



Dr. Fred Schwarz

# The Schwarz Report



Dr. David Noebel

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"Canadian civil liberty groups are very agitated that [a] potential murderer's 'rights' may have been violated."

And do not participate in the unfruitful deeds of darkness, but instead expose them. Ephesians 5:11

## Happy Thanksgiving!

### Jane Fonda: Aid and Comfort

By Mackubin T. Owens

The case of Robert Walker Lindh, the so-called "American Taliban," has resurrected the issue of treason. What constitutes treason? What are the precedents? Why wasn't Lindh, who was captured early in the war in Afghanistan, charged with treason? The answers to these and many other questions can be found in a very useful new book about another high-profile case involving an American citizen, who, like Lindh, arguably "adher[ed] to [America's] enemies, giving them aid and comfort"—Jane Fonda.

*Aid and Comfort: Jane Fonda in North Vietnam* by Henry Mark Holzer and Erika Holzer is a veritable sourcebook on treason. While the book is fairly short, it contains a great deal of documentation, including transcripts of Miss Fonda's propaganda broadcasts and other interviews, long passages from court decisions, and congressional testimony.

But the Holzers, both attorneys (Mr. Holzer is also professor emeritus at Brooklyn Law School) succeed remarkably well in making a notoriously difficult topic understandable to the non-lawyer.

The first part of the book, while interesting, is probably the least useful. Based on the work of other writers, it provides a summary of the evolution of Jane Fonda from young starlet to left-wing radical. The second part of the book examines the treatment of U.S. prisoners of war (POWs) by the North Vietnamese and Viet Cong and Miss Fonda's actions during her visit to North Vietnam in July 1972. The evidence against her is found in this section.

In the third, and by far the most important, section of *Aid and Comfort*, the Holzers provide a history of the concept of treason and its place in constitutional law. This part is very helpful in thinking about the case of Lindh. Here the Holzers also make a very strong case that Miss Fonda should have been indicted on the charge of treason for her actions in North Vietnam. Indeed, the case against her is actually stronger than the one against Lindh.

As the Holzers point out, the constitutional and legal foundation for the crime of treason was laid in England nearly seven centuries ago during the reign of Edward III. The wording of the Statute of Edward served as the basis for treason legislation passed during the American Revolution and the text of Article III, Section 3 of the Constitution, which defines treason as "levying war" against the United States, "or in adhering to their enemies, giving them aid and comfort."

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*Dwell on the past and you'll lose an eye; forget the past and you'll lose both eyes." Old Russian Proverb*

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Miss Fonda's defenders claim that her propaganda broadcasts on behalf of the North Vietnamese did not constitute treason against the United States because Congress did not declare war in the case of Vietnam. Besides, they claim, she was only exercising her right to free speech. The Holzers make mincemeat of these defenses.

They point out that Aaron Burr was indicted for the "levying war" prong of treason even though the United States was not at war with anyone at the time. This principle was reinforced in *United States vs. Greathouse* (1863). In this case, Justice Stephen Field made the point that "the term 'enemies,' as used in [the treason clause of Art. III, Sec. 3], according to its settled meaning, at the time the constitution was adopted, applies only to the subjects of a foreign power in open hostility with us." As the authors observe, "if... [Justice Field] meant to refer to 'war,' he certainly would have done so. Instead, he chose the word 'hostility,' denoting a very different relationship: one not of war."

The Holzers could also have made the point that the Gulf of Tonkin Resolution constituted a contingent declaration of war. In retrospect, we may say that the resolution was an abdication of congressional responsibility, but it did give the president the authority to use force against a state in open hostility to the United States. According to the principle established by *Greathouse*, the charge of treason was appropriate during the Vietnam War.

No one accuses Miss Fonda of "levying war" against the United States, but they do contend that she adhered to

America's enemies during the Vietnam War and gave them "aid and comfort." Most of the treason cases arising from World War II were of this nature—involving Americans who broadcast propaganda for the enemy—and the courts routinely rejected the "free speech" defense.

These cases were decided in federal Courts of Appeal according to certain principles established by the Supreme Court in *Cramer vs. United States* and *Haupt vs. United States*: a charge of treason requires proof, which can be circumstantial, of treasonable intent and at least one overt act of betrayal; and that the overt act, proved by two witnesses, must provide actual aid and comfort to the enemy.

The Holzers demonstrate beyond the shadow of a doubt that, based on cases that included the *United States vs. "Tokyo Rose"* and "*Axis Sally*," Jane Fonda could have been indicted for treason and that the government might well have won its case. For reasons the Holzers show to be very weak, the government chose not to proceed against her.

The Holzers conclude with the observation that there will never be a legal indictment of Jane Fonda for treason. "But there is another kind of indictment: a moral one. And that one, too, has no statute of limitations. Nor should it."

The Holzers need not worry. For most Americans, the name of Jane Fonda is infamous, conveying the image of a dim bulb, an empty vessel filled with the half-baked ideas of the closest alpha male, who lent her celebrity and wealth to the cause of America's enemies. But her fate may be even worse than infamy—she is an object of ridicule.

—*The Washington Times*, August 11, 2002

## Castro's New Axis of Evil

by Constantine Menges

A new terrorist and nuclear weapons/ballistic missile threat might well come from an axis including Cuba's Fidel Castro, the Chavez regime in Venezuela and a newly elected radical president of Brazil, all with links to Iraq, Iran and China. Visiting Iran last year, Mr. Castro said: "Iran and Cuba can bring America to its knees," while Chavez expressed his admiration for Saddam Hussein during a visit to Iraq.

"The new axis is still preventable, but if the pro-Castro candidate is elected president of Brazil, the results could include a radical regime in Brazil re-establishing its nuclear weapon and ballistic missile programs, developing close links to state sponsors of terrorism such as Cuba, Iraq and Iran, and participating in the destabilization of fragile neighboring

democracies. This could lead to 300 million people in six countries coming under the control of radical anti-U.S. regimes and the possibility that thousands of newly indoctrinated terrorists might try to attack the United States from Latin America. Yet, the administration in Washington seems to be paying little attention.

Brazilians will hold presidential elections in October, and if current polling is any guide the winner could be a pro-Castro radical with extensive ties to international terrorism. His name is Luis Inacio da Silva, the presidential candidate of the Workers Party, who is currently at about 40 percent in the polls. The Communist candidate is second with 25 percent and the pro-democratic contender is at about 14 percent.

Mr. da Silva makes no secret of his sympathies. He has been an ally of Mr. Castro for more than 25 years. With Mr. Castro's support, Mr. da Silva founded the São Paulo Forum in 1990 as an annual meeting of communist and other radical terrorist and political organizations from Latin America, Europe and the Middle East. This has been used to coordinate and plan terrorist and political activities around the world and against the United States. The last meeting was held in Havana, Cuba in December 2001. It involved terrorists from Latin America, Europe and the Middle East, and sharply condemned the Bush administration and its actions against international terrorism.

Like Mr. Castro, Mr. da Silva blames the United States and "neo-liberalism" for all the real social and economic problems still facing Brazil and Latin America. Mr. da Silva has called the Free Trade Area of the Americas a plot by the United States to "annex" Brazil, and he has said that the international lenders who seek repayment of their \$250 billion in loans are "economic terrorists." He has also said that those who are moving their money out of Brazil because they fear his regime are "economic terrorists." This gives a hint about the kind of "war against terrorism" his regime will conduct.

Brazil is a vast, richly endowed country, nearly the size

of the United States with a population of about 180 million and the world's eighth largest economy (with a GDP of more than \$1.1 trillion). It could soon become one of the world's nuclear armed powers as well. Between 1965 and 1994, the military actively worked to develop nuclear weapons, it successfully designed two atomic bombs and was reportedly on the verge of testing one nuclear device when a newly elected democratic government and a Brazilian congressional investigation caused the program to be shut down.

That investigation revealed, however, that the military had sold eight tons of uranium to Iraq in 1981. It is also reported that after Brazil's successful ballistic missile program was ended, the general and 24 of the scientists working on it went to work for Iraq. There are reports that, with financing from Iraq, a nuclear weapons capability has been covertly maintained contrary to directives from the civilian democratic leaders.

Mr. da Silva has said Brazil should have nuclear weapons and move closer to China, which has been actively courting the Brazilian military. China has sold Brazil enriched uranium and has invested in the Brazilian aerospace industry, resulting in a joint imagery/reconnaissance satellite.

Brazil shares common borders with 10 other countries in

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# Mugabe: Communist Icon in Action

by David Coltart

In the last two years, Zimbabwe has been transformed into a state that increasingly resembles Cambodia under Pol Pot. The government seems set on adding famine to the list of oppressions visited on the nation. In May, a law was passed decreeing that any commercial farmer who continued to farm 45 days after being given notice to stop would face imprisonment.

On Friday, that law will be used to evict thousands of commercial farmers and their workers. Fear and desperation pervade the country. All the signs are that President Robert Mugabe is determined to hold on to power at any cost, including the destruction of the nation and the deaths of hundreds of thousands of Zimbabweans.

It has been clear for some years that the Mugabe regime is determined to shrink the democratic space to an absolute minimum. The judiciary has been all but destroyed. Independent journalists have been arrested, their presses bombed. In January the regime rammed through Parliament legislation subverting the electoral process, revoking civil liberties and restricting the press. In the same month, the military suggested that only Mr. Mugabe would be acceptable as leader.

The political campaign that followed was marked by violence. The presidential election in March was a farce. Mr. Mugabe was proclaimed winner in an election that was widely condemned internationally. The overwhelming majority of Zimbabweans, who were hoping for a peaceful transition to democracy in March, have had their hopes dashed.

For its part, the Mugabe regime, while increasingly irrational and paranoid, knows it must convince the world it is legitimate if it is to survive. For this reason, the regime cloaks its suppression of democracy in what would otherwise be legitimate concerns, primarily the need to redress legacies of colonial injustice. The unresolved land-ownership issue has been exploited very effectively to cover up corruption, poor administration and human-rights abuses.

The catastrophic human-rights situation is now complicated by a famine that is, in the case of Zimbabwe, mainly the result of the Mugabe regime's ruinous policies. While a drought did occur at a critical period during the summer, it only affected the dry-land corn crop. The rainy season was just below average and nearly all the irrigation reservoirs are almost full. Had experienced farmers been allowed to plant their crops, Zimbabwe would not have had to import any food at all.

As it is, Zimbabwe is now facing a shortage of some 1.2 million tons of corn. The situation is compounded by the fact that only a small proportion of the winter wheat crop has been planted because of threats directed against wheat farmers. If the Mugabe regime goes ahead this weekend with its plans to evict thousands of farmers and their employees, many of their crops will not be properly harvested.

The World Food Program recently predicted that as many as 6 million Zimbabweans will soon face starvation. At least 25 percent of Zimbabweans are H.I.V. positive. Experts are agreed that some 20 percent of AIDS sufferers are extremely vulnerable to drops in nutritional levels. Conservatively, one might calculate that 300,000 Zimbabweans could die within the next few months as a result of this combination of famine and AIDS.

The Mugabe regime might be counting on catastrophe for its own salvation. It has already sought to hide behind drought. The Mugabe regime hopes that the "CNN factor" (images of starving children) will soon dominate policy decisions in the West and that a flood of aid will pour in.

That Zimbabwe and other countries in the region need vast amounts of food and medical aid is beyond doubt. But if the symptom of famine is addressed but not its cause, the international community will only have succeeded in perpetuating the problem. Ongoing food shortages will occur unless a massive irrigated corn crop is planted this November. It can still be planted if the rule of law is re-established — which will only occur with help from Zimbabwe's neighbors and through holding a fresh election that complies with accepted standards.

Sadly, there are very few levers left that can be used by the West to restore sanity to Zimbabwe. The new relationship between Africa and the wealthy industrialized countries — as expressed in the recent meetings between representatives of the Group of 8 and the New Economic Partnership for Africa's Development — is one such lever. While Zimbabwe should not be allowed to hold hostage democratic African states that desperately need the new partnership to work, the reality is that, like it or not, Zimbabwe is the partnership's first test. Famine in Zimbabwe is primarily caused by bad governance, which in this specific case is tolerated by many African states and supported by some. The consequences of this man-made famine will become clear in the next few months. Investors the world over will be watching closely to see whether Afri-

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# Angola: Communist Atrocities 2002

Warrenton, VA/Windhoek, Namibia August 21, 2002— Eyewitnesses, including human rights monitors, international relief workers, refugees and military sources report that soldiers of the Angolan Armed Force (FAA) and the Namibian Defense Force (NDF) assigned to the Cuando Cubango Province in Angola have committed gross human rights abuses and violations of international law since the April 4, 2002 Angolan Cease-fire Agreement.

An August 9, 2002 report by the Namibian Society for Human Rights alleges that the combined forces of the Angolan Armed Forces (FAA) and the Namibian Defense Force (NDF) have systematically targeted civilians from at least 23 villages in the Cuando Cubango Province.

Sources inside Angola and Namibia have confirmed that joint NDA and FAA troops in Cuando Cubango, Angola “depleted villages of entire populations, raped female captives and executed husbands and brothers who dared to protest against such acts.” In addition, villagers who protested the plundering of their livestock and agricultural crops were mercilessly killed.

According to Phil Ya Na Ngoloh of the Namibian Society for Human Rights (NSHR), entire families and villages have been decimated by FAA and NDF troops since the signing of the April 4 Cease Fire.

Among the victims in the village of Ukanga some 150 km northeast of Rundu, Angolan Chief Kalambo (81), his wife Laurinda Helo, and 12 sons were killed after they resisted the plunder of their cattle. Velho Kalopa (58) was also murdered after he attempted to stop his wife from being “publicly raped.”

In the village of Laku some 35 km west of Rivungo, 45 homes were “closed” after their occupants were executed.

Joint FAA and NDF forces reportedly massacred “muito populacao” (many people) at the villages of Kapalaka and Cuando River Island including men, women, children, and the elderly and infirm. Joao da Costa Pelembi (28), a school teacher, Bernarda Chilombo (27), a nurse, Chief Kambimbi (68) a traditional leader, and Adelaide Mbimbi (21) were iden-

tified among more than 100 dead victims in Kapalaka.

In the village of Muangai, Jorge Tulissanga (56), a teacher was executed for “reacting” at the rape of his daughters who were “being raped in front of him” by Angolan Armed Forces troops and Namibian Defense Force troops. At a location in the area of Mavinga, Angola, Namibian security forces grabbed a three month old baby and threw it onto the roof of a house to die after they had reportedly gouged out its eyes. The parents of this baby whose identities were confirmed by NSHR human rights monitors are presently housed in the Kapembe quartering area near Mavinga together with more than 35,000 UNITA soldiers and their families.

Other atrocities were reportedly committed by Angola and Namibian government forces as they carried out the “extension of central administration” in the villages of Baixo Longo, Chissombo, Kafuma, Kakene, Kandombe, Kangonga, Kapalaka, Kapembe, Kavindele, Laku, Luangundo, Mawe, Mavengue, Mukundi, Mulemba, Mupa, Ndindi, Topa, Rito, Ukanga, Wakova, Wandumbu and Waseke.

“Sadly, these outrages in Angola have gone unreported until now and represent a small fraction of the actual human rights abuses perpetuated by the brutal regime of Jose Eduardo Dos Santos against the indigenous Angolans living in former UNITA areas,” says Brad Phillips, president of Persecution Project Foundation. Phillips adds, “we should expect these atrocities and gross human rights abuses in Angola will continue to occur until the present regime in Luanda, Angola is held accountable for its genocidal behavior and prosecuted for war crimes equivalent to the events of Hitler’s Germany.”

More than 4.5 million Angolans have been displaced, and more than 1.5 million Angolans have been killed in the Angolan war.

Persecution Project Foundation is a non-profit Christian ministry dedicated to assisting the victims of genocide and persecution in Africa. For more information or to arrange an interview, please contact Brad Phillips at 540-341-5878 or by email at [info@persecutionproject.org](mailto:info@persecutionproject.org). Visit their website at [www.persecutionproject.org](http://www.persecutionproject.org).

Founded in 1953, the Christian Anti-Communism Crusade, under the leadership of Dr. Fred C. Schwarz, has been publishing a monthly newsletter since 1960. *The Schwarz Report* is edited by Dr. David A. Noebel and Dr. Michael Bauman with the assistance of Dr. Ronald H. Nash. The Crusade’s address is PO Box 129, Manitou Springs, CO 80829. Our telephone number is (719) 685-9043. All correspondence and tax-deductible gifts (the Crusade is a 501(c)3 tax-exempt organization) may be sent to this address. Permission to reproduce materials from this *Report* is granted provided our name and address are given. **Check out our updated website at [www.schwarzreport.org](http://www.schwarzreport.org).**

# Canadian Fifth Column

by Stephen Brown

They're at it again.

The anti-American left in Canada was up in arms recently, exercising its perpetual self-righteous indignation against the United States.

The issue that prompted this latest despise-America outburst concerns Mohammed Mansour Jabarah, an Al Qaeda terrorist now in American custody.

Canadian civil liberty groups and the leftist *Toronto Star*, Canada's largest daily, are very agitated that the potential murderer's "rights" might have been violated when he voluntarily delivered himself into American hands from Canadian soil. As a result, they are demanding his release and return to Canada.

Jabarah is a 20-year-old Kuwaiti-born Canadian citizen from St. Catherines, Ontario, who was implicated in an Al Qaeda terrorist plot to blow up Western embassies in Singapore. Known by the code name "Sammy", the Arab-Canadian was sent by Khalid Sheikh Mohammed, one of the suspected planners of the 9/11 tragedy, to Southeast Asia to scout out targets for the terrorist organization in Malaysia, Singapore and the Philippines.

The young Muslim, who attended a Catholic high school in St. Catherines, became involved with Al Qaeda after going to Pakistan three years ago to pursue Islamic studies. Traveling on a Canadian passport, Jabarah arrived in Southeast Asia last September. After his scouting mission, during which he ruled out an attack on the U.S. Embassy in Manila, he became the ringleader of a plot to blow up the American, Israeli, British and Australian embassies in Singapore — according to Heng-Chen Lee, Singapore's ambassador to the United States.

The capture of notes and a tape in an Al Qaeda leader's house in Afghanistan alerted western authorities to the plot, described as the terrorist organization's most significant operation since 9/11. But before Al Qaeda could blow up its targets with the loss of hundreds of innocent lives, about a dozen of the plotters were arrested in Singapore, preventing the coming evil.

Jabarah, however, managed to escape the dragnet and made his way to the Gulf state of Oman where authorities apprehended him. The Canadian citizen then returned voluntarily to Canada where the Canadian Security Intelligence Services (CSIS - Canada's CIA) took charge of him. When in CSIS's hands, Jabarah agreed last May, again voluntarily, to cross the border at Niagara Falls into the United States after signing a form waiving his legal rights.

CSIS is also now looking for Jabarah's brother.

Held incommunicado in a Brooklyn military facility, Jabarah has been co-operating with American authorities concerning Al Qaeda operations and has access to a lawyer, his family and Canadian consular officials.

Now, you may ask, what is there to get worked up about? After all, a terrorist plot was foiled, hundreds of innocent lives were saved and the perpetrators are behind bars. Future massacres are, at this very moment, being prevented. So what's the problem?

The problem, the Canadian anti-American crowd is shouting, is that no legal counsel was present when Jabarah signed his waiver form. That, the Canadian leftists argue, constitutes a violation of Jabarah's "rights" and makes his detention illegal. And the fact the Al Qaeda operative has yet to be charged adds to the Canadian left's demand that he be released.

In truth, the Canadian left couldn't care less about Jabarah's legal situation. It's not the violation of this terrorist's rights that angers these professional America-bashers, but rather his presence in the hands of their enemy: the United States. They hate America — always have — and are willing to do anything to undermine her. Moreover, they can't bear seeing America score any victories.

As a result, Canadian leftists are hypocritically using the Jabarah case as a weapon to attack their neighbor, portraying the terrorist as a Canadian citizen unjustly held by a cruel foreign power, rather than as the murderous slime that he is.

This is nothing new, of course. It is simply the continuation of the left's most effective anti-American tactic since the Vietnam War: feigning concern for certain people for the sake of waging hysterical war on America. This malicious strata-gem of cloaking hatred with humanitarianism resulted in the liquidation of millions of lives in Indochina after the communist takeovers there in 1975 — when the real killing started.

Tragically, Canadian leftists are repeating history in the Jabarah case. Like in the Vietnam era, they are using the same phony compassion tactic to score anti-American points, not caring whether America's detaining an Islamic extremist with valuable information on Al Qaeda operations can save lives.

In the barbaric worldview of the left, hating and attacking America always takes precedence over human life. And because of this reality, America must detain its Canadian terrorist for as long as it deems necessary.

—*Frontpage Magazine*, August 20, 2002

*continued from page 3—Castro*

South America. This would help da Silva to emulate—as he has said he would—the foreign policy of the pro-Castro and pro-Iraq Chavez regime in Venezuela, which has provided support to the communist narco-terrorist FARC in Colombia as well as other anti-democratic groups in other South American countries. Hugo Chavez worked with Mr. Castro to temporarily destabilized the fragile democracy in Ecuador two years ago. Now both support the radical socialist leader of the cocaine growers, Evo Morales, who hopes to become president of Bolivia this August.

Along with helping the communist guerillas take power in the embattled democracy in Columbia, a da Silva regime in Brazil would be well situated to aide communists, narco-terrorists and other anti-democratic groups in destabilizing the fragile democracies of Bolivia, Ecuador and Peru, as well as to exploit the deep economic crisis in Argentina and Paraguay.

Further, a da Silva regime is likely to default on its debt, causing a sharp economic downturn in all of Latin America, thereby increasing the vulnerability of its democracies. This could also trigger a second phase of economic downturn in the United States as export markets contract.

A Castro-Chavez-da Silva axis would mean linking 43 years of Fidel Castro's political warfare against the United States with the oil wealth of Venezuela and the nuclear weapons/ballistic missile and economic potential of Brazil.

Come our own elections in November 2004, Americans may ask: Who lost South America? The United States was politically passive during the Clinton administration, when it ignored the pleas of Venezuela's democratic leaders for help in opposing the anti-constitutional and illegal actions of Mr. Chavez and also ignored his public alliances with state sponsors of terrorism. Why can't the Bush administration act before 20 years of democratic gains in Latin America are allowed to be reversed? Why can't anything be done before a vast new southern flank is opened up in the terrorist threat and our nation menaced by one more radical anti-American regime intent on acquiring nuclear weapons and ballistic missiles?

This disaster for U.S. national security and for the people of Latin America must and can be averted if our policy makers act quickly and decisively, but they must do so now. Timely political attention and actions by the United States and other democracies should include encouragement for the pro-democratic parties in Brazil to unify behind an honest, capable political leader who can represent the hopes of the majority of Brazilians for genuine democracy and who has the resources to mount an effective national campaign.

—*The Washington Times*, August 7, 2002, p. A 15

*continued from page 4—Mugabe*

can rulers deal with the cause of this particular famine, not merely its symptoms. If African leaders do not act in these circumstances, what investment in Africa will ever be safe in the future?

Yet there has been very little to indicate that African states have the political will to deal with the crisis in Zimbabwe. Zimbabwe is becoming a police state without so much as a whimper coming from the same African states who heralded a new beginning for Africa at the Group of 8 meeting and the inauguration of the African Union.

If leaders in the industrialized democracies are interested in preventing what was once the jewel of Africa from becoming another Somalia — and in preventing future famines in southern Africa — then they must persuade their African colleagues to deal with the real cause of the catastrophe unfolding in Zimbabwe.

—*The New York Times*, August 7, 2002

□ “Joe McCarthy may have been a drunk and everything else. He used a shotgun rather than a rifle. But what's been coming out of the Soviet Union since the fall of the Iron Curtain supports much of what he claimed back in the 1950s about communist activity in the United States.”

—George Putnam, *Insight Magazine*, September 23, 2002

□ “Chinese drug cartels are setting up trade organizations and dummy companies to smuggle narcotics, says American Foreign Policy Council's *China Reform Monitor*, quoting Berlin's *Die Welt*.

“Hundred of Chinese ‘triads,’ each with up to 40,000 members, operate in China and Taiwan, according to the Federal German Intelligence Service.

“‘At Frankfurt airport, 452 kilograms of chemicals from China, which had been falsely declared, were recently confiscated. Instead of acetone for a Hamburg company, the eight drums contained piperonyl methylketone [PMK], a substance that is needed to produce synthetic drugs. The company is now under suspicion of having smuggled a total of 2.3 tons of the potential raw material for ecstasy—which can produce 30 million ecstasy tablets with a street value of about 300 million euros,” says *China Reform Monitor*.

“European police say hundreds of tons of drug chemicals are smuggled in every year from China.”

—*NewsMax.com*, September 2002

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