U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

1 OCT 1984

Honorable Charles H. Percy
Chairman
Committee on Foreign Relations
United States Senate
Washington, D. C. 20510

Dear Chairman Percy:

This responds to your letter to the Attorney General of September 20, 1984, in which you and Senators Pell and Zorinsky requested the Department of Justice's response to ten questions regarding the Department's construction of the Neutrality Act, 18 U.S.C. §§ 956 et seq. Because we have not provided in our responses any details of a current investigation, or any other sensitive information of a law enforcement or national security nature, we do not regard our responses as either sensitive or classified. Our responses to your questions are provided below:

(1) PLEASE PROVIDE US WITH YOUR INTERPRETATION OF THE NEUTRALITY ACT AND ITS APPLICATION TO THE ACTIVITIES OF PRIVATE U.S. CITIZENS BOTH IN THE UNITED STATES AND IN CENTRAL AMERICA?

The following is a very general summary of the provisions commonly and collectively known as the Neutrality Act. However, it is difficult to be more specific given the general tone of the question and our concern over the implications of dealing with hypothetical facts which may be assumed by, but which have not been specified in, the question.

The Neutrality Act was first enacted in 1794 following President Washington's Proclamation of April 22, 1793 regarding the war between France and Great Britain. The Proclamation urged the citizens of the United States "with sincerity and good faith [to] adopt and pursue a conduct friendly and impartial toward the belligerent powers," warning citizens "to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition," and threatened to prosecute those "who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them." 32 WRITINGS OF GEORGE WASHINGTON 430 (J. Fitzpatrick, ed. 1939). See also 1 MESSAGES AND PAPERS OF THE PRESIDENTS 156 (J. Richardson, ed. 1896). The President viewed the Proclamation as a necessary measure toward restraining the natural sympathy and enthusiastic support of the American people for the French cause, born of France's generous aid to the colonists during the American Revolution and the Americans' strong identification with the goals of the French Revolution. See generally C. FENWICK, THE NEUTRALITY LAWS OF THE UNITED STATES 16-23 (1913); Letters Written by President Washington to Secretary of State Jefferson (April 12, 1793) and Secretary of the Treasury Hamilton (April 12, 1793), reprinted in 32 WRITINGS OF GEORGE WASHINGTON, supra at 415, 416. Writing nearly one hundred years later, a committee of Congress described the historical circumstances immediately preceding President Washington's Proclamation and the passage of the Act as follows:

> The enthusiasm of republicans for France, and their hostility to England, was not much less marked in America than in France. It brought public opinion to the verge of revolt against the peaceful policy of Washington. Accountable to the people for its resistance to popular clamor and the consequences of its timid submission to the demands of England, whose arrogant pretensions intensified the popular friendship for France, the administration was threatened with formidable resistance, if not the overthrow of its policy.

H.R. REP. NO. 100, 39th Cong., 1st Sess. at 2 (1866).

In the spring of 1793, Edmund Charles Genet, French Minister to the United States, arrived in this country and, pursuant to the Treaty of Amity and Commerce, began issuing

commissions to commanders of vessels willing to serve France and authorizing the outfitting of privateers from American ports. Secretary of State Jefferson protested to the French Minister that such conduct violated the United States' status as a neutral nation, but his protestations went unheeded by Minister Genet. Finally, Jefferson set forth in clear and simple terms the principles of neutrality as articulated by President Washington:

> [T]hat the arming and equipping [of] vessels in the ports of the United States, to cruise against nations with whom we are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromit their peace; and that he thought it necessary, as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.
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> After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits, and the duty of a neutral nation to prohibit such as would injure one of the warring Powers; that the granting [of] military commissions, within the United States, by any other authority than their own, is an infringement on their sovereignty, and particularly so when granted to their own citizens, to lead them to commit acts contrary to the duties they owe their own country[.]

Notwithstanding the President's Proclamation and the continued public reprimands of Minister Genet, privateers continued to be outfitted in American ports for the service of France, with the individuals involved suffering few legal reprisals by the United States Government. Although there were several prosecutions of individual citizens charged with

attacking the property and citizens of nations at peace with the United States, the prosecutions were unsuccessful, largely because there were no federal statutes defining such acts as crimes and legal opinion was divided on the question whether violations of international law could provide a basis for a common-law federal offense. The most celebrated of these cases is Henfield's Case, 11 F. Cas. 1099 (1793), in which Henfield was prosecuted at common law for enlisting on the French privateer, Citizen Genet, in violation of the treaties of the United States and the law of nations. Although, upon the urging of Attorney General Randolph, the court recognized such actions as violations of the sovereignty of the United States in its charge to the jury, Henfield nevertheless was acquitted. See generally Lobel, The Rise and Decline of the Neutrality Act: Sovereignty and Congressional War Powers in United States Foreign Policy, 24 Harv. Int'l L. J. 1, 13-14 (1983); FENWICK, supra at 24. Regarding this case, Jefferson wrote in a letter to James Monroe:

> The Atty General gave an official opinion that the act was against law, & coincided with all our private opinions; & the lawyers of this State, New York & Maryland, who were applied to, were unanimously of the same opinion. Lately mr. Rawle, Atty of the U. S. in this district, on a conference with the District judge, Peters, supposes the law more doubtful. New acts, therefore, of the same kind, are left unprosecuted till the question is determined by the proper court, which will be during the present week. . . . I confess I think myself that the case is punishable, & that, if found otherwise, Congress ought to make it so, or we shall be made parties in every maritime war in which the piratical spirit of the banditti in our ports can engage.

6 WRITINGS OF THOMAS JEFFERSON 347-48 (P. Ford ed., 1895) (emphasis added).

In addition, in the summer of 1793, United States officials became aware of Minister Genet's efforts to organize armies to invade New Orleans and the Floridas, then in the possession of Spain, an ally of Great Britain. As a result of these and other similar events, and the apparent ineffectiveness of existing legal mechanisms to restrain such activities, President Washington sought to enact into legislation the principles of neutrality set forth in his Proclamation.

In his annual address to Congress in December 1793, President Washington articulated his views regarding the role of the principle of neutrality in sovereign states and called upon Congress to implement such principles through legislation. President Washington proclaimed:

> It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the Courts of the United States to many cases which, though dependent on principles already recognized, demand some further provisions.
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> Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war[;] or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise Judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate--these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

4 ANNALS OF CONGRESS 11 (1793).

On June 5, 1794, Congress enacted the Neutrality Act. 1 Stat. 381. Although originally enacted as a temporary measure, the Act was continued in force by the March 2, 1797, 1 Stat. 497, and finally made permanent by the Act of April 24, 1800, 2 Stat. 54. Through several amendments and the re-enactment of its provisions in the revision and codification of title 18 in 1909, 35 Stat. 1088, 1089, and again in 1948, 62 Stat. 683, 744, the Act today remains substantially similar to that which was first enacted in 1794.

Although the debates in Congress in 1794 regarding these provisions focused largely on the immediate problems posed by the pervasive outfitting of French privateers in American ports, the Act's legislative history nevertheless reveals other key issues which were addressed by the Act's passage.

For example, several commentators have suggested, and the speeches of President Washington, Secretary Jefferson, and various Senators and Representatives support the view, that the United States, in the early stages of its development as a republic, embraced neutrality as a general principle as a means, in view of its military weakness and geographic isolation, of advancing its commercial interests by avoiding involvement in European wars and protecting its independence and sovereignty from violation by foreign states, as well as of consolidating its federal powers and strengthening the sovereignty of the federal government over its individual citizens. See, e.g., H. R. REP. NO. 100, 39th Cong., 1st Sess. (1866)(extensive review of the Act's history by House Committee on Foreign Affairs); 35 WRITINGS OF GEORGE WASHINGTON, supra at 214, 233-34 (President Washington's 1796 Farewell Address). See generally FENWICK, supra; Lobel, The Rise and Decline of the Neutrality Act, supra, and sources cited therein. See also the account of the Act's passage in United States v. O'Sullivan, 27 F. Cas. 367, 373 (1851).

At present, the Neutrality Act consists of several provisions which generally prohibit the acceptance of commissions by United States citizens, within the jurisdiction of the United States, to serve a foreign nation in a war against a country with which the United States is at peace (18 U.S.C. § 958); the enlistment or recruitment of persons within the United States to serve in the military of a foreign state (§ 959); the knowing participation in, preparation for, or financing of a hostile expedition from within the United States against a nation with which the United States is at peace (§ 960); the outfitting of foreign military vessels in United States ports to be used by countries in a war against a country with which the United States is at peace (§ 961); and the outfitting or furnishing of vessels within the United States with the intent that such vessel be used in the service of a foreign nation against a nation with which the United States is at peace (§ 962). Other provisions of the Act prohibit conspiring, within the United States, to injure or destroy the property of a foreign government with which the United States is at peace (§ 956); and during a war in which the United States is a neutral nation, the building or equipping of a military vessel in the United States with the knowledge, or reasonable cause to believe, that the vessel will be employed in the service of a belligerent (§ 964).

The only provision of the Act which is solely applicable to United States citizens is § 958, which prohibits citizens from accepting commissions within the United States to serve any foreign nation at war against a country with which the United States is at peace. All other provisions of the Act apply to any person performing the proscribed acts "within the jurisdiction of the United States." Moreover, the foreign nation "with whom the United States is at peace" for purposes of the Act, and against which the proscribed activities are intended to be carried out, can be any nation duly recognized by the United States Government fitting that description, whether located in Central America or any other part of the world.

(2) PLEASE INTERPRET THE VARIOUS COURT DECISIONS WHICH HAVE DEALT WITH THE NEUTRALITY ACT.

The judicial decisions interpreting the various provisions of the Neutrality Act are quite numerous and it would be impossible to answer this question for all known judicial interpretations and applications. Necessarily, our response to your request for an interpretation of these decisions will have to be general.

The earliest judicial decisions construing the Neutrality Act involved the predecessors to sections 961 and 962, which generally prohibit the arming of vessels in United States ports to be used in the service of foreign nations against nations with which the United States is at peace. See, e.g., United States v. Peters, 3 U.S. (3 Dall.) 121 (1795); See also United States v. Skinner, 27 F. Cas. 1123 (1818); The Betty Cathcart, 17 F. Cas. 651 (1797); The Nancy, 4 F. Cas. 171 (1795). These early cases focused on what constituted the "arming" of a vessel, the distinction between "commercial" and "hostile" intent, and upheld the authority of the United States Government to define, as a matter of national policy, the political bodies in whose service, and against which, the prohibited acts had been committed. See generally United States v. The Three Friends, 166 U.S. 1 (1897). Moreover, these cases established that sections 961 and 962 of the Act do not prohibit armed vessels belonging to citizens of the United States from sailing out of United States ports; rather the provisions

require only that the owners of such vessels certify that the vessels will not be used to commit hostilities against foreign nations at peace with the United States. See United States v. Quincy, 31 U.S. (6 Pet.) 445 (1832). Finally, these cases recognized, with regard to sections 961 and 962, the principle generally applicable to all of the neutrality provisions that the preparations prohibited by the Act must have been made within the United States, and that the intention with respect to the hostile deployment of the vessel must have been formed before leaving the United States. Id.

These early decisions construing the Act, as well as subsequent judicial decisions, make clear that, in view of its purpose to prevent private citizens from interfering with the conduct of foreign policy by duly authorized Government officials, the Neutrality Act, particularly § 960, prohibits only "the use of the soil or waters of the United States as a base from which [unauthorized] military expeditions or military enterprises shall be carried on against foreign powers with which the United States is at peace." United States v. Murphy, 84 F. Cas. 609, 612 (1898). See also Wiborg v. United States, 163 U.S. 632 (1896); United States v. Hart, 78 F. Cas. 868 (E.D.Pa. 1897), aff'd, 84 F. Cas. 799 (3d Cir. 1898); United States v. O'Sullivan, 27 F. Cas. 367 (1851); United States v. Smith, 27 F. Cas. 1192 (D.N.Y. 1806). For purposes of § 960, these cases define "military . . . expedition or enterprise" as:

> [A] number of men, whether few or many combine[d] together, and thereby [having] organize[d] themselves into a body, within the limits of the United States with a common intent or purpose on their part at the time to proceed in a body to foreign territory, there to engage in carrying on armed hostilities, either by themselves or in cooperation with other forces against the territory or dominions of any foreign power with which the United States is at peace, and with such intent or purpose[,] proceed from the limits of the United States on their way to such territory, either provided with arms or implements of war, or intending and expecting and with preparation to secure them during transit, or before reaching the scene of hostilities[.]

United States v. Murphy, 84 F. Cas. at 614. See also United States v. Hart, 78 F. Cas. at 869-70. Moreover,

these cases make clear that a conviction for "provid[ing] or prepar[ing] a means for" military expeditions, pursuant to § 960, must be premised first upon a finding that an unlawful military expedition or enterprise, within the meaning of § 960, was organized in the United States, and secondly, upon a finding that the defendant assisted the expedition, at any stage, with knowledge of its destination and of its unlawful character. See United States v. Hart, 78 F. Cas. at 872. See also Wiborg v. United States, supra; United States v. Murphy, supra.

(3) THE NEUTRALITY ACT WOULD SEEM TO PROHIBIT "EXPEDITIONS," PROVIDING MEANS FOR AN ENTERPRISE, AND THE PROCUREMENT OF MEANS WHICH WOULD INCLUDE SOLICITING OR COLLECTING MONEY. WHAT IS YOUR UNDERSTANDING OF THE LAW ON THESE POINTS?

As noted above, § 960 prohibits the organization, within the United States, of "military expeditions" to proceed from the United States with the purpose of carrying on armed hostilities against a nation with which the United States is at peace. Section 960 also prohibits "provid[ing] or prepar[ing] a means for or furnish[ing] the money for" such expeditions with the knowledge of the expedition's destination and unlawful character. If money is solicited or collected for the purpose of providing financial assistance to an unlawful military expedition, it would seem to fall within the scope of conduct prohibited by § 960. These definitions are very general, however, and have been developed within the context of the meaning of the term "military expedition." For further elaboration on this term, see our responses to Questions No. 2, supra, and 4, infra.

We caution that the applicability of these provisions and these general terms to specific facts depends on the nature of individual facts and, in many cases, states of mind. Thus, whether any particular activity is embraced by these prohibitions can only be determined by a close examination of specific facts.

(4) ACCORDING TO THE HART CASE, THE LAW IS VIOLATED BY ORGANIZING AN EXPEDITION OR ENTERPRISE ASSEMBLED IN THE UNITED STATES, OR PROMOTING IT BY PROVIDING MONEY. PLEASE PROVIDE THE COMMITTEE WITH INFORMATION AS TO WHAT CAN AND CANNOT BE DONE IN THIS AREA?

United States v. Hart, 78 F. Cas. 868 (E.D. Pa. 1897), aff'd, 84 F. Cas 799 (3d Cir. 1898), upheld a conviction of a shipper charged with "provid[ing a] means here, in Pennsylvania, for assisting ['military expedition organized in this country'] on the way to Cuba, . . . with knowledge that it was such an expedition." 78 F. Cas. at 869. In support of its charge, the Government introduced evidence to establish that Hart, as president and manager of the J. D. Hart Company which owned the vessel used by the expedition, had provided a steamship and some "unusual" supplies in the port of Philadelphia; had directed the ship to sail to Camden, where the ship took on several smaller boats; and then to Barnegat, where the ship was outfitted with arms, ammunition and other military supplies; and on to Navassa Island near Cuba, where the cargo was transferred finally to another ship bound for Cuba. Id. In its instructions to the jury, the court charged that if the jury found that the men were engaged in a military expedition, as defined above, they "must next determine whether the defendant provided means for their transportation, not the whole way, but to Navassa. It is not necessary that he should transport them to Cuba, . . . if he provided means for their transportation to Navassa, on their way to Cuba, and made this provision here, . . . with knowledge of the character of the expedition and of its destination, he is guilty." Id. at 875.

The Hart decision, and other decisions discussed above, suggest that providing transportation, money, or other provisions to groups which do not constitute "military expeditions" within the meaning of § 960, or without knowledge that the groups are engaged in such unlawful activity, would not violate § 960. Nor would § 960 generally prohibit the mere transporting of persons having an intent to enlist in foreign armies out of the United States to those foreign countries, so long as such persons have not combined to form a military expedition

within the meaning of § 960, with the intent of engaging in armed hostilities against a nation with which the United States is at peace. Wiborg v. United States, 163 U.S. at 653. Nor under this rationale would § 960 prohibit, without more, the transporting of "arms, ammunition and munitions of war from this country to any foreign country, whether they were to be used in war or not," or the transporting of "persons intending to enlist in foreign armies and munitions of war on the same trip." Id. What § 960 would prohibit, under these cases, is the transporting of arms from the United States for the use of a combination of persons organized in the United States "to go from the United States to [a foreign nation with which the United States is at peace] and there make war on the government . . . [by] join[ing] the insurgent army and thus enlist[ing] in its service." Id.

(5) IN 1981 AND 1982, THE DEPARTMENT OF JUSTICE TOOK ACTION AGAINST THOSE INVOLVED IN ORGANIZING EXPEDITIONS OR ENTERPRISES AGAINST THE GOVERNMENT OF HAITI AND THE GOVERNMENT OF DOMINICA. BY WAY OF ANALOGY, WHAT WERE THE CIRCUMSTANCES IN THE HAITIAN AND DOMINICAN CASE THAT CAUSED THE JUSTICE DEPARTMENT TO ACT?

As explained further in our response to Question No. 9, infra, when an investigation discloses sufficient evidence to establish probable cause that a violation of a federal statute has occurred, the Department takes appropriate prosecutive action. The circumstances in the Haitian and Dominica cases were as follows:

On April 27, 1981, as a result of a two-month long joint investigation by the FBI, the Bureau of Alcohol, Tobacco and Firearms, and the Customs Service, ten persons were arrested in New Orleans in the act of launching a military expedition to overthrow the government of the Island of Dominica in the Caribbean. Michael Perdue, the leader of the group, had chartered a 50-foot ocean-going vessel to be used in the expedition; a quantity of explosives, rifles and handguns were seized by federal agents.

The ten defendants were indicted on charges of violating the Neutrality Act, the Arms Export Control Act, the Conspiracy statute, and other federal criminal laws. Pursuant to plea

agreements, Michael Perdue and six other defendants pled guilty to a violation of § 960, the "expedition against friendly nations" provision of the Neutrality Act. Two other defendants were convicted after trial of a violation of § 960, and were acquitted of the other charges. The remaining defendant was acquitted on all counts. United States v. Michael Perdue, et al. (E.D. La. 1981).

As a result of an investigation conducted by the FBI and the Customs Service, on January 13, 1982, the Coast Guard intercepted a vessel on the high seas. Bernard Sansaricq and 24 others were on board, with eighteen firearms and twenty pipe bombs, en route to invade Haiti. Sansaricq and six others were indicted for violations of § 960, the Arms Export Control Act, 22 U.S.C. § 2778(b)(2), and other statutes. The remaining persons who had been on board the vessel were held as material witnesses.

On July 12, Sansaricq and five of his co-defendants entered guilty pleas to the count charging a violation of § 960, and were sentenced to three years probation. The remaining defendant pled guilty to a violation of the Arms Export Control Act, and was sentenced to two years probation. United States v. Bernard Sansaricq, et al. (S.D. Fla. 1982).

On March 17, 1982, the Coast Guard stopped two boats in international waters, carrying 16 persons en route to invade Haiti. On March 25, 15 of these persons were indicted in Miami for violations of the Neutrality Act, the Arms Export Control Act, and 18 U.S.C. § 924(b)(Unlawful transportation of firearms in foreign commerce).

The United States Attorney's Office, utilizing a grand jury, and the FBI and the Customs Service conducted a joint investigation into the full scope of the matter, and on July 9, a superseding indictment was returned, charging Roland Magloire, leader of the Conseil National Liberation Haiti (CNLH), in five counts with violations of the Neutrality Act, the Arms Export Control Act and related statutes.

Subsequently, guilty pleas were entered by all but two of the defendants, Canadian citizens who are fugitives. Two persons received sentences of one year in prison for violations of the Arms Export Control Act, and two others were

sentenced to three years probation for the same violation. Roland Magloire received a sentence of five years probation, and eight others were sentenced to three years probation for violations of the Neutrality Act. United States v. Roland Magloire, et al. (S.D. Fla. 1982).

In the three cases described above, there was sufficient evidence of the commission of federal crimes, and the Department, with the cooperation of other concerned federal agencies, was successful in the resulting prosecutions.

(6) ACCORDING TO OFFICIALS OF THE FDN CONTRA ORGANIZATION, OVER $1.5 MILLION PER MONTH HAS BEEN DONATED BY PRIVATE AMERICANS AND CORPORATIONS TO THE FDN IN SUPPORT OF THEIR EFFORTS AGAINST THE SANDINISTA GOVERNMENT. DOES THE NEUTRALITY ACT BAR PRIVATE SUPPORT OF MILITARY EXPEDITIONS AGAINST FOREIGN GOVERNMENTS AT PEACE WITH THE UNITED STATES? ARE THESE DONATIONS IN VIOLATION OF U.S. LAW?

The question whether the Neutrality Act bars private support of "military expeditions" against foreign governments at peace with the United States can be answered only with reference to the nature of the support and ~~the~~ of the military expeditions. As a general matter, the Act, as noted above, prohibits only the knowing provision of goods or financial support to military expeditions, as defined by § 960, i.e., to groups organized in and launched from the United States for the purpose of engaging in armed hostilities against nations with which the United States is at peace. Thus, the Act generally has been construed as not prohibiting the private support of military expeditions which have been organized in, and launched from, countries other than the United States.

Therefore, in any particular case, in order to establish a violation, it would be necessary to adduce evidence that donations to an organization have been used to support military expeditions organized in, and launched from, the United States. Otherwise, the Neutrality Act has not been violated. It would not be appropriate at this time to articulate a definitive response as to any actual factual situation without a more thorough specification and understanding of the operable facts.

(7) THE CIVILIAN MILITARY ASSISTANCE (CMA) ORGANIZATION BECAME INTERESTED IN HELPING THE CONTRAS AFTER HEARING A SPEECH BY AN FDN OFFICIAL. ARE FOREIGN GROUPS PERMITTED TO SOLICIT FUNDS AND OTHER ASSISTANCE TO CONDUCT INSURGENT OPERATIONS IN COUNTRIES AT PEACE WITH THE UNITED STATES?

With the exception of § 958, which applies only to United States citizens, the provisions of the Neutrality Act apply equally to citizens and noncitizens of the United States. The Act prohibits any and all persons within the United States from engaging in the proscribed conduct. We direct your attention to our responses to Questions No. 3 and 6, supra.

(8) WAS THE CMA IN VIOLATION OF THE ARMS EXPORT CONTROL ACT FOR FAILURE TO OBTAIN THE PROPER LICENSES FOR SUPPLYING THE SALVADORAN MILITARY AND THE CONTRAS WITH MILITARY GOODS?

The unlicensed export of items on the U.S. Munitions List, which is published in Title 28, C.F.R. § 121.01, constitutes a prima facie violation of the Arms Export Control Act. However, decisions of United States Courts of Appeals for several circuits have established that the Government must prove not only that the defendant exported the item without a license, but also that he voluntarily and intentionally violated a known legal duty not to export the proscribed item. In other words, the statute imposes a specific intent limitation upon criminal liability.

Therefore, in a prosecution, the Government would have to prove that the defendant had exported, without a license, items on the Munitions List, and that he had knowledge of the license requirement and had the intent to violate the law. See, e.g., United States v. Lizarraga-Lizarraga, 541 F.2d 826 (9th Cir. 1976).

(9) IS THE JUSTICE DEPARTMENT LOOKING INTO THE ACTIVITIES OF GROUPS, OTHER THAN THE CMA, INVOLVED IN SIMILAR ACTIVITIES IN CENTRAL AMERICA, SUCH AS THE PARAMILITARY ORGANIZATION KNOWN AS THE PHANTOM DIVISION-TENNESSEE AIRBORNE, THE CIVILIAN REFUGEE MILITARY ASSISTANTS, THE HUMAN DEVELOPMENT FOUNDATION, INC., OF MIAMI, FLORIDA, AND THE GROUP ASSOCIATED WITH SOLDIER OF FORTUNE MAGAZINE? COULD THESE GROUPS BE IN POSSIBLE VIOLATION OF THE NEUTRALITY ACT OR OTHER U.S. LAWS?

It is the responsibility of the Department of Justice to be alert to individuals and organizations participating in activities in possible violation of federal law. In carrying out this responsibility, we examine possible violations of federal law wherever they may occur and, in instances where there is sufficient evidence to establish that a violation has occurred, we take the appropriate action. We are unable to comment on whether the Department is conducting investigations of specific organizations.

(10) ARE THERE OTHER GROUPS IN THIS COUNTRY THAT ARE TRAINING FOR PARTICIPATION IN CENTRAL AMERICA? HOW MUCH DOES THE JUSTICE DEPARTMENT DO TO KEEP TRACK OF WHAT THEY ARE DOING?

Whenever the FBI receives a report of, or otherwise learns of, an alleged violation of the Neutrality Act, it conducts an appropriate preliminary investigation and reports its findings to the Criminal Division. The FBI's report is reviewed and a determination is made as to whether the investigation should be continued, or, in the event that the report contains no evidence that a violation has been committed, attempted, or planned, that it be discontinued. In some cases, specific instructions are given to the FBI as to the necessity of obtaining specific evidence, conducting additional interviews, or coordinating with other investigative agencies.

We hope that the answers provided above are responsive to your request. Please let us know if we can be of further assistance to you in this matter.

Sincerely,

Robert A. McConnell
Assistant Attorney General

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