

U.S. Termed Lax For Inaction on Mercenary Role

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House investigators yesterday expressed frustration with the Ford administration's failure to prosecute any American for recruiting mercenaries to fight in Angola or Rhodesia.

No one at a House Subcommittee hearing accepted any blame.

The State Department has met its obligations, testified William E. Schaufele Jr., assistant secretary of state for African affairs. "We have referred to the Department of Justice 25 or 30 allegations of recruitment of mercenaries for Rhodesia," and earlier charges of mercenaries bound for Angola, he said.

"We have ordered the FBI to investigate every such allegation," testified Robert L. Keuch, deputy assistant attorney general in charge of the Justice Department's Criminal Division.

But after a year's investigation, complained Chairman Lee H. Hamilton (D-Ind.) of the House International Relations Subcommittee on Investigations, no one has been indicted or prosecuted, and widespread advertising for mercenaries continues.

"We're disappointed, to be very frank, about the lack of progress on these investigations," Hamilton said.

Keuch said the Justice Department has done everything possible, but he could not discuss individual cases. He repeated to the subcommittee, "I can assure you that in those instances where the investigation indicates a possible violation of federal law, we will take appropriate prosecutive action."

Rep. Don Bonker (D-Wash.), who called for yesterday's hearing, told the State and Justice Department witnesses, "You are almost helpless in trying to confront this issue." Rep. Larry Winn Jr. (R-Kan.) said, "I think the American people want some action."

Nongovernmental critics have charged that the core of the issue is whether U.S. funds dispensed covertly through the Central Intelligence Agency to aid Western-backed factions in Angola were used to pay mercenaries. The two Western-supported forces, the National Front for the Liberation of Angola and the National Union for the Total Independence of Angola, were defeated in February by Soviet-supported and Cuban-reinforced troops of the Popular Movement for the Liberation of Angola.

No witnesses from the CIA appeared yesterday. Schaufele said the American funds expended in Angola amounted to about \$27 million. But he said that the two U.S.-backed factions also received funds from other sources, implying that even if American money was paid to mercenaries, that is not evidence that it came from the CIA.

Daniel Gearhart of Kensington, Md., recently was executed, and two other American imprisoned after an Angolan court convicted them as mercenaries. David Bufkin of Fresno, Calif., has acknowledged that he arranged for these men and others to become mercenaries. Bufkin said the money and weap-

ons were channeled by the CIA through President Mobutu Sese Seko of Zaire.

Schaufele testified yesterday:

"The United States government and the CIA were often mentioned but I wish to emphasize that no evidence of any sort, apart from undocumented and vague charges, was ever presented; that is, unless you consider that the claim that the mercenaries were paid in 'crisp \$100 bills' — a charge apparently made much of — constitutes proof of involvement by the United States government."

Schaufele again denied that any Americans "were recruited directly or indirectly by the U.S. government to fight in Angola," and he reiterated that "we attempted to discourage Americans from going to Angola as mercenaries."

Asked if any U.S. funds were used to pay mercenaries, Schaufele said, "Not to my personal knowledge." He said, "Those questions would be best directed to another agency." Chairman Hamilton said he noted that Schaufele's response "is not an outright negative."

Keuch said that the specific crime under U.S. law is "recruitment" of mercenaries, or "a commitment (to recruit) in this country." He emphasized that "it is not unlawful for a citizen or other person in the United States to leave the country with the intent to enlist abroad in a foreign military service."

Also, Keuch said, "despite assertions to the contrary, service as a mercenary does not cause the loss of U.S. citizenship," because there must be "a declaration of intent clearer than mere enlistment in a foreign army . . . for an effective denunciation of citizenship."

Bonker said the magazine *Soldier of Fortune* and other publications have ads soliciting mercenaries. Keuch said that in general such advertising is not a violation of law as long as it only supplies information.

Schaufele said he believes "there are some" Americans currently serving as mercenaries in Rhodesia, but he said, "I'm not convinced that it is terribly significant" in terms of "the numbers of Americans involved."