

UNITED STATES OF AMERICA V. JANE FONDA

Whoever, owing allegiance to the United States ... adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States (Title 18, United States Code, Section 2381)

Jane Fonda will never be prosecuted for her broadcasts and other conduct in Hanoi, North Vietnam, in July 1972. If she had been, this is what the indictment might have looked like.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK¹

UNITED STATES OF AMERICA,)	
)	CRIMINAL NO. 72 -
)	Constitution—Article III,
)	Section 3, and
)	18 United States Code,
vs.)	Section 2381 (Treason).
)	
)	
)	
JANE FONDA,)	
)	
Defendant.)	

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

1. Jane Fonda, also known as Jane Plemiannikov (hereafter "Fonda"), was born in the City of New York, State of New York, United States of America.
2. At birth, Fonda was a citizen of the United States of America.
3. Fonda has never repudiated or relinquished her American citizenship.
4. At all times hereafter mentioned, Fonda was a citizen of the United States.
5. At all times hereafter mentioned, Fonda owed allegiance to the United States.
6. At the end of World War II, Japanese occupation forces were expelled from Vietnam.
7. In an effort to regain its former colony, France went to war with indigenous Communist forces in Vietnam.
8. From the beginning of those hostilities, the Communists used propaganda as a major weapon in their warfare.
9. Following the 1954 French defeat, in July of that year an agreement in Geneva partitioned Vietnam along a north-south axis with the Communists holding power in the north and anti-Communists controlling the south.
10. The next year, nearly one million North Vietnamese refugees fled the Communist regime in the north, where pro-Communist, anti-South Vietnamese propaganda was pervasive and dissidents were fanatically "reeducated."
11. By 1960, with the United States having been training the South Vietnamese army by then for five years, there were hundreds of American advisors in South Vietnam.
12. As soon as he took office in 1961, President Kennedy expanded the role of the United States military in South Vietnam, in an effort to combat North Vietnam's orchestration of the Viet Cong's guerrilla war in the south. North Vietnam continued to utilize propaganda as a weapon of control against its own people in the north, and as an adjunct to its surrogate's war in the south.
13. In 1963, President Johnson declared that the United States would not allow South Vietnam to fall to the Communists.
14. In August 1964, Congress passed the Gulf of Tonkin Resolution, authorizing President Johnson to use American forces to defeat the North Vietnamese.
15. Thereafter, President Johnson committed American forces to the Vietnam conflict until, by 1968, approximately a half million troops were engaged there.
16. During the entire time American forces were fighting in Vietnam, the

North Vietnamese government (Democratic Republic of Vietnam) orchestrated an international pro-Communist, anti-American propaganda campaign aimed, *inter alia*, at legitimizing North Vietnam's attempt to subjugate South Vietnam, and at countering the United States' effort to militarily defend South Vietnam.

17. The aforesaid propaganda campaign was directed at American citizens in the United States, at soldiers, airmen, sailors and marines in the field and in captivity in South and North Vietnam, and at other persons throughout the world.

18. The aforesaid propaganda was detrimental to the entire United States military effort, both in the United States and in Vietnam.

19. The aforesaid propaganda was beneficial to the North Vietnamese themselves, and to their Viet Cong surrogates in the South.

20. In the year 1972, the United States—through air, ground and naval forces—was engaged in hostile military action against the government of North Vietnam (Democratic Republic of Vietnam) in both North and South Vietnam, and against the National Liberation Front (Viet Cong) in South Vietnam.

21. On or about July 8, 1972, the exact date being unknown to the grand jurors, Fonda arrived in Hanoi, the capital of North Vietnam.

22. Fonda remained in North Vietnam for approximately three weeks, departing on or about July 22, 1972, the exact date being unknown to the grand jurors.

OVERT ACTS

23. While in North Vietnam, Fonda, in violation of her duty of allegiance to the United States, intentionally adhered to the enemies of the United States, to wit, to the government of North Vietnam and the National Liberation Front, their agents, instrumentalities, representatives and subjects, with whom the United States was engaged in hostile military action, and gave to said enemies aid and comfort in the following manner:

- A. On or about July 9–11, the exact dates being unknown to the grand jurors, in Hanoi, Fonda, in the company of North Vietnamese Communist civilian and military officials and members of the international press, toured a so-called "War Crimes" museum and there made pro-Communist and anti-American propaganda statements.
- B. On or about July 9–11, the exact dates being unknown to the grand jurors, in Hanoi, Fonda, in the company of North Vietnamese Communist civilian and military officials and members of the international press, toured a North Vietnamese hospital and there made pro-Communist and anti-American propaganda statements.
- C. On or about July 12, the exact date being unknown to the grand jurors,

IV. Closure

outside of Hanoi, Fonda, in the company of North Vietnamese Communist civilian and military officials and members of the international press, toured dikes and populated areas and there made pro-Communist and anti-American propaganda statements.

- D. On or about July 13-16, the exact dates being unknown to the grand jurors, outside of Hanoi, Fonda, in the company of North Vietnamese Communist civilian and military officials and members of the international press, toured the countryside and there made pro-Communist and anti-American propaganda statements.
- E. On or about July 14, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda made a live broadcast, through the radio facilities of the North Vietnamese government, containing pro-Communist, anti-American propaganda, which broadcast was taped for later replay.
- F. On or about July 17-18, the exact date being unknown to the grand jurors, in Hanoi, Fonda, in the company of North Vietnamese Communist civilian and military officials and members of the international press, toured a textile center and there made pro-Communist and anti-American propaganda statements.
- G. On or about July 17, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda made a live broadcast, through the radio facilities of the North Vietnamese government, containing pro-Communist, anti-American propaganda, which broadcast was taped for later replay.
- H. On or about July 18, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda met with seven captured American airmen, one of whom was visibly injured, and harangued them with pro-Communist, anti-American propaganda.
- I. On or about July 19, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda was interviewed by a French journalist and continued making her pro-Communist, anti-American propaganda statements.
- J. On or about July 19, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda made a live broadcast, through the radio facilities of the North Vietnamese government, containing pro-Communist, anti-American propaganda, which broadcast was taped for later replay.
- K. On or about July 20, 1972, in Hanoi, Fonda held a press conference, described her activities since arriving in North Vietnam, and continued making her pro-Communist, anti-American propaganda statements.
- L. On or about July 20, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda made a live broadcast, through the radio facilities of the North Vietnamese government, containing pro-Communist, anti-American propaganda, which broadcast was taped for later replay.

- M. On or about July 21, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda made two live broadcasts, through the radio facilities of the North Vietnamese government, containing pro-Communist, anti-American propaganda, which broadcasts were taped for later replay.
- N. On or about July 21, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda met with North Vietnamese Vice Premier Nguyen Duy Trinh and continued making her pro-Communist, anti-American propaganda statements.
- O. Between July 8 and July 22, 1972, the exact date being unknown to the grand jurors, in Hanoi, Fonda, in the company of Communist civilian and military officials and members of the international press, posed in the control seat of a North Vietnamese anti-aircraft gun, feigned sighting on an imaginary American aircraft, and by her conduct and words continued making her pro-Communist, anti-American propaganda statements.

In violation of Article III, Section 3,
Constitution of the United States of America
and 18 United States Code, Section 2381.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY²

United States Attorney³
July 8, 1973⁴

1. Fonda would have been indictable in the first federal district into which she came upon her return from North Vietnam. She landed at Kennedy Airport in Long Island, which is located in the federal Eastern District of New York.

2. It is here, above the title, that the grand jury foreperson would sign the indictment.

3. It is here, above the title, that the United

States Attorney for the Eastern District of New York would sign the indictment.

4. We chose this date for the indictment because it is the one-year anniversary of Fonda's arrival in Hanoi, and would have been long enough after the POWs' repatriation to have allowed for the readjustment of those who would have been witnesses against her.