering.....	1.37	1.34	1.36	1.35	1.35	1.33
Motor.....	1.32	1.30	1.25	1.28	1.35	1.30
Printing.....	1.52	1.53	1.41	1.68	1.35	2.00

1 Does not include iron and steel manufacturing—the average of which is: Wage per hour, \$1.33.

FUTHER ENQUIRES

If you have any further enquiries, please write to : Department of Immigration Promotion, Private Bag 7711, Causeway, Salisbury, Rhodesia.

In the United States, this material is filed with the Department of Justice, where the required registration statement, in terms of the Foreign Agents Registration Act, of the Rhodesian Information Office, 2852, McGill Terrace, Washington, D.C., as an agency of the Rhodesia Ministry of Information, is available for inspection. Registration does not indicate approval by the United States Government.

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Private Bag 7711, Causeway,
Salisbury, Rhodesia,
Printed by the Government Printer, Salisbury.



advocating this. It is indeed a "unique case," as Mr. Greene has said, and as one who has personally come in communication with immigration officials, I can testify to the fact that they are not formerly so tolerant in such cases. Section 244(E) of the Immigration and Nationality Act provides that where an individual has no right to remain in the United States, the privilege of voluntary departure may be granted by the Attorney General, in lieu of deportation. This privilege is never, in any case, granted for an indefinite period; in fact many genuine refugees from the Rhodesian regime have been repeatedly threatened with deportation. The harassment of so many African refugees by immigration officials is in stark contrast to their willingness to break their own rules for this representative of the illegal regime.

The case of Mr. Towsey is also somewhat mysterious. A State Department spokesman has explained that Mr. Hooper was not eligible for permanent residence status "for lack of a visa number." But it is difficult to see how Mr. Towsey could have had a visa number in 1967, when he was granted permanent residence, since he did not have a passport. There would seem to be grounds for a full investigation into the circumstances surrounding the granting of permanent residence to Mr. Towsey. There have been so many conflicting statements on the immigration status of these two individuals that the assumption may be that some embarrassing facts are being concealed.

It would be interesting to know, for example, the details of Mr. Towsey's travels outside the United States. Large amounts of money have been spent on air fares, according to Rhodesian Information Office accounts—in the 6 months prior to January 31, 1973, a total of \$5,570—and this presumably indicates extensive travel abroad. Perhaps Mr. Towsey could be requested to provide details of this travel for the record. As Mr. Greene has made clear, there are few limits on his travel resulting from his lack of a passport. But the other countries which he visits are presumably allowing him to use his American residence papers in lieu of a passport, although they are presumably unaware that he was serving what the State Department refers to as the "illegal Smith regime".

Paragraph 5 (b) of Resolution 253:

Decides that all States Members of the United Nations shall:

" . . . (b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to have furthered or encourage, or to be likely to further or encourage, the unlawful actions of the illegal regime in Southern Rhodesia. . ."

Each country that allows Mr. Towsey to enter, therefore, not excluding the United States, is knowingly or unknowingly in violation of this paragraph.

I shall now turn to specific cases where there is evidence of involvement by the Rhodesian Information Office in efforts to break sanctions, as defined by the relevant Security Council resolutions and U.S. executive orders.

The first, and most blatant case concerns the encouragement of emigration to Southern Rhodesia, from the United States and Canada. Security Council Resolution 253, paragraph 8:

"Calls upon all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration.

According to the statements filed with the Justice Department, the Rhodesian Information Office has been distributing a variety of Rhodesian "Government" publications clearly designed to encourage immigration of people whose skills and capital can be useful to the regime. One of the pamphlets, entitled simply "Rhodesia," is published by the Department of Immigration Promotion, and states, for example:

"Rhodesian agriculture offers attractive and rewarding prospects to those with farming ability, capital, and experience."

Most of the other pamphlets, including a reprint from a speech by Ian Smith, are published by the Ministry of Information, Immigration, and Tourism. They give a very attractive account of life in Rhodesia, strictly from the point of view of the white minority, with practical hints relevant to anyone interested in emigrating, or visiting.

The most open example of the promotion of emigration is the leaflet, "Employment in Rhodesia." Its wording is so explicit that it is worth quoting substantial portions of it, for example:

Other brochures contain details of many of the attractions of this lovely country but in this we attempt to show what you may expect to earn, the scope of various fields of employment and to tell you of working conditions generally.

For the skilled man with recognized qualifications and experience Rhodesia is without doubt a Land of Opportunity . . . skilled personnel in many different categories of occupation are in exceptional demand. Salaries and wages offered are attractive in the context of cost of living and taxation structure and therefore ensure a high standard of living and a spacious way of life which fewer other countries can equal.

". . . Rhodesia . . . urgently requires qualified persons in many different professional, technical, and administrative categories, i.e. in education, health, agriculture, mining, transport, tourism, commerce, industry, postal services, the armed forces, police, railways, etc. Such persons are required to produce documentary evidence of qualifications acceptable to the appropriate professional or technical institutions in Rhodesia."

There are other excerpts which I should like to have inserted in the report.

[The information referred to follows:]

EXCERPTS FROM LEAFLET ENTITLED EMPLOYMENT IN RHODESIA¹¹

"To satisfy employment requirements it is necessary for journeymen to produce indenture papers and/or certificates or other documentary proof acceptable to National Industrial Councils to prove the completion of a full and recognized apprenticeship period or training equivalent to a period of apprenticeship. Journeymen who can meet these requirements are particularly welcome and will have little difficulty in obtaining well paid employment . . .

". . . Vacancies in the unskilled and semi-skilled fields of employment . . . are, in the main, readily filled from local sources . . . Potential immigrants seeking such employment are not, as a general rule, encouraged."

". . . The commercial sector provides excellent prospects generally over a wide field covering clerical, sales, managerial, executive and specialist categories. Typing and secretarial personnel as well as bookkeepers and accountants are always in demand. Government service providing an attractive salary structure offers varied, interesting and well paid careers in the administrative, professional and technical fields.

Ms. Rogers, I continue at the end of the letter. "Rhodesia offers a peaceful healthy family environment and excellent prospects both now and in the future.

"For further details please write to:

"Department of Immigration Promotion, Private Bag 7711, Causeway, Salisbury, Rhodesia."

¹¹ See appendix p. 173 for contents of the brochure.

From the dissemination reports which refer to this leaflet, it appears that since the beginning of 1970, 350 copies were sent out, and out of 19 monthly dissemination reports, 16 including mailing to Canada. It seems obvious, therefore, that the Rhodesian Information Office is operating as a center for the encouragement of emigration from Canada to Southern Rhodesia, in violation of the Canadian as well as U.S. sanctions legislation. Since immigrants into Southern Rhodesia from the United States and Canada require visas, and since the Rhodesian Information Office, as we already know, performs some consular functions, it seems probable that the emigrants obtain their visas from the Rhodesian Information Office.

We now come to the commercial transactions involving the Rhodesian Information Office, and first its own financing. The amount concerned is around \$170,000 a year at present, which is double the amount expended, for virtually the same operation, when the present administration came to power. According to the Rhodesian Information Office registration statements, the budget is allocated by the illegal regime in Salisbury.

I have heard from two quite separate sources that the funds are channelled through the Rhodesian account of the Union Bank of Switzerland, in Geneva, to the Rhodesian Information Office account with the Chase Manhattan Bank in New York.

However, according to the Treasury and State Department the money comes from a so-called "free account" in New York, which contains the dollar equivalent of all funds sent to Rhodesia for humanitarian purposes by churches and related organizations in the United States. It appears that these accounts, which are at Barclays Bank and Standard Bank in New York, are available for "free use by the Rhodesian regime for matters such as the Rhodesian Information Office." The Treasury states: "* * * we allow the Rhodesian bank to utilize the dollars it thus accrues in the United States for purposes which are not illegal under other U.S. regulations." Presumably, the Treasury keeps a close watch on the use of the accounts, to insure that the uses made of them are not illegal—as many of the actions of or on behalf of the illegal regime, including those of the Rhodesian Information Office, are likely to be. It would therefore be relevant for the subcommittee to inquire in detail about the exact uses made of these accounts.

If it can be verified that the funds provided by the churches in the United States are being used to finance the propaganda activities of the Rhodesian Information Office and other supporters of the regime, I would suggest that the donors in question should be identified, and they be fully informed of the implications of their actions. It appears in fact that the donors could avoid subsidizing the regime's American agents by channelling their funds through a third country. So far as I know, money sent out through banks in London will not be directly available to the Rhodesian Information Office. If necessary, the Treasury could be asked to comment on this, in order to present the churches with a positive alternative to the present unsatisfactory arrangement.

The other side of this financial question is the extent to which the Rhodesian Information Office is involved in breaking sanctions directly, as defined by Executive Order 11419, paragraph (b), which prohibits:

Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia . . . of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products.

Mr. Towsey, in his registration statement, has said :

The activities (of the R.I.O.) . . . include the promotion of Rhodesian Government policies in the U.S. with a view to improving relationships between the two governments to the ultimate and that there will be full and free diplomatic and trading exchanges between Rhodesia and the U.S.

His ultimate objective, therefore, is to promote a relationship where all the activities prohibited in the Executive order and the relevant Security Council resolutions will occur. Even in the detailed activities of the Office, also, there is much evidence of the Office's involvement in activities which contravene the sanctions provisions.

An obvious way in which the Rhodesian Information Office promotes exports from Rhodesia is by disseminating copies of the publication "Products of Rhodesia," which is described as a classified list of Rhodesian agricultural and industrial products. I would think the subcommittee might wish to request the Rhodesia Information Office for a copy of this. Unfortunately, there did not appear to be any copies of it in the relevant files, as required by law, or of any dissemination statements.

The Rhodesia Information Office has also subscribed to U.S. Government tariff schedules, which would seem to indicate at least an interest in being informed about importing goods into the United States.

The accounts reveal that the Rhodesia Information Office has paid refunds to two zoos, suggesting that it was involved in the sale of animals from Southern Rhodesia to these zoos, in San Diego and Denver, Colo.

On March 28, 1972, a payment of \$187.50 for a sterling money order was made to the Bank of Washington for the Anglo-Rhodesian Society, as "payment for publications." This was presumably, then, a channel for the regime to circumvent British sanctions, since in terms of the Security Council resolution and British sanctions legislation, this would appear to have been an illegal transaction.

The Rhodesia Information Office may also be in breach of Canadian sanctions provisions by placing advertisements in Canadian newspapers, for quite substantial amounts (including \$630,000 to the Pacific Press Ltd., \$241.90 to the Globe and Mail, Toronto, and \$68 to the Montreal Star, on January 19, and March 2, 1971, respectively.) \$40 was also paid to the Winnipeg Free Press Ltd., for 400 pamphlets (July 23, 1971). The RIO also buys publications from the United States Government and Canadian Government. It subscribes in addition to a number of United Nations publications, and also the International Monetary Fund, International Labor Office and International Civil Aviation Organization.

A strange item, which could well be investigated further, is the reimbursement of \$60.63 to S. F. Rollins of the U.S. Department of Agriculture. (Sept. 3, 1971.)

The RIO appears to be a channel for those transactions which are specifically exempted from sanctions, such as medical supplies, publications of all kinds, and educational materials. It even transmitted to the regime a donation of \$1,064 from the International Zinc Re-

search to the Blair Research Laboratory, Salisbury, for research on schistosomiasis. Presumably, these transactions were licensed and monitored by the Treasury, in which case they would show up in the New York bank account statements and Treasury licenses. It could be useful to check out each such transaction. In view of these operations, and the strange references in the accounts to what appear to be other commercial transactions, there may be grounds for further inquiries into possible involvement in sanctions breaking.

An obvious starting point for any further investigation is the involvement of the RIO in the special supplement of the Journal of Commerce on Rhodesia. In a circular mailed to 896 recipients, and filed on June 30, 1972, Mr. Towsey appears to identify himself with those responsible for the supplement:

The enclosed supplement from the Journal of Commerce of June 19 is to let you know that Rhodesia is still around and entering a new era of development . . .

In the meanwhile Rhodesia will be around. We invite you to read about it through the eyes of Harold Horstmeyer. If you want to ask any questions, we will do our best to answer them.

I understand that private investigations into the RIO's connections with the supplement are in progress, and will be published soon.

The text of the supplement is misleading, since it gives the clear impression of a legitimate area for investment, with no mention of the illegality of such investment. The effect, of course, is to promote investment in Southern Rhodesia, and Mr. Towsey's letter encourages readers to ask him any questions they may have about such an illegal venture. One of the articles, for example, states:

. . . the long-established mining industry is fortunate in having an efficient labor force, good labor relations and low production costs.

. . . Rhodesia offers a stable and incentive-oriented business climate with long term security of mining investment.

The advertisements are particularly misleading. Not only do they promote trade and investment in Southern Rhodesia, but they do so in terms that, by omitting reference to the illegality of these transactions, can only be described as false and deceptive advertising, such that the Federal Communications Commission should be asked to take appropriate action. Cory Mann George of Salisbury, for example, is offering to facilitate all kinds of investment and trade with Southern Rhodesia and—since the context is a supplement on Rhodesia—imply that they are expert at evading sanctions:

We've been experts for many years in the handling of large capital projects in Mozambique, Malawi, Zambia, and Rhodesia . . . We're also export experts . . . It's a complete service throughout central and southern Africa, with world-wide representation. Customs clearance, forwarding, warehousing and shipping, buying and confirming, insurance, air freight, and stevedoring.

Another advertisement invites U.S. readers to break sanctions by purchasing land in Rhodesia, (which, like other forms of investment there, is illegal in terms of paragraph (f) of Executive Order 11419):

R. L. Swanton & Co., Incorporated Estate Agents, provide personal interest and helpful attention to inquiries, and offer their services in connection with all types of property purchase . . . management and administration undertaken.

I suggest that, quite apart from the aspect of possible involvement by the RIO, this Journal of Commerce supplement should be made

the subject of an intensive investigation by the Treasury. This and other activities of the RIO and others clearly come under the prohibition of activities which are calculated to promote trade and investment with Southern Rhodesia. Promotion of trade, as normally understood in the U.S. Government, includes public relations and advertising, for example through catalog shows abroad arranged by the U.S. Department of Commerce.

A highly relevant part of Executive Order 11419 is in paragraph (d) which prohibits:

Sale of supply by any person . . . to any person or body for the purpose of any business carried on in or operated from Southern Rhodesia of any commodities or products.

The Rhodesian Information Office would appear likely to fall within the definition of a business operated from Southern Rhodesia, since it is agent of the regime there. If so, then all those individuals and companies in the United States which supply commodities or products to the RIO are in violation of paragraph (d). This would include, for example, Reuters Ltd., who rent a teletype machine to the RIO; Press Intelligence, Inc., who provides the vital press clipping service on which much of "Rhodesia Viewpoint" is based; RCA and ITT, who provides extensive cable services; the company that sold the building at 2852 McGill Terrace to the RIO, and all the rest who appear in the accounts.

Even if the RIO does not fall under the definition of a business operated from Southern Rhodesia, then the description certainly fits the Air Rhodesia Office in New York (at 535 Fifth Avenue, New York, N.Y. 10017), which also represents the Rhodesian National Tourist Board. It is well known that Air Rhodesia is operated by the regime, while the tourist board is an agency of the regime. The representation was arranged in Salisbury, as evidenced by the registration statement of the Air Rhodesia "agent," Mr. Renton Cowley:

There is an agreement between my head office, Air Rhodesia and the Rhodesia National Tourist Board which is a Government office. Pursuant to this arrangement the New York office functions as an agent of the Rhodesia National Tourist Board Office.

The tourist board's foreign principal is listed as "Foreign government," and another statement states that the office is "Financed by the Government of Rhodesia to promote tourism." To the questions whether it is "owned by a foreign government" or "directed, controlled * * * financed by a foreign government," the answer is yes. Although nominally an Air Rhodesia office, all expenses are apparently met by the tourist board.

I have further details about the operation of the Air Rhodesia office which I would like to submit for the record.

Mr. Diggs. Without objection, it is so ordered.

[The information referred to follows:]

ADDITIONAL INFORMATION ON THE AIR RHODESIA/RHODESIA NATIONAL TOURIST BOARD OFFICE

In his registration application of March 12, 1968, the agent states:

"I, Renton Cowley, am employed and paid by Air Rhodesia. No monies are received by this office from the foreign principle (sic). All expenses are taken care of by Air Rhodesia, on behalf of the foreign principle, and reimbursement

to Air Rhodesia, from Rhodesia National Tourist Board, for expenses incurred within the U.S.A. is effected in Rhodesia.

This office is therefore clearly a "business operated from Southern Rhodesia", and all suppliers (including BOAC, the American Society of Travel Agents, the New York Postmaster and other suppliers named in the accounts, are clearly in violation of paragraph (d) of Executive Order 11419.

The regular activities of the office, as registers, are also clearly in violation of sanctions as understood at the United Nations. Mr. Cowley states his regular business or activity as:

"To promote business for the airline through contact with the travel industry in the U.S.A."

"Activities include the promotion of travel and tourism, the serving of members of the travel industry and assistance to all those interested in the promotion of travel to those countries served by the airline" (which, since this is A: Air Rhodesia, obviously means mainly Southern Rhodesia.)

These activities have been taken place in Canada—Mr. Cowley visited 11 travel agents and airlines in Montreal on 22/24 April 1971, for example—and at ASTA conventions in Japan, Australia and the Netherlands.

Apart from violation of sanctions, this office also appears to be in violation of the Foreign Agents Registration Act, since Air Rhodesia is not registered except as an agent for the Tourist Board, and there are no details on file of its activities. Exemption from registration, under Rule 304(b) under the Act, is allowed for:

"activities of an agent of a foreign principal . . . in furtherance of the *bona fide* trade or commerce of such foreign principal . . . so long as the activities do not directly promote the public or political interests of the foreign government."

Since all of U.S. Rhodesian policy and legislation is based on the assumption that foreign investment and trade directly promote the interests of the Rhodesian regime, there is a clear obligation for Air Rhodesia to register, which it has failed to do since its establishment in New York in 1968.

The Tourist Board activities appear to promote emigration as well as tourism. A bulk order of "Rhodesia in Brief" was sent to the office from R.I.O. in June 1972. This provided "information detailed about Rhodesia under general categories", and was published by the Ministry of Information, Immigration and Tourism.

Mr. Cowley's nationality is given as "Rhodesian" so his immigration status could well be investigated. The prohibition against persons using Rhodesian passports would probably apply here.

The finances of the office are managed by the Standard Bank in New York (account No. 0260-0270-1600-14209559; signatory "lic-N. RC-1255"). This account could perhaps be investigated by Treasury in the same way as the other Rhodesian accounts.

Finally, there is the question of the applicability of paragraphs (e) and (g) of Executive Order 11419 to this office. Mr. Cowley has obviously travelled extensively in the U.S., Canada and in other continents. Curiously enough the accounts show very little provision for travel: for example, only \$64.27 was listed to Mr. Cowley for expenses relating to the ASTA Convention in Tokyo. Only \$78.38 was listed for an agent contact visit to Los Angeles and San Francisco. It would seem likely that there was some kind of arrangements made with other airlines for Mr. Cowley to travel cheaply or for nothing. I was also informed, when I called the Air Rhodesia office, that any airline office could book a ticket, which would include a portion of the journey on Air Rhodesia. The relevant prohibitions under Executive Order 11419 are:

(e) "Carriage in vessels or aircraft (of) . . . any person or body for the purposes of any business . . . operated from Southern Rhodesia.

(g) "Operation of any U.S. air carrier or aircraft . . . in coordination with any airline company constituted or aircraft registered in Southern Rhodesia."

Ms. ROGERS. I shall refer very briefly to the political propaganda and lobbying activities of the Rhodesian Information Office. These are obviously the central part of its work, and will require extensive investigations if no action is taken against the RIO and its officers on the grounds of the numerous violations of sanctions, immigration and foreign agents registration legislation already mentioned.

Those who have conducted detailed studies into the passage of the notorious Byrd amendment (section 503 of the Military Procurement

Act) have concluded that without the Rhodesian Information Office, the United States would never have broken sanctions. The operation was planned from Salisbury, Ian Smith was the first person to talk about the United States supposed need for Rhodesian chrome, in a press conference to mark the establishment of "Republic Day" which, interestingly enough, was planned especially for a group of 41 visiting newspaper editors, mainly from the Deep South. The visit was presumably arranged by the RIO. The major lobbyists behind the Byrd amendment, Union Carbide and Foote Mineral Co. and their allies in the industry, were pressured from Salisbury into working actively for this sanctions-breaking attempt. It appears that the regime was threatening a complete takeover of all their Rhodesian assets at the time. A fervent political ally, the radio commentator Fulton Lewis, III, was paid \$1,000 in travel expenses in connection with a visit to Rhodesia in March when he interviewed a number of Rhodesian officials, including Hon. J. H. Howman, Minister of Foreign Affairs.

After informing the joint hearing of the Subcommittee on Africa and the Subcommittee on International Organizations and Movements on February 21, 1973, that all his foreign travels were at his own expense, Mr. Lewis was confronted with the evidence of this payment. He was obliged to modify his stand, and explained in mitigation that the British Government had also paid for his hotel while he was in London, as well as financing a visit to Belfast.

"Rhodesian Viewpoint" (distributed by the RIO), April 2, 1972.

The tactics used by those lobbying for the Byrd amendment appear to have been rather unethical, for example, I have been given to understand that one lobbyist informed a Member of Congress that if he did not vote for the amendment, he would be denounced on his radio program. Mass mailings were sent out from the RIO concentrating almost exclusively on the so-called "chrome" issue for months on end in terms which were "very offensive" to advocates of observing the treaty obligations, and perpetuating certain myths which have subsequently been shown to be incorrect (as demonstrated in Mr. Edger Lockwood's testimony to the joint hearing on Rhodesia on February 22, 1973).¹²

The RIO's publication, "Rhodesian Viewpoint" uses the headline "Unwarranted interference in U.S. Internal Affairs." This is actually referring to a vote of the U.N. General Assembly. In fact, the whole lobbying and planning operation behind the U.S. violation of international mandatory sanctions was directed from Salisbury, largely through the Rhodesian Information Office in Washington, D.C. I do not propose to go any further into the details of this lobbying operation here, but if any further research is undertaken, I think it would be found that the RIO's operation constituted unwarranted foreign interference in the domestic affairs of the United States to an extent which would be unthinkable for any genuine diplomatic mission, such as the RIO claims to be. It may be noted here that the introductory statement to the Foreign Agents Registrants Act published in 1967 by the Justice Department, commenting on the latest amendments, states:

One of the major purposes of the 1966 amendments was to change the focus of the act so as to place primary emphasis on protection of the integrity of the decisionmaking process of our Government. . . .

¹² Mr. Lockwood's statement appears on p. 67 of hearing entitled "Future Direction of U.S. Policy Toward Southern Rhodesia."

The political nature of the RIO's work is indicated by the following registration statements:

Both officers, however, were involved in frequent visits to the Capitol clubs and private meetings where they made themselves available for talks with Congressmen, Senators, members of the press and officials interested in Rhodesian/U.S. relationships.

. . . Close contact is kept with members of the U.S. Congress and their staff when legislation affecting the situation is being debated or considered.

Officers have attended congressional hearings on the Rhodesian situation and have met at their request with Congressmen, Senators, members of the news media, officials and diplomats who have expressed interest in the Rhodesian situation.

Certain Government officials are named in an article by Bruce Oudes which appeared on Sunday in the London Observer. I should like to have that article inserted in the record.

Mr. Driggs. Without objection, it is so ordered.

[The article referred to follows:]

[From the Observer, May 13, 1973]

THE STRANGE STORY OF IAN SMITH'S CHROME AND MR. NIXON'S FRIEND

(By Bruce Oudes)

The disclosure that the shares in the Union Carbide Corporation formerly held by the American Deputy Secretary of State, Mr. Kenneth Rush, are now held by trustees in what has been described as a 'blind trust,' has raised questions whether Mr. Rush retains any interest in the future of the corporation.

Union Carbide has vigorously fought United States adherence to United Nations sanctions for the past seven years. Mr. Rush's former shareholding is said to have a book value of over \$1 million, including income from a pension estimated at \$53,000 a year.

In testimony in January before the Senate Foreign Relations Committee, Mr. Rush said that while the U.S. 'should live up to its international obligations at all times,' he was adopting a position of personal neutrality on the Byrd Amendment under which the U.S. has publicly resumed the import of Rhodesian chrome, nickel, asbestos and other 'strategic' commodities.

Rush was president of Union Carbide from April 1966—shortly after UDI—until he joined the Nixon Administration in mid-1969 as Ambassador to Bonn. President Nixon was sworn into office in January 1969. Rush first made the acquaintance of Richard Nixon, then a third-year law student, in 1936. From 1954 to 1964 he was the Carbide vice-president in charge of all ore questions, including procurement.

In January, Rush also told the Senate that he had 'at no time done anything to cause any change with regard to sanctions imposed on Rhodesia.' In a separate statement he said he had never made any 'recommendations or suggestions' on the importation of chrome from Rhodesia to 'any member' of the Johnson or Nixon Administrations.

Whatever may have been Rush's personal role, in late 1969 Union Carbide officials testified before Congress that in April of that year the corporation—at a time when Rush was still president—had applied for an import license for 150,000 tons of Rhodesian chrome.

Union Carbide said in its testimony that it had transferred \$2.68 million to pay for the 150,000 tons of chrome to Rhodesia on 21 December 1966, five days after the U.S. joined Britain at the Security Council in approving, for the only time in U.N. history, the use of mandatory sanctions for international peace-keeping.

In September 1970, President Nixon—on the advice of a Justice Department study by then Deputy Attorney General Richard Kleindienst—modified American adherence to the Rhodesia sanctions to grant Union Carbide the import licence it had first sought in April 1969. Ironically the Rhodesian authorities allowed Union Carbide to ship only a symbolic 23,000 tons of chrome to the U.S. in the 16 months between President Nixon's sanctions—bending ruling and the Byrd Amendment.

Rush, who was the Deputy Secretary of Defense in 1972 before rejoining the State Department, had not been required publicly to state his views on the Byrd Amendment—which Union Carbide had strongly endorsed—until the January Senate confirmation hearing for his present State Department post.

At that hearing, Rush said: 'I have very scrupulously refrained from expressing any opinion with regard to chrome or the importation of chrome from Rhodesia to anyone, private or public, since I became ambassador to Germany.'

At another point the Deputy Secretary of State said: 'Any position I take with regard to the importation of chrome ore would be suspect.'

Rush's predecessor, John Irwin, expressed in writing last year 'Administration' support for the first, unsuccessful, try for repeal of the Byrd Amendment. At present Senator Hubert Humphrey and a handful of liberal colleagues are going through the motions of cranking up a second repeal effort. At the time there are reports that Conservatives will attempt to amend the President's new trade Bill to strike out all remaining bans on U.S. trade with Rhodesia.

Until Irwin left, the State Department had been the only agency within the Washington bureaucracy that had consistently opposed the Byrd Amendment. But its present posture is much closer to that of the White House, which Byrd opponents and supporters alike agree, has been in the final analysis responsible for the success of the Byrd Bill.

According to Fulton Lewis III, the Conservative radio commentator, who is a key intermediary in Washington between Rhodesian officials resident here and members of Congress, the White House encouraged the State Department to oppose the Byrd Amendment publicly for purposes of 'foreign consumption,' in other words, as a cover story.

Lewis says—and others agree—that the White House then neutralized the State Department effort by privately passing its true feelings to key Senators through intermediaries such as Senator Robert Dole, who was the Republican Party's national chairman throughout Mr. Nixon's first term.

White House policy on the Byrd Amendment was chiefly influenced by Presidential aides Clark MacGregor and Peter Flanigan, sources suggest. MacGregor headed the Congressional liaison office in the White House until he succeeded John Mitchell as the President's campaign manager last summer. MacGregor saw Ian Smith, the Rhodesian Premier, twice during a friendly five-day visit to Rhodesia made with the President's knowledge in late November.

Flanigan, a key Nixon adviser on questions involving U.S. multinational corporations, like Union Carbide, was for a number of years before joining the Nixon Administration involved in U.S. business activity in southern Africa, informed sources say. He retains a continuing personal interest in southern African political questions, they add.

One source, who has made a detailed study of the Byrd Amendment, said Flanigan phoned the State Department on several occasions in a partly successful effort to get the Department to tone down its opposition to the Byrd Amendment.

Another source, a well-placed State Department official, says flatly that Flanigan telephoned the State Department senior official for economic affairs in the late summer of 1969 to get the ball rolling on what became the 150,000-ton chrome exception ruling.

Regardless of how White House policy was developed, it was given its clearest exposition to date during the following exchange a year ago between a White House spokesman and a reporter.

Spokesman: 'The White House feels it is appropriate for the Senate to seek conformity between our domestic laws and our international treaty obligations.'

Reporter: 'What does that mean?'

Spokesman: 'That means the Senate has the issue before it, so the Senate should work it out.'

Reporter: 'But does that mean the White House thinks it should be repealed?'

Spokesman: '. . . It is up to the Congress.'

In 1969, Union Carbide listed Mr. Rush as owning 43,000 shares in the corporation, more than twice as much as any other member of Carbide's board at that time. An informed source says the trust contains at present something less than that amount of shares, although it is not suggested that Mr. Rush personally retained any of the 43,000.

In addition, Rush's office says that also accumulating in the blind trust is an undisclosed amount of income which is linked in value to the dividends

paid on regular shares of stock. A Rush aide said the income 'is not paid directly to Mr. Rush.'

Union Carbide has three wholly-owned subsidiaries in Rhodesia. Two, mine the world's most extensive reserves of chrome ore. The third produces ferro-chrome and other forms of processed chrome ore at a price made all the more competitive because of cheap black Rhodesian labour.

In a brief interview after his January Senate testimony, Rush said that except for chrome questions he would be participating fully in all other aspects of U.S. policy on Rhodesia. Some Rhodesia-related questions expected to surface here in the near future include:

1. A U.S. decision on both bilateral and World Bank aid to Zambia to help it to implement its attempt to sever residual commercial links with Rhodesia.

2. A Congressional investigation of the Rhodesian Information Office (RIO) to be launched in two weeks. Key questions involve the legality of the residence of the Rhodesian officials stationed here and the legality of the nearly \$200,000 in Rhodesian funds transferred to Washington annually from Salisbury to finance the operation. The RIO says it shows its films routinely at U.S. Government installations. It showed 'This is Rhodesia' at the Justice Department in 1971, five days before the House passed the Byrd Amendment.

3. A civil suit now being contemplated by United Nations sanctions supporters as a means of probing the Union Carbide and Rhodesian officials here as well as other individuals behind the Byrd Amendment.

In that brief interview Rush was asked about an allegation that Union Carbide had transferred funds into Rhodesia in 1966 after the U.S. had joined the Security Council in making the bans on such transfers mandatory. 'It could be,' Rush said. 'It's a small matter I'm not familiar with it.'

Earlier the same day Rush had told Senator Fulbright's committee that except for his neutrality on the Byrd Amendment he had always 'highly endorsed the sanctions of the United Nations. To me any sort of racial discrimination is anathema and abhorrent.'

Ms. ROGERS. I understand that further information bearing on this matter is in the course of preparation.

In light of allegations of collusion by officials of the Government with the agents of the regime, I should like to quote chapter 11 of title 18, United States Code, paragraph 219:

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, is or acts as an agent of a foreign principal * * * shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both.

I do not wish to discuss in any detail the publications disseminated by the RIO, since this is too wide a subject, and could be taken up in detail if the investigation has to be continued. Only a few elements need to be mentioned.

First, section 2(d) of the Foreign Agents Registration Act provides for prosecution: "for a willful false statement of a material fact therein or the willful omission of a material fact * * * necessary to make the statements made in a registration statement and supplements thereto, and copies furnished therewith, not misleading." The publications obviously are misleading, in that they do not refer to the central fact of the Rhodesian situation in U.S. law; namely, that the so-called Government of Rhodesia is considered by the U.S. Government to be an illegal regime, and the legal Government of Rhodesia is that of the United Kingdom. For example, one pamphlet, "Rhodesia in Brief," filed on June 16, 1972, states: "In 1965, Rhodesia became an independent sovereign state and in 1970 a Republic constitution was introduced * * *"

The publications also omit the central fact of the regime being based on racial discrimination. All the attractions mentioned, and all the

advantages are those open mainly or exclusively to whites. In evaluating the gravity of the deception being practiced, we may note that the monthly publication, "Rhodesian Viewpoint" is sent to 620 Government officials, presumably those most responsible for Rhodesian policy, as well as to legislators, Government agencies, newspapers, editors, libraries, and educational institutions.

The registration statements are not complete and an examination of them shows a systematic failure to file dissemination statements within the stipulated 18 hours, which is the time provided in the act. Also missing are a number of relevant publications for which dissemination reports have been filed but the publications are missing. This is also a violation of the act.

I could give further details on this, although they are somewhat detailed. I could provide these for the record, Mr. Chairman.

Mr. Diggs. Without objection the record will be left open at this point for those additions to be provided.

[The information referred to follows:]

STATEMENT ON FAILURES TO COMPLY STRICTLY WITH DISCLOSURE REQUIREMENTS

Even the fairly brief examination of the registration statements that I made reveals a surprising number of inaccuracies, inconsistencies and failures to observe the regulations under the Foreign Agents Registration Act. There are major changes without explanation, such as Mr. Hooper's nationality; there was often a failure to submit documents (including the pamphlets "Red for Danger", and "Products of Rhodesia", even after a letter from the Justice Department officials (of June 26, 1972) requesting certain other missing pamphlets; and the complete absence of Schedule B statements, covering information and political activities, prior to January 1969, even though the main supplemental statements indicated exactly the same extent of such activity as for later years, when Schedule B reports were submitted. (c.f. Towsey's registration statement of July 31, 1967: "Services rendered . . . will also include . . . preparation of publicity material and public presentation through speech-making, TV and radio interviews, etc.") There are also inaccuracies in the presentation of figures (for example, one set of accounts labelled August 1, 1970-February 28, 1971 in fact covers payments only up to January 31, 1971; and an amendment to one supplemental statement says "The figure of U.S. \$86,033.61 was erroneously inserted . . ." when in fact the figure given had been \$83,771.49.) There are many other spelling typographical and other inaccuracies, and in many cases where film showings are listed, abbreviations are used which make the list at times difficult to follow. There is also a consistent failure to file dissemination statements and copies of publicity material within the 48 hours stipulated in Section 4(a) of the Foreign Agents Registration Act, and Rule 401(c) of the regulations set by the Attorney General under the Act. In the case of *Rhodesian Viewpoint* of October 12, 1971, the filing was not done until more than a month later, on November 17.

There is also at least one other employee of the R.I.O. who has not been registered, although this would seem a violation of the Act. Many of the dissemination reports (e.g. the report on "Employment in Rhodesia" of June 16, 1972) are signed by Eileen A. Fox, using the description of "Information Officer", which is the same title as that used by Mr. Towsey. This would indicate that her functions are not purely clerical or secretarial, and that she should therefore be subject to registration.

The Attorney General's introductory statement to the Foreign Agents Registration Act includes the following:

"The filing of an incomplete or false statement or the failure to file additional information required may subject persons to criminal prosecution under the Act to the same extent as if no registration statement had been filed." The negligence with which the R.I.O. has purported to comply with the Foreign Agents Registration Act, and the false statements made as to their being the representatives of the Government of Rhodesia would justify prosecution in these terms. In addition, Section 8(c) of the Act states:

"Any alien who shall be convicted of a violation of, or conspiracy to violate any provisions of this Act or any regulation thereunder shall be subject to deportation . . ." The whole problem of the Rhodesian Information Office could therefore be dealt with, if necessary, in terms of the Foreign Agents Registration Act—although of course the sanctions legislation and normal immigration procedures should also be applied.

ADDITIONAL INFORMATION ON RHODESIAN FILMS SHOWN IN GOVERNMENT AGENCIES

Rhodesian propaganda films are shown in Government agencies, as well as large numbers of high schools, community groups, political and professional clubs, hospitals, and through the medium of television and public film theaters. The film, "This is Rhodesia", was even shown at the Justice Department five days before the House of Representatives passed the Byrd Amendment. A wide range of defense installations also appear prominently in the lists of film showings. Vietnam veterans, who presumably would provide likely recruits for Rhodesian mercenary forces if they wished to recruit these, are particularly exposed to these films, through their frequent showings at VA Hospitals.

The following is a partial list of showings in U.S. Government Installations :

LIST OF RHODESIAN FILMS SHOWINGS AT U.S. GOVERNMENT INSTALLATIONS

Enlisted Men's Service Club, Harrisburg, Pa., 11/25/68
 Air Material Area, San Antonio, Tex., 11/25/68
 U.S. Navy Reserve Unit, Scotia, N.Y., 10/28/68
 81st Strategic, Ellsworth AF Base, S. Dak., 12/27/68
 Veterans Administration Hospital, Murfreesboro, Tenn., 3/31/69
 Dept. of the Interior, Moses Lake, Wash., 9/21/69
 U.S. Forest Service, Yreka, Calif., 8/4/70
 U.S. Naval Ordnance Station, Forest Park, Ill., 9/28/70
 VA Hospital, Augusta, Ga., 10/24/71
 Justice Department, Washington, D.C., 11/5/71
 VA Hospital, Arillicoth, Ohio, 11/7/71
 Naval Reserve Unit 513, Richmond, Va., 11/15/71
 U.S. Naval Disciplinary Committee, Portsmouth, N.H., 12/21/71
 Dept. of the Army, Fort Myer, Va., 12/22/71
 NASA, Cleveland, Ohio, 2/4/72
 VA Administration, Boston, Mass., 2/8/72
 Naval Shipyard, Portsmouth, N.H., 2/8/72
 VA Hospital, Sheridan, Wis., 3/15/72
 U.S. Naval Disciplinary, Portsmouth, N.H., 2/29/72
 U.S. Forest Service, Yreka, Calif., 4/19/72
 USMC (Marine Corps), Camp Lejeune, N.C., 5/8/72
 Naval Shipyard, Vallejo, Calif., 5/12/72
 Armed Services YMCA, El Paso, Tex., 5/13/72
 VA Hospital, Waco, Tex., 5/16/72
 VA Admin. Hospital, Salt Lake City, Utah, 7/4/72
 U.S. Forest Service, Lufkin, Tex., 6/30/72
 Moffett Air Force Base Hospital, Omaha, Nebr., 8/3/72
 Tex. State Dept. of Health, Houston, Tex., 8/2/72
 VA Hospital, Gainesville, Fla., 8/16/72
 Naval Air Station, Norfolk, Va., 8/28/72
 Pacific Missile Range, Pt. Magu, Calif., 9/29/72
 VA Hospital, Lake City, Fla., 9/23/72
 Police Dept., Muncie, Ind., 11/9/72
 Armed Services YMCA, El Paso, Tex., 10/14/72
 Vet. Admin. Center, Hampton, Va., 12/4/72
 Air Force Dept., Mather Air Force Base, Calif., 12/20/72
 VA Hospital, Lk. City, Fla., 12/14/72
 Open Mess Club, Ft. Devens, Mass., 12/7/72
 Atlantic Flight, Cmr. Grp., Norfolk, Va., 12/21/72

Ms. ROGERS. I should in conclusion like to add that apart from the relevance of U.S. Government legislation relating to the activities of the agents of the illegal Smith regime, there is an important interna-

tional aspect to this issue, and the facts of the case might usefully be presented to the Embassies of the United Kingdom and Canada for their information and follow-up as well as to the United Nations. I note that the United States as a permanent member of the Security Council, has accepted a special responsibility for U.S. enforcement of sanctions, since Security Council Resolution 253, paragraph 16:

Calls upon all State Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution . . .

In paragraph 20(b), the Security Council Sanctions Committee is empowered:

To seek from any States Members of the United Nations . . . such further information . . . regarding any activities by any nationals of the State or in its territories that may constitute an evasion of the measures decided upon in this resolution . . .

I may add that the Sanctions Committee of the Security Council has taken up the questions of Rhodesian representative offices abroad and they have been in touch with the Australian Government on this issue. The U.S. Government is likely to be next on the list of those required to supply information.

I have some notes, Mr. Chairman, on the extent to which the United Kingdom has a number of issues which may face it in connection with the information contained in registration statements, which I would also like to provide for the record. Similar questions might be raised with regard to the activities of these agents in Canada.

[The information referred to follow:]

STATEMENT ON THE ACTIVITIES OF THE R.I.O AGENTS RELATING TO THE UNITED KINGDOM

As far as the United Kingdom is concerned, the issues are the following: firstly, in light of the withdrawal of the British passports and diplomatic status of Mr. Hopper and Mr. Towsey, is the British Government concerned that they are continuing to claim the same position as they enjoyed as employees of the British Embassy before UDI? Secondly, are they satisfied with a position where their claim to represent the *de jure* Government of Southern Rhodesia is in conflict with the rival claim of the Rhodesian Information Office? Thirdly, would they wish to investigate the payment of \$187.50 to the Anglo-Rhodesian Society, as payment for publications (March 28, 1972), as a violation of sanctions? Fourthly, were they aware at the time that they paid expenses for Fulton Lewis III that he was involved in advocating the cause of the illegal regime; and if so, do they normally pay the expense of the envoys of the regime? Fifthly, since there appears to be a series of sanctions violations involved in the operation of the office, such as the promotion of emigration, for example, are they prepared to follow their standard course of notifying the U.N. Sanctions Committee of all suspected violations? Sixthly, do they approve of the collaboration of British Airways (BOAC) with Air Rhodesia? Seventhly, is there any record of the files of the Rhodesian Interests Section at 2852 McGill Terrace being removed and returned to London, as all Embassy files are required to be after five years? Since consular work is inherently confidential in character, the files in question are presumably confidential files. Eighthly, does the British Government plan to make representations to the U.S. Government on the continued presence of the Rhodesian Information Office—which up to 1970 could be regarded as a *quid pro quo* for the American Consulate in Salisbury—along similar lines to representations made with reference to the withdrawal of that consulate following the regime's declaration of a "Republic" in Southern Rhodesia? Ninthly, which of the activities of the R.I.O. would be regarded as subject to prosecution under British policy regarding the enforcement of sanctions, with particular reference to activities which "promote or are calculated to promote" trade and investment? The U.S. Government often uses British policy as the standard of

interpretation of sanctions legislation. Tenthly, what is the British attitude towards the operations of the Air Rhodesia—Rhodesia National Tourist Board office? We should bear in mind that "Rhodesia House", which performed similar functions to those of the R.I.O. and Air Rhodesia offices, was closed down by the British Government several years ago. And finally, would the British Government regard any agency of the illegal regime as being legal or illegal?

Ms. ROGERS. Finally, Mr. Chairman, in recent months spokesmen for the U.S. Government have been calling for "greater compliance with existing sanctions" and said, "The United States believes that sanctions should be further maintained and tightened * * *" Ambassador Phillips in the Security Council. The recently issued Special Report of the Sanctions Committee—S/10920, April 15, 1973—records the U.S. position as "pleased that a number of the proposals—for strengthening sanctions—had eventually been agreed on and hoped that those recommendations would lead to stricter and more widespread observance of sanctions."—Para. 57. In fact, the U.S. delegation itself put forward proposals for strengthening sanctions relating to the supply of aircraft to Southern Rhodesia, and the insurance of air flights to and from there.

I stress this, because in the context of tightening the enforcement of sanctions internationally, the United States could make a natural contribution by closing down the Rhodesian Information Office, and if it did so with the minimum of delay and argument it would gain a substantial measure of respect for practicing what it so fervently preaches. The question of Southern Rhodesian representation in other countries has already been raised in the Sanctions Committee, and in the fourth report the committee indicated that it has requested the Secretary-General to seek information from governments where there are offices of the regime. Apart from South Africa and Portugal, the only offices are in Sydney, Australia and Washington, D.C. The Australian Government in a note dated May 10, 1971 notified the committee that printed material imported from Southern Rhodesia for the Rhodesian Information Center had been seized by the authorities under sanctions regulations. The Australian Federal Government is currently engaged in a court case on this issue.

With this action, the attention of the Sanctions Committee is likely to focus on the remaining office here in Washington, D.C.

This concludes my statement.

Mr. DIGGS. Mr. O'Shea, would you explain in detail to the subcommittee what steps you have taken to evaluate all of the registration statements of the Rhodesian Information Office in light of sanctions legislation. Could you give us details of consultations that you have held with other agencies with respect to that aspect of the subject?

Mr. O'SHEA. First, I think you have to understand that the Foreign Agents Registration Act is a disclosure statute. It gives us no authority to limit the activities of anyone registered under it. Registration does not indicate that the foreign government is recognized. In other words, a guerrilla force that is exercising authority over a section of a country—if its agent here is registered, that does not mean the United States recognizes that force. But the Rhodesian Information Office Registration is processed like anyone else. The statements are reviewed. We do not have a large staff. We cannot police the activities. We cannot check everything that is in the statement.

I cannot respond to this—Ms. Roger's statement—because I don't have a copy of her statement but I would be very happy if you would provide a copy.¹³ We can respond to anything pertaining to the Foreign Agents Act. But they are treated no differently than anyone else. The propaganda that is filed, we don't evaluate it, whether it is true or false. We only determine that it is political propaganda within the definition of the act and if they file it and label it and file dissemination reports they are in compliance with the act.

We have no authority to prosecute any other violation of law. In other words, if a registrant violates some other Federal statute, he will have to be prosecuted by another agency. The only authority we have is for a willful violation of the Foreign Agents Registration Act.

Mr. Diggs. We will come back to you on that particular point.

Could you give us an opinion on whether the Air Rhodesian Office should have registered as a foreign agent?

Mr. O'SHEA. I am not familiar with it right now. If the Air Rhodesian Office is merely operating as an air travel agency—in other words they sell tickets and arrange flights and so forth—they are not required to register under the act. If, however, they act as a tourist promotion office, then they would be promoting a public interest of a foreign government. Providing Air Rhodesia is owned by the government, then they would be required to registered for the activities in promoting tourism.

Mr. Diggs. Could you provide for the subcommittee within the next week—and remember we want to get this information back within a week so that we can have everything on the record for purposes of examination—we are interested in the details of all the foreign travel undertaken by Mr. Towsey according to the records which the Rhodesian Information Office is required to provide under the Foreign Registration Act. Can you provide that for the subcommittee within the next week. It should be just a matter of checking your records if the gentleman has complied with the regulations.

Mr. O'SHEA. I can't think of any place in the form that require disclosure of travel other than under expenditures. I can check that.

Mr. Diggs. Could you examine the books and records of the Rhodesian Information Office to provide such information as we are requesting?

Mr. O'SHEA. Yes.

Mr. Diggs. Because that ought to turn up information relative to travel and anything else.

Mr. O'SHEA. We can do that.

Mr. Diggs. You will examine the books and records of the Rhodesian Information Office and provide such information as the committee requires?

Mr. O'SHEA. Yes, we can do that.

I don't think we can do that within a week though.

Mr. Diggs. We would like to have details of how the funds for the operation of that office are received; the means by which these bank accounts together with all the bank statements dating back to UDI have been recorded and constitute some kinds of proof for these transactions.

¹³ Mr. O'Shea's response appears in appendix at p. 132.

The subcommittee would further like a statement of accounts from the office for all other incoming funds from all sources, including those within the United States and other countries.

The subcommittee would like copies of all messages and instructions received by the Rhodesian Information Office from its foreign principals, the so-called Smith regime.

The subcommittee would like copies of all records as specified by the Foreign Agents Registration Act relating to the lobbying efforts behind the Byrd amendment, direct and indirect.

I yield to counsel at this point for any questions that she might have with respect to the gentlemen's interpretation of the law.

Mrs. BUTCHER. Mr. O'Shea, how do you determine compliance with the Foreign Agents Registration Act? I am sure if statements, periodical statements, or supplemental ones are in on time that is one measure of compliance, but since the foreign agent is required to file all political propaganda which he has disseminated what is your standard? How do you know whether in fact what you have received comprises all of the messages or memorandums?

Mr. O'SHEA. We don't, anymore than we know everybody that should register is registered. A lot of people don't know about the act and we don't know about them. If a registrant files political propaganda with dissemination reports we accept that. Sometimes we ask for additional information. If they do not file it and we do not know it, it might come up through some public source.

Mrs. BUTCHER. Does that mean when you make this statement at the concluding paragraph that "The Office is currently in compliance with its obligation," you mean with its obligations to file the supplemental statements and so forth.

Mr. O'SHEA. As far as we know the supplemental statements and the propaganda statements are in order and in compliance. We have no deficiencies that are available on the face of the public statement.

Mrs. BUTCHER. What I am particularly interested in here, Mr. Chairman, is the fact the records do not show copies of political propaganda which may have been disseminated in connection with the passage of the Byrd amendment or with efforts to repeal the Byrd amendment and, of course, we do not know whether any such propaganda existed, but just on the face of it, it puzzles me as to how the assurance could be given that there was compliance?

Mr. O'SHEA. They are not required to file propaganda with the dissemination reports unless it goes through U.S. mails or interstate media. If they stand on the corner and hand out propaganda they do not have to file. If they are handing it out we have no way of knowing it.

Mrs. BUTCHER. This raises a question because in the introductory statement, I guess prepared by the registration section on the act, it says one of the major purposes was "to place primary emphasis on protection of the integrity of the decisionmaking processes of our Government and on the public right to identification of the sources of foreign political propaganda." But yet from what you have just stated, any direct effort that might be carried out here on the Hill or in various meetings to influence the passage of legislation by a foreign agent is not required to be filed under this act.

Mr. O'SHEA. If propaganda goes through the media, interstate media, this is required by the act. If it is disseminated through inter-

state media then they have to fill it. If, for instance, a registered agent would give to Mr. Diggs a copy of propaganda, he would have to tell him that he is registered under the act, under section 4(e), I believe it is.

Mrs. BUTCHER. So this is a way of checking.

Mr. O'SHEA. I have a note here that a lot of propaganda is issued through embassies which are not required to file with us. They are not required to register.

Mrs. BUTCHER. Mr. O'Shea, in connection with some cases here that there may be misleading statements carried in some of the information disseminated by the office, are these statements which do not conform to the U.S. view of the Smith regime? I wish to ask the question as to whether or not your functions are primarily administrative and what happens when this question does arise as to whether statements are misleading?

Mr. O'SHEA. As to the correctness of the statements, it says "the United States"—part of the label—"registration does not constitute approval of the contents." So we do not pass on the contents. There are all kinds of propaganda coming in from all over the world. There are probably misstatements, depending on which side is putting them out. We have no authority to say, this is right or this is wrong.

Mrs. BUTCHER. But another Agency of the U.S. Government might?

Mr. O'SHEA. That is up to them.

Mrs. BUTCHER. That is all I have, Mr. Chairman.

Mr. DIGGS. Mr. O'Shea, would you comment on what we understand to be the showing of a film "This is Rhodesia" at the Department in November of 1971 as reported by the Rhodesian Information Office in a registration statement?

Mr. O'SHEA. I think what happened was that the Rhodesian Information Office has a distributor, which is Sterling Films, who is also registered. And they distributed this film. I think we had a complaint about it. We had a political analyst at that time which we don't have now. She reviewed it and she said what it really amounted to was while it was not tourism, it was like a travelog in her opinion and probably under the act it would not constitute political propaganda. Perfectly all right for them to show it. They are registered and it would not be required to be labeled because it did not contain political propaganda.

Mr. DIGGS. In connection with Mr. Hooper and his change in nationality, I just did not quite understand your explanation. Could you go over that again, the references to him in that context.

Mr. O'SHEA. I would have no idea about his change in nationality.

Mr. DIGGS. The reference that was made to a Miss Fox, Miss E. Fox, who is in the Rhodesian Information Office. What is her status. Is she an American or what is she?

Mr. O'SHEA. I would have to check that. I don't know from memory. She may possibly be a clerk or a secretary and not be required to file a short form statement. I don't know.

Mr. DIGGS. She has been listed as an information clerk and various capacities like that, but you do not know what her status is?

Mr. O'SHEA. I assume she would possibly be a clerk or secretary and would not be required to file a short form.

Mr. DIGGS. We would like to have that checked out.

[The following letter was subsequently submitted by the Department of Justice for inclusion in the record at this point:]

AUGUST 30, 1973.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DIGGS: During a hearing before your Subcommittee on May 15, 1973 a series of questions concerning the registration of the Rhodesian Information Office (RIO) pursuant to the Foreign Agents Registration Act (FARA) were directed to Mr. O'Shea, Chief, Registration Unit. Some of these questions have been answered in previous communications to you. In further answer to your Subcommittee's questions the following information is submitted.

The Rhodesian Information Office has informed us by letter that Mrs. Eileen A. Fox is employed as Senior Clerk/Bookkeeper, and that apart from keeping the office accounts she acts as Mr. Towsey's personal secretary. She also acts as a general supervisor of the office routines and handles a number of general inquiries. Such activity does not require her to file a short-form registration statement under the Act.

With respect to Mr. Towsey's foreign travel about which you inquired during the hearing it is noted that the registration statement of the RIO does not contain such information because it is not required to be reported under the Act. It is noted in this connection that at page 65 of the transcript of the hearing Mr. Towsey advised that he would be happy to supply the Subcommittee with the details of his foreign travel. The records of the State Department and the Immigration and Naturalization Service will no doubt provide information on the travel of Mr. Towsey.

The Federal Bureau of Investigation has now advised this Division of the results of its inspection of the books and records of the Rhodesian Information Office carried out pursuant to Section 5 of the Act.

During its review of the financial records of the RIO, made by a special agent who is an accountant, a comparison was made of the financial information disclosed in supplemental statements from February 1, 1966 to January 31, 1973 with the RIO receipts and disbursements journal, disbursements vouchers and bank statements. The detailed recording of disbursements in the supplemental statements appeared to be consistent with entries in the disbursements journal and with the disbursement vouchers. The bulk of the receipts by the RIO represented four and five figure monthly wire transfers from the Rhodesian Government, recorded in the receipts journal as "government deposits."

It was also noted that numerous deposits ranging from \$10 to \$50 were received from Mr. M. C. Newman. The RIO files indicated that these receipts from Mr. Newman were in connection with an over-payment to him when he resigned in July 1965 and which he was obligated to return in monthly installments. In addition, numerous one and two figure deposits were made to the RIO account, several of which referred to passport fees, income tax fees and returned checks.

With respect to the disbursement of \$60.63 on September 3, 1973 to S. F. Rollins of the United States Department of Agriculture, the FBI determined that such payment was in connection with a "short fall on hotel bill concerning Mr. Kenneth Hanssen." This referred to the attendance of a Rhodesian agriculturist at a convention in the United States in the summer of 1971. The cost of the hotel bill exceeded the sum he paid in advance, and the Rhodesian Government paid the balance through the RIO to Mr. Rollins, the Department of Agriculture employee responsible for settling the accounts.

In response to a request for information concerning a special bank account in his name funded by the Rhodesian Government, Kenneth H. Towsey furnished the following statement to the FBI:

The K. H. Towsey (Special) Account was opened at Riggs Bank (04 04 440 003) on November 23, 1965, with a deposit of \$8,000. It was for the purpose of meeting office expenditures which could not be defrayed from funds which had come under the control of the British Embassy since November 11th. After the establishment of the RIO it continued to be used for expenditures not connected with the functions of the RIO. These mainly were the payment of traveling and other allowances to Mr. Saich and myself (Mr. Towsey), including the payment of Mr. Saich's travel costs back to Rhodesia in February 1967.

At the time of my (Mr. Towsey) registration with the RIO (March 1, 1967), the account contained \$1,930.13. It was not further reimbursed. By May of 1968

it had been drawn down to \$797.95 on expenditures which were judged not to be directly related to the functions of the RIO. The balance of \$797.95 was withdrawn in September 1968 and used for funding the general operations of the RIO. The account has not been active since that date.

The FBI also reviewed the correspondence files of the RIO in order to determine the degree of control exercised over the RIO by the Rhodesian Government as well as to determine its contacts with members of Congress.

Correspondence files dating from November 17, 1965 to the present, maintained by Mr. Towsey, revealed he had been in frequent contact with the Ministry of Foreign Affairs reporting on political, economic and social developments in the United States as well as dealing with the problems following the closing of the Rhodesian Affairs Office by the British Government. This correspondence also dealt with the position of the United States with reference to the Rhodesian question, the United States elections, the assassination of Martin Luther King and Robert Kennedy, the monitoring of U.N. activities pertaining to Rhodesia, the meeting of President Johnson with Prime Minister Wilson, in addition to information of a general nature. The Bureau in its review of this correspondence file found no sign of actual direction or close control from Rhodesia.

The correspondence files pertaining to members of Congress and their staffs were reviewed for the period from February 1, 1967 to the present time. The preponderance of communications in the file are acknowledgments of the receipt of routine mailing to members of the Congress by the RIO. Examination of other correspondence in the file disclosed that correspondence dispatched by the office generally originated as a result of a previous personal contact by Mr. Towsey of a social or possibly business nature with members of Congress or their staff members, or as a result of requests for information relative to Rhodesia initiated by members of Congress or their staffs.

The file also disclosed that in a number of instances, Mr. Towsey has developed social relationships with U.S. legislators. No instance was observed wherein he openly sought to induce any member of the House or Senate to act on behalf or to the benefit of the Rhodesian Government, however, in instances where it was brought to his attention he never failed by personal letter to welcome comment or action by members of Congress which might prove beneficial to Rhodesia.

Correspondence files maintained by H. J. C. Hooper covering his contacts with the Ministry of Information were also reviewed. These were not as voluminous as those maintained by Mr. Towsey but the following was observed: These files date back to February of 1966 and consist of a number of reports as well as letters forwarding clippings from U.S. publications, forwarding information concerning newsmen who requested interviews with the Prime Minister of Rhodesia, and general information concerning the activities of the RIO. This correspondence was routine in nature and not filed with any regularity. There was a lapse of correspondence for 10 months during 1966 and 19 months during 1968 and 1969. No such reports have been filed since May of 1970. The Bureau likewise found no indication in this correspondence that Hooper received specific directions from his superiors in Rhodesia.

A "Congressional Correspondence" file maintained by Mr. Hooper was also reviewed. This correspondence, which was scanty in volume, dates back to July of 1969 and in general contains copies of communications originating with U.S. legislators which have been forwarded to the RIO by those individuals to whom the correspondence was addressed.

In its review of the correspondence files, financial records and records relating to Congressional activity the Bureau did not observe any material dealing with lobbying activity on behalf of the Byrd Amendment by the RIO.

Copies of the registrant's correspondence and financial records were not secured by the FBI during its examination of the books and records of the registrant for the reason that the FARA does not provide authority to require or demand copies of files or record books maintained by a registrant. Section 5 of this Act requires only that "Such books and records shall be open at all reasonable times to the inspection of any official charged with the enforcement of this Act."

The Department would have to initiate a criminal or injunctive proceeding in order to obtain copies of files and records maintained by a registrant and this would have to be done through the subpoena power of a court of law.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

Mr. DIGGS. Mr. Greene, on page 2 of your statement you indicate that your failing to apply immigration legislation in the case of Mr. Hooper was on instructions of the State Department, is that correct?

Mr. GREENE. Yes, on their request.

Mr. DIGGS. Do you have some communication from them in that regard?

Mr. GREENE. We have a reference in our file to a telephone conversation from Mr. Owens who was formerly head of the Visa Office.

Mr. DIGGS. That is the only reference in the files?

Mr. GREENE. Yes.

Mr. DIGGS. You say the Visa Office of the State Department requested this kind of action. And yet all that took place was a telephone call?

Mr. GREENE. Yes.

I am sorry my assistant Mr. Bernsen said we also have two letters from the State Department.

Mr. DIGGS. We would like to have copies of any communications on this subject submitted to the subcommittee for the record.

Mr. GREENE. I have been corrected. I think the one copy is already attached.

[The letters referred to follow:]

DEPARTMENT OF STATE,
Washington, D.C., December 8, 1967.

Mr. LEWIS D. BARTON,
District Director, U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C.

DEAR MR. BARTON: I have received your letter of May 4 in which you enclosed Form I-88 relating to Kenneth Howard Towsey.

When on November 11, 1965, the Embassy of Great Britain informed the Department of State that Mr. Towsey had ceased to be a member of the Embassy staff, following the unilateral declaration of independence by the rebel regime in Salisbury, Mr. Towsey's diplomatic status terminated and he became an alien "out of status". The "Rhodesia Information Office" was registered on February 3, 1966 with the Department of Justice as an agent of a foreign principal pursuant to the Foreign Agents Registration Act of 1938, as amended. Mr. Towsey registered with the Department of Justice as an employee of the "Rhodesia Information Office" on March 6, 1967.

The Department of State has no objection on foreign policy grounds to such disposition of Mr. Towsey's application as the Immigration and Naturalization Service believes appropriate under applicable provisions of law, including the adjustment of his status to that of permanent resident. Such an adjustment, of course, in no way confers official status on Mr. Towsey, who is an employee of an agency of a regime not recognized by the United States Government.

Sincerely,

GEORGE H. OWEN,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, D.C., March 13, 1969.

Mr. LEWIS D. BARTON,
*District Director,
Immigration and Naturalization Service, Department of Justice.*

DEAR MR. BARTON: Reference is made to your letter of January 9, 1969 concerning Mr. and Mrs. Henry J. C. Hooper, your files A17-751-763 and A17-018,406. Mr. Hooper, a Washington agent of the illegal regime in Southern Rhodesia has applied for adjustment of status to that of permanent resident.

After careful consideration the Department of State believes that the exercise of the Attorney General's discretionary authority to grant a change of status in this instance could place the United States Government in a position directly inconsistent with the requirements of United Nations Security Council

Resolution No. 253 of May 29, 1968. Accordingly, the Department recommends that the Department of Justice deny the application for adjustment of status.

Mr. Hooper has been a representative of the Smith Regime in the United States since its unilateral declaration of independence of November 11, 1965. Although he enjoys no official status in this country, his continued presence here and activities on behalf of the Smith regime have been a source of embarrassment to the United States Government at the United Nations where the United States has supported Security Council Resolutions declaring the rebellion to be illegal and imposing sanctions to end it.

Mr. Hooper has been out of status since the unilateral declaration of independence when he left his former position as an officer in the British Embassy's Office of Rhodesian Affairs and his name was removed from the diplomatic list.

No action has been taken against him because there is thus far no evidence that he has engaged in any illegal activities. It is understood that he is registered with the Department of Justice as an agent of the Smith regime.

This application for adjustment of immigration status raises serious problems for the United States Government under the terms of the most recent Security Council Resolution on Southern Rhodesia. Article 5(b) of the Security Council Resolution 253 of May 29, 1968, requires all States Members of the United Nations to:

Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged the unlawful actions of the illegal regime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 18 December 1966.

The Department of State considers that Mr. Hooper's case clearly comes within the ambit of the Security Council's prohibition. He is despite assertions he may make to secure permanent residency here "ordinarily resident in Southern Rhodesia." He obviously "furthered or encourages the unlawful actions of the illegal regime." He is paid by the regime to do so.

In addition to regularizing his status in the United States, adjustment of his status would permit Mr. Hooper to travel freely between the United States and Southern Rhodesia to consult with the Smith regime about his activities in the United States. These activities are directly contrary to the objectives of the Security Council Resolution. For the Attorney General to exercise discretionary authority to grant a change of status would waive a "possible measure" of inhibiting his travel and could not be reconciled with the requirements of the resolution.

Moreover, the Department of State has received several official representations from the British Government, including a direct request from Prime Minister Wilson to former Secretary Rusk, asking that adjustment of status for Hooper be denied.

Although another Smith representative in Washington, Kenneth Towsey, received an adjustment of status on January 4, 1968, that was prior to the passage of Security Council Resolution 253 and was not inconsistent with any then existing mandatory resolutions of the United Nations Security Council.

Sincerely yours,

ELIZABETH L. ENGBAHL,
Chief, Field Operations Division, Visa Office.

Mr. DIGGS. You have other communications apparently?

Mr. GREENE. Yes we have another one. We would like the other communications with respect to that.

[Information referred to follows:]

DEPARTMENT OF STATE,
Washington, D.C., March 7, 1973.

Mr. JAMES F. GREENE,
*Association Commissioner, Operations, Immigration and Naturalization Service,
U.S. Department of Justice, Washington, D.C.*

DEAR Mr. GREENE: I refer to your letter of February 21 concerning the cases of Messrs. Kenneth Howard Towsey and Henry C. Hooper.

Enclosed is the requested copy of our letter to Congressman Diggs regarding his inquiry of November 14, 1972.

We continue to believe that Mr. Hooper's status should not be adjusted because the granting of such status would be counter to our obligations under U. N. Security Council Resolutions. At the same time we are unable to conclude that the Resolutions require Mr. Hooper's deportation. Accordingly, we believe that continued deferment of action on this unique case remains acceptable.

Sincerely,

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

Mr. DIGGS. You mentioned that the request from the other body came in a telephone call from some staffer over there, is that correct?

Mr. GREENE. Yes.

Mr. DIGGS. There are no communications of record between your agency and the judiciary committee in the other body?

Mr. GREENE. Mr. Chairman, I will recheck the record, but it is my recollection that is the extent of it.

[The information referred to follows:]

A check of the records of the Immigration and Naturalization Service fails to disclose any written communication from any member of the Senate Judiciary Committee or from any member of the staff of that committee requesting the Service not to take action to deny Mr. Hooper's adjustment application. The request was communicated to the Service orally by a member of the committee staff.

Mr. DIGGS. Would you want to correct your statement because on page two you say that "The Senate Judiciary Committee requested that no action be taken to deny Mr. Hooper's application," and so on, but you have said today you acted based upon a telephone call from a staffer. Now that is not the Senate Judiciary Committee?

Mr. GREENE. I will be happy to correct the statement to be explicit on that point. The name of the person who did ask the service—

Mr. DIGGS. You knew that before you made the statement. I am just curious as to why you would have in your statement, in your presentation or why you would use in this presentation the authority of the Senate Judiciary Committee. You know the Senate Judiciary Committee took no official action on this matter. Why would you in effect misrepresent the basis upon which you took the action?

Mr. GREENE. Mr. Chairman, I don't. I did not intend to represent it in saying it that way. I assumed Mr. Blair was speaking for the committee. He is a member of the subcommittee staff. If there appears to be an error, I apologize for it. I did not intend to leave the impression with the Chair that the Senate committee voted or took any point of action as a committee.

Mr. DIGGS. Are we to assume that Mr. Hooper has never left the United States since UDI?

Mr. GREENE. Yes, as far as our records show.

Mr. DIGGS. We were informed by the Department of State that Mr. Hooper was not eligible for a permanent residence status for lack of a visa number. Is this contestable within your view?

Mr. GREENE. I don't think that was accurate. A visa number was available. They objected to the granting of a change of status because of the international aspect.

[The following information was subsequently submitted by the INS to be included in the record at this point:]

AVAILABILITY OF IMMIGRANT VISA NUMBERS

A question has been raised concerning availability of immigrant visa numbers to Kenneth Howard Towsey and Henry J. C. Hooper.

Mr. Towsey, as a native of Great Britain, was chargeable to the quota for that country when his adjustment application was approved on December 27, 1967. At that time Great Britain enjoyed the largest quota allocated to any country, and visa numbers were readily available to all aliens born there.

On June 30, 1968 the national origins system for issuance of immigrant visa numbers terminated. (Section 1, Act of October 3, 1965; 8 U.S.C. 1151.) As a result, nonpreference visa numbers became unavailable. It, therefore, became necessary for Mr. Hooper, who is also a native of Great Britain, to seek a preference classification notwithstanding that a nonpreference visa number had been available to him when he filed his adjustment application on March 5, 1968. In August 1968 a sixth preference petition was filed in his behalf accompanied by a labor certification issued by the designee of the Secretary of Labor. The petition was approved August 13, 1968. In accordance with the State Department publication on visa availability, an immigrant visa number became available to Mr. Hooper in December 1968. Currently sixth preference as well as nonpreference immigrant visa numbers are available to natives of all independent countries of the Eastern Hemisphere except Italy and the Philippines.

Mr. DIGGS. What is the status of Mr. Towsey?

Mr. GREENE. Mr. Towsey is a lawful permanent resident of the United States.

Mr. DIGGS. His nationality, as you understand it—

Mr. GREENE. Mr. Chairman, I misunderstand you. I was thinking of the gentleman sitting along side of me.

Mr. DIGGS. I wanted to have verification for the record as to what you consider to be his status and his nationality?

Mr. GREENE. I again state for the record that Mr. Towsey is a lawful permanent resident of the United States. His nationality at this point I could not tell you.

Mr. DIGGS. Is he able to travel abroad and reenter the United States?

Mr. GREENE. Yes, with the alien registration receipt carried that he has in his possession.

Mr. DIGGS. Mr. Towsey, can the subcommittee assume that you carry out consular activities on behalf of what you consider to be your principle?

Mr. TOWSEY. Mr. Chairman, I don't think what the office is doing could be said to fall under the general description of consular activities. Certainly, in one area we are performing what I would describe as a quasi-consular function for humanitarian reasons. There are a number of students in the United States, most of them black Rhodesians,

who frequently need to have their passports revalidated. They are in some difficulty in coping with this problem because your administration, with respect, Mr. Chairman, adopts the position that the British Government exercises sovereignty over Rhodesia. The assumption from that is that the British Embassy in Washington would have the capability of handling these passport arrangements. In point of fact, of course, it does not. The government which governs in Rhodesia is Mr. Smith's government. That is the government that makes the laws and controls the frontiers and issues visas and passports.

Mr. DIGGS. Can we assume that you act in a representative capacity of that regime?

Mr. TOWSEY. Yes.

Mr. DIGGS. In all aspects you are the representative of that regime here in the United States?

Mr. TOWSEY. I am the only representative along with my colleague of that regime in the United States. We act as representatives of our government within the limits prescribed by the United States Treasury sanction regulations.

Mr. DIGGS. How about the pre-UDI records of the Rhodesian intersection; were they removed from the British Embassy or are they in your office?

Mr. TOWSEY. Mr. Chairman, I think there are some misconceptions here. There seems to be an understanding that before Rhodesia's declaration of independence there was a Rhodesian section of the British Embassy which functioned within and as part of the British Embassy. That is not in fact the case. Our position is that the Office of the Minister of Rhodesian Affairs as it was then described operated in the office which I presently occupy, was funded by the Rhodesian Government and maintained its own records quite separate from the records of the British Embassy.

Mr. DIGGS. Would you care to comment on any aspects of the statement submitted by Miss Barbara Rogers?

Mr. TOWSEY. Yes, Mr. Chairman.

It raises some very broad questions and it would take a long time for me to respond to it in detail. I don't know whether you would like me to attempt to respond to it now or on some other occasion.

Mr. DIGGS. Well, certainly, I wish to have your complete response, but we recognize that you just were exposed to her observations this afternoon. So at this point if you have any comments to make you may make them and then we will provide you with a copy of her communication or her statement and we would like your response for the record to each one of the points that she made.

Mr. TOWSEY. I will be glad to provide that Mr. Chairman. If you would like me to make some limited responses now, I will be happy to do so.¹⁴

For example, Ms. Rogers is in error in suggesting that Mr. Hooper and myself don't have passports. We do. We both hold Rhodesian passports. On the question of foreign travel, my intention in trying to intervene earlier was to say I would be happy to supply you and the subcommittee with details of my foreign travel. Since I acquired the status of a resident alien in 1967 I have made, if I recall rightly, and I think I do, an annual visit to Rhodesia and returned to my post.

¹⁴ Mr. Towsey's complete response appears in the appendix at p. 133.

Ms. Rogers makes quite a large point of lobby activity in which my office was supposed to have engaged during the currency of the Byrd amendment. My office did not engage in what I would regard as lobby activity on that occasion. Certainly, we were not in the business of seeking to solicit votes from Members of Congress in support of the Byrd amendment. We were disseminating in our regular literature a good deal of background information about chrome. We were reporting statements that were being made on the floor of the Congress and before subcommittees and committees of the Congress. But I would have considered it improper activity on my part to have been actually in the business of seeking to encourage Members of the Congress to vote one way or the other on the Byrd amendment. Certainly, my office had an interest in the outcome of the Byrd amendment. We were pleased that it succeeded. From our point of view this was a move in the direction of the normalization of relations between the United States and Rhodesia, and that, if I may say so, we regarded as a consummation devoutly to be wished.

A point has been made in regard to what has been described as Mr. Hooper's change of nationality status. I think this is a misconception, Mr. Chairman, arising from perhaps an excusable ignorance of the provisions of British nationality law. British nationality applies to all members of the British Commonwealth of Nations, within which it is possible to have a citizenship of an individual country. Therefore, it is possible to be a citizen of Australia, a citizen of New Zealand, a citizen of Rhodesia, and also a British National. So there has been no change of status on Mr. Hooper's part. His nationality might be expressed in two ways but both expressions, either British National or Rhodesian citizen, are accurate expressions.

There are many other aspects of this testimony, Mr. Chairman, that I think I would like to take up at a later date.

Mr. Diggs. Could we have a list of American visitors to Southern Rhodesia that your office has invited with details about any payments that were made to them by your office or the regime, in every case?

Mr. Towsey. Yes. To the extent that they are known to us, yes.

[Mr. Towsey's response follows:]

VISITORS TO RHODESIA

In response to the Chairman's request for information about American visitors to Rhodesia, it is assumed that this refers to persons visiting under the sponsorship of the Rhodesian Information Office. Careful examination of the Office's records reveals that only in the case of Mr. Fulton Lewis III, a radio commentator, did the Rhodesian Information Office make a financial contribution towards a visitor's travel expenses to Rhodesia.

Mr. Diggs. What is your reaction to the threatened closure by the Australian Federal Government of your office in Sydney?

Mr. Towsey. This is a matter that is still in the courts in Australia, Mr. Chairman. When Mr. Whitlam's government came into office, it expressed an intention of closing the Rhodesian Information Center in Sydney. I understand that that center is registered under State law with the Government of New South Wales, and there is now a question of jurisdiction being tested in the courts, so the outcome of that is pending.

Mr. Diggs. In responding to Ms. Rogers' statement, if it is a point-by-point response, and I would expect that to be the case, perhaps it

is not necessary to go into some of these other questions about whether or why you were involved in paying refunds in the United States and your involvement in other commercial transactions involving Rhodesian products or commodities and promotions of Rhodesian trade and investment. Would you care to make any short comments on that?

Mr. TOWSEY. The only short comment I would like to make, Mr. Chairman, is that I am satisfied that my office has not engaged in any illegitimate activity. As to the details that Ms. Rogers has raised I would prefer to reply to those in a separate statement.¹⁵

Mr. DIGGS. Ms. Rogers, are there any other agents besides Mr. Towsey, Mr. Hooper, representing the Smith regime here in the United States to your knowledge?

Ms. ROGERS. The other major representative is Mr. Cowley. I think there was some confusion about the distinction between Cowley and Towsey before. Mr. Cowley is the official of the Air Rhodesia Office and represents the Rhodesian National Tourist Board. I think it is his immigration status that is of interest. Other agents listed in the Registration Department of the Department of Justice are Sterling Movies, U.S.A., Inc. and Associated Sterling Films, and it might be a subject for inquiry as to whether they are legitimately representing an illegitimate principal.

Mr. DIGGS. Is there any interest or concern over the presence of the Rhodesian Information Office in the United States at the U.N. to your knowledge?

Ms. ROGERS. Mr. Chairman, I have made a point of discussing this with a large variety of people associated directly or indirectly with the United Nations. I have consulted with individuals and organizations in London who are concerned with sanctions. I have spoken to the Secretary of the U.N. Sanctions Committee and the Secretary of the Committee on Decolonization and other officials in the United Nations; to African Ambassadors in New York and elsewhere, to representatives of liberation movements of Zimbabwe, and to others, describing to them some of the problems which are likely to come up in relation to the Rhodesian Information Office. I have found unanimous interest in this subject because so far very few people have even been aware of the existence of the office, and as I mentioned in my statement, there is sufficient evidence of very strong political influence, whether legitimate or not, on the outcome of the Byrd amendment that this is of very great importance at a time, when firstly the United Nations has to discuss sanctions and ways of strengthening sanctions, and also at a time when the Rhodesian economy is in a state where it needs any available sources of foreign exchange.

Mr. DIGGS. You say that the Rhodesian Information Office is challenging the claim of the British Embassy to represent Southern Rhodesia. Could you amplify on that?

Ms. ROGERS. Mr. Chairman, I think that this question can easily be raised by contacts of my own in London, but even from this vantage point I think there are a number of issues which the British Embassy might be interested in. I have listed some of them in my statement. For example, do they consider the pre-UDI files of the Rhodesian Interests Section as being the property of the British Govern-

¹⁵ See appendix, p. 133.

ment? I would assume they do. If so, are they concerned that files which are consular files, and therefore necessarily confidential, should be in the possession of agents of the regime? That I would think is of some interest. And then there are connections relating to payments for pamphlets in Britain which would seem to run counter to British sanctions legislation, and the whole realm of representation I would think is of immediate concern to the British Embassy in this country.

Mr. DIGGS. Mr. Towsey, do you know anyone here in the United States in connection with the Union Carbide Corp. or Foote Mineral? Do you know the officers of the corporation? Have you had communication with them since you have been here?

Mr. TOWSEY. Yes; I know some of the officers of those corporations.

Mr. DIGGS. Did you have discussions with them regarding the chrome situation during the time that it was pending before the Congress?

Mr. TOWSEY. Yes, we had some discussions, Mr. Chairman.

Mr. DIGGS. Do you know Kenneth Rush, formerly with Union Carbide and now the Deputy Secretary of State?

Mr. TOWSEY. No, Mr. Chairman.

Mr. DIGGS. You have never met him, never had any conversation with him prior or subsequent to his assignment to the State Department in that capacity?

Mr. TOWSEY. No.

Mr. DIGGS. I yield to counsel.

Mrs. BUTCHER. Mr. Greene, you are probably not familiar with Mr. Cowley and Air Rhodesia today but it would be appreciated if you could check his nationality and if he is an alien, his immigration status.

Mr. GREENE. May I have his first name?

Ms. ROGERS. Renton.

[The following information was subsequently submitted by the INS for inclusion in the record at this point:]

IMMIGRATION STATUS OF RENTON S. C. COWLEY

The records of the Immigration and Naturalization Service show the following with respect to Renton S. C. Cowley:

Renton S. C. Cowley last arrived in the United States on April 29, 1973 in the nonimmigrant classification of a visitor for business (visa symbol B-1). He was admitted until August 15, 1973. The record of arrival shows that Mr. Cowley is a native of Rhodesia where he was born January 24, 1940 and that he is a citizen of South Africa. His permanent residence is shown as Clarendon Mansions, Rosebank, Capetown, South Africa. His address in the United States is shown as 40 Avon Circle #A, Port Chester, New York 10573. Prior to his last arrival Renton Cowley made numerous entries into the United States as a temporary visitor for business.

Mrs. BUTCHER. Mr. Greene, could you clear up for us please, how it was that the administration had the impression that Mr. Hooper had involuntary departure status?

Mr. GREENE. I can try. This information I think was conveyed to you by the Department of State—somewhere between the information we gave them and the way it was phrased when it was sent to you. We have a number of people in the United States in voluntary departure status. Literally thousands of them. For example, Cubans who entered the country. For a while we also had people in the United States, applicants approved for third-preference visas, and during the time of

their wait for visas we let them stay in voluntary departure status. So it is a term we use but it was never granted this way to Mr. Hooper.

Mrs. BUTCHER. It was new to me. I thought the term was voluntary departure privilege.

Mr. GREENE. It is semantics, I guess. It means the same thing.

Mrs. BUTCHER. On the legal aspects of the status of Mr. Hooper, does INS consider that it has the determinative authority with respect to the continued presence in the United States of an alien or does it as a rule defer to the Department of State?

Mr. GREENE. Certainly, on a case where there is an international relations aspect we would seek and probably give the Department of State position a great deal of weight but the ultimate decision is ours.

Mrs. BUTCHER. When does the service plan hope to act on the Hooper application?

Mr. GREENE. I cannot give you a definite answer on that. We will review the matter again. We just asked the Department of State and got an answer back, March 7.¹⁶ The status that he is in now—if I may take a look at my notes—an applicant whose adjustment case is pending, remains acceptable. I think with that staring me in the face I would have no alternative but to continue what is going on. I feel we are in the middle on this, because one says don't do something and the other says do something.

Mrs. BUTCHER. So that means you feel bound to follow the guidance of the State Department?

Mr. GREENE. We give the State Department's advice in this matter a great deal of weight.

Mrs. BUTCHER. What does the act say itself on the treatment of an application for a permanent resident? Does it say it should be handled within a reasonable time?

Mr. GREENE. No, madam.

Mrs. BUTCHER. In other words, you could wait forever?

Mr. GREENE. Conceivably, yes.

Mr. DIGGS. I am curious as to why the Enforcement Agency of our Government would defer to State or any other Agency on something like this. If the legal requirements or the legal guidelines dictate a certain action, why do you have to defer to State for any reason?

Mr. GREENE. Mr. Chairman—

Mr. DIGGS. As a legal arm of the Federal Government?

Mr. GREENE. Mr. Chairman, in our international relations we do take the Department of State's position in a great many matters.

Mr. DIGGS. But our Government is on the record in support of the illegality of the regime so if you were going to be consistent with public policy, the public policy of this Government, then you would carry out this matter according to the way it obviously appears to you to be legally the thing to do. This is the reason I don't understand why you are hesitant about exercising what obviously is a legal mandate. Where are these instructions coming from? Is this a decision that you as an individual made? Where did your instructions come from on this?

Mr. GREENE. You mean not to act?

Mr. DIGGS. That is correct.

¹⁶ See letter of March 7 from the Department of State on p. 35 in clarification.

Mr. GREENE. The statement was made long before I had anything to do with it.

Mr. DIGGS. You had recent communication with someone in connection with it.

Mr. GREENE. We had the letter of March of this year where they asked us to—

Mr. DIGGS. "They" meaning the Department of State? You consulted with someone because you just indicated your dilemma? You consulted with someone to get some kind of instruction? You just did not independently conclude that you were going to defer the matter?

Mr. GREENE. Within the Immigration Service after consulting with the State Department.

Mr. DIGGS. You know what I am saying here?

Mr. GREENE. I will accept responsibility for it.

Mr. DIGGS. Well, that is an easy way out.

Mr. GREENE. There was no consultation?

Mr. DIGGS. You did not have any consultation? There is no one above you from whom you got any instructions regarding this matter?

Mr. GREENE. No.

Mr. DIGGS. No one called you from the Judiciary Committee in the other body?

Mr. GREENE. No; not a committee member, but a call was made by a staff member of the Senate Judiciary Committee to our office.

Mr. DIGGS. No Member of Congress, no Senator?

Mr. GREENE. No.

Mr. DIGGS. No one at all? You just made an independent judgment here that under the circumstances you are going to keep deferring this matter, is that correct?

Mr. GREENE. Yes; after consulting the State Department.

Mrs. BUTCHER. Mr. Greene, are you aware of any other aliens who are registered under the Foreign Agents Registration Act as agents of a foreign principal who are permitted to stay here in this type of limbo status for such an indefinite period?

Mr. GREENE. No.

Mrs. BUTCHER. I wonder if you would be able to supply the subcommittee a memo on the legal aspects of this issue?

Mr. GREENE. I will be happy to.

[The memo referred to follows:]

MAY 16, 1973.

MEMORANDUM

To: James F. Greene, Acting Commissioner.

From: Charles Gordon, General Counsel.

Subject: Authority of service to delay action on Application for Adjustment of Status.

In connection with your appearance yesterday before the Subcommittee on Africa of the House Foreign Affairs Committee you were asked to furnish a memorandum of law concerning the authority of the Service to delay its final determination on an application for adjustment of status. The problem arose in connection with the application of one Henry J. C. Hooper, who was admitted to the United States some years ago as a foreign government official. His application for adjustment of status was submitted over 5 years ago, and has not yet been determined.

After submission of the application, the Service solicited the views of the Department of State, which recommended that the application be denied on the basis of the United Nations Security Council Resolution #253, relating to Southern Rhodesia. Article 5(b) of the Resolution requires the member states of the United Nations to take all possible measures to prevent the entry of certain persons ordinarily resident in Southern Rhodesia who would further the unlawful actions of the regime in Southern Rhodesia. The Department of State believed that the grant of lawful permanent resident status to Mr. Hooper would be contrary to the objectives of the United Nations Resolution, since permanent residence status would facilitate his travel between the United States and Rhodesia. The Department of State also requested, however, that no action be taken to expel Mr. Hooper from this country. In addition, a verbal communication was received from a staff member of the Senate Judiciary Committee, requesting the Service not to take action to deny Mr. Hooper's application. In response to the request of the Department of State and of the staff member of the Senate Judiciary Committee this Service has kept Mr. Hooper's application in abeyance and has not made any decision granting or denying it. You have requested me to furnish this memorandum commenting on the legality of such action by this Service.

Ordinarily a person who submits an application to this Service is entitled to a prompt determination. However, applications for adjustment of status under Section 245 of the Act, 8 U.S.C. 1255, in common with most other applications submitted to the Service, solicit the discretion of the Attorney General. The statute does not restrict the exercise of such discretion, and it is manifest that the Attorney General has a wide range of discretion in dealing with such applications. See *Jay v. Boyd*, 351 U.S. 345 (1956); *Kleindienst v. Mandel*, 408 U.S. 753 (1952). Moreover, the Attorney General is not required to compel the departure of all aliens who may appear to be in the United States in violation of law. The Attorney General can, and in many instances does, exercise so-called prosecutive discretion in permitting deportable aliens to remain in the United States indefinitely. See 1 Gordon & Rosenfield, *Immigration Law and Procedure*, § 5.3e. This prosecutive discretion usually is exercised in cases involving humanitarian considerations. However, it would also be appropriate, in my view, to invoke such prosecutive discretion to permit an alien to remain in the United States on the basis of foreign policy considerations. In effect, the withholding of final action on the application for adjustment of status was such an exercise of prosecutive discretion in permitting Mr. Hooper to remain in the United States pending a decision on his application. The request for deferment of action from the Department of State and the staff member of the Senate Judiciary Committee furnished an adequate basis for such an exercise of discretion.

It is my opinion, therefore, that the suspension of final action on Mr. Hooper's application for adjustment of status was a valid exercise of the Attorney General's discretionary authority in administering the immigration laws. In not requiring Mr. Hooper's departure from the United States while his application for adjustment of status was pending, the Service was following procedure consistent with its general policy in such cases.

CHARLES GORDON.

Mrs. BUTCHER. I have a few questions for Mr. Towsey.

Mr. Towsey, is the arrangement that we understand that exists in connection with humanitarian funds applicable to you? That is, do you use the dollars which the churches have gathered to go over to Rhodesia for humanitarian purposes under one of the exceptions to the resolution here for the purposes of the office? Is that dollar equivalent available to you?

Mr. TOWSEY. I understand that is the case, Mrs. Butcher. I don't know what the identity of those particular bank accounts in the New York banking system is. But it is my understanding as a result of consultations with the U.S. Treasury that it is not permissible for my office to be funded with direct injections of money from Rhodesia. But to the extent that there are funds existing in what the sanctions regulations describe as a "free account" in the New York banking system, the dollar contents of that account may be converted to use in the

Rhodesia Information Office. This does not mean to say, of course, that whoever deposits in those accounts is being deprived of the use of those funds. Those funds are drawn down for legitimately licensed activities in Rhodesia. This is merely a bookkeeping arrangement.

Mrs. BUTCHER. Where else could the money come from that is in the free account?

Mr. TOWSEY. I don't precisely know. If I were guessing I would say that possibly since enactment of the Byrd amendment there would be funds from legitimate purchasers of Rhodesian goods. I don't know. This is an assumption I make.

Mrs. BUTCHER. Are you able to check on this?

Mr. TOWSEY. No; I am not. And I don't think it would be proper for me to put a question of that kind to the bankers concerned. I don't think the bankers involved would reveal the identity of the particular accounts.

[The following statement was subsequently provided by Mr. Towsey for inclusion in the record at this point:]

REVENUES OF THE RHODESIAN INFORMATION OFFICE

In response to the Chairman's request for details of the revenues of the Rhodesian Information Office it is respectfully submitted that this information is contained in the registration statements filed with the subcommittee on May 15.

Mrs. BUTCHER. Has your money increased since the passage of the Byrd amendment? Do you get other moneys except the moneys coming in from the free account?

Mr. TOWSEY. No.

Mrs. BUTCHER. So then you are absolutely dependent on the money that is raised here in circumstances which are exceptional to the sanctions for your funding?

Mr. TOWSEY. That is so, yes.

Mrs. BUTCHER. There is no transfer to Switzerland back to you?

Mr. TOWSEY. No.

Mrs. BUTCHER. I wish to ask that question again, Mr. Chairman, because I think it is a key question.

All of your funding is dependent upon moneys which are received under one of the exceptions to the resolutions or under the Byrd amendment?

Mr. TOWSEY. I am not really saying it comes from either one of those two sources. I am just supposing those would be two sources which might operate free accounts in the New York banking system.

Mrs. BUTCHER. Could you elaborate on this further in your written statement please?

Mr. TOWSEY. I don't think I could elaborate much more because I don't know enough about the intricacies of the banking system. I don't think the bankers themselves would be willing to indicate to me what the identity of those accounts is.

Mrs. BUTCHER. But you are saying if the Byrd amendment were to be repealed and the churches were to stop sending this money through the United States channels to Rhodesia that you would have no funding?

Mr. TOWSEY. I understand the thrust of your questions, Mrs. Butcher, but I am not saying that because I am not knowledgeable enough to say that. If those sources were eliminated that would cer-

tainly reduce the availability of funds in free accounts in the New York banking system, but there may be other free accounts that I am not aware of.

Mrs. BUTCHER. I believe that we should request, Mr. Chairman, that he try to seek the definitive information on the other sources for that free account.

Mr. DIGGS. Is there any reason why the subcommittee cannot be provided this information?

Mr. TOWSEY. I am just not in a position—I just don't have it, Mr. Chairman.

Mr. DIGGS. But you can get the information, can you not? You are not trying to tell the subcommittee that you cannot get information pertaining to the very life blood of your existence in this country?

Mr. TOWSEY. Mr. Chairman, I don't think I could obtain information from bankers in New York in respect of which they would consider they were in a fiduciary position. These were confidential transactions which they would not be at liberty to talk to me about. I would have thought it possible, Mr. Chairman, that the Treasury Department might be able to obtain the information.

Mr. DIGGS. We will be submitting such questions to them when they come before the subcommittee on this matter, but we were hopeful of getting your cooperation in obtaining this information just as we trust you will cooperate with these gentlemen in providing the kinds of information that we ask for regarding the exchange of communications between yourself and your principal and other transactions that we will be seeking.

Mr. TOWSEY. Mr. Chairman, I have every wish to be fully cooperative.

Mrs. BUTCHER. One or two other points. There was a reference in Ms. Rogers' statement to a listing in one of your registration supplementals of a payment to a Mr. Rollins of the Department of Agriculture. I was curious as to that.

Mr. TOWSEY. I am afraid I cannot give you any information about that at this time but I will look into it.¹⁷

Mrs. BUTCHER. It would also be appreciated if you could supply copies of the latest articles or pamphlets or other publications mentioned in the Rogers' statement and particularly the one "Product of Southern Rhodesia."

Mr. TOWSEY. It is my belief that that publication no longer exists and has not for some time.

Mrs. BUTCHER. The latest one would be fine.

Mr. TOWSEY. The publication in fact as such does not exist at the present time but I will check into the availability of a back copy of it if one does exist.

Mrs. BUTCHER. It would also be appreciated if you supply a detailed comprehensive statement of any explanations, statements, et cetera, as well as other efforts that you or your office may have made in regard to the passage of the Byrd amendment or in regard to the repeal of the Byrd amendment with Members of the Senate or of the House or with the staff of either body.

Mr. TOWSEY. I will endeavor to supply that.

Mrs. BUTCHER. Perhaps, Mr. Towsey would like to comment on that point right now.

¹⁷ See last paragraph of Kenneth Towsey's statement on p. 133.

Mr. DIGGS. He said he will endeavor to get it. There are certain words that seem to suggest certain reservations. Can't you just provide it?

Mr. TOWSEY. Mr. Chairman, I thought I had indicated in reply to a previous question that this office was not involved in any lobby activities on behalf of the Byrd amendment.

Mr. DIGGS. I know you were involved. You can sit here before this committee and deny that you had anything to do with the legislation in question all you want to and your credibility is just going down the drain. You and I know you did in fact make contact with Members of the Congress, of this subcommittee, of the subcommittee in the other body and members in the other body about the Byrd amendment. For you to sit there and face me and make a statement like that is incredible. It is absolutely incredible.

Mr. TOWSEY. I will be pleased to respond to any particular charges you may have.

Mr. DIGGS. That is what you ought to say because you know that I know that you made contact in connection with this matter. Not only here in Washington, but all over this country and elsewhere, so don't sit there and make a statement like that when I know, when you know I know differently.

Mr. TOWSEY. Mr. Chairman, I categorically deny that I solicited any votes from Members of Congress.

Mr. DIGGS. That definition of soliciting votes is something that is a very strange interpretation of legislative activity on your part as far as I am concerned. I think a statement like that is in contempt of this subcommittee. So we would ask you—we would demand that you provide that information, the information that was requested by the subcommittee as a sign of your cooperation. If I did not know any different I would sit here blandly and accept that kind of statement but I know and you know I know that you made contact in connection with that matter and if you want your credibility to go all the way down the drain, then you continue to make statements like that before this subcommittee.

Do you have anything else?

Mrs. BUTCHER. No.

Mr. DIGGS. The subcommittee stands adjourned.

[Whereupon, the subcommittee adjourned at 5:10 p.m., to reconvene subject to the call of the Chair.]

IMPLICATIONS FOR U.S. INTERNATIONAL LEGAL OBLIGATIONS OF THE PRESENCE OF THE RHODESIAN INFORMATION OFFICE IN THE UNITED STATES

THURSDAY, MAY 17, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

The subcommittee met at 2 p.m. in room 2172, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. (chairman of the subcommittee) presiding.

Mr. Diggs. The subcommittee will come to order.

The subcommittee today continues its hearings on the implications of the presence of the Rhodesian Information Office in the United States for our compliance with our international legal obligations. As stated on Tuesday, the purpose of these hearings is to obtain the facts on the activities of the office to enable us to lay these facts beside the applicable paragraphs of the Security Council Resolution and the Executive order to determine whether such activities are consistent with the law.

A final purpose of these hearings is to assist the executive department in examining the implications of the activities and presence of the office under U.S. law and under international law. This afternoon we will be hearing representatives from the Department of State and the Department of Treasury.

I wish to note here my concern at the lateness of the Department of State in responding, in what I consider a reasonable time, to my inquiry of February 24, 1972. My letter to the State Department inquired first about the exact visa status of the personnel of the Rhodesian Information Office and second about the effect of current trade exchange regulations on Rhodesia and the method by which the Rhodesian Information Office receives funds. I called State's attention to a paragraph from an article in the Johannesburg Star stating that:

At first, Towsey and Hooper were afraid that the United States Treasury would drive them out of business by enforcing the ban on currency to exchange between Washington and Rhodesia. But after weeks of discussion an ingenious loophole was established.

For while the United Nations will not allow the transfer of money for trade and politics, it does permit such a transfer for "humanitarian purposes."

So Towsey and Hooper were saved. American churches send some 3,000,000 dollars a year to their missions, hospitals and schools in Rhodesia.

Under the present system this money does not leave America.

It is kept in a "free account" while an equal sum in Rhodesian currency is paid out in Salisbury to the missions concerned. American dollars in the free account are then at the disposal of Rhodesian Information Office in the United States.

Now we received no answer whatsoever to this communication of February 24, 1972, until October 20, 1972. Now this is the same letter that I referred to in my opening statement on Tuesday where I was given incorrect information on the legal status of Mr. Hooper—information which the Department later advised me to consider as “inoperative”.

Thus, I stress the purpose of this hearing is not only to assist the executive in these efforts but to initiate an attitude of concern on these matters by the executive departments concerned.

On May 15, the day before yesterday, the subcommittee heard from the Foreign Agents Registration Section of the Department of Justice and INS. Today we will hear first from Treasury and then from State and then we will go into our questions.

Our first witness is John M. Hennessy, Assistant Secretary for International Affairs, the U.S. Treasury Department.

Mr. Secretary, you have a prepared statement. You may proceed.

STATEMENT OF HON. JOHN M. HENNESSY, ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS, DEPARTMENT OF THE TREASURY

John M. Hennessy is Assistant Secretary for International Affairs, U.S. Department of the Treasury. He has also served as Deputy Assistant Secretary of the Treasury in charge of developing nations and international development institutions; with Arthur D. Little, Inc., as a management and economic consultant in the U.S. and abroad, and with the First National City Bank, New York City, where he served as General Manager in charge of the Bank's operations in Peru and previously held the same position in Bolivia. Prior experience was as a general credit officer of the Bank in New York.

Mr. Hennessy is a graduate of Harvard University Magna Cum Laude (B.A.) and was a National Science Research Fellow in the field of international economics and business at the Massachusetts Institute of Technology's Sloan School, where he completed all requirements for Ph.D., except thesis, in international business and economics.

Mr. HENNESSY. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am pleased to appear before this subcommittee to provide information with respect to the transfer of funds to Rhodesia; the funding of the Rhodesian Information Office in the United States; and U.S. fulfillment of its obligations under the pertinent United Nations resolutions.

Transfer of funds to or from Rhodesia is strictly controlled by the Treasury under the Rhodesian sanctions regulations published on July 29, 1968. The regulations prohibit:

(1) The importation into the United States of merchandise of Southern Rhodesian origin;

(2) Transfers of property which involve merchandise outside the United States of Southern Rhodesian origin;

(3) Transfers of property which involve merchandise destined to Southern Rhodesia or to or for the account of business nationals thereof;

(4) Other transfers of property to or on behalf of or for the benefit of any person in Southern Rhodesia (including the authorities thereof); and

(5) The importation into the United States of ferrochrome produced in any country from chromium ore or concentrates of Southern

Rhodesian origin, although such importation is now licensed pursuant to the Byrd amendment.

These regulations have been published in the Federal Register and distributed by the Department to appropriate U.S. banks and persons. The committee has been provided with a copy of these regulations and any willful violation by banks or individuals would constitute a criminal offense, punishable under law. In fact, there have been two successful criminal prosecutions resulting in substantial fines and forfeitures.

In sum, funds paid to or by Rhodesia since 1968 have only been those permitted under exception in the U.N. resolutions. Let me explain this more in detail.

There are two types of Rhodesian bank accounts in the United States. The first is a "free" funds account containing funds accruing from remittances authorized under U.N. Security Council Resolution No. 253. The second type of account is a "suspense" account which is controlled by the Treasury pursuant to U.N. Security Council Resolution No. 253.

I will discuss the "suspense" accounts first. These controlled accounts consist of those accounts in the United States which were in existence as of July 29, 1968, and which belonged to persons in Rhodesia. In addition, any funds accruing to Rhodesians after that date are also in "suspense," unless they qualify as "free" funds.

No debit may be made to such a "suspense" account except under Treasury license. Licenses are issued only for transactions which do not make economic resources available to Rhodesia. This is in accordance with article 4 of U.N. Security Council Resolution No. 253. For example, a transaction which would be licensed is the payment from a "suspense" account of a legacy to an American heir of a Rhodesian decedent, since such a transfer does not make any economic or financial resource available to Rhodesia.

Other examples include:

1. Payment of a pension to an American formerly employed by a Rhodesian firm.
2. Payment of principal or interest on preembargo loans.
3. Educational and medical expenses of dependents in the United States of persons in Southern Rhodesia.
4. Maintenance of relatives in the United States of Rhodesians.
5. Pension fund contributions.
6. Personal insurance premiums.
7. Taxes or fees payable to the United States or State or local governments.
8. Travel and subsistence in the United States of Rhodesian nationals who have been granted visas by the Department of State.

In none of these instances is there any economic or financial benefit to Rhodesia from the transfer.

The two major "suspense" accounts are at Standard Bank and Barclays Bank in New York. Other suspense accounts arise, for example, when an estate is created, or an insurance policy becomes payable, or when a dividend accrues.

"Free" accounts, on the other hand, derive from an explicit exception to the embargo made by the United Nations Security Council which allows transfer of funds to Rhodesia for medical, educational

or other humanitarian reasons. The Security Council also allowed exceptions for pensions, the provision of news material and, in special humanitarian circumstances, foodstuffs.

Paragraph No. 4 of Security Council Resolution No. 253 reads as follows:

Decides that all States Members of the United Nations shall not make available to the illegal regime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprise, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the regime or to any such undertaking, any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia, except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs.

Accordingly, the Treasury Department issues specific licenses on a case-by-case basis to persons in the United States who wish to remit funds to Rhodesia for any of these authorized purposes. These licenses are issued in most cases to religious groups which support missionary activities in Rhodesia, such as church-sponsored clinics, hospitals, and schools.

The five largest licenses are as follows:

Name of licensee	Purpose of remittance	Yearly amount
General Conference of Seventh-day Adventists.....	Educational, medical, humanitarian.....	\$430,000
Foreign Mission Board of Southern Baptist Convention.....	Medical, educational.....	750,000
United Church Board for World Ministries.....	Medical, educational, humanitarian.....	360,000
World Division of the Board of Missions of the United Methodist Church.....	Medical, educational.....	801,000
Evangelical Alliance Mission.....	Medical, educational.....	350,000
Total.....		2,701,000

These licenses are issued on a yearly basis and have been renewed annually. The total amount authorized for the 442 licenses granted during the 5-year period from July 29, 1968—the effective date of the regulations—to May 15, 1973, is \$18,233,537.

Rhodesia uses the Rhodesian dollar as its currency and therefore these U.S. dollar remittances must be converted into Rhodesian currency in order to be used by the beneficiary. International remittances of this type are customarily made either by bank instruments—for example, drafts, cashiers' checks, and telegraphic transfers—or by checks drawn by the senders on their own bank accounts in the United States. In either case, the dollar instrument reaches a Rhodesian bank which exchanges the dollar instrument for Rhodesian currency. The Rhodesian bank then collects the dollars from the U.S. bank remitting the funds and has them deposited in its own account in the United States.

The Rhodesian bank would, of course, not be willing to pay Rhodesian currency to the beneficiary unless it could freely use the U.S. dollar equivalent it received in exchange. Otherwise, it would be paying something of value—Rhodesian currency—and receiving blocked U.S. dollars in exchange, which it would be unable to use freely.

If we did not allow the Rhodesian banks to use the dollars they earned from these licensed remittances, it would not be possible to send funds to Rhodesia for these humanitarian purposes, despite the

fact that the United Nations Security Council has specifically approved them.

As a practical matter, the Rhodesian banks have "free" accounts in New York in which they deposit their U.S. dollar earnings from these licensed remittances. They can then use these accounts for any lawful purpose. They can be used to pay for legal exports to Rhodesia, such as printed materials. They also can be used to support the offices of Air Rhodesia and the Rhodesian Information Office in the United States. The Rhodesian banks are also able to transfer these "free" dollars to foreign banks and use them for whatever purposes they wish.

I have provided above the identities of the principal sources of the funds in these accounts. We are presently compiling a list of the remaining sources of medical, educational, and humanitarian remittances which we will submit to the subcommittee as soon as completed.¹ We do not have available information on the identities of the payees from these accounts since the funds are freely disposable.

In the case of the Rhodesian Information Office (RIO) transfers of funds are made from a "free" account in New York to the Rhodesian Information Office's licensed account at a Washington bank. The office then uses the money in the account to pay its operating expenses such as rent, salaries, and utilities.

Similarly, in the case of the Air Rhodesia Office in New York, that office maintains a licensed account at a New York bank. The Rhodesian National Tourist Board Office in New York operates out of the same office. The office is funded from a "free" account and the funds are used for operating expenses such as rent, salary, utilities, payment for printing, and advertising. The office does not engage in any financial or commercial transactions on behalf of Air Rhodesia but does disseminate tourist information and tourist literature to the public.

In conclusion, Mr. Chairman, I would like to point to two enforcement cases that may be of interest to the committee.

In one case the Treasury instructed a U.S. bank not to pay drafts drawn under a letter of credit which was opened in favor of a foreign supplier. The latter had shipped the elephants to the United States from Mozambique and he furnished documents purporting to show the elephants were captured in Mozambique. However, investigation disclosed that the same exporter had acquired a number of baby elephants from Rhodesia during the same time period. Because of these suspicious circumstances, Treasury has not allowed payment for the elephants to be made. The investigation is continuing but has been delayed because of frequent and lengthy absences of the foreign exporter and his suppliers.

The second case arose when the Treasury blocked \$377,000 in the New York account of a South African bank in 1970 which were to be used to pay for an illegal shipment of anhydrous ammonia en route to Mozambique which was ultimately destined for Rhodesia. Commerce Department action prevented this shipment from reaching Rhodesia. Treasury action froze the funds in New York which were intended to pay for the anhydrous ammonia. The corresponding funds in South Africa would have been returned to Rhodesia by the South African bank if it had not been for the Treasury's action in blocking

¹ See appendix, p. 135.

the equivalent dollars in the South African bank's account in the United States.

This concludes my prepared statement and I would be glad to answer any questions, Mr. Chairman.

Mr. Dregs. Thank you very much.

The Chair would now like to call the Deputy Assistant Secretary of State for African Affairs to the witness chair for the presentation of his statement following which we will have our question and answer period.

STATEMENT OF HON. CLARENCE CLYDE FERGUSON, JR., DEPUTY ASSISTANT SECRETARY FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Clarence Clyde Ferguson, Jr., former United States Ambassador to Uganda, was appointed Deputy Assistant Secretary of State for African Affairs, effective August 1, 1972. President Nixon appointed Professor Ferguson Ambassador to Uganda in March 1970 where he served until his present assignment.

Professor Ferguson joined the Department of State as Special Coordinator for Relief to the Civilian Victims of the Nigerian Civil War with the personal rank of Ambassador having been appointed to that position in February 1969. Before coming into the Department of State, Professor Ferguson was the Distinguished Professor of Law at Rutgers University Law School. He had previously served as the Dean of Howard University Law School (1963-1969). During the Kennedy Administration Professor Ferguson was the General Counsel to the United States Commission on Civil Rights.

Professor Ferguson was born November 4, 1924 in Wilmington, North Carolina. He served more than four years in the United States Army (1942-1946) in Europe and the Southwest Pacific Theatres. He earned a Battle Star for service with the Third Army in the Central European Campaign (1945).

EDUCATION

Professor Ferguson was educated at Ohio State University (AB *cum laude* with High Distinction in Constitutional History, 1948) and Harvard Law School (JD, *cum laude*, 1951). Professor Ferguson in addition holds an LLD from Rutgers University (1966) and DIL from the Acad. Interamericano de Derecho, Habana (1952). While a student at Harvard, he served as President of the Harvard Legal Aid Bureau and Assistant to Professor Z. Chafee of the Harvard Law School Faculty. In addition, Professor Ferguson was winner of Ames Prize of the Harvard Law School for 1948-1949.

LEGAL PRACTICE

Professor Ferguson is a member of the Massachusetts and New York Bars and has practiced in both Massachusetts and New York. In 1954 and 1955 he was an Assistant United States Attorney for the Southern District of New York, having served previously as Assistant General Counsel to the Moreland Act Commission to Investigate Harness Racing (1953-1954). From 1951 through 1955, Professor Ferguson was associated as counsel to the firm of Baltimore, Paulson and Canudo, 160 Broadway, New York City, specializing in corporate and bankruptcy matters.

LEGAL EDUCATION

Professor Ferguson was a member of the Rutgers Law School Faculty from 1955 to 1962. He also served one year as Teaching Fellow-in-Law at Harvard Law School (1951-1952) and two years as Assistant in the Department of General Education of Harvard College (1950-1952). In addition, Professor Ferguson has served as Lecturer-in-Law in the School of Law, Catholic University of America, Washington, D.C.; Lecturer in the Institute for Continuing Legal Education of New Jersey; Lecturer, Bankers Association of New Jersey and Visiting Professor in Harvard Law School (summer 1965). Professor Ferguson has lectured at Oxford, Paris, Louvain, Geneva and London, as well as universities in Africa and Asia.

Professor Ferguson was Secretary and Research Director of the New Jersey State Commission to Study and Report on the Uniform Commercial Code, and author of N.J. annotations on "Secured Transactions."

DIPLOMATIC

In 1952 Professor Ferguson was one of the United States' representatives to Western Hemisphere UNESCO Conference in Havana, Cuba. In 1963 and 1964 he served as United States Alternate in United Nations Sub-Commission on Prevention of Discrimination Against Minorities, and also as Special Legal Advisor to the United States Mission to the U.N. In April 1965 Professor Ferguson was elected as U.S. Expert to the United Nations Sub-Commission on Discrimination. He has also served as consultant to UNESCO representing the United States at the UNESCO-Oxford Roundtable on Human Rights (1965). Professor Ferguson is one of the drafters of the UNESCO Statement on Race, 1967. He was also Chairman of the Panel on Humanitarian Problems of International Law of the American Society of International Law.

GENERAL

Professor Ferguson is a member of Phi Beta Kappa and several other honorary societies. In 1956 he was named "Outstanding Young Man of New Jersey, 1956" by the New Jersey Junior Chamber of Commerce. He also served as Chairman of the New Jersey Committee on Housing for the Aged and as Civil Rights consultant to Governor Nelson Rockefeller of New York from 1958 to 1964.

Professor Ferguson was a member and treasurer of the East Orange Housing Authority; President of the Newark Rutgers Chapter of the American Association of University Professors, and was a member of the Committee on Racial Discrimination of the American Association of Law Schools. For two years he served on the Executive Committee of the American Association of Law Schools. At the present time, Professor Ferguson is a member of numerous boards and advisory committees as well as consultant to many federal and international agencies. He currently is a member of the Executive Committee of the American Association of International Law.

Professor Ferguson, a widower, has three daughters.

PUBLICATIONS

Books

Desegregation and the Law: The Meaning and Effect of the School Segregation Cases (with Albert P. Blaustein, New Brunswick, 1st edition, Rutgers University Press, 1957, 2nd edition, 1960, paperback edition, Vintage Press, 1962).

Materials on Trial Presentations, 1957 (Rutgers University).

Enforcement and Collection of Judgments and Liens, New Brunswick, Rutgers University, Institute for Continuing Legal Education, 1961.

Secured Transactions, Article IX Uniform Commercial Code in New Jersey, Sooney and Sage, 1961 (Newark, N.J.).

Racism in American Education, (with Clark, Howe et al), Random House (N.Y. 1970).

Articles

"Formulation of Enforcement Policy: An Anatomy of the Prosecutor's Discretion Prior to Accusation," 11 *Rutgers L. Rev.* 507-525 (Spring 1957).

"Creditors' Rights," 12 *Rutgers L. Rev.* 200 (1958) (Survey of N.J. Law).

"Inherent Justiciability of the Constitutional Guaranty Against Domestic Violence," 13 *Rutgers L. Rev.* 407-425 (Spring 1959).

"The Consensual Basis of Subject Matter Jurisdiction in Matters of Bankruptcy: Fact and Fiction," 14 *Rutgers L. Rev.* 491-517 (Spring 1960) (Symposium on Bankruptcy).

"Creditors' Rights: Problems of a Merged System of Law and Equity," 16 *Rutgers L. Rev.* 235 (1962).

"Urban Renewal and Civil Rights," 9 *Howard L. J.* 101 (Spring 1963).

"Civil Rights: 1964," 24 *Fed. Bar J.* 102 (1964).

"United Nations Convention Against Racial Discrimination," *Law in Transition* 61 (1964).

"Federal Interest in the Employment Relation," 14 *Buffalo L. Rev.* 1 (1964).
 "Internationalization of Human Rights,"—Proceedings, Am. Soc. *International Law* (1968).

"Les Droits de l'homme aux Etats-Unis," *L'European*, No. 91 (1968).

"Y aura-t-il une troisieme revolution americaine?" *L'Economic*, (May 1968).

Book reviews

Numerous book reviews in legal professional journals, international legal journals and New York Times Book Review.

Mr. FERGUSON. Thank you, Mr. Chairman.

I welcome this opportunity to again appear before this committee. My statement is brief upon the presumption that the prior appearance of representatives of the Justice Department and the Rhodesian Information Office itself and the appearance today of a representative of the Treasury Department renders unnecessary an extended statement on behalf of the Department of State.

The position of the State Department regarding the subject of this hearing, the Rhodesian Information Office, is clear and simple. The U.S. Government regards the United Kingdom as the lawful sovereign responsible for Rhodesia. We have not recognized either Rhodesian statehood or the so-called Government of Rhodesia. It follows then that we recognize no official status for the Rhodesian Information Office or its employees. The Information Office, which has been in existence since 1965 following the unilateral declaration of independence by the Rhodesian regime, enjoys no privileges and immunities; no relations, official or unofficial, with the Department of State and employees have no diplomatic or other official status in our eyes.

The Rhodesian Information Office and its employees are required, under the circumstances, to register as agents of a foreign principal under the Foreign Agents Registration Act. This registration in compliance with provisions of the act confers no legal status upon the office or its employees and does not bestow legitimacy upon the regime it represents. In this regard, the regime and the Office are in the same position as, for example, the Zimbabwe African National Union and its agent which are similarly registered under the act. In 1969 the Zimbabwe African Peoples Union and its agent were also registrants.

To the knowledge of the Department of State and based upon the extent of that knowledge, it appears that the known activities of the office do not conflict with U.S. law and do not appear to be in conflict with the U.S. obligations under the relevant Security Council Resolutions regarding Rhodesia.

Now, Mr. Chairman, as you will have noted, I have eliminated from my statement the sentence dealing with financing for the Rhodesian Information Office, a subject which has already been dealt with at great length.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. HENNESSY, to what extent does your Department monitor the finances of the Rhodesian Information Office?

Mr. HENNESSY. We don't monitor them in any direct sense. At the present time the Office is funded, as I mentioned in my statement, out of the free funds account which it derives from these payments for humanitarian, educational, and medical purposes and those funds are freely disposable. Beyond that we do no special monitoring of their books or their transactions in a financial sense.

Mr. DIGGS. Now how can you hold them accountable to the applicable laws without any kind of monitoring apparatus? They could be getting their finances from any number of places in the absence of some kind of monitoring or surveillance.

Mr. HENNESSY. The monitoring apparatus or the control apparatus, if you prefer, operates through the medium of the banks. Of course, people might illegally smuggle currency in and provide it to the RIO. It is quite clear that that could be done. On the other hand, our regulations are well known to the banks, they have been published in the Federal Register, they have been distributed to 10,000 different people—individuals, lawyers, all the major banks have received copies of them. If bank transfers were made which were not out of the free accounts and were willfully done, that would be a criminal offense and therefore prosecuted, and that is the best guarantee we do have.

Mr. DIGGS. I would like to yield to counsel at this point with respect to that question because the answer seems to be rather superficial to me.

Mrs. BUTCHER. Mr. Hennessy, what we are wondering about arises out of a statement which Mr. Towsey made the other day. The question was whether or not they were dependent for their financing on the money available in the free account and I do not believe that we got an absolute definitive answer from the RIO representative. If this is the case though, perhaps it could be checked out at least partially by setting their budget as reported in their FARA² statement besides the amounts available in the free account.

Our question is, Is it your agency in the Government which does this or just where does that responsibility lie?

Mr. HENNESSY. Well, let me make one point if I might. The proceeds of Rhodesian exports which are permitted under the Byrd amendment could be used by the RIO. From our own records it would appear that they are not. Nevertheless, there are other sources that would be legal in terms of additions to the free accounts. To answer your question more directly, the Treasury Department has the enforcement responsibility regarding the financial transactions and the commercial transactions so that we have the legal right to examine their books if we thought there was reason to question whether they were carrying out illegal activities or their being paid illegal funds.

At this time we have had no indication that any of the funds that have been paid or that they are receiving and are using to cover their budget are from illegal sources. It is true we have that type of investigatory authority. If there was any question or doubt, we could go in and examine their books and examine their budget. We would, of course, want to do something like that based on some substantive evidence or strong suspicion. We would not want to carry out a harassment which would be misinterpreted.

Mrs. BUTCHER. But if they were receiving funds through Swiss accounts, there would be a violation?

Mr. HENNESSY. It would be a violation if it occurred after July 29, 1968. At the outset of the embargo from 1965 to 1968, the RIO was being funded from Swiss accounts. We froze those RIO accounts in the fall of 1968, and they are still frozen. We did freeze some \$50,000

² Foreign Agents Registration Act.

shortly after the 1968 regulations became effective. This amount was the result of funds which were being sent from abroad to the RIO account here in a Washington bank, from Swiss accounts.

Mrs. BUTCHER. Could we go back to the Byrd amendment, because this was mentioned the other day. How would that money be generated?

Mr. HENNESSY. Under the Byrd amendment there are some seven different materials which Rhodesia can and does export to the United States. If my memory serves me right, I think the sum total of those exports to the United States under the Byrd amendment amount to some \$13 million.

Now those proceeds are freely usable by Rhodesia and they could be channeled anywhere. According to our records, they have sent them all abroad, either back to bank accounts in foreign countries or back to Rhodesia. Because these funds represent proceeds of goods exported legally to the United States, and imported legally under the terms of the Byrd amendment, there is nothing which would prevent the Rhodesians from putting the funds at the disposal of the Rhodesian Information Office, instead of sending the money back abroad if they preferred.

Mrs. BUTCHER. To return to the funding of the office from the free account, is there an established procedure whereby the banks inform the office of the amounts that are available: and when does this take place? This would be necessary just for the budgetary process of the office.

Mr. HENNESSY. I am not sure how often the banks would advise them. To go back to my statement, almost \$12 million in free remittances have been licensed over the last 5 years. In other words, people come in—primarily these different religious organizations have come in to Treasury and said they wanted to provide funds to people in Rhodesia. This is done by selling dollars, which in turn generates the Rhodesian currency which is then spent in hospitals down there and so on. These funds are put in two bank accounts in New York and these are free funds because they are within the exception language of the U.N. Resolutions. So that is how those accounts are used to fund the RIO.

We do not monitor these funds ordinarily. They have 100-percent freedom on how they use them as long as it is not illegal. They could not send them to Cuba, for instance; that would be illegal use of the funds. If the Rhodesians wanted to take all of those funds and give them to the RIO, they could do so. If they wanted to send the moneys all back home, they could do so.

So I assume that the RIO knows how much on average is remitted under these exception provisions of the U.N. Resolution, which runs almost \$3 million a year. They could count on that much at least being available to them. As I understand it, however, their budget is considerably below that amount.

Mr. DIGGS. Your reference to Cuba, Mr. Hennessy, raises the whole question of other sanctions programs that we have. Is there any country against whom we have sanctions where there are exceptions under which moneys might accrue for the use of that government as they accrue under the humanitarian exception of the Rhodesian Information Office?

Mr. HENNESSY. I cannot answer you 100 percent definitively because any in-depth knowledge of all the different ones is not sufficient but to the best of my knowledge I would say there is not. There is a basic difference between this, of course, which is the result of an international action which included a specific exception provision and, for example, our actions against Cuba which were taken on our own not as part of an international set of actions but primarily were taken by our Government in response to actions by that government in which we are involved in considerable claims against Cuban assets. I mean Cuba has taken over a large amount of U.S. businesses and expropriated them without compensation so there is an enormous amount of outstanding claims which far exceed, of course, the assets which we have frozen in the case of Cuba but that, it seems to me, is a different type of action that the U.N. action which lays out quite explicitly this proviso in the exception provision.

Mr. DIGGS. Well, you said you were not able to respond to that more definitively so we would like to have you respond more definitively for the record.

Mr. HENNESSY. Yes, I will validate that.

[The reply of the Department of the Treasury follows:]

The Treasury has in the past licensed funds to be paid to other embargoed countries. For example, Americans may be present in an embargoed country such as Cuba, either because they were caught there at the outset of the embargo or because they choose to live with family there. In such cases, the Treasury licenses funds to be sent to those Americans for their living expenses. The normal license authorizes up to \$1,000 per month for this purpose (cf. § 515.522 of the Cuban Assets Control Regulations).

Such remittances are freely available to the foreign country, e.g., Cuba, because otherwise Cuba would not make the Cuban currency equivalent available to the U.S. citizen. Cuba can use these funds for any legal purpose, such as the funding of the Cuban mission to the United Nations. This is of course comparable to the Rhodesians using their free foreign exchange earned from the United States to fund the Rhodesian Information Office.

Similarly, in the China embargo, Treasury licensed substantial imports of hog bristles and feathers and down for the strategic stockpile. In that situation, China was able to receive and use the foreign exchange freely, just as Rhodesia does with respect to funds earned under the Byrd Amendment.

Mr. DIGGS. Did you consult with the State Department to find out what was considered proper use for these accounts, to find out what the United Nations and what the United Kingdom, in particular—which has the sovereign authority for Rhodesia—did you have any consultations with any of these components concerning these accounts and their proper use?

Mr. HENNESSY. Yes, Mr. Chairman, we did. In particular with the State Department, there is obviously ongoing coordination and contact with them. Of course the RIO is a question of interpretation and a question of interpretation of the language of 253. In that particular case we did at the outset consult the State Department. We consulted with them and they in turn consulted with the U.K. Government in regard to the application of the sanctions and exceptions to it by providing them with a number of case examples and requested their views as the types of activities which would fall within the sanctions and which would not. This was particularly the case as regarded section 3(b). The net result of those consultations was our conclusion that the activities of the RIO and the payments and the use of funds were not inconsistent with the different provisions of United Nations

Resolution 253. The cable exchange, or the more in-depth knowledge here again is had by the State Department, which was the channel through which the actual communication took place.

Mr. Diggs. Well, we would like to receive a memorandum for the record of the whole history of this transaction going back to the institution of the practice telling us exactly what transpired between our consulate in Salisbury before it was closed down that related to this transaction and the Smith regime, between Mr. Towsey and the Treasury Department. Since we have representatives from the State Department, for the record we will know point by point what the arrangement was that resulted in these moneys being made available to the Rhodesian Information Office. We want just a comprehensive memorandum which would include copies of all communications related to this transaction from the beginning right up to date.

[The reply of the Department of State follows:]

CONSULTATIONS ON TRANSFER OF MONEYS TO THE RIO

A search of records maintained in the Department of State has produced no record of consideration given at the time within the Department, or consultations taken with other governments, on the method established whereby these moneys in question were made available to the Rhodesian Information Office for its activities in the United States. The Office of Foreign Assets Control of the Treasury Department has located a memorandum, dated November 8, 1968, from Mrs. Margaret W. Schwartz (Treasury) to Mr. Edward W. Holmes (State) which makes passing reference to the consideration of free account financing for the RIO (see paragraph 2). Although the major substance of that memorandum deals with another subject—contributions from Americans to support the activities of the RIO—we are including it as an example of consideration given to free account financing in that period, and a copy is attached. We have, as indicated above, been unable to locate more detailed memoranda reflecting the substance of that consideration.

NOVEMBER 8, 1968.

MEMORANDUM

To: Mr. EDWARD W. HOLMES,
Department of State.

From: (Mrs.) MARGARET W. SCHWERTZ,
Office of Foreign Assets Control, Department of the Treasury,

Subject: Rhodesian Information Office:

We have received the attached letter from Mr. Kenneth Towsey. In substance, the letter states that Mr. Towsey is receiving contributions from Americans for the activities of the Rhodesian Information Office, and asks whether these contributions may be deposited in the "free account" of the Office at a Washington bank.

In this connection, a "free" account is being or has recently been opened in the name of the "Rhodesian Information Office" at a local bank. It is being opened by the bank on the express understanding that the only deposits to such account would be funds transferred from Rhodesian "free" accounts at Barclay's or Standard Bank Ltd. in New York. We are aware that such funds are, in fact, being currently transferred from the latter accounts in New York to this Washington account. There is thus no question but that there are "free" funds held for the Information Service, which are usable for its activities.

Turning to the question of dealing with these individual contributions, they clearly are "transfers of property" to the Rhodesian regime. They are, therefore, prohibited transfers unless licensed by Treasury and the Washington bank could not legally cash these checks in the absence of such a license. Nor could Messrs. Towsey and Hooper legally cash these checks except by deposit to a "suspense" account. Therefore, a license is required for these contributions to be placed in the "free" account.

Such contributions do in fact constitute the making of financial or economic resources available to Southern Rhodesia—just as any payment to Rhodesia makes resources available to it, regardless of how the resources are utilized. Thus, licensing such contributions to be placed in the "free" account would appear to be contrary to the provisions of UN S.C. Res. 253.

On the other hand, denial of a license could well result in further charges that we are "suppressing" the free flow of information. While, as noted above, this would not in fact be true, press publicity and possible adverse Congressional reaction should be anticipated and considered before any decision is reached.

Accordingly, we would appreciate the views of your Department with respect to this question.

Mr. DREGS. Anything additional, Counsel, in that regard?

Mrs. BUTCHER. Yes.

Mr. HENNESSY, you stated that you had in mind paragraph 4 of Resolution 253 which prohibits making available to the regime of any financial and economic resources or to the RIO which is registered as an agent of the so-called Government of Rhodesia. While the humanitarian exception relates specifically to the providing of certain types of materials to persons in Rhodesia, have you concentrated on the narrower issue of whether making available to the RIO of these moneys in the free account is not making available to the regime financial and economic resources?

Mr. HENNESSY. Yes, we have. I think it is a question of interpretation of the activities of the RIO, and as I have stated we have not found those inconsistent with the purposes or prohibitions included in that U.N. Resolution 253. The major portion of their activities is information and providing public relations, and does not constitute an activity covered by the resolution. In regard to the second part, which is the providing of funds to them, there is no practical way that you can implement the exception for humanitarian, educational, and medical purposes without providing free foreign exchange to the Rhodesian Government. In other words, it is no use to someone in a hospital or a clinic in Rhodesia to have U.S. dollars, they recognize only the Rhodesian dollar there.

At some point the money which, for instance, the Seventh-day Adventists wish to send—say they come in and ask for \$430,000 to be transferred during the course of a year. That money has to be brought by a Rhodesian bank which in return makes available Rhodesian currency which is used to pay the salaries and the rest. Now the U.S. dollars the Rhodesian bank receives they accrue to the Government and they clearly would not provide offsetting Rhodesian currency if they couldn't use the U.S. dollars.

As I stated, there is no practical way of complying with that exception provision and not making the funds freely available. That is, I guess, the source of the dilemma in this particular case, of the fact that the \$18 million-odd worth of foreign exchange which has been generated by our religious organizations here in the United States to carry forward humanitarian, medical, and educational activities in Rhodesia, provides the basis for funding the RIO, and over and above that is a freely disposable exchange which the Government of Rhodesia can use for whatever purposes they see fit.

Mrs. BUTCHER. Several questions arise out of that and one is how do we know this was the only way? Did the Smith regime condition the import of these humanitarian goods and medical supplies on our doing that?

Mr. HENNESSY. No, but just in any foreign exchange, any banking operation, if you walk into a bank and you are going to give them a dollar and you want local currency, unless you give them the dollar they won't give you the local currency. In these particular cases I

think most of the money is not for the import of goods and services into Rhodesia, it is more precisely to cover salaries of the missionaries and churchworkers who are down there. They have to live and eat and buy goods, and they have to go to the stores and they need Rhodesian currency and the Rhodesian banks won't give it to them unless they have something of value and that is the U.S. dollar which they get in return. So it flows directly from this exception, and it has not been an enormous amount but quite clearly it has been an important amount.

Mrs. BUTCHER. Mr. Chairman, I think we should include a request for a comprehensive statement on the practices of any other governments that do carry on certain activities under this exception. How do they manage to get money available to their local churchworkers in Rhodesia if they don't have a Rhodesian Information Office which can draw on the free accounts in their country? For example, what does the United Kingdom do? Do you know, Mr. Hennessy?

Mr. HENNESSY. I don't know the answer to that question. If they didn't have an RIO, for example, they would send the money back to Switzerland or Rhodesia or wherever it was, but I think perhaps the State Department would be in a position to query other governments in that particular respect.

[The following was subsequently supplied by the Department of State:]

PRACTICES OF OTHER COUNTRIES PERMITTING TRANSFER OF RHODESIAN FUNDS

According to information currently available to the Department of State, the following are practices of countries concerning remittances under the exceptions allowed by Resolution 253:

A. Countries which state or which we understand do not permit transfers to Rhodesia:

Argentina	Madagascar
Brazil	Malaysia
Cameroon	Mexico
Cyprus	Nicaragua
Egypt	Nigeria
El Salvador	Pakistan
Equador	Peru
Ghana	Rumania
Greece	Saudi Arabia
Haiti	Singapore
Honduras	Sudan
India	Tunisia
Indonesia	Uruguay
Jamaica	Venezuela
Japan	Yemen (YAR)
Jordan	Zaire

B. Countries which state or which we understand permit remittances to Rhodesia:

Australia	Niger
Belgium	Malawi
Botswana	Philippines
Burma	Portugal
Canada	South Africa
Denmark	Swaziland
Ireland	Sweden
France	Switzerland
Italy	United Kingdom
Malta	Vietnam
Netherlands	Zambia

Mrs. BUTCHER. One other question arises out of that. You seem to be linking the legality of letting this money be used by the RIO in effect on paragraph 5(b) of the resolution because you say it depends upon this activity, and under the resolution if their activities further what is called the unlawful actions of the illegal regime in Southern Rhodesia they would be prohibited. You are saying, I guess, that this would be a determination to be made by State.

Mr. HENNESSY. I am saying the interpretation of their activities would fall more generally into the State Department's special jurisdiction. I believe in the statement Ambassador Ferguson did touch on their interpretation of it. However, I was not resting my interpretation on paragraph 5(b) but on 4(b) in the commercial, industrial, or public utility undertaking of the RIO. Its activities consist primarily of information providing. As you may recall, in 1968 when we froze the RIO accounts there was quite a furor in several of the Washington newspapers to the effect that this was a gagging, if you will, of the right of free speech or public information. The RIO's undertakings are narrowly linked to that use of funds which is still paragraph 4.

Mrs. BUTCHER. Yes, but I was trying to put the question as to whether or not this was providing economic resources to the regime to see whether or not these were political activities.

Mr. DRIGGS. The gentlemen from Pennsylvania.

Mr. BRESTER. Thank you, Mr. Chairman.

I would like to thank both witnesses for their appearance and their statements, and I wonder if we perhaps might set the roles that they experience in some perspective.

I gather that the U.N. resolution does not prohibit the existence or operation of the RIO. Am I correct in that respect?

Mr. FERGUSON. Yes, sir.

Mr. BRESTER. Therefore, its existence does not violate Resolution 253?

Mr. FERGUSON. No sir. The violation would occur at such time as they engaged in activities which would be in contravention of the Security Council resolution.

Mr. BRESTER. Do we have any information to that effect?

Mr. FERGUSON. We have not. It depends ultimately on the definition of the word "promotion" which has been used. The references in both resolution 232 in 1966 and 253 in 1968, the promotion has not been interpreted to encompass general information dissemination, public relations activities or advertisements. These resolutions were in large part drafted by the United Kingdom and the U.S. Government has sought in respect to the interpretation views of the United Kingdom both in its capacity as the principal drafter and also in its capacity as a lawful sovereign for Rhodesia.

After adoption of resolution 232 the United Kingdom informed us that it interpreted the word "promotion" in the resolutions as relating to activities directly incidental to a prohibited commercial transaction. Hence, in utilizing the United Kingdom's interpretation of essentially their own language which appears in the Security Council resolution to the extent that the activities are the general dissemination of information, public relations activities and advertisements it does not fall within the prohibited activities which are specified in other provisions of the resolution.

Mr. BIESTER. Thank you.

Have we had any complaints from the United Kingdom or the United Nations with respect to the operation of this office?

Mr. FERGUSON. We are not aware from the United Kingdom. We would have to check the United Nations since, as you are aware, there is a great volume of discussion which goes on about the sanctions and more particularly about the United States role in enforcing those sanctions. We would have to check the records. The committee in fact is meeting today.

Mr. BIESTER. But at least from the United Kingdom you are certain you had no complaint from them.

[The following statement was subsequently submitted by the Department of State:]

UNITED KINGDOM PROTEST OF ACTIVITIES OF THE RIO

A search of the files maintained in the Department has not revealed any record of British protest over the presence of the RIO in the U.S.

Mr. HENNESSY. I might add to that particular point that the RIO does carry out particular activities; it does advertise in Canada. They do participate, I think, also in international conventions in Japan, Canada, and Australia. So on the surface it would appear that there is at least an implicit understanding on the part of some other governments that what they are doing is not in contravention of or directly prohibited by U.N. Resolution 253.

Mr. BIESTER. You mean there is a Rhodesian Information Office operating in Canada?

Mr. HENNESSY. No. I believe the information office here also contracts advertising in Canadian newspapers similar to what they do here. They go to international conferences for information on tourism, et cetera, in Canada, Australia, and Japan.

Mr. BIESTER. Is there a Rhodesian office operating in Australia?

Mr. HENNESSY. I do not know.

Mr. BIESTER. Maybe it would be helpful to know in what other countries they do have an office operating. If we could pull that together, it would be helpful to me.

[The following statement was subsequently submitted by the Department of State:]

RHODESIAN REPRESENTATIVES IN OTHER COUNTRIES

Australia.—Rhodesian Information Center in Sydney operated by Australian nationals.

Belgium.—Unofficial representative of Rhodesia, citizen of Belgium.

Botswana.—Officials of Rhodesian Railways.

Portugal.—“Accredited Diplomatic Mission” in Lisbon.

Rhodesian Trade Mission in Luanda, Angola, operated by Rhodesians. Rhodesian “Consulate General” in Lourenco Marques, Mozambique, operated by Rhodesians. A Rhodesian “Consulate” is stated to be in Beira. A Rhodesian Tourist Board Office is in Lourenco Marques.

South Africa.—Rhodesian “Diplomatic Mission” in Pretoria operated by Rhodesians. A Rhodesian “Consulate” is stated to be in Cape Town. Rhodesian Tourist Board Offices are advertised in Johannesburg, Durban and Cape Town.

United Kingdom.—Rhodesian pensions office in UK handling accounts of Rhodesian pensioners in UK.

France.—The Rhodesian regime claims a Rhodesian office in Paris.
Switzerland.—Rhodesian Tourist Board lists an office in Basle.

Mr. BIESTER. Then I take it in 1968 our Government froze the accounts to the tune of about \$50,000 which were to be used by the Rhodesian Information Office. Am I correct about that?

Mr. HENNESSY. Yes. These were the funds which had been transferred from abroad to them and those were frozen and remained frozen. They have not changed from that date according to the Washington bank.

Mr. BIESTER. And they are frozen today?

Mr. HENNESSY. That is correct.

Mr. BIESTER. You have related in your testimony, Mr. Hennessy, about the case involving elephants and the case involving anhydrous ammonia. Were they the two prosecutions that you referred to in the earlier part of your testimony?

Mr. HENNESSY. Yes, they were.

Mr. BIESTER. What has been the outcome of those prosecutions?

Mr. HENNESSY. Well, actually we have not prosecuted on the elephants. There was another case involving the Meuller Co. which had to do with an illegal import, I believe, and in that case there were fines of some \$30,000 and some forfeitures of \$150,000 involved. In the case of the anhydrous ammonia of course the \$377,000 has been frozen and has not been made available to the buyer in Rhodesia so they are out those funds.

Mr. BIESTER. Therefore, pursuant to action by Treasury those two punitive transactions have turned out rather badly for the Rhodesians, have they not?

Mr. HENNESSY. That is correct.

Mr. BIESTER. So \$375,000 in one and \$180,000 in another.

Mr. HENNESSY. Yes.

Mr. BIESTER. I think it is important that we make clear, Mr. Chairman, that our Government is, consistent with its own traditions, and consistent with the charter, consistent with resolution 253 and consistent with its own law engaging in policing of the activities of Rhodesian commerce in this office when that law and precise charter by which our officials have to operate are violated. I certainly personally have the highest confidence in the work of these two gentlemen who are witnesses with us today.

I think also that talking about the humanitarian loophole if I am correct—please correct me, Mr. Ambassador—the Byrd amendment makes moot that loophole, does it not, because there would be and has been a flow of money into the country which could be used for this office pursuant to the results of the Byrd amendment?

Mr. FERGUSON. Well, it could make moot that loophole. The office would have the option, I would suppose, from the principals in Salisbury to use any free accounts available and the effect of the Byrd amendment is simply to create a free account under our own domestic law, which free account existence is in violation of the obligations that we have under resolution 253.

Mr. BIESTER. Of course I believe that we should repeal the Byrd amendment and I am sure the Ambassador is in agreement.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Ferguson, what was Mr. Towsey's position in the United States between the time of the passage of the first mandatory Security Council resolution which was December 16, 1966, and December 27, 1967, when his status was adjusted to that of a permanent resident?

Mr. FERGUSON. Mr. Chairman, I will have to check the precise details. Mr. Towsey got into the United States as a member of the diplomatic corps, carried on the diplomatic list, in fact, he was carried on the United Kingdom list. We will check the status on the precise dates and furnish that information to you.

[The information requested follows:]

TOWSEY'S STATUS

During the period, November 11, 1965, to December 27, 1967, Mr. Kenneth Towsey was an alien without status, temporarily resident in the United States.

Mr. DIGGS. Did Security Council Resolution 232 address the question of the presence in the United States of persons traveling on a so-called Southern Rhodesian passport, or of persons ordinarily resident in Southern Rhodesia and who are likely to further encourage the activities of the Smith regime?

Mr. FERGUSON. I believe under 5 (a). We will check that.

Mr. Chairman, my general impression is that the resolution deals with the question of entry into the territory of the countries called upon to take action and does not reach the question of declaring a status of persons who are in the country, particularly in Mr. Towsey's case, particularly where he was legally within the United States. We construe our obligations under 253 to mean that we should not, if he should leave the United States, permit his reentry.

Mr. DIGGS. Well, paragraphs 5 (a) and (b) of 253 did address itself to this matter.³

Mr. FERGUSON. The first words in 5 (a) are "Prevent the entry into their territories save on grounds of humanitarian" and so forth. That seems to us to point clearly to the fact that our obligation is the barring of those who leave other territories from entering the United States. We don't see how that can be construed to require that one who is legally in the United States be expelled from the United States.

Similarly, in (b) "To take all possible measures to prevent the entries into their territories of persons whom they have reason to believe would be ordinarily resident in Southern Rhodesia and in whom they have reason to believe would further encourage," et cetera.

In both instances the words that are used are "prevent the entry" into the United States.

Mr. DIGGS. Well, Mr. Towsey entered the United States in 1964 as you pointed out as a foreign government official and then after UDI.

³ Security Council Resolution 253 reads, in pertinent part: "The Security Council, . . . acting under chapter VII of the United Nations Charter, 5. Decides that all states members of the United Nations shall: (a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person traveling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal regime in Southern Rhodesia; and (b) take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal regime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution of Resolution 232 (1966) of December 16, 1966."

When he sought to return to the United States did the Department take a position either on his passport or on a visa with respect to him?

Mr. FERGUSON. At that time 253 was not in force. It is our information that he was in the United States at the time.

Mr. DIGGS. Did the Department consider the question of the establishment of the Rhodesian Information Office in February of 1966?

Mr. FERGUSON. I will have to again check that, Mr. Chairman; it is not within my memory.

[The reply of the Department of State follows:]

ESTABLISHMENT OF RIO IN FEBRUARY 1966

A search of the records maintained in the Department of State has produced no record of consideration given in February, 1966, to the establishment of the Rhodesian Information Office.

Mr. DIGGS. What about Mr. Hooper? Now did the Department in the period between December of 1966 and May of 1968 before the Security Council, before 253 was passed—did it consider the question of Mr. Hooper's passport or his visa?

Mr. FERGUSON. I don't believe we had the occasion to consider his passport or visa in that period.

Mr. DIGGS. Were there any memorandums written at that time that might be enlightening to the committee and could be made available?

Mr. FERGUSON. I will certainly check.

[The reply of the Department of State follows:]

HOOPER'S STATUS

A search of the records maintained in the Department of State has produced no memorandums prepared in the Department between December, 1966, and May, 1968, on Mr. Hooper's status.

Mr. DIGGS. Now let's move to the time after the passage of 253 in 1968 which explicitly prohibits a member state from permitting the entry into its territories of either persons traveling on a so-called Rhodesian passport or persons ordinarily resident in Rhodesia and likely to encourage further the activities of the Smith regime.

We have a letter dated March 13, 1969, addressed to the Immigration and Naturalization Service from the Department of State advising, and I am quoting from the letter, "that Mr. Hooper's continued presence here and activities on behalf of the Smith regime have been a source of embarrassment to the U.S. Government at the United Nations where the United States has supported Security Council resolutions declaring the rebellion to be illegal and imposing sanctions to end it."

This is a letter from the Department of State to the Immigration and Naturalization Service on March 13, 1969.⁴

Now what specific activities did the Department have in mind when it characterized Mr. Hooper's presence and activities as being embarrassing?

Mr. FERGUSON. Well, I am certain the registration statement that they file with Justice in which they characterize themselves as agents of the Government of Rhodesia is the source or one of the possible sources of the embarrassment which we underwent and occasionally undergo at the United Nations.

⁴ See p. 34 for text of letter of March 13, 1969.

Mr. DIGGS. What is the difference then between Mr. Hooper and Mr. Towsey. What is the difference with respect to the activities of these two people?

Mr. FERGUSON. The essential difference is that Mr. Towsey's change in status came before the adoption of the Security Council resolution and Mr. Hooper had not before the adoption of that resolution gotten a change of status. Hence, at the present time it comes to the question of Mr. Hooper's status: he has filed an application for adjustment of status.

Consistently with our interpretation of our obligations under the resolution the question with Mr. Hooper is whether or not any action which is taken by the Immigration and Naturalization Service would put him in the position of causing us to violate our obligations under the charter. What that means, consistent with the reading as we have averted to previously, is that any instance in which Mr. Hooper might seek to reenter the United States would cause us to be in violation. His mere presence in the United States we do not conceive to be a violation of our obligations under those provisions of 5 (a) and (b) of the resolution.

Mr. DIGGS. Well, let's take another quotation from that communication. I am quoting again. The letter states: "Mr. Hooper, despite assertions he may make to secure permanent residency here, is ordinarily resident in Southern Rhodesia. He obviously furthers or encourages the unlawful actions of the illegal regime. He is paid by the regime to do so."

Now my question is: In what respect does Mr. Towsey not fall into that category of furthering or encouraging the unlawful actions of the illegal regime? What is he being paid for in connection with the Rhodesian Information Office? He is not just being paid to sit there and pass out some kind of promotional literature.

Mr. FERGUSON. According to the registration statement they are paid to disseminate information. Obviously I think they read their own charge as to disseminate information which would be favorable to Rhodesia, to create a positive, as they would say, public image for Rhodesia. This is in fact, I suspect, what they are paid for.

Mr. DIGGS. Well, of course Mr. Towsey is registered under the Foreign Agents Registration Act, is that not true?

Mr. FERGUSON. That is true.

Mr. DIGGS. And therefore aren't these actions on the part of Mr. Towsey in addition to those of Mr. Hooper directly putting the United States in violation of its obligations under the charter?

Mr. FERGUSON. Well, Mr. Chairman, the interpretations on the activities that are known to us—those activities being those that we have mentioned: dissemination of information, engaging in public relations activities like cocktail parties and that sort of thing and the general placing of advertisements in the press here and in Canada—do not appear to us under the interpretation that has been taken of the resolution to put us in violation. This is again, as I indicated earlier, the construction which is placed on the language by the United Kingdom and we have in this case accepted their interpretation.

Mr. DIGGS. Well, it sounds to me as if the Department and related agencies are just closing their eyes to the fact that he is in fact being paid to further or encourage the unlawful actions of that regime and therefore is in violation.

Now the INS advised us that shortly after March 13, 1969, the date of this letter, that two things happened to cause it not to require Mr. Hooper's departure. First of all there was a request from the Senate Judiciary Committee. Now that turned out to be over-portrayed because when we pressed the witness the day before yesterday it turned out that someone on the staff over there called up and made such a representation but there were two things that were mentioned: One was this call or this contact from the Senate Judiciary Committee. The second thing is that the visa office of the State Department requested, and I am quoting from the witness the day before yesterday, "that no action be taken to require Mr. Hooper's departure." Now that is the explanation for that?

Mr. FERGUSON. Mr. Chairman, you refer to a phone call from a member of the staff of the Senate Judiciary Committee to INS to which we were not party. In terms of the State Department's position I gather the point of the query is what appears to be a shift in position from the letter of March 13 from which you quoted and the subsequent response of the visa office.

There is no shift in position. The explanation for that runs back to the letter of January 9, 1969, which went to the Department and in which INS indicated that they were about to take action against Mr. Hooper. Consequently, our letter of the 13th must be read as responsive to proposed action against Mr. Hooper. In the letter of our response we were not then considering the prospect of no action but we were responding to a proposed action.

In the second letter in which there was then the possibility of a no action status—

Mr. DIGGS. Now the second letter, are you talking about the March 1973 letter?

Mr. FERGUSON. Yes. The March 1973 letter was the letter which you quoted.

Mr. DIGGS. No, the first one I quoted was March 13, 1969.

Mr. FERGUSON. 1969.

Mr. DIGGS. Now you talk about the second letter. Are you referring to the letter of March 7, 1973?

Mr. FERGUSON. I am referring to a letter of December 26, 1972, addressed to Miss Watson which I believe is the basis for your question about the change in status.

Mr. DIGGS. Let's get all these letters on the table here. The INS further advised that on March 7, 1973⁵—the Department again advised: "We continue to believe Mr. Hooper's status should not be adjusted because the granting of such status would be counter to our obligations under the U.N. Security Council's resolution. At the same time we are unable to conclude that the resolutions require Mr. Hooper's deportation and accordingly we believe that the continued deferment of action in this unique case in any case remains acceptable."

Now that was not a letter, that was a—

Mr. FERGUSON. Telephone call.

Mr. DIGGS. Right, referring to the letter. But that was the quotation from the statement from the INS the day before yesterday. In effect we could describe our inquiry here as talking about communications. So let's talk about the basis for that advise in addition to your explanation about the 1969 communication.

⁵ See p. 35 for text of letter of March 7, 1973.

Mr. FERGUSON. The basis for that advice was that if his status was adjusted to that of a permanent resident it would carry with it the right to leave the country and to be readmitted and his readmission pursuant to that status would put us in violation of our obligations under the resolution. Hence, to avoid that particular matter one option would be to permit him to remain in suspense, which as we say is consistent with our interpretation that his mere presence in the country does not violate our obligations. That was the basis for the advice.

Mr. DIGGS. Just one more point on this in this series. They advised us on Tuesday that they have plans to review the status of Mr. Hooper again but they said that if the State Department again says that his remaining in this country is acceptable then they will feel constrained to follow this advice. So the question is: Is it the intention of the Department to continue this advice and further to be making the definitive decision in this case?

Mr. FERGUSON. Well, certainly our present intention is to review the status of both Mr. Hooper and Mr. Towsey.

Mr. DIGGS. I yield to counsel for interventions at this point.

Mrs. BUTCHER. Mr. Ambassador, I think there are several issues here. One, you were advising INS that you do not interpret the resolutions as denying the mere presence of someone who is ordinarily resident in Southern Rhodesia. Does this mean that you are not advising them that you feel it is acceptable for Mr. Hooper to stay here but that INS is free to come to a decision, under its own regulations, as to whether or not Mr. Hooper, since he is out of status and has been for 6 or 7 years, should be deported?

Mr. FERGUSON. The ultimate decision does rest with INS but obviously they do request the opinion of the State Department, but that ultimate decision under the statute is their own responsibility. The State Department down to the present has taken, as indicated, the position that his presence here does not put us in violation of our obligations under the Security Council resolution but if they did grant him the status of a permanent resident then we would be in violation because he would have the right, whether he exercises it or not, to come into the United States and that would be squarely in contradiction to 5(a) and 5(b).

Mrs. BUTCHER. So this means that INS was in error when it interpreted this advice as meaning that you desired for him to remain here? It is perfectly all right to go ahead normally since they are not going to adjust his status and to give him the privilege of voluntarily departing within a specific time?

Mr. FERGUSON. That is INS's ultimate responsibility.

Mrs. BUTCHER. Then there is one other issue to clarify.

There is no objection, you say, to the mere presence of these persons ordinarily resident in Rhodesia. We get to the next issue. What type of activities are they permitted to engage in? Mr. Towsey, for example, has been granted the status of a permanent resident but we have not gotten to this next question. What kind of activities can he carry on?

By your own letter of March 13, 1969, these activities are in contravention of paragraph 5(b) of the resolution. This would raise the question of why the Department has not taken some action to suggest to these personnel that these activities are in contravention of the obligations of the U.S. Government itself.

Mr. FERGUSON. We still have, Madam Counsel, the basic problem of our legal position. Obviously, quite clearly today, there are some other views as to the construction, but so far our legal position has been that we are obligated not to permit the entry into the United States. Due to the peculiar circumstances in this case we are dealing with two people who were legally within the United States and one got his adjustment of status before we had an obligation which would have barred that adjustment and the second whose adjustment of status is pending.

Mrs. BURCHER. Mr. Chairman, I don't believe that the legal office has concentrated on the second issue, the one going beyond the question of presence, and I think that the subcommittee should request a memorandum on that specific point.

Mr. DIGGS. Without objection, so ordered.

[The following memorandum was subsequently submitted by the Department of State:]

LEGAL MEMORANDUM ON U.N. RESOLUTION 253, PARAGRAPH 5(B)

Memorandum upon the issue whether paragraph 5(b) of Resolution 253 required action against persons already present in the United States who furthered the unlawful actions of the illegal regime in Rhodesia.

The question arose specifically with regard to Mr. H. J. C. Hooper, an alien who entered the United States on a British diplomatic passport before November 11, 1965, but who has been without status since that date.

Under paragraph 5(b) UN members are obligated to "take all possible measures to prevent entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal regime in Southern Rhodesia . . ." Since Mr. Hooper is not seeking to enter the United States but in fact has been present in the United States since 1965, paragraph 5(b) is not presently applicable. Were he outside U.S. territory, ordinarily resident in Rhodesia and applying for admission to the U.S., paragraph 5(b) would bar his entry. It does not, however, bar the reentry of Mr. Kenneth Towsey who has been a permanent resident of the United States since December 27, 1967 and accordingly is not "ordinarily resident in Southern Rhodesia", a prerequisite for applicability of paragraph 5(b).

Mr. DIGGS. I would like to discuss a little more fully also the Department's interpretation of "promote" and its interpretation of "calculated to promote" which is an even broader kind of an authority. I think you indicated earlier that you are relying upon certain interpretations from the United Kingdom for guidance. What else does the Department consider to be promotion or "calculated to promote" as used in 253 and as used in the Executive order of the President?

Mr. FERGUSON. I believe, Mr. Chairman, at the time of the adoption of 253 and our examination of what might be called a legislative history tends to confirm that it was essentially tied to commercial transactions and matters of economic import to Southern Rhodesia. Certainly that is again consistent with the interpretation which the United Kingdom has placed on "the promotion of commercial activities." The usual kinds of business practices that might have been pursued in the absence of this resolution are those which would be barred under the resolution. Now we have no information that the Rhodesian Information Office has engaged in those kinds of activities.

Mr. DIGGS. Well, doesn't everyone know that about the promotion by this office of activities in connection with the Byrd amendment, for example? You were lobbying in connection with the matter, Mr.

Secretary, on the right side on behalf of your agency. Surely you know that RIO was working the other side of the street and in a very active way. Is that not true?

Mr. FERGUSON. Well, Mr. Chairman, I have heard the same kinds of discussions. If they were working the other side of the street with those who were promoting the Byrd amendment, we, at least were not party to such conversations. We have not conducted an investigation into the activities of that office surrounding the passage of the Byrd amendment. I do say I have heard the same statements that you are referring to, that is, that they were actively engaged in lobbying.

Mr. DIGGS. Well, what do you really consider to be the status of the Rhodesian Information Office? Is it in the nature of a commercial activity or government activity? I think it is very important to try to get some kind of interpretation on this matter. If it is government activity, then it comes under the Security Council ban. If it is commercial activity, then it is in clear violation of the applicable resolution and Executive order that prohibits the sale or supply by anyone of any commodities or products involving that regime.

Mr. FERGUSON. Well, Mr. Chairman, as I stated in my initial statement, they have no official status with us. They are private persons engaged in an activity from our standpoint. Since we do not recognize them or their government or their sovereignty, they are necessarily private persons. Now from their standpoint, as they have referred to it in their registration statement they characterize themselves as the agents of the Government of Rhodesia. We certainly disagree with that because we don't recognize the Government of Rhodesia. It is a case in which our perception, consistent with the action that we have taken as to Rhodesia, is that they are private persons engaged in an activity which under our construction is not in violation of the U.N. resolution.

Mr. DIGGS. Well, now, let's talk about the Security Council Resolution 277⁶ which calls upon, as you know, "all member states to terminate immediately any representation that they may maintain in Salisbury and to sever all diplomatic, consular, trade, military, and other relations which they may have with the illegal regime."

Since we closed our consulate in Salisbury, we do not have any counterpart to the Rhodesian Information Office over there and yet according to the registration statements of the representatives of the Rhodesian Information Office we do maintain such relations within that kind of a context. What is our rationale for permitting the continuance of such relations under these circumstances? Isn't it fictional to simply say that they have no official standing here in the United States and they are not officially recognized by the United States? Isn't that sheer, unadulterated fiction?

Mr. FERGUSON. Mr. Chairman, I would not say it is sheer, unadulterated fiction. There is a substantial difference in their status as private persons in the United States from the status they would have if we recognized Rhodesia or if we recognized this operation as a legitimate diplomatic establishment. There are a number of consequences for such persons such as privileges and immunities and the usual exceptions to some of our regulations which were made in favor of diplomats. Their activities moreover would be quite legitimate if they went far beyond what is being done at the present time. Their status

⁶ See appendix p. 149 for text of Security Council Resolution 277.

as private persons does make a difference and it is not a fiction. I think, Mr. Chairman, the very point of these hearings demonstrates the fact that there is a difference between the diplomatic function and the function of individuals who are engaged in promotion within the meaning of promotion as contained within the resolution.

Mr. DIGGS. Now it has been brought out at these hearings and alluded to today that the Canadian people are the recipients of the dissemination of Rhodesian propaganda material, including bulk mailings, to friends of Rhodesian organizations and so on. Has your Department undertaken to notify the Canadian Government about this matter?

Mr. FERGUSON. I can check. I am quite certain the Canadian Government is aware of it but we will check precisely for the record. [The information requested follows:]

RIO IN CANADA

The Canadian Government was informed of activities of members of the Rhodesian Information Office and the Air Rhodesia office informally through the Canadian Embassy in Washington as the Department of State became aware of those activities.

Mr. DIGGS. Now the Treasury indicated that for one reason or another they don't monitor these free accounts. I am curious as to whether the State Department keeps any check on the use made of free accounts of this regime in New York.

Mr. FERGUSON. To my knowledge we do not.

Mr. DIGGS. Do you submit reports to the United Nations Sanctions Committee on the transfer of funds and commodities under these exceptions as required under 253?

Mr. HENNESSY. No, we do not, Mr. Chairman, and it is not required under the resolution.

Mr. DIGGS. It is not required under paragraph 20(b) of 253?

You reconfirm that, Counsel. I can withdraw it.

Mrs. BUTCHER. Here is 20(b).

Mr. HENNESSY. As I read this, Mr. Chairman—

Mr. DIGGS. Would you read it aloud.

Mr. HENNESSY. Yes, sir, I shall.

Paragraph 20(b) reads:

Section (a). Decides to establish, in accordance with Rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following task and to report to it with its observations.

Section (b). The committee will seek from any states, members of the United Nations or of the specialized agencies, such further information regarding the trade of that state, including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3(d) above or regarding any activities by its nationals of that state or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council.

I think the essence is—I am not sure the subcommittee has been set up but I think as has been explained in the testimony here today we don't think there are any actions which do constitute an evasion of the measures, so that even if this committee has been set up to the best of my knowledge it has not queried us and if it did query us we would not have any evasions to report.

Mr. DIGGS. Does Counsel have an intervention?

Mrs. BUTCHER. I would appreciate if you could submit a memorandum on this because it could well be that it is the U.N. Sanctions Committee that is contemplated here, and in addition to activities which might constitute an evasion I believe this paragraph addresses information regarding the commodities and products exempted. So if we could have a written memorandum it would be helpful.

[The information requested follows:]

REPORTING TO SANCTIONS COMMITTEE

The United Nations Sanctions Committee is notified on a regular basis of United States exports to and imports from Rhodesia. Quarterly reports of "Byrd Amendment" imports are submitted as well as summaries of exports licenses issued under paragraph 3(d) of Security Council Resolution 253 (1968).

Mr. DIGGS. If the churches and other humanitarian organizations transferred their funds through London, Mr. Hennessy, would this mean that the dollar equivalent would not be available to the Rhodesian Information Office?

Mr. HENNESSY. Well, if they transferred it through London, they would have to, I assume, buy pounds sterling. They would have to go to a branch of a British bank here, sell them dollars, buy pounds sterling and then ask the British bank to provide those pounds sterling to the recipients at the other end and you would have the same transaction with the pounds sterling that would be exchanged for Rhodesian dollars. The net result would, in my judgment, be precisely the same—that there would be free foreign exchange being placed at the disposition of the Rhodesian Government at the banks who engaged in the transactions. This might be in pounds instead of in dollars but they then would be able to sell the pounds back for dollars again if they were going to spend the money in the United States.

I don't think there is any way, at least to the best of my knowledge, that you can transfer real resources from one country to another without getting something back in return. I don't think that the Rhodesian Government, which is going to be on the other end, is going to give something for nothing. They are going to want free foreign exchange in return for the food and other supplies which people buy with their currency.

Mr. DIGGS. Does Counsel have an intervention at this point?

Mrs. BUTCHER. Mr. Chairman, I believe this question may be tied into the earlier question as to whether or not Britain is able to send anything into Rhodesia under the humanitarian exception because I don't believe that Britain has a Rhodesian Information Office there.

Mr. HENNESSY. I don't know whether they do have a Rhodesian Information Office but from our records it does show that people in the United Kingdom go into a bank and make transfers for these same purposes to Rhodesia. Now what the dispositions of those funds are, how they use them, I don't know. This came up I think in parliamentary debate and it is quite clear because this is an exception that is contemplated under 253 that any country who so chooses can provide for such funds being remitted to Rhodesia. This would create free exchange in the United Kingdom at the disposal of the Rhodesian Government. Now I think it does link into your previous question of do they have accounts and what are they doing with the funds.

Mrs. BUTCHER. Could you submit a memorandum?

Mr. HENNESSY. We will find that information out.†

† See p. 64.

Mr. DIGGS. Mr. Hennessy, there was a publication called Products of Rhodesia which was registered as a classified list of Rhodesian products and which apparently was disseminated by the Rhodesian Information Office. Do you approve of that?

Mr. HENNESSY. If it was informational, I think it is quite clear that it would be all right.

Mr. DIGGS. Have you seen the publication?

Mr. HENNESSY. I have not personally seen it, Mr. Chairman. Obviously if someone tried to import a Rhodesian product, whether it was elephants or some other product which was not under the Byrd amendment, then that would be seized by Customs in its normal procedures.

Mr. BIESTER. Mr. Chairman.

Mr. DIGGS. I yield to the gentleman.

Mr. BIESTER. I am not sure I understand that answer because as you just read from the document, paragraph 20(b), the operative words were, as I recall them, "information concerning products and commodities."

Mr. HENNESSY. I am not sure I understand the question, Mr. Congressman. The committee is the one who is asking for the information under 20(b), the committee of the Security Council. The operative language of 3(b) has to do with activities which promote the export of commodities or products from Southern Rhodesia.

Mr. BIESTER. The distinction I have drawn here throughout this afternoon is the distinction between the promotion of a certain idea or political notion and that which is commercial in nature. Now is that a distinction which operates with respect to what is proper for us to permit under 253 or not?

Mr. HENNESSY. I think it is a question of whether that does promote an export. It runs again to an interpretation. I think you are getting very close to that distinction which you draw in that line but if information is provided on the climate of a country, of its products, of its inhabitants, I don't think it necessarily flows from that that this is promoting an export in particular when there are prohibitions against exports of that particular country.

Mr. BIESTER. It is really close.

Mr. DIGGS. Let's take another one which is even clearer than that. What is the situation of the Journal of Commerce which advocates investments and trade in Rhodesia? Suppose you found out that the Rhodesian Information Office was involved in that supplement; would it make any difference?

Mr. HENNESSY. Here again we get down to this question of interpretation and construction of 253 and whether these are activities which are promoting or calculated to promote exports of any products or commodities from Southern Rhodesia.

Mr. DIGGS. Well, have you seen this journal? I have seen it; it is full of promotion, that is what it is all about. I have seen that supplement.

Mr. HENNESSY. I think there may be a distinction between the actual promotion, dissemination of information, and particularly when the activities are prohibited. I think it is hard to sustain the argument that this leads to the promotion of exports as in at least the British interpretation providing brokerage activities, packaging, that type

of thing, does promote an export. The mere dissemination of information does not necessarily do so. I would agree we are getting down to pretty fine lines.

Mr. DIGGS. Is it not "calculated to promote."

Mr. HENNESSY. I would agree that you are getting down to pretty fine lines when you get to that point and I think this is part of the language. There is some ambiguity in the language.

Mr. BIESTER. It seems to me it is a point where you can rationalize a degree of caution on the right side of that line because I think it gets mighty, mighty close to a violation if indeed not a violation.

Mr. HENNESSY. I think we would want to take another look at that. I would certainly take into account both of your comments and your consultation with the State Department that this is a fine line. There is a question of when it passes from promotion information to dissemination, into an actual calculation of promotion or promotion itself.

Mr. BIESTER. It seems to me the distinction is very helpful in understanding all of this and the requirements of 253 and the impositions they impose on our Government to the extent they relate to sanctions and therefore commercial activity in force and effect, but when they are extrapolated into the dissemination of ideas inside the United States then I think they have an awful lot less effect and I think the framers of the resolution must have had that notion in mind which is why it was framed in terms of commerce and not in terms of ideas.

Mr. HENNESSY. I think that you can argue that. Even in this particular case the dissemination of the particular information, although I have not seen the two publications which Chairman Diggs has referred to, could lead to no commercial gain on their part, in view of the fact that there is this commercial prohibition which does exist, but here again I am not going to try to argue it does not get very close to that. These are very, very narrow distinctions.

Mr. DIGGS. The Air Rhodesia Office—what steps have either of your Departments taken to monitor the activities of that particular office?

Mr. HENNESSY. From the funds point of view, here again they would be eligible to receive the free funds which accrue to the Rhodesian Government from the humanitarian, medical, educational remittances which are permitted by 253. We do not undertake any direct monitoring of their use of funds nor have we been receiving any complaints which would lead us to the belief that they were in contravention of either 253 or other U.S. laws.

Mr. DIGGS. Well, there was a witness here 2 days ago that said that the Air Rhodesia Office is violating sanctions because it is promoting immigration to Southern Rhodesia from the United States and Canada and presented testimony and corroborative evidence to that extent. Since the Rhodesian Tourist Board is in the same office, what does this mean within the context of the statement that you just made?

Mr. HENNESSY. Well, on the question of immigration I would defer to my colleague in the State Department.

Mr. FERGUSON. We have become aware of the charge that was made on Tuesday and we are looking into the matter of the promotion of immigration by that office.

[The following was subsequently submitted by the Department of State for inclusion in the record at this point:]

ARO's "PROMOTION" OF EMIGRATION

Paragraph 8 of Security Council Resolution 253 "Calls upon all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration." The Department of State has noted with concern the referenced information and documentary evidence submitted to this committee and has requested that appropriate inquiries be made of the Air Rhodesia Office and the Rhodesia Information Office by the Foreign Agents Registration Section of the Justice Department.

Mr. DIGGS. You have no comment?

Mr. HENNESSY. I have no information over and beyond that.

On the question of tourism, here again there is no prohibition on U.S. citizens traveling to Rhodesia and in fact we do and have granted I think some 57 licenses to U.S. citizens who have so applied for the use of funds to pay for their living expenses while in Rhodesia. Now we do not provide them with any funds to buy goods or services in Rhodesia, to bring back goods, and if they did bring back goods from Rhodesia we would seize them and have, I think, seized some skins from safaris that have been hunted, et cetera. I guess here again I should defer to my colleague in the State Department. Under the present Supreme Court rulings we do not prohibit tourists from visiting any country in the world at this time.

Mr. BIESTER. If the chairman would yield.

Mr. DIGGS. Yes.

Mr. BIESTER. Are these potential tourists advised that they are entering a highly volatile situation where the situation as viewed by the United States is illegal and that it is an atmosphere charged with potential violence and difficulty? Are they so advised?

Mr. HENNESSY. That would be a duty, I believe, of the State Department. We deal only with the financial aspects of when they come in and ask for a license to cover their expenditures for hotels and food while they are there.

Mr. DIGGS. Well, that is a very interesting question because just yesterday, as the gentleman probably read in the paper, an American from the State of Ohio was killed. I know where the area is on the border at Livingston on the Rhodesian side. I think that is a very legitimate question.

What kind of explanation, Mr. Ambassador, is the State Department making to the family of that injured American?

Mr. FERGUSON. Well, we will make an explanation. The difficulty, of course, arises out of the fact that we do not have representation in Salisbury which is the point at which action must be taken. We have sent certain instructions to our Embassy in Lusaka regarding this matter and I know also that the Canadians have made parallel demarches.

In the terms of the position in Rhodesia, information to tourists, of course in the absence of an embassy or representation, we have no way of extending to tourists abroad the usual representations that in case of difficulty, the Embassy is charged with responsibility for assistance. Consequently, in that sense they must travel at their own risk because incidents do occur. There is simply no way that we can make representations to the authorities in Salisbury.

Mr. BIESTER. I understand that but are they admonished that this is a highly charged and volatile atmosphere into which they are going?

Mr. FERGUSON. Well, highly charged, volatile—we have not indicated the degree of physical risk which this particular incident indicates. There have been a number of Americans who have visited on both sides of Victoria Falls. This case I believe is the first case of a tourist being injured although there have been previous reports of firing across the Zambezi River.

Mr. DIGGS. Well, as you know, Mr. Ambassador, there are a number of travel agents in the United States promoting tours which include Southern Rhodesia. I have seen these ads in the New York Times and in other tourist publications. Is the Department on its own motion or independently making some kind of representations to these tourist agents. Or, are you in touch with the Tourist Department of the Department of Commerce to advise them to discourage these tour agents from making these kinds of promotions? Don't you think you ought to?

Mr. FERGUSON. I will check precisely on the advice. I have been in touch with the Commerce Department to convey to them the position I have just described, that this is travel at their own risk. I will have to check on the further assertion in your question as to whether or not they should positively be discouraged from traveling in Rhodesia.

[The information referred to follows:]

DISCOURAGING TRAVEL TO RHODESIA

The Department of State is replying to recent inquiries made on travel to Rhodesia by private American citizens along these lines:

"Although the United States does not have authority to prevent travel by Americans to Rhodesia, it is official policy to discourage such travel. We have no official relations with the present regime in Rhodesia and have no diplomatic or consular representatives in the country. Thus we have no means of directly assisting or protecting Americans traveling there. In this connection, a number of recent incidents have shown that the tense situation along the Rhodesia-Zambia border makes travel there dangerous. One such incident, which was widely reported, involved two Canadian tourists who were killed and one American who was wounded when they entered the gorge at Victoria Falls and were fired upon from across the river by Zambian soldiers. If Americans insist on going to Rhodesia in spite of U.S. discouragement, we would urge them to exercise great caution."

Mr. DIGGS. Let's ask about the British Government again. Have the British protested the presence of the Rhodesian Information Office here?

Mr. FERGUSON. I don't believe I have seen any records of a protest as to the Rhodesian Information Office, Mr. Chairman. I will certainly check the records again on that. I have no recollection in all of the records I have seen of a protest directed at the office.

Mr. DIGGS. Or at any of the individuals involved in the office?

Mr. FERGUSON. Yes, there was, referred to again in the letter of March 13, 1969, in which there is a reference on page 3 of that letter which reads as follows:

Moreover, the Department of State has received several official representations from the British Government, including a direct request from Prime Minister Wilson to former Secretary Rusk, asking that adjustment of status for Mr. Hooper be denied.

I will check further to see if there has been any directive at the office. I have no such recollection.⁵

Mr. Diggs. As I read this, this has not had any influence on the Department which is unusual, is it not, in terms of the precedents on the record where we have almost in all instances been responsive to representations by the British Government in those areas where they are the principal? Isn't it most unusual?

Mr. FERGUSON. Well, Mr. Chairman, my memory does not extend that far in the past. It has not responded obviously to the direct request for a denial. There has been the partial response which has given us this atypical position of Mr. Hooper being in suspense—you may call that a partial response to the British. They did not want him in the position of being a permanent resident of the United States and he is not in that position.

Mr. Diggs. Do you accept Mr. Hooper's claim that he is doing the same work now as he was in the British Embassy Annex before UDI?

Mr. FERGUSON. We have not looked into that. There are certain difficulties in attempting to discover precisely what he did while he was in the British Foreign Service because of the usual reciprocal obligations of not inquiring into the activities of diplomats unless they contravene our laws.

Mr. Diggs. What about Rhodesian Africans, how do you treat them, those that might use these so-called Southern Rhodesian documents?

Mr. FERGUSON. I do know we have admitted Rhodesian Africans into the United States under humanitarian circumstances. We have had many visits from those who are opposed to the Smith regime. I could cite parenthetically that in certain quarters we have been criticized for admitting such Rhodesian Africans.

Mr. Diggs. The registration statements, do you not consider it misleading when they do not mention the illegality of what they consider to be their principal as seen in U.S. law and foreign policy?

Mr. FERGUSON. Well, we have a different view of that. The registration statement, of course—

Mr. Diggs. Should there not be some asterisks in connection with that statement at least to indicate that they recognize that this is an illegal operation that they are purporting to represent?

Mr. FERGUSON. Well, I think that is the problem of the provisions of the act itself. The act itself is designed to make the persons involved explain what they are doing, their own characterization, and I think we could not be in a position of instructing them as to what they consider themselves to be. This comes particularly in light of the characterization that they represent the Government of Rhodesia. We could not force them to say in the registration statement, contrary to their belief, that there is a government in Rhodesia which they represent, that they represent nothing. It is the burden of the registrant to deal with the misleading point.

I think the point is well taken however, that in the normal cycle wherein the Department has the opportunity to comment on the registration statement we will certainly look in the future to our comments on that registration statement at least so as not to mislead the public, but we cannot be in the position of dictating what the registrant him-

⁵ See p. 64.

self must put in the application since those statements are made under penalties of perjury and might very well get them into difficulty.

Mr. DIGGS. When Mr. Towsey travels abroad can he use his American permanent residence papers in lieu of a passport?

Mr. FERGUSON. Mr. Chairman, my impression is that he can.

Mr. DIGGS. Can or cannot?

Mr. FERGUSON. That he can. I know they are accepted by some countries, I am not certain as to all countries.

Mr. DIGGS. I yield to counsel.

Mr. FERGUSON. It could be sufficient for his readmission into the United States.

Mrs. BUTCHER. Getting back to the question as to the sad incident yesterday, do we still have a law firm that performs certain functions on behalf of the U.S. Government with respect to our citizens, if necessary, in Salisbury?

Mr. FERGUSON. Could I confer with my lawyer?

Mrs. BUTCHER. Yes.

Mr. FERGUSON. I am informed that the retainer has not been terminated but that they are in fact doing practically nothing. Most of our consular work I do is now handled by our Consular General in Johannesburg.

Mrs. BUTCHER. But where it is necessary to have something done on behalf of one of our citizens, this is still possible under this arrangement?

Mr. FERGUSON. It would be possible under that arrangement.

Mrs. BUTCHER. With respect to the Journal of Commerce or one of the publications which was stated to be handled by the office, the witness the other day, Miss Rogers, said that it included a paragraph to the effect that brokerage and other facilities could be arranged.

I am addressing this to Mr. Hennessy; you might also wish to take note of it Ambassador Ferguson.

I think, Mr. Chairman, it will be helpful if the Department could leave with us or if it does not have them today send all letters which it has written to either one of the officers of the RIO.

[The reply of the Department of State follows:]

LETTERS TO RIO OFFICERS

A search of the files maintained by the Department has revealed the attached letter to Mr. Hooper dated February 25, 1966.

DEPARTMENT OF STATE,
Washington, D.C., February 25, 1966.

MR. HENRY J. C. HOOPER,
Washington D.C.

DEAR MR. HOOPER: The Department of State notes that you entered the United States on September 17, 1965 as a nonimmigrant, bearing an A-1 visa in connection with your assignment at that time as a diplomatic agent attached to the British Embassy. The Embassy informed the Department on November 11, 1965 that you had ceased to be a representative of Her Majesty's Government and were no longer a member of the Embassy staff.

The Department of State has been advised by the Department of Justice that you have filed, on behalf of a so-called "Rhodesian Information Office", a registration statement pursuant to Section 2 of the Foreign Agents Registration Act of 1938, as amended. That statement lists your foreign principal as "Department of External Services, Ministry of Information, Government of Rhodesia."

As you are aware, the United States Government considers Southern Rhodesia to be a territory over which the United Kingdom has full and exclusive authority.

As Secretary Rusk announced on November 11, 1965, this Government in no way recognizes the rebel regime which declared unilaterally its independence from the United Kingdom and purported to establish a new state of "Rhodesia".

A diplomatic agent whose official capacity has terminated has, of course, a reasonable time within which to wind up his affairs and leave this country. More than three months have now elapsed since the termination of your diplomatic assignment with the British Embassy. Since you are no longer a representative of Her Majesty's Government and since the United States does not recognize any independent state of "Rhodesia", I am obliged to inform you that you have no official capacity in this country. The Government of the United States is, therefore, not prepared to accord to you a continuing residence on the basis of a purported official capacity. If you should wish to remain in the United States as a private citizen, the law permits you to make application to the Department of Justice for an adjustment of your status under Section 245 of the Immigration and Nationality Act.

Yours sincerely,

THOMAS C. MANN,
Under Secretary for Economic Affairs.

Mrs. BUTCHER. Could you give us, please, Mr. Ambassador, the date of the United Kingdom interpretation as incidental to the prohibited commercial transactions?

Mr. FERGUSON. I will have to refer to the cable and I will furnish the date.

Mrs. BUTCHER. From your memory, was this before the Byrd amendment?

Mr. FERGUSON. Yes, clearly.

Mrs. BUTCHER. Would it not be advisable to check with the United Kingdom once again because certainly any activities with respect to the Byrd amendment would be at least calculated to promote prohibited commercial transactions.⁸

Mr. FERGUSON. Yes. There is no question about the Byrd amendment as we have said and as the Department has said publicly. To the extent that commercial activities are permitted pursuant to the Byrd amendment, we are in violation of our obligations under the Security Council resolution. That is perfectly clear.

Mrs. BUTCHER. And to the extent that the RIO might have engaged in any activities calculated to promote the Byrd amendment we would also be in violation of our obligations?

Mr. FERGUSON. Yes, but we would not be, unfortunately, in violation of our domestic law. Under our domestic law their activities are not prohibited to the extent they are within the Byrd amendment.

Mrs. BUTCHER. But before the Byrd amendment was passed we would be in violation under our domestic law, under the Executive order?

Mr. FERGUSON. Yes.

Mrs. BUTCHER. This brings me back to a question which the chairman placed a minute ago referring to the later resolution 277 which has the very broad prohibition. Wouldn't contact by the RIO with members of our Government, Members of the legislative branch, be one of the prohibited activities?

Mr. FERGUSON. It depends on what the purpose of that contact was and what the substance of the conversation is. It is not prohibited to talk to a Member of Congress. It is not prohibited to talk to a Mem-

⁸ The Department of State advises that it consulted with the British in December 1966 and January 1967.

ber of the Senate. The question will be precisely what they said to that Member, and as I said we are not parties to those conversations.

Mrs. BUTCHER. I know this was your interpretation under 253 but in March 1970 another resolution was passed and it says that we should sever all diplomatic, consular, trade, military, and other relations with the illegal regime. Now we complied certainly with respect to relations with the executive department but has there been any consideration by the department of whether or not this extends to relations with the legislative department when in its registration statements the RIO says that it does not conduct such relations?

Mr. FERGUSON. Yes, and some such relations would not be in violation of the resolution. It depends exactly what they are saying to those Members of Congress and I would suppose—well, I will not go further.

Mrs. BUTCHER. Could we have a legal memo on that, please.
[The information requested follows:]

RIO CONTACTS WITH LEGISLATIVE BRANCH

Paragraph 9(b) provides that "Member States shall immediately sever all diplomatic, consular, trade, military and other relations that they may have with the illegal regime in Southern Rhodesia, and terminate any representation that they may maintain in the Territory."

Employees of the Rhodesian Information Office, which has no official status, communicate with members of the public and members of Congress. Such persons do not receive such communications as representatives of the United States and consequently the receipt of such communications cannot be construed as relations by a member state and the Rhodesian regime. The Department of State regards the contacts by representatives of the Rhodesian Information Office with members of Congress as analogous to the private contacts by proponents of other interest groups with such members and does not consider the contacts to fall within the meaning of Resolution 277.

Mrs. BUTCHER. Mr. Chairman, I believe it would be helpful to have a memorandum from the legal adviser interpreting the meaning of the extension to Rhodesia of financial and economic resources. That has come up in connection with the question of tourists going to Rhodesia. Perhaps the Treasury Department would also like to collaborate in producing that memo because although tourism might not be barred there is a question as to whether or not the licensing of currency transactions does not come within that, and I think it would be helpful to have that interpretation.

[The information requested of the Department of State follows:]

TOURISM AND "EXTENSION OF ECONOMIC RESOURCES"

The Staff Counsel of the Subcommittee requested a memorandum from the Legal Adviser interpreting the meaning of the extension to Rhodesia of financial and economic resources. While tourism might not be barred, a question is raised as to whether or not the licensing of currency transactions comes within the prohibition against extension of resources.

Security Council Resolution 253 reads in pertinent part as follows:

"(4) Decides that all states members of the United Nations shall not make available to the illegal regime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources . . ."

The section states in effect that U.N. members shall not invest in tourist enterprises in Rhodesia. The U.S. adheres to this fully. The section goes on to state that members shall not make any other financial or economic resources available for such enterprises including tourist enterprises. It is not clear, however,

whether this language is limited to such other economic resources as: technical data; access to computers; insurance; and other resources which are not investment capital, or whether it extends even to expenditures by tourists for room, board, etc. In the context of the resolution which deals with business transactions, the former interpretation appears correct.

Even if the broadest possible interpretation were to be placed on the language of paragraph (4), so that it is regarded as covering individual tourist expenditures, the U.S. does not have the legal authority under current domestic law to prevent U.S. citizens who choose to visit Rhodesia from doing so. However, the Department of State does try to discourage Americans from traveling to Rhodesia.

Under these circumstances, it is the policy of the Treasury to issue on request to Americans who are traveling on a passport valid for travel to Rhodesia a license authorizing expenditures incidental to their travel and maintenance there. Thus, American tourists who are legally visiting Rhodesia may pay their hotel bills, transportation, meals, and similar expenses.

However, because of the prohibition on the importation of goods of Rhodesian origin, such licenses state that tourist purchases of Rhodesian goods as souvenirs, gifts, or for any other purpose are not authorized, and such goods will not be licensed to be imported into the U.S. In addition, such licenses state that animal trophies acquired on safari will likewise not be licensed for entry into the United States.

Steps have been taken to bring these restrictions to the attention of the public. A brief notice is contained in currently issued passports. In addition, a pamphlet entitled "Customs Hints For Travelers", which is readily available to American tourists, describes the restrictions. Also, the American Society of Travel Agents has been informed of the restrictions and requested to disseminate the information to its members.

This Treasury policy is a long-established one which has also been followed in the cases of the other U.S. embargos. It is the view of the Treasury Department that financial controls should not be used to prevent travel to embargoed countries by Americans, so long as passport restrictions on such travel do not exist. As stated above, such a financial control does not appear to be included within the scope of Resolution 253. This is particularly true since nowhere in Resolution 253 is there any decision that member nations should not allow their nationals to visit Rhodesia as tourists. Travel not being precluded by the Resolution, it must be assumed that travel expenditures are likewise not precluded by the Resolution.

Mrs. BUTCHER. One other question.

The Byrd amendment has been interpreted, Mr. Hennessy, to permit a variety of things which were not contemplated directly certainly when it was passed. It permits the licensing of any currency transactions in connection with the commercial transactions, is that right?

Mr. HENNESSY. If they sold \$13 million worth of Rhodesian exports to the United States which fall within the Byrd amendment, those funds are freely disposable. Those are funds with which the Rhodesian Government can do anything they so wish, and that means that they could put them at the disposal of the Rhodesian Information Office. They in turn could not, of course, carry out activities which were inconsistent with 253 or other illegal action in the United States. Those are freely available funds, and that is what flows directly from the Byrd amendment and provides for the transfer of real resources to Rhodesia.

Mrs. BUTCHER. I would imagine that, when you were considering the amendments that were necessary to the regulations on Rhodesian sanctions under the Byrd amendment, there was some consideration of this particular point.

Mr. HENNESSY. Yes. I think it was quite clear this flowed inevitably from the Byrd amendment. No one is going to export something from Rhodesia unless they are paid for it and unless they are going to have

the use of those free funds. If they export and the funds were stuck in a frozen account, I don't think there would be many people willing to export chrome or ferrochrome from Rhodesia.

Mrs. BUTCHER. Mr. Ambassador, you said you examined the legislative history on Security Council Resolution No. 253 and the interpretation of the clause "calculated to promote." I think it would be helpful if the subcommittee could have copies of relevant legislative history to include in the record.

Mr. DIGGS. May we have those?

Mr. FERGUSON. Yes.

[The information requested follows:]

UNITED KINGDOM DEFINITION OF "PROMOTE"

The "legislative history" of the phrase "activities . . . calculated to promote" specific prohibited transactions, originated in the United Kingdom drafts of Resolution 232. Explanations of this phrase by the United Kingdom in 1966 and 1967, which was reaffirmed in June, 1973, indicate that the United Kingdom has not denominated specific prohibited activities encompassed by the phrase. Rather, the UK stated its view that it encompasses activities intended to promote as well as activities presumed to be so intended; that the scope of the phrase should be determined on the basis of specific reference to the actual circumstances of each case; and that on the basis of the actual circumstances of the case, the activities would have to be determined in fact to promote the prohibited transaction.

UK law does not specify prohibited promotional activities but recites the language of the Resolutions. We are aware of no British judicial interpretation of "promotion" in this context. We are aware of no advertisements for identifiable Rhodesian products having appeared in British publications; however, we understand advertisements for flights and tours to Rhodesia have been published in Britain. We have been informed that the British government does not consider those advertisements to violate the sanctions program.

Based on the foregoing, we have interpreted the term "promote or calculated to promote" as encompassing only those activities which facilitate the accomplishment of transactions unlawful under the sanctions. Certain general activities, not related to a particular transaction which is prohibited under the sanctions program, many nonetheless indirectly contribute to such transactions. Under the interpretation set forth above, such an indirect relationship would not fall within the meaning of the terms "promote or calculated to promote", especially if the ultimate violation can be prohibited directly. Furthermore, a general prohibition against all activities which might conceivably have the effect of "promoting" violations of Rhodesian sanctions could involve fundamental constitutional questions.

Mrs. BUTCHER. Mr. Ambassador, has there been any consideration in the Department of the establishment by the Air Rhodesia Office of the Rhodesian National Tourist Board Office?

Mr. FERGUSON. The office itself?

Mrs. BUTCHER. Yes.

Mr. FERGUSON. No, Ma'am.

Mrs. BUTCHER. Of their activities?

Mr. FERGUSON. Well, there has been obviously consideration of those activities which come to our attention, not all of which I gather we were fully aware of before.

Mrs. BUTCHER. What has been the decision on this?

Mr. FERGUSON. As I said, we will look into the promotion of immigration of which we were unaware until the charge was made here Tuesday.

Mrs. BUTCHER. We would appreciate when you address yourself to this that it be a comprehensive statement because the Security Council Resolution 253 uses language "calls upon" rather than "decides." So

rather than an answer which merely says this is not a mandatory obligation we would appreciate one which actually addresses the call not to promote or encourage or assist immigration.

Mr. DIGGS. I have just three or four little questions here about those Boeing aircraft. Could you tell us what progress you have made in your investigations of the sale of these three aircraft to Rhodesia from Germany? Are you in touch with Boeing on this?

Mr. FERGUSON. We have been. As of the present time we have determined that the aircraft originated in the United States, were exported and sold in Europe and the ultimate purchaser was a German tourist airline. These three aircraft were in the inventory of the German tourist line at the time that line became bankrupt. Two of the aircraft were sold under the order of the trustee in bankruptcy of the German airline with a negotiated sale and the third aircraft was sold at an auction sale under the jurisdiction of a court in France since the aircraft was located at the Basel airport which is, in fact, physically in France. At the time the Boeing Co. did have a lien, a vendor's lien to secure the payment of the purchase price, a part of which was in default and that that vendor's lien was discharged by payment from a third party who appears to have been acting in a brokerage capacity which left the aircraft free of lien on the part of Boeing. Boeing did not then have an interest in the aircraft. Subsequently, these aircraft which had been purchased from the bankrupt company were serviced in the airport in Basel, left, and the next event was that they showed up in Rhodesia.

There are several aspects of the investigation which are still incomplete, particularly those aspects that relate to the real parties in interest of certain aircraft companies and brokers operating in Europe. I believe we have determined that the license under which these aircraft were exported did in fact carry a provision against transfer to nationals or companies or third parties without the consent of the United States. So far as we know at the present time no such request for consent to transfer had in fact been made to an agency of the United States. Hence, the transaction appears to be in violation of the provisions of the export license.

I think, however, that it is fair to point out that the enforceability of those provisions leaves a lot to be desired, particularly if you have instances in which you are dealing with collapsible corporations who may be in the chain of title. There is simply no one against whom to enforce the provisions. Substantially the only sanction is the refusal to license in the future.

Mr. BRESTER. Was it discharged on a full-pay basis?

Mr. FERGUSON. My understanding is, and this is not complete, that the lien was discharged in bankruptcy, that the title to the aircraft had actually passed to the trustee. There were in fact two trustees because of the problem of the location of the aircraft which would mean that the proceeds became the property of the trustee for purposes of discharging other obligations, but that Boeing then had no further interest in the aircraft or in the transaction. There is an associated matter which I will check, that is the question of spare parts for the aircraft which obviously would have come from the same source.

[The following was subsequently submitted for inclusion in the record at this point:]

BOEING SPARE PARTS

The United States will not authorize the export or re-export of spare parts or the provision of services for the Boeing 720 aircraft illegally exported to Rhodesia.

Mr. DIGGS. Well, the Rhodesian Minister of Transport said that they are going to get more Boeing aircraft.

Have you been in touch with Boeing on this?

Mr. FERGUSON. Yes.

Mr. DIGGS. Have they instituted some system of dealing with the question of spare parts and additional planes and so on?

Mr. FERGUSON. Well, of course they would have to be licensed. Boeing, it would appear, has not violated any provisions or participated in any of the transactions which may be of a suspicious nature. Once they were paid off the obvious problem is the third party who discharged the lien which is rather unusual in any bankruptcy proceeding.

Mr. BIESTER. That is what I was concerned about.

Mr. FERGUSON. Discharge a lien which is held by one of the creditors since in effect the creditor is giving up the one source for satisfaction of its obligation and hence the investigation is directed at what occurred in the brokerage transaction in Basel.

Mr. BIESTER. In my practice of bankruptcy I don't recall any case in which any creditors were that fortunate.

Mr. FERGUSON. I practiced the same thing and it struck me immediately as being somewhat unusual to say the least.

Mr. DIGGS. Any further questions?

Mr. BIESTER. No.

Mr. DIGGS. Counsel.

Mrs. BUTCHER. Once again, Mr. Ambassador, granted that the office has a private rather than official status, how would you characterize its activity? Commercial?

Mr. FERGUSON. I would certainly not characterize it as commercial. If I thought it were commercial, I think the conclusion would be inevitable that they are engaging in activities which are not permitted under the resolution. They are promoting in the sense of public relations. We do have when we deal with promotion the underlying constitutional problem of the exercise of free speech and in that sense it is the difficulty of making the distinction which has been referred to as to where free speech stops and unlawful advocacy as we know in other contexts begins.

Mrs. BUTCHER. And it is for that reason, Mr. Ambassador, that the subcommittee has planned to have a lawyer to address these questions in a final hearing because we do meet with the constitutional free speech guarantee. The question arises as to whether or not this does not have to be viewed in the context of the operations of an agent of an illegal regime. Of course, a Congressman and other American citizens would be able to inquire into the validity of any executive order and to take whatever actions they felt necessary to change it, as, for example, the Byrd amendment. But the actions of personnel of the Rhodesian Information Office would be in a different perspective, would you not agree?

Mr. FERGUSON. Factually in a different perspective we are constantly, as I have adverted to before, faced with the problem: We say there is not any such thing which you say you represent. Factually we know what they believe. We are faced with the situation in that it would be much easier in a sense in controlling activities if we said, "OK, we recognize the Rhodesian regime and your presence here is subject to the following conditions." We don't take that position. They are private persons exercising their rights as private persons.

Mrs. BUTCHER. But that gets us back to the question which we asked for a legal memo on.

Mr. FERGUSON. Precisely.

Mrs. BUTCHER. One other thing. Mr. Chairman, I would gather that out of these hearings a clarification of the State Department's position on Mr. Hooper would be needed for INS in view of their erroneous interpretation the other day.

Mr. FERGUSON. I am sorry, I was not present at the time they gave their interpretation on Tuesday.

Mrs. BUTCHER. Well, if you could clarify that and if you do I think it would be appreciated if the committee could have a memorandum of conversation or a copy of the communication.

[The information requested follows:]

DEPARTMENT OF STATE POSITION ON MR. HOOPER

The Department of State has considered Mr. Hooper's case and has determined that the exercise of the Attorney General's discretionary authority, under S.245 of the Immigration and Nationality Act, to grant an adjustment of status to that of permanent resident would place the USG in a position inconsistent with the mandatory provisions of the United Nations Security Council Resolution No. 253 of May 29, 1968. At the same time, the Department of State is unable to conclude that S.C. Res. 253 places an affirmative obligation upon the USG to deport Rhodesians who gained lawful entry into the U.S. before adoption of the Resolution. A copy of the latest letter to INS concerning Mr. Hooper is attached.⁹

Mrs. BUTCHER. That is all.

Mr. DIGGS. Thank you very much, gentlemen.

The subcommittee stands adjourned.

[Whereupon, at 4:09 p.m., the subcommittee adjourned.]

⁹ For text of March 7, 1973 letter see page 35.

APPENDIX 1

APPLICATION FOR STATUS AS PERMANENT RESIDENT (FORM I-485) DEPARTMENT OF JUSTICE

Form Approved
O.M.B. No. 43-R0400

<p style="text-align: center; margin: 0;">FEE STAMP</p>	<p style="margin: 0;">File No. _____</p> <p style="margin: 0;">APPLICATION FOR THE BENEFITS OF SECTION:</p> <p style="margin: 0;"><input type="checkbox"/> 203(a)(7) and Sec. 245, I&N Act <input type="checkbox"/> 245</p> <p style="margin: 0;"><input type="checkbox"/> Sec. 214(d), I&N Act <input type="checkbox"/> 249 I&N Act</p> <p style="margin: 0;"><input type="checkbox"/> Sec. 13, Act of 9/11/57</p>
--	--

(DO NOT WRITE ABOVE THIS LINE.) (SEE INSTRUCTIONS BEFORE FILING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

1. I hereby apply for the status of a lawful permanent resident alien on the following basis: (Check box A, B, C, D, E, or F)

A. As a refugee to whom an immigrant visa is immediately available (Section 203(a)(7) and Section 245, I&N Act).

B. As a former fiancee or fiance of a U.S. citizen whom I married within 90 days after my arrival in the United States, or as a child of such fiancee or fiance (Section 214(d), I&N Act).

C. As a former government official, or as a member of the immediate family of such official (Section 13, Act of September 11, 1957).

D. As a person to whom an immigrant visa is immediately available, other than one described above (Section 245, I&N Act).

E. As a person who has resided in the United States continuously since prior to July 1, 1924 (Section 249, I&N Act).

F. As a person who has resided in the United States continuously since a date on or after July 1, 1924, but before June 30, 1948 (Section 249, I&N Act).

2. My name is (Last in capital letters) _____ (First Name) _____ (Middle Name) _____ My alien registration number is _____ Sex Male Female

3. I reside in the United States at: (Apt. No.) _____ (No. and Street) _____ (City) _____ (State) _____ (ZIP Code) _____

4. Date of Birth _____ Place of Birth (City or Town) _____ (County, Province, or State) _____ (Country) _____ I am now a citizen of (Country) _____

5. I last arrived in the United States at the port of _____ (City and State) _____ on (Month) _____ (Day) _____ (Year) _____

by _____ (Name of vessel or other means of travel) _____ as a (visitor, student, exchange visitor, temporary worker, fiancee, fiance, crewman, parolee, etc.) _____

I was inspected. was not inspected. My last nonimmigrant visa issued outside the United States was issued by the American _____ on (Month) _____ (Day) _____ (Year) _____ Consul at (City) _____ (Country) _____

6. I am single married divorced widowed

a. I have been married _____ times, including my present marriage, if now married. (If you are now married give the following:)

b. Number of times my husband or wife has been married _____ c. Name of husband or wife (Wife give maiden name) _____

d. My husband or wife resides with me apart from me at Address (Apt. No.) _____ (No. & Street) _____ (Town or City) _____ (Province or State) _____ (County) _____

7. a. I have _____ sons or daughters as follows: (complete all columns as to each son or daughter; if living with you state "with me" in last column; otherwise give city and state or country of son's or daughter's residence).

Name	Sex	Place of Birth	Date of Birth	Now living at

b. The following members of my family are also applying for permanent resident status:

8. I have have not heretofore filed an application for the status of a permanent resident. (If you have ever filed such application, give the date and place of filing and final disposition.)

UNITED STATES DEPARTMENT OF JUSTICE Immigration and Naturalization Service Form I-485 (Rev. 12-1-72) M	RECEIVED	TRANS. IN	RET'D. TRANS. OUT	COMPLETED
--	----------	-----------	-------------------	-----------

9. I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership in the United States or a foreign country, and the periods and places of such membership. (If you have never been a member of any organization, state "None.")

10. I have have not been treated for a mental disorder, drug addiction or alcoholism. (If you have been, explain.)

11. I have have not been arrested, convicted or confined in a prison. (If you have been, explain.)

12. I have have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action. (If you have been, explain.)

13. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED BY LAW. ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RESIDENTS:

Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations); aliens who have been engaged in or who intend to engage in any commercialized sexual activity; aliens who are or at any time have been, anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature; aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marijuana, or who have been illicit traffickers in narcotic drugs or marijuana; aliens who have been involved in assisting any other aliens to enter the United States in violation of law; aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.

Do any of the foregoing classes apply to you? Yes No (If answer is Yes, explain)

14. (COMPLETE THIS BLOCK ONLY IF YOU CHECKED BOX "A", "B", "C" or "D" OF BLOCK 1)

APPLICANTS WHO CHECKED BOX "A" "B" "C" OR "D" OF BLOCK 1 (INCLUDING REFUGEES) IN ADDITION TO ESTABLISHING THAT THEY ARE NOT MEMBERS OF ANY OF THE INADMISSIBLE CLASSES DESCRIBED IN BLOCK 10 ABOVE MUST, EXCEPT AS OTHERWISE PROVIDED BY LAW, ALSO ESTABLISH THAT THEY ARE NOT WITHIN ANY OF THE FOLLOWING INADMISSIBLE CLASSES:

Aliens who are mentally retarded, insane, or have suffered one or more attacks of insanity; aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease; aliens who have a physical defect, disease or disability affecting their ability to earn a living; aliens who are paupers, professional beggars or vagrants; aliens who are polygamists or advocate polygamy; aliens who intend to perform skilled or unskilled labor and who have not been certified by the Secretary of Labor (see Instruction 10); aliens likely to become a public charge; aliens who have been excluded from the United States within the past year, or who at any time have been deported from the United States, or who at any time have been removed from the United States at Government expense; aliens who have procured or have attempted to procure a visa by fraud or misrepresentation; aliens who have departed from or remained outside the United States to avoid military service in time of war or national emergency; aliens who are former exchange visitors who are subject to but have not complied with the two year foreign residence requirement.

Do any of the foregoing classes apply to you? Yes No (If answer is Yes, explain)

15. I do do not intend to seek gainful employment in the United States. If you intend to seek gainful employment in the United States, state the occupation you intend to follow: _____

16. (Complete this block only if you checked box A or D of block 1)

a. I have a priority on the consular waiting list at the American Consulate at _____ as of _____ (City) _____ (Date)

b. A visa petition according me immediate relative preference status was approved by the district director at _____ on _____ (City and State) _____ (Date)

c. A visa petition has not been approved in my behalf but I claim eligibility for preference status because my spouse my parent is the beneficiary of a visa petition approved by the district director at _____ on _____ (City and State) _____ (Date)

d. I am claiming preference status as a refugee under the proviso to Section 203(a)(7) of the Act who has been continuously physically present in the United States for at least the past two years. (If you check this item, you must execute and attach Form I-590A to this application.)

e. Other (explain) _____

17. (Complete this block only if you checked Box E or F of Block 1)

A. I first arrived in the United States at (Port) _____ on (Date) _____ by means of (Name of vessel or other means of travel) _____

I was was not inspected by an immigration officer.

B. I entered the United States under the name (Name at time of entry) _____ and I was destined to (City and State) _____

I was coming to join (Name and relationship) _____

C. Since my first entry have have not been absent from the United States. (If you have been absent, attach a separate statement listing the port, date and means of each departure from and return to the United States.)

18. Completed Form G-325A (Biographic Information) is attached as part of this application. Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age.

19. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW: _____

Signature of Applicant: _____

Date of Signature: _____

20. (Signature of person preparing form, if other than applicant.) I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge. _____

Date: _____ Occupation: _____

(Application not to be signed below until applicant appears before an officer of the Immigration and Naturalization Service for examination)

I, _____, do swear (affirm) that I know the contents of this application subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this application was signed by me with my full, true name: _____

(Complete and true signature of applicant)

Subscribed and sworn to before me by the above-named applicant at _____ on _____ (Month) (Day) (Year)

(Signature and title of officer)

APPENDIX 2

REGISTRATION STATEMENTS OF THE RHODESIAN INFORMATION OFFICE

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

AMENDMENT TO REGISTRATION STATEMENT

*Pursuant to the Foreign Agents
Registration Act of 1938, as amended.*

1. Name of Registrant RHODESIAN INFORMATION OFFICE	2. Registration No. 1 9 5 8
--	---

3. This amendment is filed to accomplish the following indicated purpose or purposes:

- | | |
|--|---|
| <input checked="" type="checkbox"/> To correct a deficiency in
<input type="checkbox"/> Initial Statement
<input checked="" type="checkbox"/> Supplemental Statement
for <u>July 30, 1971</u>
<input type="checkbox"/> To give notice of change in an
exhibit previously filed. | <input type="checkbox"/> To give a 10-day notice of a change in information as required by Section 2(b) of the Act.

<input type="checkbox"/> Other purpose (specify) _____

_____ |
|--|---|

4. If this amendment requires the filing of a document or documents, please list:

Not applicable

5. Each item checked above must be explained below in full detail together with, where appropriate, specific reference to and identity of the item in the registration statement to which it pertains. If more space is needed, full size insert sheets may be used.

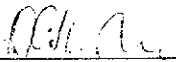
Item 18 should be amended to read as follows:

"U.S.\$14,490 budgeted by the Ministry of Information, Government of Rhodesia, for the above purpose for the six monthly period ended July 30, 1971, exclusive of staff salaries and office running expenses."

(See explanation attached - Appendix A.)

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this amendment and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief.

(Both copies of this amendment shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)



(H. J. C. Hooper)

Subscribed and sworn to before me at Washington, DC
 this 25th day of April, 1973 Bernard F. [Signature]
 (Notary or other officer)
 My commission expires April 30, 1974

APPENDIX A:

Responses under Item 18 present a little difficulty because of questions of definition. Item 18 refers to a budget or specified sum of money for financing activities in preparing or disseminating political propaganda. The Rhodesian government authorises through the usual parliamentary process a budgetary provision for the operations of the Rhodesian Information Office. Not all of the information activities of the office relate to political propaganda within the meaning of the Act, and much of the allotted expenditure is for salaries and the upkeep of buildings. I have considered how to relate this situation to the requirements of Item 18 and have concluded that it would be reasonable to enter under that heading the sums of money provided in our budget for printing, postage, film distribution and rental of office machinery such as a copier, addressograph and typewriters. It will be appreciated that this classification is somewhat arbitrary and does not include any element of staff salaries. It is, however, an attempt in all good faith to meet the requirements of the supplemental statement. It will be done on the basis of halving the annual budget allocation in respect of each six monthly reporting period.

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

AMENDMENT TO REGISTRATION STATEMENT

Pursuant to the Foreign Agents
Registration Act of 1938, as amended.

1. Name of Registrant RHODESIAN INFORMATION OFFICE	2. Registration No. 1 9 5 8
---	------------------------------------

3. This amendment is filed to accomplish the following indicated purpose or purposes:

- To correct a deficiency in
 - Initial Statement
 - Supplemental Statement
for January 30, 1972
- To give a 10-day notice of a change in information as required by Section 2(b) of the Act.
- Other purpose (specify) _____
- To give notice of change in an exhibit previously filed.

4. If this amendment requires the filing of a document or documents, please list -

Not applicable

5. Each item checked above must be explained below in full detail together with, where appropriate, specific reference to and identity of the item in the registration statement to which it pertains. If more space is needed, full size insert sheets may be used.

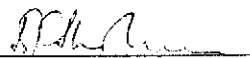
Item 18 should be amended to read as follows:

"U.S.\$16,737 budgeted by the Ministry of Information, Government of Rhodesia, for the above purpose for the six monthly period ended January 30, 1972, exclusive of staff salaries and office running expenses."

(See explanation attached - Appendix A.)

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this amendment and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief.

(Both copies of this amendment shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)



(H. J. C. Hooper)

Subscribed and sworn to before me at Washington D.C.
this 25th day of April, 1973 B. J. ...
(Notary or other officer)
My commission expires April 30, 1974

APPENDIX A:

Responses under Item 18 present a little difficulty because of questions of definition. Item 18 refers to a budget or specified sum of money for financing activities in preparing or disseminating political propaganda. The Rhodesian Government authorises through the usual parliamentary process a budgetary provision for the operations of the Rhodesian Information Office. Not all of the information activities of the office relate to political propaganda within the meaning of the Act, and much of the allotted expenditure is for salaries and the upkeep of buildings. I have considered how to relate this situation to the requirements of Item 18 and have concluded that it would be reasonable to enter under that heading the sums of money provided in our budget for printing, postage, film distribution and rental of office machinery such as a copier, addressograph and typewriters. It will be appreciated that this classification is somewhat arbitrary and does not include any element of staff salaries. It is, however, an attempt in all good faith to meet the requirements of the supplemental statement. It will be done on the basis of halving the annual budget allocation in respect of each six monthly reporting period.

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

AMENDMENT TO REGISTRATION STATEMENT

*Pursuant to the Foreign Agents
Registration Act of 1938, as amended.*

1. Name of Registrant RHODESIAN INFORMATION OFFICE	2. Registration No. 1 9 5 8
---	------------------------------------

3. This amendment is filed to accomplish the following indicated purpose or purposes:

- To correct a deficiency in
 - Initial Statement
 - Supplemental Statement for July 30, 1972
 - To give notice of change in an exhibit previously filed.
- To give a 10-day notice of a change in information as required by Section 2(b) of the Act.
- Other purpose (specify) _____

4. If this amendment requires the filing of a document or documents, please list -

Not applicable

5. Each item checked above must be explained below in full detail together with, where appropriate, specific reference to and identity of the item in the registration statement to which it pertains. If more space is needed, full size insert sheets may be used.

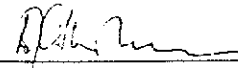
Item 18 should be amended to read as follows:

"U.S.\$16,737 budgeted by the Ministry of Information, Government of Rhodesia, for the above purpose for the six monthly period ended July 30, 1972, exclusive of staff salaries and office running expenses."

The figure of \$85,563.18 was erroneously inserted in the answer to this question due to a misunderstanding and refers not specifically to the budget for the preparation and dissemination of political propaganda, but to the total monies received from the Rhodesian Treasury to cover office running expenses as well as the preparation and dissemination of propaganda.

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this amendment and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief.

(Both copies of this amendment shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)



(H. J. C. Hooper)

Subscribed and sworn to before me at Washington DC
this 25th day of April, 1973 Bernard F. D. Co.
(Notary or other officer)
My commission expires April 30, 1974

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

AMENDMENT TO REGISTRATION STATEMENT

*Pursuant to the Foreign Agents
Registration Act of 1938, as amended.*

1. Name of Registrant RHODESIAN INFORMATION OFFICE	2. Registration No. 1 9 5 8
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3. This amendment is filed to accomplish the following indicated purpose or purposes:

- To correct a deficiency in
- To give a 10-day notice of a change in information as required by Section 2(b) of the Act.
- Initial Statement
- Supplemental Statement
for January 30, 1973
- Other purpose (specify) _____
- To give notice of change in an exhibit previously filed.

4. If this amendment requires the filing of a document or documents, please list -

Not applicable

5. Each item checked above must be explained below in full detail together with, where appropriate, specific reference to and identity of the item in the registration statement to which it pertains. If more space is needed, full size insert sheets may be used.

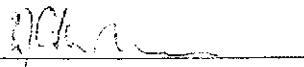
Item 18 should be amended to read as follows:

"U.S.\$13,754 budgeted by the Ministry of Information, Government of Rhodesia, for the above purpose for the six monthly period ended January 30, 1973, exclusive of staff salaries and office running expenses."

The figure of U.S.\$86,033.61 was erroneously inserted in the answer to this question due to a misunderstanding and refers not specifically to the budget for the preparation and dissemination of political propaganda, but to the total monies received from the Rhodesian Treasury to cover office running expenses as well as the preparation and dissemination of propaganda.

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this amendment and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief.

(Both copies of this amendment shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)

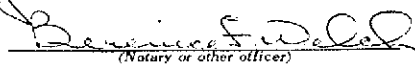


(H. J. C. Hooper)

Subscribed and sworn to before me at Capetown S.C.

this 25th day of April, 1973

My commission expires April 30, 1964



(Notary or other officer)