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**HOWARD UNIVERSITY**

**A Case Study of the Role of the African Affairs  
Sub-Committee of the House Foreign Affairs Committee  
in Shaping United States Foreign Policy towards South Africa, 1981-1992**

A Dissertation  
Submitted to the Faculty of the  
Graduate School

of

**HOWARD UNIVERSITY**

in partial fulfillment of  
the requirements for the  
degree of

**DOCTOR OF PHILOSOPHY**

Department of Political Science

by

**Robert Ansah-Birikorang**

Washington, D.C  
August 2002

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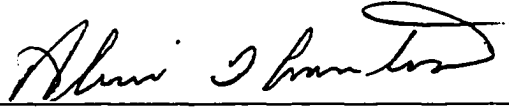
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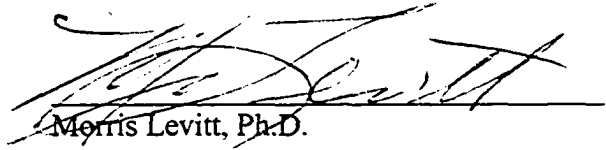
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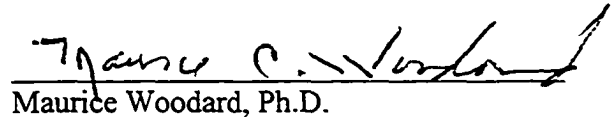
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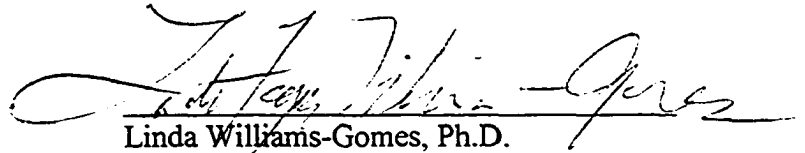
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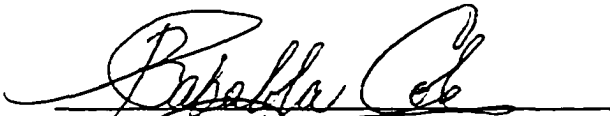
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## ABSTRACT

Employing a “systems” analysis approach, this dissertation seeks to fill a critical gap in the study of congressional committees in the United States: The lack of a comprehensive examination of the role of the African Affairs Subcommittee of the House Foreign Affairs Committee in shaping United States foreign policy towards South Africa:

While a plethora of studies exists on congressional committees in general, a lot still needs to be done on Subcommittee in particular. The major research questions of the study from the “systems” perspective are:

1. In what types of political, economic, social, and cultural environments did the debate on United States foreign policy towards South Africa emerge between 1981 and 1982?
2. What were the positions of the competing factions that lobbied the Subcommittee on the South African issues, and how can they be characterized?
3. What shaped the roles played by the Subcommittee in transforming inputs into the outputs?
4. What were the outputs of the transformational processes, and how can they be characterized?

The research methodology employed for this research is a Case Study approach. In a case study, the researcher examines one or a few cases of phenomenon in considerable detail, typically using a number of data collection methods, such as personal interviews, document analysis, and observation.

The theoretical framework used and tested in the present study is David Easton’s “framework for political analysis”. Here, Easton purports a systems analysis framework, which allows the researcher to conceive public policy as a response of a political system to forces brought to bear upon it from the environment. Two types of



data were collected for this study: primary and secondary data. Face-to-face interviews were conducted in order to solicit various perspectives on the African Affairs Subcommittee of the House Foreign Affairs Committee. In addition to these interviews, the relevant Congressional Records on proceedings of the African Affairs Subcommittee of the House Foreign Affairs Committee were also used as primary data sources. Furthermore, secondary data collected from books, journal, newspaper and magazine articles that have dealt with congressional committees' work from 1981-1992, were consulted. By conducting a diligent, protracted and in-depth investigation of the systems environment, it became obvious that the mood of the nation in the 1980s and early 1990s played a major role in the passage of the Comprehensive Anti-Apartheid Act of 1986. The study revealed that the African Affairs Subcommittee of the House Foreign Affairs Committee became the focal point for the debate on United States Foreign policy towards South Africa.

The reforms that took place in South Africa under Frederick W. de Klerk's administration – the freeing of Nelson Mandela and other ANC leaders, the repeal of the 1986 state of emergency regulation, the unbanning of political parties in South Africa following de Klerk's speech to parliament on February 2, 1990, the repeal of the Population Registration Act and Group Areas Act in June 1990, and the negotiations that took place between the former South African government and black South African leaders were positive steps toward the achievement of a race-neutral, democratic South Africa. These were the direct result of the work of the Subcommittee on African Affairs in helping to get Congress to pass the Comprehensive Anti-Apartheid Act of 1986, as

they were part of the conditions that the South African government had to meet to warrant the lifting of sanctions placed on it by Section 311 of the legislation.

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## CHAPTER ONE

### INTRODUCTION

Employing a "systems" analysis approach, this dissertation seeks to fill a critical gap in the study of congressional committees in the United States: the lack of examination of the role of the African Affairs Subcommittee of the House Foreign Affairs Committee in shaping United States foreign policy towards South Africa. This subcommittee emerged as one of the major battlegrounds, where United States foreign policy towards South Africa was shaped during the Reagan-Bush era, 1981-1992 (the time-frame examined). Presidents Ronald Reagan and George Bush were more oriented toward strategic calculations in their formulation of United States foreign policy towards the African continent.

This era, 1981-1992, also saw the African Affairs Subcommittee of the House Foreign Affairs Committee being chaired by Howard Wolpe (Democrat-Michigan). A graduate of Reed College, Howard Wolpe came to Congress with a Ph.D. degree in Political Science from the Massachusetts Institute of Technology. His books included Urban Politics in Nigeria: A Study of Port Harcourt and Nigeria: Modernization and the Politics of Communalism. Before his election to the Michigan House of Representatives in 1972, he taught Political Science at Western Michigan University in Kalamazoo.

In 1981, Wolpe was chosen Chair of the African Affairs Subcommittee of the House Foreign Affairs Committee. He proceeded to gather a knowledgeable, committed and dedicated staff. Aply assisted by those he had hired, he made the subcommittee a model of professionalism and a rigorous critic of American foreign policy in Africa. The congressman emerged as a voice for peace by playing a role in reducing military aid to dictatorial regimes within Africa and opposing policies that he believed perpetuated conflict and destroyed life

within the continent. Furthermore, he helped his congressional colleagues and the American public comprehend the non-aligned position of African states and the aspirations of African people. He was a consistent critic of the Reagan-Bush "constructive engagement" policy towards the then racist regime in South Africa, a major architect of the Comprehensive Anti-Apartheid Act of 1986 and a crucial backer of the negotiations that led to Namibian independence in 1990. Apart from this, Wolpe supported African human rights activists while he, at the same time, put pressure on those within Africa who denied such rights.

### **1.1 Statement of the Problem**

House rules require every standing committee with 20 or more members, except Budget (the Budget Committee has task forces as functional equivalents of subcommittees), to have at least four subcommittees. This rule, adopted in 1975, was an attempt to weaken committees' chairmen's monopoly over power in Congress. It was instituted to avoid the kind of personal dominance exemplified by Ways and Means Chairman Wilbur D. Mills (Democrat-Arkansas), who had abolished subcommittees altogether.<sup>1</sup> In order to effectively limit the number of subcommittees to the number of majority party members on a committee, the Senate prohibits a senator from chairing more than one subcommittee on any standing committee.

Like standing committees, subcommittees vary widely in rules and procedures, staff arrangements, modes of operation, and relationships with other subcommittees and the full committee. Subcommittees sometimes even spawn offspring ("sub-subcommittees").

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<sup>1</sup>John F. Manley, The Politics of Finance: The House Committee on Ways and Means (Boston: Little, Brown & Company, 1970), p.39.



Performing most of the day-to-day lawmaking and oversight work of Congress, subcommittees have grown tremendously. Their growth, as Roger Davidson and Walter Oleszek observe, is the result of several factors, namely:<sup>2</sup>

- (a) the complexities of problems that require policy specialization;
- (b) the demands of interest groups calling for subcommittees handling their subject area;
- (c) the desire of members to chair subcommittees in order to initiate lawmaking and oversight, augment personal prestige and influence, gain staff and office space, and gain a national platform; and
- (d) the desire of a majority of Democrats in the early 1970s to circumscribe the power of committee chairmen.

Subcommittees are also created to enhance the reelection prospects of members. By serving as a chairman of a subcommittee, constituents would think that the individual senator or congressperson is doing a good job in Washington.

Subcommittees offer workshops, where members of Congress can get things done. An individual who feels frustrated in the spacious House or Senate floor may very well work more effectively in the smaller committee room. Subcommittee workshops make it possible for Congress to deal coherently with a mass of complex issues. Without such a system, a legislature comprising 100 senators and 440 representatives could in no way handle about 20,000 pieces of legislation biennially, a trillion-dollar national budget, and an endless array of controversial issues. While final legislative products are refined by floor actions, subcommittees are the means by which Congress sifts through the multitude of bills, proposals, and issues.

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<sup>2</sup>Roger W. Davidson and Walter J. Oleszek, Congress and its Members (Washington, DC: Congressional Quarterly Press, 1981), pp.208-209.

## **1.2 Significance of the Study**

As the following literature review reveals, while a plethora of studies exists on congressional committees in general, investigation on subcommittees, in particular, has been sparse. Thus, the significance of this study (which seeks to conduct a thorough investigation of the African Affairs Subcommittee of the House Foreign Affairs Committee) hinges on the fact that comprehensive examinations of subcommittees are urgently needed, because Congress's reliance on these institutions is very striking. Whether bills originate in the White House, bureaucracy, or lobby groups, they invariably are subject to subcommittee review, before being considered by the standing committees in the House or the Senate. Thus, in light of Davidson and Oleszek's observations and the major objectives of the present study, the following major questions will be examined.

## **1.3 Major Questions of the Study**

The major questions of this study, in terms of a "systems" perspective, are:

1. In what types of political, economic, social and cultural environments did the debate on United States foreign policy towards South Africa emerge between 1981 and 1992?
2. What were the positions of the competing factions that lobbied the Subcommittee on the South African issue, and how can they be characterized?
3. What shaped the roles played by the Subcommittee in transforming inputs into outputs?
4. What were the outputs of the transformational processes, and how can they be characterized?

While contemplating these questions, it is useful at this point to review the relevant works that have dealt with some aspects of congressional committees to delineate available suggestions.

## **1.4 LITERATURE REVIEW**

As stated earlier, although a large number of studies exist on congressional committees in the United States in general, not much empirical investigation has been done on any subcommittee. The available literature on congressional committees in general can be placed into six categories based on the authors' foci and interests: (1) evolution of the committee system, (2) types of committees, (3) the assignment process in committees, (4) committee leadership, (5) policymaking in committees, and (6) committees in change. A discussion of each of these categories follows.

### **1.4.1 Evolution of the Committee System**

The major focus of the scholars writing about the evolution of the committee system is on how committees have tended to dominate legislative decision-making and routine from the very first Congress. They point out that early lawmakers had served in state assemblies or other forms (such as the Constitutional Convention) that functioned with and through committees. They also point to changes in the duration of congressional committees from temporary panels in the early Congresses to permanent bodies in later Congresses. The time frame covered by these scholars' ranges from 1787 to the late 1970s. The general view of these writers is that during this time frame, there was a shift from committee government to subcommittee government in Congress.

Roy Swanstrom's work is a dissertation on the first fourteen years (1787-1801) of the upper legislative body (US Senate) prepared for the degree of doctor of philosophy in history, in the graduate division of the University of California. The study begins with the State House at Philadelphia, where the delegates to the Constitution Convention debated and framed the new structure of government for the US, including the form and powers of the

Senate. It discusses the meeting of the first Senators in New York City and follows them and their successors as they struggled with problems of their day at that city, at the second temporary capital in Philadelphia, and finally at the new capital in Washington, D.C. Swanstrom's data sources included the following: congressional records; Arthur Taylor Prescott's Drafting of the Federal Constitution is used for the Convention debate; personal correspondence and other papers of principal senators; congressional biographical directories; national and other encyclopedia; and newspapers of the time. Swanstrom's substantive findings were that (a) the Senate was subjected to a great deal of stress and strains in order to assume its now traditional place in the structure of American government; b) the Senate's personality is unique among the legislative bodies in the world.<sup>3</sup>

Lauros McConachie's study is based on information gleaned from debates, memoirs, newspapers and other records, and testimony of legislators to explain the conditions that prevailed in the House and Senate during the late 1800s. The approach used is scientific—an approach that prevailed at the universities during McConachie's time.<sup>4</sup>

George Galloway provides an authoritative description and assessment of the changes that took place in the House during the 1960s. This revision is a thorough updating of the historical facts relating to the House. Three changes are given particular attention: (1) the major modification now taking place in the seniority system, (2) the recent rise in importance of the Democratic Caucus, and (3) the growing assertiveness in congressional-executive relations. In addition Galloway provides an overview of rules, organization, committee

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<sup>3</sup>Roy Swanstrom. The United States Senate, 1787-1801. Senate Document No. 64, 87th Congress, 1st session, 1962

<sup>4</sup>Lauros G. McConachie. Congressional Committees (New York: Thomas Y. Crowell Company, 1898)

leadership, parties, and oversight.<sup>5</sup>

George Haynes provides an historical account of the US Senate. Haynes is cognizant of the powerful influence of the Senate in governmental affairs.

However, the author indicates that this pre-eminence is due more to the existence of its unique non-legislative powers than to its pure lawmaking functions. Haynes furthers his analysis by looking at the Senate not as a mere wheel in an elaborate governmental framework, but as a group of individual personalities, intent upon an intricate and ever changing task.<sup>6</sup>

Ralph Harlow traces the growth of the committee system in the lawmaking bodies of the colonies and the states from 1750 to 1790, and in the Federal House of Representatives from 1825. In essence, Harlow provides a comprehensive analysis of the legislative history of the US as it relates to the development of legislative committees. Harlow focuses on matters of procedure. The author attempts to show how the colonial legislatures were directed by party leadership, and how the caucus and the executive influenced the operation of Congress. The author concludes that standing committees have changed over time.<sup>7</sup>

Barbara Hinkley provides insights into the process of congressional leadership selection. The author indicates that the seniority rule is a custom not a formal rule of Congress. Hinkley rationalizes that the development of the seniority system came about as legislation became more complex. This expansion of legislative and governmental activities

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<sup>5</sup>George B. Galloway, History of the House of Representatives, 2nd ed. rev., edited by Sidney Wise (New York: Thomas Y. Crowell Company, 1976)

<sup>6</sup>George H. Haynes, The Senate of the United States: Its History and Practice, vol. 1 (Boston: Houghton Mifflin Company, 1938)

<sup>7</sup>Ralph V. Harlow, The History of Legislative Methods in the Period Before 1825 (New Haven: Yale University Press, 1917).

called for specialization and professionalization. Hinkley concludes that the seniority system clearly strengthens the particularistic motivation of the Congress. The author rationalizes that the multiplication of centers of power, resulted in the fragmentation of power, which has made any attempt to form majority coalitions impossible.<sup>8</sup>

Burton French looks at the responsibility of the committees of the Senate and House. French associates the responsibilities of the House and Senate committees as directly involving activities of the subcommittees. He asserts that the Senate and the House possess enormous control over the committees, including the power to discharge a committee from further consideration of a bill. The author concludes that it is impossible for Senators and Representatives to perform effectively, when dealing with committee and subcommittee transactions. French also points out that members of such committees must divide their work, refer it to subcommittees, and then from time to time meet as members of full committees and consider the advice of the members of the subcommittees, who have given special attention to their areas.<sup>9</sup>

Charles O. Jones explores the operations of the House Committee on Agriculture. He asserts that when Democrats control the committee, cotton, rice, and tobacco are favored. When Republicans control the committee, corn, wheat, and other feed grains are favored. The author explores the degree of internal conflict among competing interests. Jones points out that the degree of internal conflict is considerable and since it follows party lines, minimal partisanship is an essential ingredient, if integration is to be achieved. Finally, the

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<sup>8</sup> Barbara Hinkley, The Seniority System in Congress (Bloomington: Indiana University Press, 1971).

<sup>9</sup> Burton L. French, "Sub-Committees of Congress." American Political Science Review (February 1915).

author concludes that under these circumstances, the subcommittee system is used by the majority party to develop legislation solving their own commodity programs rather than as a means of integrating the committee.<sup>10</sup>

Steven Haeberle investigates procedural reforms between 1971 and 1975 known as the "Subcommittee bill of rights." He indicates that these rule changes formalized a transfer of power within the House to its subcommittees. The author presents data to demonstrate that House subcommittees are entities, which exist in their own right. Haeberle concludes that the consequences of the institutionalization produce reduced power and influence within the House for both the full committee chairmen and the leaders of the Democratic Party.<sup>11</sup>

#### **1.4.2 Types of Committees**

Studies on types of committees (Standing, Select or Special, and Joint committees) highlight the significant differences between congressional committees and the variations within each general type. The major emphasis of these works is on the sizes and the ratios of the committees. These works are also unanimous in the belief that committee enlargements are engineered by majority party leaders, who want to accommodate the assignment preferences of colleagues, and that party ratios influence committee work as much as panel size does.

George Goodwin provides a historical overview of the Congressional Committee System and pertinent congressional developments between 1947 and 1968. This work is an extensive, comparative anatomy of congressional committees in the 80th through 90th

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<sup>10</sup>Charles O. Jones, "The Role of the Congressional Subcommittee," Midwest Journal of Political Science (November 1962).

<sup>11</sup>Steven H. Haeberle, "The Institutionalization of the Subcommittee in the House of Representatives," Journal of Politics (November 1978).

Congresses. He focuses on the complex structure of power in the legislative and decision-making processes of Congress. Goodwin provides an in-depth analysis of the committee system. The author concludes by showing his support for the seniority system.<sup>12</sup>

William Morrow describes congressional committees as "little legislatures"--smaller in size, and increasingly play a greater role in molding legislation. According to him, (a) committees perform vital conflict resolution roles for Congress and the general political system; (b) committees grow in size and importance, because the legislative task has been magnified; (c) the political system in which they operate explains behavior of committees as units and of their individual members. He notes that the heavy dependence on the rapidly expanding literature on the Congress and its committees helps to make these case studies primarily descriptive and analytical.<sup>13</sup>

Joseph Cooper provides a comprehensive summary treatment of the various facets of congressional committee operations, since the passage of the Legislative Reorganization Act of 1946. Cooper further sets out to define, apply, and elaborate a conceptual framework that explains, organizes, and extends the empirical knowledge amassed.<sup>14</sup>

James Dyson and John Soule investigate the influence of congressional committees on the legislative process. This study indicates that congressional committees are highly influential on roll call voting. Three main factors were used as explanatory variables: (1) committee attractiveness to its members, (2) committee integration, and (3) the degree of partisanship on each committee. The latter two variables were related to committee success,

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<sup>12</sup> George Goodwin, The Little Legislatures (Amherst: University of Massachusetts Press, 1970).

<sup>13</sup> William L. Morrow, Congressional Committees (New York: Charles Scribner's Sons, 1969).

<sup>14</sup> Joseph Cooper, "The Study of Congressional Committees, Current Research and Future Trends," Polity (Fall 1971).



while attractiveness was not. Highly attractive committees were not more successful, not more integrated, and as partisan as less attractive committees. The study also looks at whether committee influence is present during floor stages or roll call.<sup>15</sup>

Kenneth Shepsle offers a theory of committee assignment in the House of Representatives and tested with data from the Democratic committee assignments during 1958-1974. Occasional references are made to Republican assignment practices, and democratic practices in other areas are sprinkled throughout the book. The major propositions in this work include the following: (a) rank-and-file members are motivated by a desire for "good" Committee assignments--a value judgment; (b) party leaders, engaged in the early forms of condition activity required for partisan leadership, try to accommodate member requests; (c) members of the party in a congressional committee are interested primarily in chamber influence.<sup>16</sup>

Louis Gawthrop examines standing committee assignments in the House of Representatives, mainly the 80th through 89th Congresses. The author discovers that in the period studied there is clear evidence of a steady increase in the number of double committee assignments. This is ascribed to the increase in the size of House committees. The collected data demonstrate the steady decline of single committee assignment during this period. In 1949, 89 percent of all House members had only one standing committee assignment, whereas by 1965 this figure had declined to 65 percent. The author poses serious questions, for example, is the role pattern of the individual member altered as his committee

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<sup>15</sup>James W. Dyson and John W. Soule, "Congressional Committee Behavior on Roll Call Votes: The US House of Representatives, 1955-1964," *Midwest Journal of Political Science* (November 1970).

<sup>16</sup>Kenneth A. Shepsle, *The Giant Jigsaw Puzzle: Democratic Committee Assignments in the Modern House* (Chicago: University of Chicago Press, 1978).

assignments are doubled? Do assignments create conflicting or complementary role situations? Gawthrop concludes that a wide range of interpersonal and group relationships involving such organizational concepts as authority, loyalty, individual autonomy, and control may be altered under the circumstances of double committee assignments.<sup>17</sup>

John F. Manley finds that the House Committee on Ways and Means has funded a great deal of the most significant legislation that Congress is called upon to pass: tax policy, medicare and social welfare issues, and problems of reciprocal trade and tariff control. Influenced by Richard Fenno's landmark research on the House Appropriation Committee, Chester Bernard's inducement-contribution theory, and George Homon's and Peter Blau's exchange theory, his study is based on interviews with 30 committee members and public records. His theory and data are imaginatively blended to explain: (a) recruitment to the committee; (b) congressmen's value of their membership; (c) integration and other committee norms; (d) Speaker Wilbur Mills' crucial role in the Committee, floor, and in conference committee activity with the Senate. The essence of Manley's study is the importance of committee-centered research for understanding the workings of Congress.<sup>18</sup>

Bertram Waters' case study is about the formation in 1967 of the Senate Select Committee on Nutrition and Human Needs, led by Senator George McGovern. It illustrates the purpose and prominence of select committees, the personal opportunity which leadership of committees extends to lawmakers, and especially the intensity of internal Congressional conflict which underlies their creation and funding. Major emphasis is placed on (a) factors

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<sup>17</sup>Louis Gawthrop. "Changing Membership Patterns in House Committees." American Political Science Review (June 1966).

<sup>18</sup>John F. Manley. The Politics of Finance: The House Committee on Ways and Means (Boston: Little, Brown & Company, 1970); "Congressional Staff and Public Policy-Making: The Joint Committee on Internal Revenue Taxation." Journal of Politics (November 1968).

leading to the creation of a select committee, (b) the process of forming the Committee and assembling its staff, and (c) the process of gaining an appropriation to permit the committee to fulfill its tasks.<sup>19</sup>

Richard Cohen provides an analysis of the exercise of matching available candidates with open slots. The author further looks at the implications choices can have on national legislation. Cohen indicates that the process of assigning House and Senate members to congressional committees is one of the most mysterious and least discussed aspects of the legislative process. Cohen further investigates how the process of assigning seats on committees can affect an individual career. The author concludes that in many cases personal characteristics, such as being a maverick, do influence the selection process. The role of leadership is viewed as probably the most important factor influencing who should go on committees.<sup>20</sup>

Harold Green's thesis focuses on the lack of power of the legislature to formulate national policies. The thrust of the argument presented indicates that governmental power in the late nineteenth century had become entirely dependent on the Executive for development of national policy. However, in the area of nuclear policy, Congress or, at least, its surrogate committee, acts with distinctive vigor and notable success as watchdog, gadfly, partner, and policy-maker. Harold Green and Alan Rosenthal explore the role of the Joint Committee on Atomic Energy and provide insights into its contributions to domestic nuclear policy formulation.<sup>21</sup>

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<sup>19</sup> Bertram Waters, "The Politics of Hunger: Forming a Senate Select Committee," To Be A Congressman: The Promise and the Power, Sven Groennings and Jonathan Hawley (Washington, DC Acropolis Books, 1973).

<sup>20</sup> Richard E. Cohen, "Disjointed Economic Committee," National Journal (March 7, 1981).

<sup>21</sup> Harold Green and Alan Rosenthal, Government of the Atom: The Integration of Powers (New York: Atherton, 1963).

Charles Clapp's work is prepared from recorded discussion at the Brookings Institution Round Table Conference on Congress in 1959 and from additional interviews. Clapp looks at the role of Congress in American politics. He views the Congress with great puzzlement and calls for reforms. What has emerged from Clapp's interviews and discussions with thirty-six congressmen is the illumination of the world of the congressman and the environment in which he lives and works. This work also pinpoints other major issues affecting Congress. The author provides background into the dullness and, at times, the general irrelevance of House debates, the tyranny of the committee chairmanship system, the almost overwhelming demand of constituents. Clapp provides an insight into the realities of the legislative process in the House. Tremendous detail is provided regarding the congressman, his colleagues and constituents, his own role and that of pressure groups in the legislative process. In addition, there is a chapter on the role of and attitude of congressional wives.<sup>22</sup>

### **1.4.3 The Assignment Process**

A number of scholars have investigated the assignment process of congressional committees. The focus of this group of authors is on the assignment panel's decisions (formal and informal criteria, seniority, and biases) and approval by party caucus and the chamber. The major findings of this group of scholars are that: (a) every congressional election sets off a scramble for committee seats; (b) legislators understand the linkage between winning desirable assignments and winning elections; (c) newly elected representatives and senators make their preferences known quickly, and incumbents may try

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<sup>22</sup>Charles L. Clapp. The Congressman: His Job As He Sees It (Washington, DC: The Brookings Institution, 1963).

to move to a more prestigious panel. Linda Fowler et al demonstrate the wide availability of opportunities for members of the House of Representatives to curry favor with constituents. The authors indicate that such an activity creates difficulties in assessing the electoral impact of any one institutional feature, even one so distinctive as the committee system. The evidence presented here indicates that committee choice is but one aspect of an intricate pattern of electoral force. The authors conclude that the benefits of committee assignments were not universal and failure to obtain a desired appointment produced no major ill effect.<sup>23</sup>

Richard Fenno provides an analytic study of the congressional committee system. The author's thesis is that committees differ from one another, but that they differ systematically. In a comparative analysis, Fenno sets out to examine the functioning of six committees of the House and the Senate counterparts from 1955 to 1966 (i.e. the 84th through the 89th Congresses). The committees studied included the Committees on Appropriations, Education and Labor, Foreign Affairs, Internal and Insular Affairs, Post-Office and Civil Service, and Ways and Means. Fenno focuses a good deal on their Senate counterpart, i.e. the Committees on Appropriation, Finance, Foreign Relations, Interior and Insular Affairs, Labor and Public Welfare, and Post Office and Civil Service. Fenno concludes that the House Appropriation Committee was a self-contained social system. In comparative perspective, the members' contributions seem large and distinctive.<sup>24</sup>

Shirley Chisholm focuses on politics and government in the United States between 1969 and 1974. This book graphically describes her rise to political power against all odds. She provides first hand accounts of her two "handicaps," being female and Black. Chisholm

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<sup>23</sup>Linda L. Fowler, Scott P. Douglass, and Wesley D. Clark, Jr. "The Electoral Aspects of House Committee Assignments." *Journal of Politics* (February 1980), p.7.

<sup>24</sup>Richard F. Fenno, Jr., *Congressman in Committees* (Boston: Little, Brown & Company, 1973).

indicates that being female was more a hindrance in the world of politics than being Black. This work provides insights into Chisholm the activist, but one who holds that the committee system can be made to work if others adopt and put into practice her earliest campaign slogan--"Unbought and Unbossed." On the other hand, Chisholm is cognizant that the political system is sick. She probes the committee system's ailments, weaknesses, and merciless impartiality. Chisholm possesses self-doubt as to the direction, but in the final analysis agrees to the centrality of democratic process and particularly the power of the "vote."<sup>25</sup>

Charles Bullock, III's study revolves around committee assignments for freshmen representatives from 1947 to 1967, indicating that the Nicholas Masters-Charles Clapp hypothesis which indicates that the paramount concern in committee assignments is the facilitation of reelection is not true. Bullock suggests that the narrowly elected do not get the top committee assignments or avoid the lowly ranked spots. He maintains that committee assignment is not a vital factor in reelection. Furthermore, Bullock remarks that Southern Democrats were selected because in comparison with other Democrats and Republicans they formed a distinct group, had an interest in certain fields of legislation, and accumulated more seniority than congressmen from other sections.<sup>26</sup>

Irwin Gertzog's interviews with three classes of first-term House members soon after they came to Washington indicate that a significant majority received assignments to committees they preferred, and that more than nine secured positions on preferred committees by the time they had begun their third term. The findings suggest that the

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<sup>25</sup>Shirley Chisholm, *Unbought and Unbossed* (Boston: Houghton Mifflin Company, 1970).

<sup>26</sup>Charles C. Bullock, III, "Freshmen Committee Assignments and Re-election in the United States House of Representatives," *American Political Science Review* (September 1972).

proportion of freshmen whose committee needs are satisfied has been increasing over time, and hence there has been a decrease in the extent to which members transfer after their third term. Gertzog concludes that a more routinized assignment process has important implications for the level of participation and sense of achievement experienced by individual members.<sup>27</sup>

#### 1.4.4 Committee Leadership

These studies concentrate on who make up the committee leadership in Congress and what their functions are. Normally, committee leaders are said to be the chairmen and the ranking minority members. Committee chairmen call meetings and establish agenda, hire and fire committee staff, arrange hearings, designate conferees, act as floor managers, control committee funds and rooms, chair hearings and markups, and regulate the internal affairs and organization of the committees.

Catherine Rudder's case study is about how the revenue committees remain the most powerful committees on Capitol Hill, despite the congressional reforms of the early 1970s that shook the foundations of the House Committee on Ways and Means. This is because the Senate Finance Committee and Ways and Means' jurisdictions cover not only all federal taxation, but also 40 percent of all direct federal spending. This is due to the following factors: (a) a strengthened House (leadership of Rostenkowski); (b) a contentious Senate note on individual provisions remain open until work on the entire package is completed; (c) a successful conference (between Daniel Rostenkowski and Robert Dole) in 1982 and 1984.<sup>28</sup>

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<sup>27</sup>Irwin N. Gertzog, "The Routinization of Committee Assignments in the U.S. House of Representatives," *American Journal of Political Science* (November 1976).

<sup>28</sup>Catherine E. Rudder, "Committee Reform and the Revenue Process," *Congress Reconsidered*, 1st ed., edited by Lawrence C. Dodd and Bruce I. Oppenheimer (New York: Praeger Publishers, 1977).

Irwin Arieff focuses on the role of Dan Rostenkowski as chairman of the Ways and Means Committee. Rostenkowski's influence played a role in shaping the American political economy and the Democratic Party. Rostenkowski's success as chairman revolved around his ability to translate his position of power into the House passage of bills that Democrats take credit for and the Reagan Administration lived with. Arieff looks at the legislative efforts of the chairman. The author focuses on Rostenkowski's contributions to kill public campaign financing legislation, to raise congressional pay, and to eliminate a provision of the House ethics code limiting a member's outside earned income to 15 percent of his official salary. He concludes by indicating that Rostenkowski believed in stressing loyalty and friendship over issues from time to time to win friends and to keep them.<sup>29</sup>

Alan Ehrenhalt looks at the manner, which Russel B. Long was poised to influence American domestic politics. Long headed the Senate Finance Committee in 1977 and worked on several legislation that impacted on President Jimmy Carter's national policy agenda. The primary focus of Long's philosophical orientation stresses that the federal government has a limited number of ways it can help people and businesses, through the appropriation process. Ehrenhalt views Long as a realist. He points out that unlike other Southern Democrats, Long did not always oppose liberal schemes, because of pure fiscal consideration. Ehrenhalt successfully demonstrates Long's political ties to the business community.<sup>30</sup>

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<sup>29</sup>Irwin B. Arieff, "New Role for Rostenkowski Gets Him Into the Thick of House Power-Playing," Congressional Quarterly Weekly Report (May 16, 1981).

<sup>30</sup> Alan Ehrenhalt, "Senate Finance: The Fiefdom of Russell Long," Congressional Quarterly Weekly Report (September 10, 1977).



#### 1.4.5 Policymaking in Committees

The substantive findings of studies, which have examined policymaking in congressional committees, are many. First, committees foster fragmented, deliberate, collegial decisions. Second, committees ease outside groups' access to the legislative process. Third, Committees encourage bargaining and accommodation among members. Fourth, to move bills through Congress's numerous decisions points, from subcommittee to committee, authors of legislation must compromise differences with committee "gatekeepers." Finally, before sending a bill to the next policymaking stage, gatekeepers may exact alterations in its substance.

Bob Eckhardt focuses on political conversations between representative Bob Eckhardt and Charles Black, which stretched over half a lifetime. The discussions vary widely on issues ranging from congressional committee system to impeachment proceedings. A major point of the book, however, centers on American constitutionalism. The first four chapters center on the constitutive forces of the American Constitution, the weaknesses of Congress, the strength of the presidency, impeachment, impoundment, and executive privilege. Eckhardt acknowledges that the constitutive nature of the American Constitution makes provision for public opinion, current practice, and fixed customs and habits. Finally, both Eckhardt and Black believe that there is no greater textual warrant for presidential power in foreign affairs than in domestic matters.<sup>31</sup>

Albert Gore presents arguments favoring legislative secrecy. He indicates that secrecy and deviousness, often unjustified in other context, are acceptable when national

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<sup>31</sup>Bob Eckhardt, "The Presumption of Committee Openness Under House Rules." Harvard Journal of Legislation (February 1974).

interest of high importance is involved. Gore argues that the legislature and government should be able to protect certain diplomatic and military information of potential value to the enemy. The author concludes by indicating his strong support for legislative secrecy. However, Gore points out his support of open government amidst the reality of legislative and governmental secrets.<sup>32</sup>

Erick Redman examines the conditions of life and work on Capitol Hill, particularly in the Senate, to illuminate the sequential steps and personalities in the "dance of legislation." The National Health Service Corp serves as the vehicle for the narrative--a bill that was eventful and dramatic. The information for this study was obtained from personal observations of his service on the Hill and secondary sources--books in the Library of Congress.<sup>33</sup>

Hugh Heclo shows the changes that have taken place in all aspects of legislative politics particularly during the 1960s and 1970s. Heclo looks at the executive as an agent of power. This situation is authoritatively traced as the executive branch is placed against a post-new deal political environment. The author concludes that the changing executive branch has been brought about because of the diffusion and atomization of power.<sup>34</sup>

E. E. Schattschneider provides a realist review of democracy in America. He proffers a theory about the relation between organization and conflict, between political organization and democratic and the organizational alternatives open to the American people. The nature of political organization hinges on the conflicts exploited in the political arena, which

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<sup>32</sup>Albert Gore. "Legislative Secrecy," None of Your Business, ed. Norman Dorsen and Stephen Gillers (New York: The Viking Press, 1974).

<sup>33</sup>Erick Redman. The Dance of Legislation (New York: Simon & Schuster, 1973).

<sup>34</sup>Hugh Heclo. "Issue Networks in the Executive Establishment," The New American Political System, ed. Anthony King (Washington, DC: American Enterprise Institute for Public Policy Research, 1978).

ultimately is what politics, is about. In order to understand politics, he suggests that we know what the struggle is about.<sup>35</sup>

David Price, using a case study approach, attempts to explain the persistence of conflicts between the congressional and executive branches during the Jimmy Carter and Ronald Reagan presidencies to gauge the nature of Congress as a policymaking institution. He proposes the following: (a) congressional "fragmentation" forces it to balk at what presidents request in some areas and to push them farther than they want to go in others; (b) congressional "particularism" leads Congress to give priority to constituency-based interests aimed at redistributive objectives; (c) congressional policymaking is committee-centered.<sup>36</sup> Indeed, Price, like the other authors discussed above, concentrate heavily on committee jurisdiction and lawmaking, patterns of committee decision-making (hearings, markups, and reports), and the policy environment.

#### **1.4.6 Committees in Change**

Scholars who have written about congressional committees in change trace changes in the system to the 1946 Legislative Reorganization Act. This Act allowed Congress to dramatically alter its committee structure by reducing the number of standing committees and specifying each panel's jurisdiction. These changes, however, resulted over the years in a proliferation of subcommittees, obsolete jurisdictions, unbalanced workloads, and too many committee assignments for members to manage.

Roger Davidson provides an overview of Congress, including changes in elections and career patterns. This work is a major revision of a collection of essays divided into four

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<sup>35</sup>E. E. Schattschneider. The Semisovereign People (New York: Holt, Rinehart & Winston, 1960).

<sup>36</sup>David E. Price. "Policy Making in Congressional Committees: The Impact of 'Environmental Factors.'" American Political Science Review (Fall 1978).

topical areas. Davidson's piece is part of the first section titled "Patterns and Dynamics of Congressional Change." The overall emphasis centers on the nature of institutional change. The general conclusion is that Congress needs to be revised to make the government functional. After looking at the various factors impacting the nature of congressional change, the author concludes that interest group politics has effectively sapped the institutional will of Congress by factioning its organization and membership. To lessen the impact of interest groups on the legislative process, Davidson calls for internal reorganization, for example, shifting oversight from appropriation and authorization committees.<sup>37</sup>

Bernard Asbell provides a fairly pedestrian account of the inner workings of the Senate as seen through his eyes. The author primarily investigates the functions, operations, and roles of the Senate through the eyes of Senator Edmund Muskie of Maine, whom Asbell accompanied on his daily rounds over several months (i.e. May 1974 through June 1976). Asbell's personal perceptions of congressional Washington are provided. He focuses on issues that were related to Muskie's agenda. The senator was a formidable force on the subcommittee on Environmental pollution. As a result, Asbell provides insights into the revisions that were discussed as the Clean Air Act of 1970 expired. In terms of senatorial politics, Asbell spoke of the tactics used by Muskie in getting ready for re-election in 1976. The major one, he points out is that by the end of 1975, Muskie had spent one hundred days in Maine. The purpose was to eliminate the impression that his heart and mind are "too

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<sup>37</sup>Roger H. Davidson, "Two Roads of Change: House and Senate Committee on Committee Reorganization," *Congress Reconsidered* 2nd ed., edited by Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: Congressional Quarterly Press, 1981); "Subcommittee Government: New Channels for Policy Making," *The New Congress*, eds. Thomas E. Mann and Norman J. Ornstein (Washington, DC: American Enterprise Institute for Public Policy Research, 1981).

much" in Washington, and on national affairs and too little on his constituency.<sup>38</sup>

Norman J. Ornstein looks at the causes, nature and consequences, individually and institutionally, of a number of subcommittee reforms enacted by the Democratic Caucus in the US House of Representatives in January 1971 and January 1973 at the beginning of the 92nd and 93rd Congress, respectively. Emphasis is placed on the extent of the successful implementation of the reforms, why and how structural changes in Congress are generated, the impact of the reforms on subsequent legislative actions, and the possible future patterns of behavior and change in the House. According to Ornstein, reforms led to the following outcomes: (a) a minimum of sixteen new subcommittee chairmen; (b) spread of power to younger, less senior members; (c) improving the lot of non-Southern and liberal Democrats in 1971.<sup>39</sup>

As the preceding review reveals, studies on subcommittees (and more specifically, for the subject of the present study, the role of the African Affairs Subcommittee of the House Foreign Affairs Committee in shaping United States foreign policy towards South Africa from 1981 to 1992) are lacking. Since subcommittees have grown in importance in both houses, particularly in the Senate, and almost every majority party senator in recent years has chaired a subcommittee, comprehensive studies of these subcommittees are urgently needed.

In sum, the studies reviewed in this section are clearly not definitive in their discourse on the congressional committee system. The discussions engendered in these

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<sup>38</sup>Bernard Asbell, *The Senate Nobody Knows* (New York: Doubleday & Company, 1978).

<sup>39</sup>Norman J. Ornstein, "Causes and Consequences of Congressional Change: Subcommittee Reforms in the House of Representatives, 1970-1973." *Congress in Change*, ed. Norman J. Ornstein (New York: Praeger Publishers, 1975).

studies, nonetheless, act as stimuli to more research that will still undoubtedly add to the cumulative knowledge already established on the congressional committee system. The present study will, therefore, give considerable attention to the institutional framework within which African affairs were handled prior to the establishment of the African Affairs Subcommittee of the House Foreign Affairs Committee.

#### **1.4.7 RESEARCH METHODOLOGY**

As the title of this dissertation suggests, the research methodology employed for this research is a **Case Study** approach. In a case study, the researcher examines one or a few cases of a phenomenon in considerable detail, typically using a number of data collection methods, such as personal interviews, document analysis, and observation. As indicated earlier, the particular foreign policy issue examined in this study is United States foreign policy toward South Africa. The following discussion highlights the case study tools used for investigating this foreign policy issue.

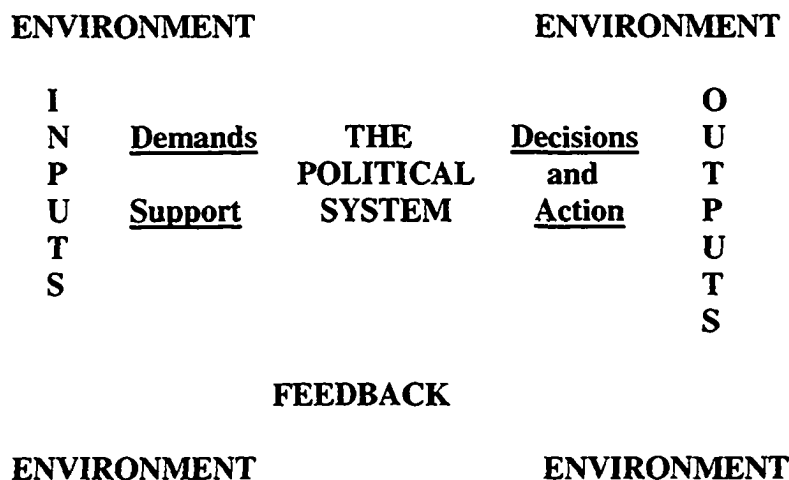
##### **1.4.7.1 Hypotheses to be Tested**

Given Roger Davidson and Walter Oleszek's propositions and the major objectives of the present study, the following hypotheses are tested:

1. The complexity of the South African situation determined the type of policy position the African Affairs Subcommittee took.
2. The demands of interest groups that called for the Subcommittee to handle these issues determined the manner in which it did so.
3. The desires of members to chair the Subcommittee in order to initiate lawmaking and oversight, augment personal prestige and influence, gain staff and office space, and gain a national platform influenced the type of policy position the Subcommittee took.
4. The desire of a majority of congressional representatives to circumscribe the Subcommittee chairman helped to shape the type of policy position the subcommittee took.

### 1.4.7.2 Theoretical Framework

The theoretical framework used and tested in the present study is David Easton's "framework for political analysis." This framework is diagrammatically represented as follows:



**Figure 1:**  
The Political System provided by David Easton in A Framework for Political Analysis (Englewood Cliffs, New Jersey: Prentice-Hall, 1965), p.112.

Easton's theoretical framework rests on four premises.<sup>40</sup> The first is the **System**; that is, "it is useful to view political life as a system of behavior." For the current study, this calls for the examination of the American political system in terms of the bargaining process, which took place within Congress and between Congress and the Executive branch in shaping United States foreign policy towards South Africa.

The second premise of Easton's framework is the **Environment**. As he put it, "A system is distinguished from the environment in which it exists and open to influences from it." In terms of the current study, it means that the political, economic, social, and cultural

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<sup>40</sup>The discussion that follows is based on Easton's, A Framework for Political Analysis. Englewood Cliffs, New Jersey: Prentice-Hall, 1965. pp.25-26.

environment within which the politics of shaping United States foreign policy toward South Africa was framed is analyzed.

The third premise in Easton's framework is **Response**. As he described it, response is "[v]ariations in the structures and processes within a system may usefully be interpreted as constructive or positive alternative efforts by members of a system to regulate or cope with stress flowing from environmental as well as internal sources." For the present study, this means that an examination of the manner in which the Subcommittee coped with conditions of the environment, in light of the sources that were available to it when it embarked upon formulating its position on the South African issue, is conducted.

The fourth premise is **Feedback**. According to Easton, feedback is "[t]he capacity of a system to persist in the face of stress is a function of the presence and nature of the information and other influences that return to its actors and decision-makers." This calls for analyzing various responses and/or actions of various groups that were affected by United States foreign policy toward South Africa.

Following Easton's conception, the systems analysis approach is beneficial for examining the role of the Subcommittee in shaping United States foreign policy towards South Africa, because the framework takes its departure from the notion of political life as a boundary-maintaining set of interactions imbedded in and surrounded by other social systems to the influence of which it is constantly exposed. As such, it is helpful to interpret political phenomena as constituting an open system, one that must cope with the problems generated by its exposure to influences from these environmental systems. If a system of this kind is to persist through time, it must obtain adequate feedback about its past



performances, and it must be able to take measures that regulate its future behavior.<sup>41</sup>

The pattern of analysis, then, involves the examination of the following variables:

1. the nature of the inputs,
2. the variable conditions under which they will constitute a stressful disturbance on the system,
3. the environmental and systemic conditions that generate such stressful conditions,
4. the typical ways in which systems have sought to cope with stress,
5. the role of information feedback, and finally,
6. the part that outputs play in these conversion and coping processes.<sup>42</sup>

In sum, the systems analysis framework allows a researcher to conceive public policy as a response of a political system to forces brought to bear upon it from the environment. Forces generated in the environment, which affect the political system, are viewed as the **inputs**. The **environment** is any condition or circumstance defined as external to the boundaries of the political system. The political **system** represents that group of interrelated structures and processes which functions authoritatively to allocate values for a society. **Outputs** of the political system are authoritative value allocations of the system, and these allocations constitute **public polity**.

#### 1.4.7.3 Data Collection

Two types of data were collected for this study: primary and secondary data. These data were collected as follows:

##### 1.4.7.3.1 Primary Data: Face-to-face interviews were conducted in order to solicit

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<sup>41</sup>Ibid., p.25.

<sup>42</sup>Ibid., p.132

various perspectives on the African Affairs Subcommittee of the House Foreign Affairs Committee. The instrument employed to collect the data during the interviews generally entailed the following questions:

1. How would you describe the assignment process of the African Affairs Subcommittee of the House Foreign Affairs Committee from 1981 to 1992?
2. How would you characterize the leadership of this Subcommittee from 1981 to 1992?
3. How were policies made within this Subcommittee?
4. What Changes are taking place within this Subcommittee?
5. How would you characterize the Subcommittee's role in shaping United States foreign policy towards Africa?
6. How would you describe your personal experience in the process of influencing the work of the Subcommittee?
7. What are your predictions for the role of this Subcommittee in the future?

These open-ended questions permit respondents to describe their knowledge, experiences, feelings, beliefs, ideas, predispositions and values about various aspects of the African Affairs Subcommittee of the House Foreign Affairs Committee. Thus, the preceding instrument encompasses opinion and attitude questions, information questions, and behavior questions. Former and present subcommittee chairmen, their staff, and directors of lobby groups on African affairs were interviewed.

In addition to these interviews, the relevant Congressional Records on proceedings of the African Affairs Subcommittee of the House Foreign Affairs Committee were also used as primary data sources. These records entail congressional debates and testimonies, which allow a researcher to delineate the legislative history as well as the politics of the

Subcommittee.

**1.4.7.3.2 Secondary Data:** Books, journal articles, newspaper articles, and magazine articles that have dealt with congressional committees' work from 1981 to 1992 were consulted. These sources allow a researcher to discern other plausible perspectives on the Subcommittee studied.

The data collected from these sources were analyzed qualitatively. This means that a comprehensive description and explanation of the many data collected were in order.

#### **1.4.8 ORGANIZATION OF THE REST OF THE STUDY**

The following chapter (two) focuses on the political, social, economic and cultural environment in which United States foreign policy towards South Africa from 1981 to 1992 was shaped. The discussion of these environmental conditions forms the basis for the analysis of the political system. The consequent exercise examines how these environmental forces impacted on the political process in general, and the legislature in particular.

In chapter three, the inputs, that is, demands, pressures, and support of the various groups within the political system are examined. This chapter details how these inputs set off the political process that led to shaping United States foreign policy toward South Africa. Attention is given to the key actors that participated in articulating the demands, support, and pressure that came to bear on the legislators.

Chapter four looks at the Subcommittee's role in shaping United States foreign policy toward South Africa. It highlights the transformational process or the politics of the legislation. The integral part of the process--bargaining, conflict, cooperation, and lawmaking--is examined in this chapter. The hearings, the haggling, and the debate that ensued within the Subcommittee constitute part of this analysis.

The United States foreign policy toward South Africa itself is the object of discussion in chapter five. The policy is discussed in detail and both the spirit and the letter of the law are examined. An attempt is made to evaluate the relation between the inputs and the outputs to determine how the policy represents the demands of the political environment.

In chapter six, the entire study is tied together by summary and conclusions. An examination of the legislative process and a presentation of the findings of the study form the core of this chapter. An appraisal of Easton's framework for political analysis is conducted as part of this final chapter. Also, some recommendations are suggested for future foreign policies towards Africa.

## CHAPTER TWO

### THE ENVIRONMENT

This chapter presents a discussion of the environment within which the United States foreign policy towards South Africa from 1981 to 1992 was executed. More specifically, the discussion centers on the political, economic, social and cultural environment within which the policy was shaped. An examination of the environment is necessary, because, as David Easton states, it lies "outside the society of which the political system itself is a social sub-system; yet it may have important consequences for the persistence or change of a political system."<sup>43</sup>

In essence, Easton argues that political life is open to influences from its environment. He, therefore, insists that the political system is an open system not a closed one as some others may be inclined to suggest. The whole idea is to focus on the entire system of political life by separating it from the environment. By so doing, the impact of the environment on the political system becomes crystal clear. In Chilcote's analysis, he points out that "these influences emanate from the physical environment (topography, geographical dispersion of nations); the nonhuman organic environment (flora, fauna); and the social environment (people, their actions and reactions)."<sup>44</sup>

The constant interaction between the system and the environment is responsible for its persistence. Congress of course is not insulated from the environment. Therefore, when stress occurs within the environment, it impacts on the system. In the case of United States

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<sup>43</sup>David Easton, A Framework for Political Analysis, Englewood Cliffs, New Jersey: Prentice-Hall, 1965), p.73.

<sup>44</sup>Ronald H. Chilcote, Theories of Comparative Politics: The Search for A Paradigm (Boulder, Colorado: Westview Press, 1981), p.146.

foreign policy towards South Africa, it is not possible to account for the total environmental factors, but only those with "potential effectiveness." Easton divides the environment of a political system into two categories: the intra-societal and the extra-societal. These environments are open to multiple transactions that take place within the system, and between the system and the total environment. These transactions or influences or stress on the environment affect inputs and outputs. Influences within the system that result in output are referred to as "withputs."<sup>45</sup> Due to the multiple influences from the environment, Congress oftentimes broker the various stress factors. The government, therefore, in most cases, has shown a limited response to stimuli or signals of unrest, thus allowing the demands to continue and sustain the system.

By conducting a diligent, protracted, and in-depth investigation into the system's environment, the impact of those factors on United States foreign policy towards South Africa becomes ubiquitous in all phases of this study. The social, economic, political, and cultural environment of the policy was shaped by the basic foundation of American democracy and dates back to the Declaration of Independence in 1776.

"That all men are endowed by their Creator with certain unalienable rights Life, liberty, and the pursuit of happiness ... that governments are instituted among men, deriving their just powers from the consent of the governed that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, institute new government, ... and to provide new guards for their future security."<sup>46</sup>

A person within the system's environment is endowed to live his life according to his beliefs and has an equal voice in the decisions that affect him and the entire system. The notion of

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<sup>45</sup>David Easton. A Framework for Political Analysis (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1965), pp.23-25.

<sup>46</sup>Lewis Paul Todd and Merle Curti. Rise of the American Nation (New York, Harcourt Brace Jovanovich, Inc., 1977). p. 108.

equality is a slippery concept, because it is very difficult, if not impossible, to legislate equality. The political implication of such a system founded on equality of all men is that the variables used to gauge equality--income, social status, influence, wealth, etc.--cannot actually be equalized in any given society. The system, in the face of this dilemma, attempts to provide its citizens with the next best thing to ideal equality--equal opportunity. As Pennock notes, "the objective of this equality (of power) is not merely the recognition of a certain dignity of the human being as such, but it is also to provide him with the opportunity--equal to that guaranteed to others--for protecting and advancing his interests and developing his powers and personality."<sup>47</sup> However, equality of opportunity does not necessarily guarantee ideal equality. This is due in part to the manipulative abilities of the elite and the fragile composition of the political environment. According to Lasswell, "the fate of the elite is profoundly affected by the ways it manipulates the environment, that is to say, by use of violence, goods, symbols, and practices."<sup>48</sup> By virtue of manipulative powers, equality slips away and only a few get most of the values within the system. This endemic problem of a pluralistic society was highlighted by Parenti in Democracy For the Few.<sup>49</sup> Schattschneider expressed a similar view, when he noted, "the flaw in the pluralist haven is that the heavenly chorus sings with a strong upper class accent."<sup>50</sup>

The social, political, economic and cultural environment of the 1980's and early 1990s, leading to the sanctions against South Africa was a struggle for or the demand for

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<sup>47</sup>Roland Pennock, "Democracy and Leadership in William Chambers and Robert Salisbury (eds.), Democracy Today (New York, 1962), pp. 126-127.

<sup>48</sup>Harold Lasswell, Politics: Who Gets What, When and How (New York Meridian Books, 1936), p. 103

<sup>49</sup>Michael Parenti, Democracy for the Few (New York: St. Martin's Press, Inc. 1983), p.12.

<sup>50</sup>E.E. Schattschneider, The Semisovereign People (New York: Holt, Rinehart and Winston, 1960), p. 35.

equal opportunity and on the notion that "all men are created equal." It is important to note the interrelation or lack of dichotomy between these environmental variables. They all deal with authoritative allocation of scarce resources or values; and in Lasswell's terms, "who gets what, when and how." The socio-cultural standing within the system's environment to some extent depends on the political and economic power position of the relevant groups or individuals in the polity.

By conducting a diligent, protracted, and an in-depth investigation into the system's environment, it becomes obvious that the mood of the nation in the 1980s and early 1990s played a major role in the passage of the Comprehensive Anti-Apartheid Act of 1986. Due to vast activities in the environment during this period, this study focused on those environmental factors that had potential effectiveness. Based on findings from secondary sources, congressional records and personal interviews, there was a consensus that, during this period, the work of the African Affairs Subcommittee of the House Foreign Affairs Committee and the great awakening of the American people to the ills of the South African society were key political issues. The concept of equality became prevalent in all facets of the American polity. Emphasis on equality of economic, political, social and cultural opportunity dominated political discourse, particularly, among policy-makers. There was an enormous stress in the political environment among the invisible minority or those that felt disenfranchised.

The political, economic, social and cultural environment in the United States from 1981 to 1992 has been characterized in many ways. It was an era of the new conservatism, supply-side economics, market culture, electronic culture, a decade of greed, and the revival of the Cold War. All of these characterizations are evident in the following sections.



## 2.1 Political Environment

A greater portion (eight years) of the period between 1981 and 1992 saw Ronald Reagan as President of the United States. A former movie actor in the late 1930s and early 1940s, who starred in films such as “King’s Row” and “For God and Country,” Reagan was given the nickname “The Gipper” for the role he played in his most popular film, “Knut Rockne, All American.” In the late 1940s and early 1950s, after supplying the names of his colleagues in the film industry to anti-Communist government officials, Reagan’s views shifted from “liberal” to “conservative.” He joined the Republican Party in 1962, and he was elected the governor of California in 1966.<sup>51</sup>

In his 1980 bid for the presidency, Reagan promised to improve the economy and restore America’s reputation as the world’s leader. His campaign advertisements touted the slogan “It’s morning in America,” suggesting that in the 1980s the nation will recover from the malaise of the 1970s. While Jimmy Carter asked Americans to sacrifice, by limiting their consumption of oil and gas in order to address the energy crisis, Reagan promised a tax cut. In the end, Reagan earned 51 percent of the popular vote and defeated the incumbent Carter.<sup>52</sup>

During his first term in office, Reagan became one of the most popular presidents in American history. An example of Reagan’s ability to endear himself to the country was the graceful manner in which he handled an assassination attempt on March 30, 1981, just over two months after his inauguration. He was shot and gravely wounded; but as doctors rushed to examine him, he quipped to his wife, Nancy Reagan, “Honey, I forgot to duck.” Later, he

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<sup>51</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc. 2000), p.15.

<sup>52</sup>Ibid. pp.15-16.

joked to the doctors about to operate on him, "I hope you're all Republicans." As Haynes Johnson explains:

These remarks, when instantly relayed to the press, understandably had a powerful and positive effect on the American public. The subsequent cheerfulness and grace Reagan displayed during his long recovery in the hospital and White House, his ritual waves and smiles...all conveyed a sense to the public that Reagan possessed larger-than-life qualities....Reagan's survival alone was proof enough that the country's luck had turned for the better.<sup>53</sup>

The late Speaker of the House "Tip" O'Neil explained Reagan's popularity as follows: "They are rooting for him because we haven't had any presidential successes for years--Kennedy killed, Johnson with Vietnam, Nixon with Watergate, Ford, Carter, and all the rest." Reagan became the first president to serve full two terms since Dwight D. Eisenhower left office in 1961, a reflection of the seeming stability that Reagan brought to the presidency and the country. He mastered the art of media politics, earning the nickname the "Great Communicator." Moreover, his enormous influence on America in the 1980s is underscored by one of the most popular epithets of the decade: "the Reagan era."<sup>54</sup>

Reaffirming his remarkable personal popularity, the nation reelected Reagan on November 6, 1984 by the widest electoral college margin in United States history. Nonetheless, popular support for the Reagan administration did wane somewhat during his second term. The most damaging event to Reagan personally was the Iran-Contra scandal, in which members of his administration were accused of selling arms to terrorists in Iran and illegally funding the Contras, a rebel group in Nicaragua, in furthering Reagan's own political agenda. Yet, many Americans in the 1980s were less willing to blame Reagan for

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<sup>53</sup>Haynes Johnson, Sleepwalking Through History: America in the Reagan Years (New York, NY: W. W. Norton, 1991), p. 1.

<sup>54</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc 2000), pp.16-17.

this scandal and many other failures such as the stock market crash of October 16, 1987. For his ability to deflect controversy about the problems the country faced throughout the 1980s, the media dubbed Reagan the “Teflon President.”<sup>55</sup>

While he was unable to fully implement his domestic agenda, Reagan was able to exert enormous influence over American foreign policy throughout his two terms as president. His foreign policy was quite straightforward: oppose the Soviet Union on all fronts. In one of his speeches in 1982, Reagan described the Soviet Union as an “evil empire” and “the focus of evil in the modern world.” Yet despite his hostility toward communism, Reagan was soon to become a player in one of the turning points of the twentieth century, as tensions between the United States and the Soviet Union first rose, then quickly subsided into a mood of mutual cooperation that once seemed unimaginable.<sup>56</sup>

At the conclusion of World War II, the Cold War--the ideological conflict between the United States and other Western capitalist states on the one hand, and, on the other hand, the Soviet Union and its allies--became the prevailing mode of world politics. Throughout the 1950s--for instance, in the Korean War--the United States had pursued its Truman Doctrine, opposing the spread of communism into noncommunist countries. However, with the humiliation of the United States in Vietnam, Richard Nixon and his National Security Advisor and later Secretary of State, Henry Kissinger, reasoned that the United States could no longer militarily sustain the burden of containing the expansion of international communism. Nixon and Kissinger thus embarked on the policy of *détente*--i.e. the relaxation of tensions between the United States and the Soviet Union.<sup>57</sup> This doctrine served as the

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<sup>55</sup>Ibid., p.17.

<sup>56</sup>Ibid., p.23.

<sup>57</sup>Ibid., pp.23-24.

basis for the two countries' relations during both the administrations of Jimmy carter and Gerald Ford.

However, upon assuming the presidency, Reagan rejected détente. In what was dubbed the "Reagan Doctrine," his administration renewed the opposition to the spread of communism. The logic of this doctrine was that the United States should support any regime that opposed communism, whether or not it was democratic or dictatorial. Under this policy, the Reagan administration provided military aid to the rebel contras in the efforts to overthrow the Marxist regime in Nicaragua, and to the government of El Salvador in its efforts to crush communist insurgents.<sup>58</sup> In Africa, the Reagan administration provided support to sustain the corrupt government of Mobutu Sese Sekou in Zaire (now, the Republic of Congo), Jonas Savimbi's rebel movement in Angola, and the apartheid regime in South Africa, among others.

Under the Reagan Doctrine, the administration also initiated a massive military buildup. In the 1980 campaign, Reagan argued that the Soviet Union was winning the arms race. When he became president, he engaged the Congress in protracted battles over building weapons systems such as the MX missile and the B-1 bomber. His most controversial proposal was the Strategic Defense Initiative (SDI). In a nationally televised address in 1983, Reagan announced plans for a space-based, computer controlled defense system that would shoot down nuclear missiles before they reached their targets.<sup>59</sup> In the words of Walter LaFeber:

Pentagon advisors had long discounted the possibility of 'Star Wars,' as this proposal was labeled. Reagan ignored them and also most American scientists, who believed that such a defense was not only impossible to build

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<sup>58</sup>Ibid. p.24.

<sup>59</sup>Ibid.

but dangerous to even suggest, because it could destabilize both U.S. and Soviet faith in mutual deterrence. The Soviets, for example, might build many times more missiles so they could simply overwhelm any Star Wars defense.<sup>60</sup>

However, the “Star Wars” was never built, but the idea did provoke worldwide tensions about nuclear war. Russian leader Yuri Andropov warned that the United States was embarking upon a very dangerous course.<sup>61</sup> This development prompted many countries, even Third World nations such as India and Pakistan, to accelerate their nuclear weapons research, out of fear that they could become pawns in the superpower game.

Unexpectedly, the relationship between the two superpowers quickly began to change after 1985. Neither the Soviet Union nor the outside world envisioned the historic consequences that would emerge from the election of Mikhail Gorbachev as the Soviet head of state on March 11, 1985. Much younger than his predecessors, Gorbachev was convinced that the Soviet Union was in serious need of reform. He launched his policy of “glasnost,” which means “openness” in Russian, both within the Soviet Union itself and in its relationship with Western nations. To the surprise of many who perceived Reagan as an intractable “cold warrior,” the president quickly embraced the new Soviet initiatives and established a personal relationship with Gorbachev. This led to a series of arms control summit meetings between the two superpowers. The talks began in Geneva, Switzerland, in 1985 and culminated in December 1987 in Washington, DC, when the two leaders signed the Intermediate-range Nuclear Forces (INF) Treaty. This treaty called for the destruction of an entire class of nuclear missiles. The summit also changed the perceptions many Americans

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<sup>60</sup>Walter LaFeber, America, Russia, and the Cold War, 1945-1996 (New York, NY: McGraw Hill, 1997), P. 303.

<sup>61</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc. 2000), p.25

had about the Soviet Union, as the media became fascinated with Gorbachev and his wife, Raisa Gorbachev.<sup>62</sup>

While Gorbachev's leadership greatly changed the perceptions Americans and others around had about the Soviets, its greatest effect was in the Soviet Union itself. To revive a stagnant Soviet economy, Gorbachev launched economic reforms referred to as "perestroika," meaning, "restructuring" in Russian, and criticized the "nomenklatura," i.e. the Soviet ruling class. Yet his actions had unintended consequences in the satellite nations of Eastern Europe that had been under the aegis of the Soviet Union for decades. The power and authority of local communist bosses were seriously challenged and swept away.<sup>63</sup>

In line with his aspiration for a more "open" Russia, Gorbachev permitted these reform movements to proceed in a democratic fashion. Anti-communist movements sprung within Poland, Hungary, Czechoslovakia, Bulgaria, East Germany, and Romania. These prodemocracy movements gained much more momentum than Gorbachev had imagined. The most telling scene of this historic development was on November 9, 1989, when East Germany opened the Berlin Wall and was subsequently torn down in jubilation.<sup>64</sup>

However, it was George Bush rather than Reagan that led the United States through the "Year of Miracles." Bush's response to the events of 1989 was surprisingly restrained. For instance, when Poland requested \$10 billion in American aid to help the nation through its transition away from communism, Bush's reply was a noncommittal in fear the Soviets misinterpreting whatever he had to say or do. Nevertheless, in 1990, Bush pronounced the

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<sup>62</sup>Ibid

<sup>63</sup>Ibid., pp.25-26.

<sup>64</sup>Ibid., p.26.

Cold War over.<sup>65</sup> This view was buttressed by the final disintegration of the Soviet Union into its current independent republics.

In sum, following Ian Derbyshire, many factors helped to shape the political environment of the 1980s and early 1990s. First, the cost of congressional elections spiraled, rising from \$73 million in 1974; \$151 million in 1978; \$289 million in 1982; \$375 million in 1984; \$450 million in 1986; to \$458 million in 1988. Second, the number of Political Action Committees (PACs) multiplied from 608 in 1974 to 4,268 in 1989, and continued to contribute 31 percent of all the funds spent during congressional contests. Third, outside of Congress, the public mood also changed with labor, minority and welfare lobbies becoming increasingly vocal. Fourth, unemployment rose rapidly to 10.8 percent in December 1982 as the economy was dramatically restructured. Fifth, the major domestic problem the administration faced was the huge and growing federal budget deficit. Finally, Judge Robert Bork's nomination for the Supreme Court galvanized liberals and progressives, because he was perceived as an ultra-conservative "interpretive" jurist who opposed abortion rights and moves towards greater sex equality and sought to turn the clock back on two decades of progress in the civil right's sphere. In October 1987, Bork became the first Supreme Court nominee to be rejected by the Senate.<sup>66</sup>

As the following excerpts from congressional records indicate, on the one hand, Republican lawmakers, officials of the executive branch, members of conservative groups and other advocates of the apartheid regime were enthusiastic about the American political climate of the 1980s and early 1990s. On the other hand, Democratic lawmakers, members

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<sup>65</sup>Ibid., pp.26-27

<sup>66</sup>Ian Derbyshire, Politics in the United States: From Carter to Bush (Edinburgh, England: Chambers, 1990), pp. 16-115).

of liberal and labor groups, and anti-apartheid advocates were less than enthusiastic about the political environment of that era. The argument between the two groups got quite heated at various points.

Chairman Howard Wolpe argues that the leaders of the apartheid regime will abandon the repressive system and commit itself to negotiations only when they realize that “there is more costs than benefits to be derived from its efforts to maintain the system of apartheid.” In his opinion, this could only be achieved through internal, as well as, international pressures.

He further concludes that it is only because of that realization that:

the decisions by the banks ....to demand repayment of matured loans with the collapse of the Rand, with the imposition of limited economic sanctions by the United States and several European countries, and with the general deterioration of the South African economy that we have seen a sudden emergence of more pragmatic voices within the White business community.... Have called upon the government to abandon Apartheid, and begin a process of negotiation with the leadership of the African National Congress and other representative Black leaders.<sup>67</sup>

Jean Sindab, the executive director of the Washington Office on Africa also testifies that his organization has been greatly appalled at the Reagan administration's unresponsiveness to the “anti-apartheid movement's call for effective action.” He points out that the Kairos Document highlights the Church in South Africa's stand, that “the present crisis in South Africa is one which can only be described as a struggle between good and evil, between God and the Devil..., and warned that the church will sometimes have to confront and disobey the State in order to obey God .”<sup>68</sup>

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<sup>67</sup>US Congress. Legislative Options and United States Policy Toward South Africa. [Hearing of the House of Representatives Committee on Foreign Affairs. Subcommittee on International Economic Policy and Trade on Africa. Wednesday, April 16, 1986] (Washington, DC: Government Printing Office, 1986): 78-80.

<sup>68</sup>Ibid., p.83.



He further states, that the trade unions are calling for a complete trade embargo against South Africa and an end to all commercial bank loans to the government and the private sector.<sup>69</sup>

To the opponents of apartheid, Reagan's policy of 'constructive engagement' has had:

a disastrous consequences for South Africa's oppressed people and for the regional victims of South Africa's aggressive foreign policy. To Black South Africans, 'constructive engagement' has been little more than a policy of tacit support for Pretoria's ruthless war against its opponents at home and abroad....<sup>70</sup>

Sindab admonishes the administration to join with "Black South Africa, with the anti-apartheid movement, and with the international community of faith, or it can- at least temporarily- retreat into the White laager, simply by acquiescing in the Reagan Administration's 'too little, too late' policies."<sup>71</sup>

Howard Phillips, President, of the Conservative Caucus, like the other opponents of sanctions, believes that sanctions would retard reforms in South Africa and would force the region into the communist bloc. They all agree that:

by contributing to a major weakening of South Africa's economy, the Administration's sanctions [would] reduce the ability of South Africa's business community to move 'full speed ahead' in developing job and job training opportunities for South African Blacks.<sup>72</sup>

Testifying before the subcommittee, Roger Wilkins a Steering Committee Member, Free South Africa Movement recounts "the brutal repression; the theft of life, the theft of

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<sup>69</sup>Ibid., p.84.

<sup>70</sup>Ibid., p.92.

<sup>71</sup>Ibid., p.96.

<sup>72</sup>Ibid., pp.116-137.

labor, the theft of childhood, and the theft of human joy that is the official policy and practice of the Apartheid regime in Pretoria.” He suggests that the

government can move forward on a line where morality and long-term U.S. political interests converge. Would be helping to put an end to one of the most repressive regimes on earth, while replacing the growing enmity of the people, who will surely chart South Africa’s future, with their respect, and perhaps even their affection.<sup>73</sup>

It became obvious that the members of the subcommittee on Africa, wished to press the Reagan-Bush administration to change its stance on ‘constructive engagement.’ Chester Crocker, Assistant Secretary of State for African Affairs appearing before the subcommittee on Africa reiterates the administration’s opposition to economic sanctions and disinvestment.

He argues:

We are aware that there are some in the trade union movement who have called for sanctions, but some have said disinvestment ought not to mean that the plant and the jobs go. Well, what does that mean in practice? I mean, how are we going to disinvest if there aren’t going to be changes in the opportunities that face people? We have seen many results indicating that black workers don’t want to see sanctions if it means they lose their jobs. So I just don’t think the facts are as clear as your question implies....We have a responsibility as the executive branch of this country to make decisions based on our sense of our moral responsibilities.<sup>74</sup>

In reaffirming the administration’s position, James B. Kelly, Deputy Assistant Secretary for the Bureau of Africa, the Near East and South Asia, Department of Commerce makes the following statement before the subcommittee on Africa:

1. Commerce has published new export regulations to implement both the total ban on all sales to the South African military and police required by the Export Administration Amendment Act of 1985 and the Executive Order’s provision denying U.S. computers, computer software and equipment for computer servicing to those South African entities enforcing apartheid

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<sup>73</sup>Ibid., pp.138-144.

<sup>74</sup>Ibid., pp. 65-78.

2. Commerce joins State and Treasury in opposing H.R.997 because the bill assumes that isolating South Africa and hurting its economy will speed the end of apartheid. Commerce believes that our continued presence in South Africa is our most effective tool for promoting change.
3. The President, in the Executive Order, recognized the need to foster the development of the non-white business community in South Africa. In response to the Executive Order we at Commerce have set out a series of projects designed to increase outreach to that community within South African society.

...In conclusion, the Commerce Department will continue to work closely with U.S. firms to implement the President's Executive Order to end apartheid.<sup>75</sup>

## 2.2 Economic Environment

The economic environment of the period under study was dominated by the agenda of the New Right, as the conservatives that supported Reagan were called. It was the most "revolutionary" part of the Reagan plan. Ever since Franklin Delano Roosevelt's New Deal in the 1930s, under which many large government programs such as Social Security were created to help the nation recover from the devastation of the Great Depression, there had been a widespread consensus that regulating industry and providing assistance to the poor and the elderly were all legitimate duties of the government. This consensus was evident during the 1960s, as Lyndon Johnson launched his Great Society legislation, which, among other things, gave birth to Medicare--the government health insurance plan for the aged. Reagan and his New Right challenged this consensus. They argued that the welfare state had become too powerful and bureaucratic. In his first inaugural address, Reagan proclaimed, "It is time to check the growth of government, which shows signs of having grown beyond the consent of the governed." He and his supporters further postulated that the high taxes

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<sup>75</sup>Ibid., pp. 52-64.

required to pay for social programs had slowed economic growth, and that government welfare programs were a disincentive for poor people to work<sup>76</sup>. They even went on to state that poor people have made living on welfare a way of life and, thus, revel in a culture of poverty.

The major strategy of the Reagan administration to reduce government spending and revive the economy hinged upon what came to be called “supply-side economics.” It was quickly dubbed “Reaganomics” by the media. The fundamental tenet of the strategy was that, if corporations and the wealthy are taxed less, they will invest more and help boost the economy, and all segments of society will benefit from the “trickle-down” effects. To bring his theory to fruition, Reagan appointed former Republican congressman David Stockman as director of the Office of Management and Budget. William Chafe describes Stockman’s goals as follows:

Sharp reduction in income taxes. Stockman believed, would encourage savings and investments; deregulation of industry, in turn, would free business to compete more efficiently in the marketplace; rolling back environmental protection measures would release energy and resources for private development; and cutting back social expenditures to the old and the poor would bolster self-reliance and initiative. The overall goal, was a minimalist government... Millions might suffer in the short run, but in the long run, America would be strengthened “by abruptly severing the umbilical cords of dependency that ran from Washington to every nook and cranny of the nation.”<sup>77</sup>

The Reagan administration’s policy of a “stingier” government angered many liberals, who felt that cutting welfare and social programs showed a lack of compassion for the needy. They condemned Reaganomics, declaring that Reagan’s tax cuts and other

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<sup>76</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc, 2000), pp. 18-19.

<sup>77</sup>William H. Chafe, The Unfinished Journey: America Since World War II (New York, NY: Oxford University Press, 1991), p. 474.

policies favored the rich and punished the poor. The day after Reagan's election in 1980, the late Democratic Senator Paul Tsongas lamented the nation's willingness to accept Reagan's ideas as the deathblow to the New Deal ideas. In a 1984 speech, former New York Governor Mario Cuomo charged that "Reagan made the denial of compassion acceptable" and that Reagan's attack on the welfare state "gave the middle class a reason not to care about the poor."<sup>78</sup>

The notion that Americans had become uncaring was buttressed by the fact that the rich did get richer in the 1980s, especially after Reagan signed his tax cut, the Economic Recovery Tax Act, in 1981. As Ivan Morgan observes, due to Reagan's initiative and other factors involving the global economy,

[by] 1984 the economy was booming, the rise of 6.8 percent in GNP being the highest annual increase since 1951. The beneficiaries were mostly the wealthy. The richest 1 percent of Americans owned 14.9 percent of the national wealth by 1988, compared with 8 percent in 1980. The middle classes also did well out of "Reaganomics," which helped create a new class of young, upwardly mobile professionals, the so-called yuppies. However,...poverty was manifestly on the increase, rather than on the decline. According to official statistics, 14.4 percent of Americans were poor in 1984, compared with 11 percent in 1979.<sup>79</sup>

Indeed, there was a growing concern throughout the 1980s and early 1990s that the gap between the rich and the poor was widening. As Kevin Phillips poignantly observes, by the late 1980s, a person could not be a serious millionaire with just \$1 million in assets.<sup>80</sup> The extravagant shows of wealth that characterized 1980s' culture helped to fuel this

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<sup>78</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc, 2000), pp. 19-21.

<sup>79</sup>Iwan W. Morgan, "The Age of Uncertainty: The United States Since 1973," in Iwan W. Morgan and Neil A. Wynn, eds., America's Century: Perspectives on U.S. History Since 1900 (New York, NY: Holmes and Meier, 1993), p 200.

<sup>80</sup>Kevin Phillips, The Politics of Rich and Poor (New York, NY: Random House, 1990), p. 155.

concern. Television shows such as “Dallas” and “Lifestyles of the Rich and Famous,” as well as Madonna’s hit song “Material Girl,” were evidence of America’s preoccupation with wealth. The media, especially Newsweek magazine, in turn, proclaimed 1984 “The Year of the Yuppies,” an acronym for young, urban, upwardly mobile professionals, who showed their wealth with expensive clothes, cars, apartments, and electronics. David Wright describes the yuppie phenomenon this way:

Yuppies annoyed the rest of the population in different ways. Older and less affluent Americans considered them ostentatious. Cars such as BMWs became symbols of excess to people who were trying to patch together aging Chevys or Fords. On college campuses, “Die yuppie!” became a popular bumper sticker. But there were many collegians eagerly awaiting their chance to become urban professionals too.<sup>81</sup>

The growing obsession with wealth led to many high-profile incidents in which wealthy individuals became even wealthier through illegal activities. The following are two well-known examples. Michael Milken made millions of dollars selling high-risk “junk” bonds and used the money to finance corporate takeovers, until he was finally implicated in several insider-trading scandals and convicted of fraud and racketeering in 1987. Ivan Boesky, another one of Wall Street’s most famous traders, pushed for “merger mania”—the name for the controversial wave of corporate buyouts in the 1980s. He was later convicted of insider-trading charges in 1986. That same year, in a now-infamous speech to the graduating business students at the University of California at Berkeley, Boesky proclaimed that, in a free market economy, “greed is healthy.”<sup>82</sup>

These and many other incidents led many to characterize the 1980s as “a decade of greed.” As the economy went into recession in 1990, news magazines were filled articles

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<sup>81</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc. 2000), p. 21.

<sup>82</sup>Ibid.

such as Business Week's "Was the last Decade Really So Cruel: Yes," the New York Times Magazine's "Reagan's America: A Capital Offense," and Newsweek's "The 1980s: Market Culture Run Amok." As to be expected, conservative periodicals were quick to respond with their own economic analysis, especially when the economy rebounded in 1992. Richard McKenzie's 1993 book, What Went Right in the 1980s, is an example of this trend.<sup>83</sup>

Retrospectively, many observers have pointed out that the conservative shift in America was not as profound as conservatives had hoped and liberals had feared that it would be. For one thing, a Democrat, Bill Clinton, was back in the White House by 1992. As John Findling and Frank Thackeray observe:

In November 1988, the Reagan Revolution was passed on to George Bush, Reagan's vice president....Although Bush generally carried on Reagan's economic policies...he did not have the charisma that carried Reagan to such heights of popularity....Bush failed in his bid for reelection in 1992, losing to Bill Clinton, the governor of Arkansas. After twelve years, the Reagan Revolution was over.<sup>84</sup>

Also, many conservatives lamented that Reagan did not accomplish his stated fiscal goal of reducing the size of government. In the words of John Robson,

Despite a lot of rhetoric from both the administration and its critics, domestic spending under Reagan went up; the share of the Gross national Product (GNP) taken by the federal government went up; the deficit went up; entitlements expanded....On policy and legislative questions, the Reagan Revolution saw the state intervening ever more deeply into the economy.<sup>85</sup>

Moreover, according to Alice Rivlin, sustained economic growth should have been a high priority of public policy during this period. Several factors impeded economic

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<sup>83</sup>Ibid., pp. 21-22.

<sup>84</sup>John E. Findling and Frank W. Thackeray, eds., Events that Changed America in the Twentieth Century (Westport, CT: Greenwood Press, 1996), p. 196.

<sup>85</sup>John Robson, "The Reagan Revolution: Interpretive Essay," in Findling, J. E., and Thackeray, F. W., eds., Events that Changed America in the Twentieth Century (Westport, CT: Greenwood Press, 1996), p. 200.

performance. These included extremely high interest rates and the deep and lengthy recession, from which the country did not begin to recover until the end of 1982. As a result of both the recession and the cut in taxes without a corresponding cut in spending, the federal deficit soared to \$193 billion, or six percent of GNP, in fiscal year 1983. Consequently, Rivlin predicted that, even if the economy grew steadily through 1989 (as assumed in the projections of the Congressional Budget Office--CBO), unemployment would fall to only 6.5 percent, interest rates would decline, but the deficit would still climb from about \$200 billion in fiscal year 1985 (five percent of GNP) to about \$300 billion in 1989 (5.7 percent of GNP).

The CBO had projected that domestic spending would decline from its high of 15 percent of GNP in 1983 to less than 13 percent by the end of 1990.<sup>86</sup>

The consequences for the Reagan administration's economic policy shortcoming, as Rivlin points out, were several. First, the United States experienced a high recession due to the high value of the dollar on foreign exchange markets. Second, in 1982, 34 million people (15 percent of the population) lived in households with incomes below the government's official poverty line. Third, by 1982, 12 percent of whites were poor compared with 36 percent of African Americans and 30 percent of Hispanics. Finally, total employment insurance expenditures amounted to \$29 billion in fiscal year 1983.<sup>87</sup>

In sum, Reagan did not truly abandon the New Deal, since he failed to eliminate either Medicare or Social Security, two of the largest and most popular federal programs. Spending increased while taxes decreased, and the federal deficit soared. In the 1980s and early 1990s, the United States went from being the world's largest creditor to the world's

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<sup>86</sup>Alice M. Rivlin, ed., Economic Choices 1984 (Washington, DC: Brookings Institution, 1984), pp. 5, 8, 31, 79, 596.

<sup>87</sup>*Ibid.*, pp. 17, 31, 146, 157.



largest debtor. This high rate of federal spending was an outcome of the fact that defense spending nearly doubled during Reagan's first term, from \$134 billion in 1980 to \$252 billion in 1985.<sup>88</sup>

The discussion that follows clearly show that Republican lawmakers, officials of the executive branch, members of conservative groups and other advocates of the Pretoria regime painted a rosy picture of the American economic environment of the 1980s and early 1990s. However, Democratic lawmakers, members of liberal and labor groups, and other opponents of apartheid saw an economic environment that was fraught with many shortcomings and disparities. The disagreement between the groups sometimes became quite heated.

Howard Wolpe, chairman of the subcommittee on Africa, quotes Bishop Desmond Tutu as saying:

"Our land is burning and bleeding and so I call on the international community to apply punitive sanctions against the government to help us establish a new South Africa, non-racial, democratic, participatory, and just. I have no hope of real change from this government unless they are forced."<sup>89</sup>

Wolpe further laments that:

"Promises of more non-negotiated reforms of apartheid by the South African government and promises from our own government of further progress through 'constructive engagement' with South Africa are inadequate in face of the violent and repressive realities in South Africa.... I, and many of my colleagues, feel that economic sanctions are an extraordinary policy tool: that the circumstances in South Africa certainly warrant extraordinary measures."<sup>90</sup>

Congressman Ron Dellums, an avid proponent and supporter of strict sanctions in

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<sup>88</sup>James D. Torr, ed., *The 1980s* (San Diego, CA: New Greenhaven Press, Inc, 2000), pp. 22-23.

<sup>89</sup>US Congress, *Legislative Options and United States Policy Toward South Africa*, [Hearing of the House of Representatives Committee on Foreign Affairs, Subcommittee on International Economic Policy and Trade on Africa, Wednesday, April 16, 1986], (Washington, DC: Government Printing Office, 1986), p. 1.

<sup>90</sup>*Ibid.*, p. 27.

one of his many presentations before the subcommittee, argues that:

...apartheid....is unspeakably oppressive and morally and politically wrong.....the United States government and its citizens have been accessories to this oppression by virtue of our acquiescence and the support of an unjust government in the country of South Africa. We must support the development of democracy and complete freedom. We must end our complicity with racism and violence, and recognize and support the quest of the South African majority for full political right. The Congress now stands at a moral crossroads in modern history. We can allow ourselves to be passive observers of the intensifying crisis there...through tacit acceptance of the Administration's policy of 'constructive engagement' and the President's assurance that his sanctions are sufficient pressure by the United States at this particular moment in history....The current policy of so called 'constructive engagement' is a clear failure.

He further emphasizes that:

There is no evidence that there has been any lessening of apartheid. The argument is often made that the loss of foreign investment would hurt blacks in the short run because many of them stand to lose their jobs. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice.' If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment in South Africa. We blacks are perfectly willing to suffer the consequences. We are quite accustomed to suffering.<sup>91</sup>

Members of the administration such as Chester A. Crocker, Assistant Secretary of State for African Affairs, continue to paint a rosy picture of the economic environment.

Crocker contends:

We have allocated increasing funds substantially increased funds, some \$45 million over fiscal years 1986 and 1987 for U.S. government funded activities to support the disadvantaged and the victims of apartheid in South Africa and to help blacks to be in a better position to shape their own destiny.... We don't believe in indiscriminate and blunt acts of economic punishment inflicted on the South African people and society and economy as a whole, a way to influence that government. On the contrary, we think those are, in fact, dangerous courses of action that could, in effect, encourage even more intransigence on both sides....<sup>92</sup>

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<sup>91</sup>Ibid., pp. 6-107.

<sup>92</sup>Ibid., pp. 27-29.

Crocker' position is supported by Robert A. Cornell, Deputy Assistant Secretary for Trade and Investment Policy, Department of the Treasury when he argues that "eliminating the U.S. economic presence in South Africa and attempting to severely jeopardize the South African Economy will not provide the incentives for genuine change that we seek. U.S. firms in South Africa promote beneficial change."<sup>93</sup>

James B. Kelly, Deputy Assistant Secretary for the Bureau of Africa, The Near East and South Asia, Department of Commerce also affirms the administration's position with the following comment:

Commerce joins State and Treasury in opposing H.R.997 because the bill assumes that isolating South Africa and hurting its economy will speed the end of apartheid. Commerce believes that our continued presence in South Africa is our most effective tool for promoting change.<sup>94</sup>

Mr. Patrick O'Farrell, Executive Director, African -American Labor Center (AFL-CIO) presenting the views of the AFL-CIO on the reprehensible political, economic and social system of South Africa before the subcommittee on Africa:

calls on its own government, and that of the other industrialized democracies to ban new investments in south Africa, end all investment guarantees, export credits, and trade promotions with South Africa. Stop new I.M.F. and other bank loans. Halt the sale of Krugerrands and the purchase of South African coal. Punish violators of the United Nations oil embargo against South Africa.... The AFL-CIO believes that the Black Trade union movement offers the most promising hope for peaceful social change....We have long believed, and continue to do so, that we must provide maximum support to those inside South Africa, who bear the brunt of the struggle, and upon whom ultimate success depends. And we must bring maximum pressure on the South African government, through whatever practical means we can devise.<sup>95</sup>

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<sup>93</sup>Ibid., pp. 43-51.

<sup>94</sup>Ibid., p. 52.

<sup>95</sup>Ibid., pp. 99-115.

### 2.3 Social Environment

While the 1980s and early 1990s were characterized by earth-shattering events, Americans who lived through this era would more likely remember the developments that impacted their daily lives. For instance, as the threat of communist expansion decreased, Americans worried about other problems such as terrorism, illegal drug use, and AIDS. The AIDS epidemic began in 1981, and by the end of 1982, 750 cases had been reported in the United States and almost 1,600 worldwide. By the mid-1980s, the fear of AIDS had gripped the United States. In one famous example, Ryan White, a thirteen-year-old hemophiliac who had contracted HIV through blood transfusion, was barred from attending school. The disease was also strongly associated with gay men, exacerbating homophobic sentiments.<sup>96</sup>

This led some observers to make all sorts of dire predictions about the ramifications of AIDS. Carriers of the disease triggered fear and prejudice disproportionate to their numbers. "Safe sex" became a code phrase for condom usage. Consequently, the news media abandoned their restrictions on advertising condoms. Indeed, AIDS was not the only problem making headlines during the 1980s and early 1990s. In 1986, for instance, estimates of homelessness reached record highs. In that same year, Americans witnessed the explosion of the space shuttle "Challenger," the Chernobyl nuclear plant disaster in the Soviet Union, and the announcement by Ronald and Nancy Reagan of their "Just Say No" to drugs campaign, in response to increased use of crack cocaine and other illegal drugs. In the early 1980s, American farmers experienced hard times due to drought and a depressed global economy. And on October 19, 1987, waves of panic spread throughout Wall Street, as the stock market took its largest one-day plunge in history. On the environmental front, the

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<sup>96</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc. 2000), p. 27.

decade began with the eruption of the Mount Saint Helens volcano in 1980, and ended in 1989 with the “Exxon Valdez” oil spill, the worst in American history.<sup>97</sup>

Some positive social gains were also made during the period under study. Women made some gains, as many more of them entered the workforce than ever before. In 1981, the Supreme Court ruled that women could sue their employers for receiving less pay than men, who performed the same work. And in the 1984 election, Democratic presidential candidate, Walter Mondale, selected Geraldine Ferraro as his running mate, making her the first woman to run for the office on a major party’s ticket.<sup>98</sup>

In the area of technology, personal computers, once expensive novelty items in the 1970s, were fueling a \$70 billion-a-year industry by 1990, as they became popular in homes, offices, and classrooms. The “PC revolution” of the 1980s became the precursor of the Internet and the “information revolution” of the 1990s.<sup>99</sup>

Nonetheless, following John Palmer and Isabel Sawhill, the greatest shortcomings of the Reagan administration were in terms of the social environment. To begin with, the administration sought to change the scope of social programs, their goals, and the means used to achieve them. To limit their scope, Reagan proposed to reduce annual spending on social programs by nearly \$75 billion, about 17 percent below prior policy levels by fiscal year 1985. Next, Reagan reduced or eliminated benefits for those groups he believed ought to rely upon work and other means of private rather than public support, even though private giving was not equipped to handle the burden. In addition, Reagan voiced support for civil rights and sung the tunes of both federalism and efficiency, but his proposals for change

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<sup>97</sup>Ibid., p. 28.

<sup>98</sup>Ibid.

<sup>99</sup>Ibid.

constituted a large-scale rejection of the goals of the Great Society initiative. It was, therefore, not surprising that by 1982 the official poverty rate had reached its highest level since 1965, when Johnson launched the War on Poverty programs. Moreover, employment discrimination cases brought by the Equal Employment Opportunity Commission (EEOC) and the Department of Justice declined by half from 1980/1981 to 1982/1983, while the number of complaints brought by individuals increased by nearly 50 percent.<sup>100</sup>

## 2.4 Cultural Environment

In terms of the cultural environment of the 1980s and early 1990s, Americans were bombarded with more entertainment options than ever before. The VCR gave rise to the home video, making it possible for people to watch more movies at home. Many television stations were created, as cable television grew. Music Television (MTV) gave rise to a new musical format--the music video--for the recording industry. And the number of books and magazines being published increased considerably,<sup>101</sup> albeit many of these publications were of the "feel good" and "trashy" variety.

"The Cosby Show," a network television sitcom, emerged as the era's most popular program, ranked number one in the Nielsen ratings every year from 1984 through 1992. While some observers have interpreted the popularity of the show as a positive indicator of race relations in the 1980s, since the sitcom concerns an upwardly mobile African-American family, other observers have suggested that it is because of the show's portrayal of two major themes of the 1980s: "family values" and affluence.<sup>102</sup>

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<sup>100</sup>John L. Palmer and Isabel V. Sawhill, eds., The Reagan Record (Cambridge, MA: Ballinger Publishing Company, 1984), pp. 177-205.

<sup>101</sup>James D. Torr, ed., The 1980s (San Diego, CA: New Greenhaven Press, Inc. 2000), p. 29.

<sup>102</sup>*Ibid.*

In popular music, the new wave and heavy metal genres of the early 1980s replaced the punk music phenomenon of the 1970s. Later in the era, rap music gained mainstream popularity. The music industry also showed some socially responsible attributes, as exemplified by Live Aid, a mega concert held simultaneously in London, Philadelphia, and Sydney, which raised \$67 million to assist victims of droughts in Africa. Soon to follow were other concerts such as Farm Aid.<sup>103</sup>

According to Richard Schickel, a popular film reviewer, the 1980s and early 1990s comprise an era of “[a] handful of great movies, two handfuls of interesting movies, and a lot of stuff it’s impossible to remember or care about. Fantasy and science fiction dominated the themes of some of the most popular movies.” Steven Spielberg’s *E.T.: The Extra-Terrestrial* (1982) was the top-grossing film of the era. Other high-grossing films included *The Empire Strikes Back* (1980), *Return of the Jedi* (1983), *Raiders of the Lost Ark* (1981), *Ghostbusters* (1984), and *Batman* (1989).<sup>104</sup>

Nonetheless, as some students of popular culture argued, certain films during the era also mirrored trends in society. For instance, William Palmer states the following in suggesting how certain films reflected changing Cold War tensions:

The fascination of the eighties American films with Russian themes closely followed the contour of the historical rhetoric of American-Russian relations. Early films like *Red Dawn* and the TV series *Amerika* examined the differences between the society and ideologies, their potentials for brutality towards each other. By mid-decade, films like *Rocky IV* and *White Nights* had taken up the Reagan “evil empire” patriotic jingoism. But after the

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<sup>103</sup>Ibid.

<sup>104</sup>Ibid., pp. 29-30.

1985 Geneva summit, Hollywood had to scramble to accommodate the sudden change in rhetoric....Films like *Little Nikita*, *Ruskies*, and *Red Heat* underlined that rhetorical shift.<sup>105</sup> In essence, mainstream Hollywood films reflected many of Reagan's old-fashioned flag-waving attitudes: "family values," money, winning, and militarism.

The findings from the personal interviews based on the questionnaire in Chapter One seem to suggest that, with time, the participants in the anti-apartheid struggle, who were interviewed, shared similar views about the political, economic, social and cultural environment of the 1980s and early 1990s. According to Howard Wolpe, the environment was one of "hardline position maintenance." For him, while supporters of the Pretoria regime were adamant about maintaining the status-quo, claiming that things were getting better in all spheres, he (Wolpe) and other opponents of the apartheid regime thought that the political, economic, social and cultural environment needed to be changed, because it was fraught with greed and uncaring for the downtrodden, especially in South Africa.<sup>106</sup> Indeed, Ronald Walter's (Professor of Government and Director of the Leadership Institute at the University of Maryland at College Park, who was once an adviser to the Rev. Jesse Jackson's presidential campaign) position was quite similar to that of Wolpe. However, Walters added during an interview that the Reagan administration was being blind to the fact that the political, economic, social and cultural environment was in favor of changes in the United States and in South Africa at that particular point in time.<sup>107</sup> While Payne Lucas shared a similar view, he pointed out that Black South Africans were in dire need of economic

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<sup>105</sup>William F. Palmer, *The Films of the Eighties: A Social History* (Carbondale and Edwardsville, IL: Southern Illinois University Press, 1991), p. 208.

<sup>106</sup>Ibid.

<sup>107</sup>Face-to-face interview with Ronald Walters at the University of Maryland at College Park on April 3, 2000.



assistance at the time, an issue that warranted greater focus than it received from both supporters and opponents of the Pretoria government.<sup>108</sup>

The preceding discussion deals with the first major research question of this study: In what type of political, economic, social, and cultural environment did the debate on United States foreign policy towards South Africa emerge between 1981 and 1992? In sum, the significance of many of the trends in the 1980s and early 1990s are only evident in retrospect. Thus, the findings in this chapter reflect the lasting impact of the 1980s and early 1990s. Phrases such as “the Reagan era,” “Reaganomics,” “morning in America,” “a decade of greed,” “electronic culture,” and “the New Conservatism” are concepts employed to put the era in its proper perspective, but the period continues to resist such easy characterizations. The actual legacy of the 1980s and early 1990s will become crystallized with time.

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<sup>108</sup>Face-to-face interview with Payne Lucas at Africare Headquarters in Washington, DC on June 10, 2000.

## CHAPTER THREE

### INPUTS

The focus of this chapter is on the relevant demands and support, which caused changes in the environment to the political system that helped to shape United States foreign policy towards South Africa between 1981 and 1992. Specifically, attention is directed at (1) how the volume and variety of demands were regulated by certain structures--interest groups and opinion leaders--which aggregated and articulated the demands made on lawmakers; (2) how support for the Comprehensive Anti-Apartheid Act of 1986 varied and how relationships were built.

Consequently, the discussion in this chapter is also based on the activities and discourse of several interest groups and organizations that provided inputs and articulated the competing positions in the environment. David Easton recognized the role of interest groups in formulating and articulating policies. They provide legislators the clues or information, which they use to support their policy positions. They also monitor and contribute to the feedback mechanism. In terms of importance, interest groups constitute a major source of education and information to Congress. One staff aide explained:

There are hundreds of things happening here at any given time, including committee hearings, roll call votes on the floor and meetings. Senators run from meetings to hearings on the floor and back again all day long. There's not enough time to think and they need information in a condensed and easily digestible form. Staff provides some of this, but lobbyists are indispensable sources both to us and to Senators.<sup>109</sup>

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<sup>109</sup>Norman J. Ornstein and Shirley Elder, Interest Group, Lobbying and Policy- Making (Washington, D.C.: Congressional Quarterly Press, 1978), p. 59.

Despite the foregoing, interest groups can, oftentimes, be detrimental to the policy process. This is because they represent the concerns of their members and, hence, they provide the information they believe would convince the legislator to see things their way and act accordingly.

### **3.1 The Reagan Administration's Push for Constructive Engagement**

When the Reagan administration first took office in 1981, there was an apparent shift in the direction and substance of the United States foreign policy towards South Africa. Ronald Reagan's conservative and pro-status quo stance replaced that of Jimmy Carter. The latter had appealed for full participation of Black South Africans in the political process of their country, an appeal that was grounded on concerns for human rights and in line with United States idealism. Reagan believed that Carter's policy "[ignored] vital United States' interests, while naively pursuing idealistic human rights goals."<sup>110</sup> He was not inclined to pursue Carter's confrontational and activist public campaign to pressure the Pretoria government to change its racial policies. Placing more premiums on the strategic and military importance of South Africa to United States Cold War defense planning, Reagan moved to improve the strained relations between the United States and South Africa as a component of his global strategy to combat Soviet influence.

From the very beginning, Reagan proclaimed the unequivocal message that he wanted to "open a new chapter" with Pretoria. In March 1981, in an interview with former Columbia Broadcasting Services (CBS) news anchorman Walter Cronkite, He called South Africa a friendly nation that "has stood beside us in every war..., a country that strategically

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<sup>110</sup>The Washington Post (June 16, 1981).

is essential to the free World...[and] has production of minerals we all must have.”<sup>111</sup>

South African government officials were very much encouraged by Reagan’s public expressions about their country and his new approach to the major problem of South Africa. As one South African official noted, “not only is it virtually the opposite of [the policy] adopted by the Carter Government, but it is even more friendly than the policy of Richard Nixon.”<sup>112</sup>

After a meeting with Pik Botha, South Africa’s Foreign Minister at the time, in Washington in May 1981, the Reagan administration officially announced its policy of “Constructive Engagement.” Like the “Containment Policy” of Harry Truman, constructive engagement was based on an academic assessment of the political reality of the South African situation. It was based on Chester Crocker’s analysis of the developments and objective conditions in South Africa in the late 1970s which resulted in the paper, “South Africa: Strategy for Change,” he published in *Foreign Affairs*, Winter 1980/1981.

As Assistant Secretary of State for African Affairs in the Reagan administration, Crocker could be said to have been almost solely responsible for formulating, adopting, and implementing the policy. “Constructive engagement” was meant to establish a cordial and accommodating intercourse with the South African government. The expectation was that through “communication,” rather than confrontation, the United States government would be able to influence and entice South Africa’s government to implement reforms that would lead to Black participation in the political process in South Africa. Also, it was hoped that, through cooperation with South Africa, Namibia would become independent, Soviet

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<sup>111</sup>The Washington Post (June 16, 1981).

<sup>112</sup>*Ibid.*

influence in Southern Africa would be halted, and stability in the region would be enhanced. Chester Crocker's strategy of cooperation, rather than confrontation with the Pretoria government, was based on certain key assumptions. First of all, he tended to believe that the South African government under Pieter W. Botha's leadership was a "modernizing autocracy" bent on reform. This thinking was particularly based on Botha's statement in 1979, in which he indicated that South African whites must "adapt or die." It was also tied to his assertion that he would take the necessary steps to bring about a sustained improvement in American-South African relations. Vivid manifestations of the latter included the initiation of obvious internal reforms, accepting Namibian independence and developing accommodating relations with South Africa's neighbors. Crocker's strategy was also based on the assumption that Reagan had given the United States new credibility because of his pronouncements about extending cordial bilateral relations with Pretoria.

One may note, however, that constructive engagement was more or less National Security Study Memorandum (NSSM)-39 revisited. NSSM-39 was a document that resulted in a review organized by Henry Kissinger, then National Security Adviser under Nixon, to change both the style and substance of American relations with South Africa. Out of five policy options that were recommended by a committee set up for that purpose, Option Two was adopted. This policy option provided that the American government relax its stance towards the ruling white establishment in South Africa, so as to encourage it to make some modifications (reforms) on its racial and "colonial" policies. Like constructive engagement, NSSM-39 called for a closer association with the South African government in an effort to entice it to reform its political system. Emphasis was placed on the economic and strategic interests of the United States while the most crucial and vital concerns of the political and

human rights of Black South Africans were minimized. This was clearly implied in the recommendations of NSSM-39 when it states: “our tangible interests form a basis for our contacts in the region, and these can be maintained at an acceptable political cost.”<sup>113</sup>

In response to its policy of constructive engagement, the Reagan administration started off with overtures to the South African government. For example, in March of 1981, just two months after he took office, South African military officers, including high-level intelligence officers, arrived in Washington to consult with their American counterparts. The Reagan administration also authorized additional South African honorary consuls in the United States. Visas were granted to a South African rugby team. Moreover, it relaxed controls over non-lethal exports that the South African military and police could use. The administration also adopted a more flexible attitude towards the sale of dual-use military equipment and sophisticated technology. It even re-established the exchange of military attaches between Washington and Pretoria.

The new administration was very instrumental in helping the South African government secure a \$1.1 billion loan from the International Monetary Fund (IMF) to address its (South African government) ever-increasing balance-of-payment problems, brought about largely by a sharp decline in South Africa’s exports and the price of gold. It supported and continued to help the South African government secure other loans amid strong opposition from many Black and liberal white Americans who had argued that such a loan “would subsidize apartheid policies that seriously distort the country’s economy and hamper development of its vast resources.”<sup>114</sup>

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<sup>113</sup>See Study Commission on US Policy Towards Southern Africa’s South Africa: Time Running Out (1981), pp. 351-352.

<sup>114</sup>W. H. Gray. “Lend a Billion to South Africa?” The Washington Post (1982).

In the spirit of constructive engagement, the Reagan administration turned a blind eye to South Africa's aggression and campaigns of destabilization in the Southern African region. It was silent on South African aggression against neighboring countries like Mozambique and Angola, in spite of its strong and active condemnation of international terrorism. For example, in December 1983, South Africa invaded Angola. Its artillery and bombers struck about 200 miles deep into Angola in an attempt to cripple the South West Africa Peoples Organization (SWAPO) operations. The Reagan administration said nothing.

Indeed, a constitutional reform in 1983 by Botha called for the establishment of a three-chamber parliament made up of racially-segregated houses for whites, colored, and Indians. Quite obviously, this reform excluded Africans who comprised some 72 percent of the South African population. Such an unfair and unjust reform, for example, was regarded as "a positive step" by the Reagan administration.

### **3.2 Opponents' Push for Sanctions Against South Africa**

By 1982, the utility and effectiveness of constructive engagement was being called into question. The general feeling in the United States Congress, then, was that the policy had failed to achieve its immediate objective of a Namibian settlement. Most importantly, constructive engagement was not seen as being able to have any impact on the Botha Government in regard to the political rights of blacks. A number of bills and resolutions condemning South African and American policies, and calls for varying degrees of sanctions, were introduced in Congress. In spite of these criticisms, the Reagan administration was able to manage the shortcomings and doubts about this policy of constructive engagement in its first term. The administration brokered the Lusaka agreement between South Africa and Angola, and the Nkomati Accord between South Africa and

Mozambique. These were seen as indications that constructive engagement was making strides.

Nonetheless, the latter half of 1984 witnessed the decline and eventual demise of constructive engagement. The pace was increased as a result of the fact that a new South African “no black representation” constitution went into effect on September 3, 1984. Violent protests broke out in some of the townships in the Republic. There were also protests in the United States, especially in Washington, DC. Rallies and demonstrations were staged in front of the South African embassy by African American leaders like Randall Robinson, Executive Director of Trans-Africa; Walter Fauntroy, former District of Columbia delegate to Congress; and others. There were intensive appeals for sanctions and divestment from almost all groups in the American Society. By 1985, series of divestment legislation were passed in six states with fourteen others considering similar measures.

It was, however, Botha’s “Rubicon” speech of 1984, in which he indicated there would be no power sharing with Blacks in South Africa, which brought about tremendous anti-apartheid response and divestment from American corporations, banks, schools, etc. This eventually led to the United States Congress enacting the Comprehensive Anti-Apartheid Act in 1986. This legislation “imposed the strongest set of sanctions yet taken against Pretoria by one of its major Western trading partners...”<sup>115</sup> This Act banned new investments and bank loans to South Africa; stopped South Africa’s air links with the United States; prohibited importation of South African products such as coal, uranium, steel, textiles, and agricultural products to the United States; and threatened to cut off military aid

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<sup>115</sup>P. Baker, The U.S. and South Africa: The Reagan Years (New York, NY: Ford Foundation, 1989), p. 45.



to allies suspected of breaching the international arms embargo against South Africa.<sup>116</sup> This watershed legislation apart from endangering the South African economy, forced the government to make concessions (such as lifting the ban on the African National Congress [ANC] and releasing Nelson Mandela from prison) and set the stage for power-sharing negotiations. In essence, the Act “set forth a...complete framework to guide the efforts of the United States in helping to bring an end to Apartheid in South Africa and led to the establishment of a non-racial, democratic form of government.”<sup>117</sup> In other words, the Act not only legally called for the replacement of constructive engagement, it also provided guidelines to enhance a stable Southern Africa and a democratic South Africa.

### **3.3 The Bush Administration and South Africa**

George Bush was elected president in late 1988 and his administration took office in early 1989. Shortly after, some African leaders, who were not pleased with Reagan’s pro-Pretoria policy of constructive engagement and its impact on promoting fundamental change in South Africa, called on him to change the policy. For example, Zimbabwe’s Foreign Minister, Nathan Shamuyarira, while addressing an anti-Apartheid conference sponsored by the World Council of Churches in Harare on November 21, 1988, urged Bush to discard the Reagan administration’s policy.<sup>118</sup> He also appealed to Bush to change his approach so that the United States could be seen as actively opposed to South Africa’s Apartheid system and supportive of the black majority-ruled front-line states. More importantly, the United States, in changing the policy, would be hastening the demise of the Apartheid system.

Even the quasi-governmental Herald newspaper in Harare was quoted as urging the

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<sup>116</sup>Ibid.

<sup>117</sup>Ibid.

<sup>118</sup>See Africa Report (January-February 1989).

incoming Bush administration to significantly toughen its policy towards South Africa and not “to slavishly follow the soft Reagan line on South Africa, as it will produce nothing but conflict.”<sup>119</sup> The paper was further quoted as suggesting that, in order to move out of the Reagan “shadow,” the Bush administration should support punitive sanctions against South Africa.<sup>120</sup>

The Bush administration, at its inception, did not have a comprehensive and clearly defined official policy towards South Africa unlike its predecessor. All that was said was that it had “Basic Principles of U.S. Policy toward South Africa”<sup>121</sup>, or an “Emerging U.S. Policy.”<sup>122</sup> This was nothing more than a restatement of the cardinal guidelines of a succeeding policy to constructive engagement recommended by the Secretary of State’s Advisory Committee on South Africa and created by Reagan in September 1985. Edward Perkins, for instance, in his Department of State Bulletin, “New Dimensions in U.S. Foreign Policy,” asserted the following:

1. We should continue to press the South African government for fundamental political change
2. We should continue to condemn the South African government’s systematic violation of human rights.
3. We should continue to vigorously support black political and economic empowerment, plus provide scholarships for black students.<sup>123</sup>

These policy stances can also be found in A U.S. Policy Toward South Africa, a report released by the Shultz Advisory Committee.

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<sup>119</sup>Ibid., p. 16.

<sup>120</sup>Ibid.

<sup>121</sup>Herman J. Cohen, “Measures for Peace in South Africa,” Current Policy (1968, no. 1218).

<sup>122</sup>Edward Perkins, “New Dimensions in U.S. Policy,” Current Policy (1989, no. 1253).

<sup>123</sup>See Current Policy (1989, no. 1253).

In practice, the Bush administration was, to a very large extent, following the recommendations of the Shultz Advisory Committee. Thus, it pursued the policies that the Reagan administration had already started to enforce, policies that were not only favorably directed at the Pretoria government but to the anti-apartheid leaders as well. For instance, in the enforcement of the Comprehensive Anti-Apartheid legislation, we witnessed, for the first time, the Reagan administration pursuing greater contact or "engagement" with the ANC and other anti-apartheid organizations. A rapport engineered by the former United States ambassador to South Africa, Edward Perkins, culminated in a meeting between the late ANC President, Oliver Tambo, and former American Secretary of State, George Shultz, in January 1987.

One of Bush's first moves when he took office was to invite Albertina Sisulu, the wife of Walter Sisulu, and her associates in the United Democratic Front (UDF), to the White House. He also extended invitation to Nelson Mandela shortly after he was released from prison in February 1990. In fact, Bush met with Nelson Mandela, Chief Mangosuthu Buthelezi, and other key South African political leaders including former President de Klerk.

Another area in which one could see a continuation of Reagan's policy in the Bush administration was that of sanctions. The Bush administration, like the Reagan administration, was opposed to them. This was mainly due to the fact that the Bush administration believed that, even though sanctions had affected the thinking of the Pretoria government, its implementation would only result in hurting South Africa's neighbors and Blacks in South Africa.

However, the Bush administration, unlike the Reagan administration, was very tactful in handling the issue of sanctions with Congress. A bipartisan consensus was created

between the Bush administration and the United States Congress in dealing with the South African issue. This was brought about through intensive consultations with various groups in Congress, the Black Caucus, and other members of the Bush administration, including James Baker and Herman Cohen. Such an effort not only resulted in a working relationship between the Bush administration and the white establishment in South Africa, it also won credibility with the Black masses and their leaders in that country.

It is important to note that a concrete manifestation of the Bush administration's bipartisan effort was the conclusion of an agreement between the executive branch and Congress in 1989 to hold off implementing more sanctions against South Africa's government for about six to nine months. This was to provide the de Klerk government with some time to institute meaningful reforms toward the achievement of a racial-free democratic South Africa.

Also, unlike the Reagan administration, the Bush administration was quite open in decrying apartheid. For example, on his visit to Soweto, South Africa, on Friday, March 23, 1990, American Secretary of State, James Baker, not only expressed his distaste for the abject poverty in the township, but he also openly said that South Africa's policy of racial separation must be abolished as quickly as possible.<sup>124</sup>

Indeed, the Bush administration, unlike the Reagan administration, was relatively more willing to meet with members of the ANC. For example, even though Mandela had refused to meet with Baker in South Africa at an earlier date, Baker was willing to hold a 30-minute talk with Mandela in Windhoek, Namibia, on March 21, 1990—Namibia's day of independence from South Africa. Also, on his visit to South Africa on March 23, 1990,

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<sup>124</sup>See The Washington Post (March 23, 1990, p. A30).

Baker was guided around the township of Soweto by Walter Sisulu, the principal organizer inside South Africa of the ANC. Baker even had breakfast with Sisulu at his modest cottage on the same day.<sup>125</sup> The Bush administration was also very instrumental in setting the stage for talks or negotiations between Blacks and whites by not only having talks with de Klerk, but with other anti-apartheid groups as well.

It may not be erroneous for one to suggest that the Bush administration was relatively more “constructive” in its engagement in South Africa than the Reagan administration. Bush was not only tactful and conciliatory in his approach; he was very pragmatic as well. He opened lines of communication with both Blacks and whites in South Africa and established a bipartisan consensus with Congress.

Perhaps, a major reason why the Bush administration was so practical in its policy towards South Africa, and refrained from a clear-cut, articulate policy, was because it wanted to avoid the type of confrontation that Reagan had with Congress in the latter part of his administration. That dispute, Bush must have recalled, led to the passage of the Anti-Apartheid Act. Besides, the South African situation had become an explosive domestic political issue, a human rights issue, and not so much a strategic or economic one.

Bush, indeed, enjoyed the fruits of Reagan’s labor. He saw the independence of Namibia and the “talks about talks” of a post-apartheid South Africa—a result of the work of the Reagan Advisory Committee on South Africa.

### **3.4 The Hearing Testimonies**

As the following discussion of congressional testimonies and debates reveal, there was a clear-cut division between the participants. On one side of the ideological spectrum,

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<sup>125</sup>Ibid.

Republican lawmakers, officials of the executive branch, members of conservative groups and other advocates of the apartheid regime were adamantly opposed to the imposition of sanctions against South Africa. On the other side of the spectrum, Democratic lawmakers, members of liberal and labor groups, and other anti-apartheid advocates were enthusiastic in their support of sanctions against the Pretoria government. The debate between the two groups at times got quite spirited.

Howard Wolpe indicates that the President was adamant in implementing sanctions against South Africa. He laments:

Regrettably, the President did not heed the appeal of those 17 Republican and 16 Democratic Members of the House. He has refused to carry out section 501(c) of the Comprehensive Anti-Apartheid Act which required him to recommend new sanctions in the absence of significant progress, during the past year, towards ending apartheid and establishing a nonracial democracy. The administration's actions are clearly in conflict with the established bipartisan congressional consensus on American policy toward South Africa. Ironically, in his report to the Congress, the President himself acknowledges that even limited U.S. and Western sanctions have constituted one of the, and I quote, "major elements in the country's recent poor economic performance and promise to have greater long-run effects."

He further adds:

The law that more than 80 percent of the Members of the House and Senate approved last year provided for the President to abandon so-called "constructive engagement" and move beyond the static restatement of "values and goals" – the sort of tired rhetoric we heard last month in Secretary of State Shultz's speech.

The Congress, in adopting a sanctions program, recognized that constructive engagement compromised not only our values but also our political and strategic interests as well.<sup>126</sup>

In defending the administration, Mr. Solomon wonders if sanctions are really

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<sup>126</sup> US Congress, The President's Report on Progress Toward Ending Apartheid in South Africa and the Question of Future Sanctions [Hearing of the House of Representatives, Committee on Foreign Affairs, Subcommittee on International Economic Policy and Trade, and on Africa, Tuesday, November 5, 1987] (Washington, DC: Government Printing Office, 1987), pp. 1-5.

effective. In his opinion, the advocates of sanctions seem to have the upper hand regardless of the circumstances. He fears that "if the situation in South Africa doesn't get any better, it can be argued that sanctions aren't tough enough, so let's put on more sanctions."<sup>127</sup>

Chester Crocker, Assistant Secretary of State contends that the administration has fully implemented the Comprehensive Anti-Apartheid Act and devoted substantial resources to monitoring its impact on South Africa. He adds that ...."diplomatic pressure has been used effectively in numerous instances...."<sup>128</sup>

As the debate continues, Chairman Wolpe expresses frustration and disappointment about the administration's handling of the South African issue. He is appalled about the double standard that it has taken in applying sanctions. He sites U.S sanctions against Cuba, Libya, Poland, Afghanistan, and Nicaragua. In all of these instances, Chairman Wolpe, observes how the administration applied moral pressure and condemnation, where human rights atrocities and acts of terrorism have been committed by the state. However, these standards are not applied, when dealing with South Africa.<sup>129</sup>

Others who testified before the subcommittee proposed other approaches to try and achieve an end to apartheid and maintain the security and national interests of the United States. The Honorable Richard Burton, for example, cautions that while the goal is to eliminate apartheid, it should not be achieved in a manner that gives the Soviet bloc an upper hand in the region.<sup>130</sup>

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<sup>127</sup>Ibid., pp. 5-6.

<sup>128</sup>Ibid., pp. 8-20.

<sup>129</sup>Ibid., p. 21.

<sup>130</sup>Ibid., p. 22.

One of the key arguments used by the administration and the opponents of sanctions is that the Act does not prohibit importation of some strategic minerals from South Africa.<sup>131</sup>

This was viewed by the proponents of sanctions as a major weakness in the Anti-Apartheid Act. The administration's attitude towards South Africa was seen by them as disingenuous.

According to Howard Wolpe, the inputs to the congressional debate on the South African issue were engineered and directed mainly by the African Affairs Subcommittee of the House Foreign Affairs Committee. This was important in order to counter the hegemony of the executive branch in terms of access to the various levers of government. The chairman also commented that he was fortunate to have had very skilled and experienced staff members who were able to get key actors in the United States and South Africa to participate in the subcommittee's hearings. Moreover, Wolpe added, former congressman Michael Barnes of Maryland (a former classmate of his) worked with him to challenge the stranglehold the old guard had on committee chairmanships and to change some of the committee rules.<sup>132</sup> Ronald Walters also lauded committee staff members for their professional diligence in getting him (once a congressional staff himself) and other non-governmental advocates to participate in the hearings.<sup>133</sup>

This chapter focused on the second research question of this study; what were the positions of the competing factions that lobbied the Subcommittee on the South African

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<sup>131</sup>Ibid., p. 23.

<sup>132</sup>Face-to-face interview with Howard Wolpe at the US Department of State on April 7, 2000.

<sup>133</sup>Face-to-face interview with Ronald Walters at the University of Maryland at College Park on April 3, 2000.



issue, and how could they be characterized? It is clear from the preceding discussion that some groups supported sanctions on the Pretoria regime while some opposed them. Still others were just trying to take advantage of the supportive political atmosphere that paved the way for a change United States foreign policy.

## CHAPTER FOUR

### LEGISLATIVE PROCESS

This chapter explored what David Easton referred to as "the authoritative allocation of values for society"<sup>134</sup> in terms of the role of the subcommittee on African affairs in helping to shape United States foreign policy towards South Africa. It also examined the roles played by members of the subcommittee as well as the pattern of interaction that evolved. This exploration made it possible to comprehend more fully, the often, unwieldy legislative course.

Peter Schraeder is the only scholar who has discussed the role of the American legislative system during the anti-Apartheid struggle in the United States, albeit not in depth. Another scholar, Vincent Khapoya, who dealt with the same issue, mentioned the United States Congress only in passing. This is primarily because his focus was on the positions taken by Presidents Jimmy Carter and Ronald Reagan.<sup>135</sup> Consequently, the current study relies on Schraeder's discussion as a starting point for the analysis in this chapter.

#### 4.1 Extended Crisis and Change

The series of protest that broke out in several townships in South Africa sparked off a decade of pent-up hostility by the black majority. The tumults occurred over the South African government's adoption of a tri-cameral parliament that extended limited political rights to Asians and Coloreds, but none to the majority black population.<sup>136</sup>

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<sup>134</sup>David Easton, A Framework for Political Analysis, (Chicago, University of Chicago Press, 1979) p. 49.

<sup>135</sup>Vincent B. Khapoya, The African Experience (Upper Saddle River, New Jersey, 1998).

<sup>136</sup>Peter J. Schraeder, United States Foreign Policy Toward Africa (New York: Cambridge University Press, 1994), 227.

The protests generated quite a bit of acrimony in the United States, as an increasing number of Americans began to compare them to the civil rights protests of the 1960s. As violence continued to mount in the Republic of South Africa, the strict racial segregation policy became a domestic political issue for the United States citizens as well. It was felt that members of Congress had ignored the issue for too long. One of the ways American citizens showed their concern about the South African matter was through the “peaceful sit-ins” at the South African Embassy in Washington, D.C. The first one was organized and led by TransAfrica’s Randall Robinson on November 21, 1984.<sup>137</sup>

These peaceful sit-ins were not just a one-day media stunt. Similar ones were staged at the South African Embassy and consulates around the US during the twenty-three months that followed. These acts were further strengthened by the involvement and arrest of eighteen prominent members of Congress. Due to growing popular demands for punitive actions against South Africa, the House of Representatives on June 4, 1985 passed a sanctions bill (HR-1460) that called for bans on new US corporate investments in South Africa. The bill also included a clause that mandated consideration of new sanctions within 12 months.<sup>138</sup>

On July 25, 1985, while the United States government was trying to wield a foreign policy on South Africa, the Afrikaner government untimely declared a state of emergency and subsequently intensified the civil conflict. Although Reagan did not want to take any punitive action against the Republic, political pragmatism required him to take Richard Lugar’s suggestion. The Senator advised Reagan to place some sanctions on South Africa.

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<sup>137</sup>Ibid.

<sup>138</sup>Ibid.

On, September 9, 1985, the President issued an executive order 12532, which included a ban on US government loans to the South African government. These bans would have been more effective had they contributed to decreasing the level of civil conflict in South Africa.<sup>139</sup>

The intensification of civil conflict in the Republic of South Africa and protests in the United States led to renewed congressional efforts to pass an anti-apartheid sanctions legislation in 1986. This comprehensive bill (HR-4868) later known as the Comprehensive Anti-Apartheid Act of 1986, called for a complete trade embargo and divestment of all economic holdings in South Africa. Reagan vetoed it and offered a milder version in the form of an executive order. On September 29, 1986 the House voted 317 to 83 to override Reagan's veto. Four days later, the senate followed suit by a 78-21 margin making it one of the most unwanted foreign policy defeats of the Reagan Administration. The reasons for this setback were basically fourfold:

1. The rising electoral strength of African Americans was translated into effective political organizations capable of bringing pressure to bear on Congress.
2. The growing electoral strength of African Americans was increasing the Republican Party's concern over the issue of race in US foreign policy.
3. The steady growth of grassroots anti-apartheid organizations, which had been growing steadily in strength since the 1970s, increased significantly in influence after 1984. They cooperated with liberal congressional allies, particularly those on the House subcommittee on Africa, to seek passage of anti-apartheid legislation.
4. The most important factor contributing to passage of the 1986 sanctions legislation was the unfolding of what came to be perceived among the US public as an extended crisis situation in South Africa.<sup>140</sup>

Indeed, the override of Reagan's 1986 veto marked a historic turning point in US-

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<sup>139</sup>Ibid., p. 229.

<sup>140</sup>Ibid., p. 230.

South Africa relations as congress reversed a policy strongly embraced by the executive branch.<sup>141</sup>

#### 4.2 Failed Attempts at Strengthening Sanctions

The Comprehensive Anti-Apartheid Act served as a new point of departure for congressional anti-apartheid activists, who favored even stiffer measures against South Africa. A member of the House, Ronald Dellums, (D-Cal.) one of the moral barometers of the anti-apartheid movement within the House of Representatives, explained that only full and comprehensive sanctions, implemented internationally would cause the South African government to change its policies. Congressional critics were, especially, concerned with the Reagan administration's opposition to the requirements of section 401(b) of the Act, which required the executive branch to promptly undertake multilateral negotiations to be concluded not later than 180 days after its enactment.<sup>142</sup>

The Anti-Apartheid Act was streamlined into three comprehensive provisions by a bill introduced by senator Dellums. These provisions were:

1. The withdrawal of all US investments from South Africa
2. The imposition of a complete ban on US-South Africa trade
3. A Prohibition on any US military or intelligence cooperation with the South Africa government.<sup>143</sup>

Dellums acknowledged that the major threat of this provision was to call for immediate divestment and total embargo against the South Africa. This provision was opposed by Crocker, who argued that additional sanctions would only make the white

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<sup>141</sup>Ibid., p. 232.

<sup>142</sup>Ibid., p. 233.

<sup>143</sup>Ibid., p. 234.

Afrikaner government to be intransigent and that it would impede the diplomatic resolution of conflicts in Southern Africa.<sup>144</sup> The Pentagon voiced opposition to part of the 1986 anti-apartheid especially those that had to do with the outlawing of stationing military attaché officers in the Republic. The Pentagon's position was that the continued presence of defense attachés was extremely valuable due to their primary mission of reporting politico-military intelligence.<sup>145</sup>

Similarly, CIA bureaucrats opposed the portion of the sanction bill that would have precluded intelligence cooperation between the United States and the South African governments.<sup>146</sup>

Dellum's bill (HR-1580) was thrown out at the end of the 100<sup>th</sup> and 101<sup>st</sup> congress respectively. Apart from the fact that there was obvious lack of popular perception of what was going on in South Africa, significant number of conservative senators started focusing on the concept of 'black empowerment' providing economic incentives to enhance the economic and subsequently, political power of blacks in South Africa. Even if the 100<sup>th</sup> or 101<sup>st</sup> congress had passed Dellum's bill, the President would have vetoed it, and there would not have been enough votes to override it. Moreover, the Namibia Accord and the Angola Accord were signed, which led to Namibia's independence on March 30, 1990 and signified that Dellum's bill was not needed.<sup>147</sup>

### **4.3 The Altered Cold War Environment**

When the Bush administration entered into office in January 1989, it was determined

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<sup>144</sup>Ibid.

<sup>145</sup>Ibid.

<sup>146</sup>Ibid.

<sup>147</sup>Ibid., p. 236.

to avoid the bruising battles with Congress over South Africa as frequently as the Reagan administration did. Bush thought that by demonstrating sympathy with South African activists (something Reagan never did), he would express his abhorrence of apartheid.<sup>148</sup>

Despite the willingness of Bush and his senior advisers to demonstrate that their hearts were in the right place, United States foreign policy toward South Africa in the early months of the Bush administration differed little. The administration stressed that the US should vigorously encourage the Afrikaner elite and the black majority to negotiate and compromise.<sup>149</sup> Immediately after the emergence of Frederick W. De Klerk as the new president of South Africa, congressional activists such as Wolpe were faced with a growing movement within the national security bureaucracies to repeal portions of the 1986 comprehensive anti-Apartheid Act, which led to the unconditional release of Nelson Mandela.<sup>150</sup> On the opposite side were groups of congressional activists, who favored holding the line on sanctions, until it became certain that the reform process initiated by De Klerk would be irreversible. Meanwhile, TransAfrica and other anti-Apartheid activists continued to call for the strengthening of sanction measures.<sup>151</sup>

According to section 311 of the comprehensive anti-Apartheid Act of 1986, Bush was authorized to suspend or modify any of the sanction measures, if South Africa fulfilled the first and three out of the five remaining conditions listed below:

1. The release of Nelson Mandela, as well as all other persons persecuted for their political beliefs or detained unduly without trial.
2. Repeal of the state of emergency and release of all detainees held under such a state of emergency.

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<sup>148</sup>Ibid.

<sup>149</sup>Ibid., p. 237.

<sup>150</sup>Ibid. p. 238.

<sup>151</sup>Ibid. p. 239.

3. Unban all democratic political parties and permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process.
4. Repeal of the Group Areas Act and Population Registration Act and the institution of no other measures with the same purposes.
5. Agree to enter into good faith negotiations with true representative members of the black majority without preconditions.<sup>152</sup>

All conditions were met by President De Klerk, but in condition one a dispute arose over who exactly constituted a political prisoner. Later on in July of 1991, the State Department concluded that all political prisoners jailed for non-violent crimes should fit under condition one. On July 10, 1991, Bush announced the lifting of all punitive measures associated with the 1986, anti-Apartheid Act. He indicated that he based his action on the fact that President De Klerk had repealed the legislative pillar of apartheid and opened up the political arena, since his ascendancy to the presidency in 1989. The Congressional Black Caucus disagreed. Its members instead argued that sanctions should remain in place until South African blacks were guaranteed the right to vote.<sup>153</sup>

The stance taken by the Congressional Black Caucus was ineffective, as the position of the majority of the Congress was that South Africa had met all conditions originally established by that body in 1986, therefore, sanctions should be lifted.<sup>154</sup> The most notable foreign policy aspect of the process of reform in South Africa was that it essentially shifted the major focus of the debate over sanctions within the United States policy-making establishment. As long as the process of political reform continued to unfold, however slowly, the national security bureaucracies led by the State Department would continue to

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<sup>152</sup>Ibid., p. 240.

<sup>153</sup>Ibid., p. 241.

<sup>154</sup>Ibid., p. 242.



seek the incremental enhancement of United States-South African ties.<sup>155</sup>

#### 4.4 The Dance of Legislation

As can be gleaned from the following discourse in Congress, Schraeder's characterization that the congressional debate over Apartheid was quite heated is supported. The following is a discussion of the debate as reported in the Congressional Record.

Appearing before the subcommittee, Gay McDougall, Director of the Southern Africa Project, Lawyers' Committee for Civil Rights under Law, presents a grim picture of the situation in South Africa. He laments, "over the period of eighteen months unrestrained police and military violence have become frightening daily realities for the vast majority of South Africa's population." He further states:

In a determination to crush all opposition the South Africa police and military have virtually occupied the black townships using live ammunition, rubber bullets, bird shot, tear gas, whips, and attack dogs against demonstrators, against striking workers and even against mourners at funerals. Torture in detention has been rampant. There have been detailed and consistent reports of detainees being hooded and suffocated, beaten, given electric shocks, and subjected to death threats. At least 15 people died in police custody of suspected torture during 1985. And Mr. Chairman, most of these were younger than 25 years old, including a boy of 13.<sup>156</sup>

The record indicates that approximately twelve hundred persons were killed in the streets of South Africa, and the South African minister of law and order corroborated that six hundred were killed by the South African police. There were widespread beatings and detentions. In 1985 alone, about thirty-six hundred South Africa men, women and children were jailed for political reasons. This number did not include over two hundred thousand persons who were arrested on pass law violations.<sup>157</sup>

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<sup>155</sup>Ibid., pp. 242-243.

<sup>156</sup>US Congress. "Developments in South Africa: United States Policy Responses Hearing Before the Subcommittee on Africa of the Committee on Foreign Affairs, House of Representatives, Ninety-Ninth Congress, Second Session, March 12, 1986" (Washington, DC: Government Printing Office, 1986).

<sup>157</sup>Ibid.

In appearing before the Subcommittee on Africa, Thomas G. Karis, Senior Research Fellow at the Ralph Bunche Institute of the United Nations, Graduate School of the City of New York, posits that the goal of negotiating with the majority population was endorsed by the administration. He recalls the effort of the Under Secretary of Political Affairs in the Department of State's call for "negotiations with the accepted black leaders, and you cannot do this if those leaders are in jail." Suggesting the administration was indeed making the effort to free political prisoners. He reminds, "For this reason, we have called on the South African Government to release Nelson Mandela and other long-held political prisoners and to enter into meaningful talks with the genuine leaders of the black community."<sup>158</sup>

He recommends the political process be opened, which would require a rollback of South Africa's police state measures. He argues that while there are complex political differences regarding ideology, tactics and leadership among Blacks, Blacks are far more united on their fundamental political aims than Whites. The basic Black aim, he suggests, was well expressed at a meeting of members of the Commonwealth, when they called for "the eradication of apartheid and the establishment of majority rule on the basis of the free and fair exercise of universal adult suffrage by all the people in a united and non-fragmented South Africa."<sup>159</sup>

Karis continues:

the government has repeatedly failed to engage the cooperation of popular or credible African leaders or to create effective mechanisms for negotiation with them. This failure was evident in 1979 when regional advisory committees on the future of urban Africans were set up. A Special Cabinet Committee created in 1982 for the same purpose was equally ineffective....<sup>160</sup>

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<sup>158</sup>Ibid., pp. 26-28.

<sup>159</sup>Ibid.

<sup>160</sup>Ibid.

He concludes:

...if the rulers of South Africa were to open up the political process, the shape of black politics would change in ways that cannot be foreseen. If whites in power, while still in a position of strength, could move toward a system of majority rule and minority rights based on a universal franchise, negotiation of political structures and economic policy would be possible. But if present trends continue, to expect that white leaders will enter into serious negotiations with credible black leaders is yet another instance of wishing thinking.<sup>161</sup>

In the words of Lewis Gann, Senior Fellow of the Hoover Institute at Stanford University, "South Africa has become the most salient, political and humanitarian issue concerning Africa for United States policymakers today." He calls upon the United States "to join the liberation struggle both for humanitarian reasons and reasons of self-interest." He argues that "South Africa is one of the world's worst, if not the worst...black man's hell...wedded to a rigid immobilism. It cannot change from within, and the United States, therefore, has a special role to play."<sup>162</sup>

Gann goes on to point out that he does not believe that South Africa was the most violent country in Africa. He cautions that care should be taken, when dealing with the South African situation so as not to apply a double standard. In his words,

...we should remember, moreover, that we are dealing with a sovereign state. South Africa is not a U.S. vassal, and when we express our opinions, we should keep that fact in mind. Most African states are dictatorships, one party dictatorship or military dictatorships, and we should judge South Africa in African terms.<sup>163</sup>

Gail Gerhart, Professor of Political Science at Columbia University, discusses the premises upon which the Reagan administration's policy towards South Africa is based. These premises have turned out to be false, and although their unsoundness was quite

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<sup>161</sup>Ibid.

<sup>162</sup>Ibid.

<sup>163</sup>Ibid.

apparent before the beginning of the emergency period, recent months have provided strong new evidence that these premises were incorrect. The first premise behind the policy of the administration was that the leaders of South Africa's national party were committed to a process of far-reaching and fundamental reform. The second premise was that the best interests of the United States would be served if our Government would encourage and support this perceived national party commitment to reform, or what Professor Gann has called the Verligte plan for reform, no matter how long this plan took to achieve its final "results" or at what political costs.<sup>164</sup> She continues her argument by referring to a speech delivered by Samuel O. Huntington at the Rand Afrikaans University in September 1981. She recalls that Professor Huntington's prescriptions for reform in South Africa correspond to

...the vision of carefully orchestrated and sequenced change which South Africa's leaders have privately assured our policymakers that the national party is pursuing. It is an inspiring vision of statecraft and Machiavellian maneuver, Fabian strategy and blitzkrieg tactics, all leading ultimately to a political outcome that will rank with the achievements of Bismarck, DeGaulle and Attaturk, not to mention Lenin, to whom I believe Professor Huntington also accords some accolades.<sup>165</sup>

She further notes that:

the United States having bought into this grand, albeit dubious, vision of reform in 1981, is now understandably finding it difficult to admit the error of that decision because a strategy of reform from the top by its nature is a long-term proposition. Its proponents always seem justified in pleading for more time.<sup>166</sup>

Additionally, she outlines three reasons why the basis for reform was unsound:

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<sup>164</sup>Ibid.

<sup>165</sup>Ibid.

<sup>166</sup>Ibid.

First of all, the achievement of reform from the top down would depend on the successful building of a large center coalition drawn from all race groups. But in fact, in my view, it has become impossible to build such a coalition.

The second flaw in the National Party vision of reform is the assumption that whites will be able to control the pace and the strategy of change, while blacks will merely react to white initiatives. This is an assumption, which was partly responsible for the serious miscalculations of the Nixon administration about probable outcomes in Angola and Mozambique in the 1970", and it still seems to be a premise behind American policy.

Third a reformist strategy is doomed in South Africa, because the goal itself is unachievable. There is no compromise solution to the South African political dilemma around which the bulk of black and white opinion can unite today.<sup>167</sup>

She emphasizes that

whites are not prepared to surrender their dominance and blacks are not prepared to regard as legitimate any system that allows whites to remain dominant....Black disaffection and mistrust is too deep and the instinct of whites to hang onto their privileged position is too strong....When an accommodation does come, it will emerge from a very prolonged test of strength and not from a master plan orchestrated from Pretoria or from Washington.<sup>168</sup>

In concluding she stresses that

reform from the top in South Africa in my view was a nonstarter as a genuine solution to South Africa's political conflict, and the United States ought never to have tied its own policy to such a doomed concept. By enlisting the support of this administration, South Africa has bought itself an extended lease on life, and by allowing itself to be thus enlisted, the United States has aided and abetted racism and lost, perhaps for a very long time to come, much of the goodwill of South Africa's black majority.<sup>169</sup>

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<sup>167</sup>Ibid.

<sup>168</sup>Ibid.

<sup>169</sup>Ibid.

Skepticism was expressed non-only by members of the subcommittee, but many who testified before it about reaching an acceptable solution to the apartheid issue in a timely manner. People like Gann, Crocker and other supporters of the Reagan administration policies only predicted minimal reforms. While they claim that change was imminent, they believed that the inclusion of the Black majority in the political process would take a long time. Chester Crocker, for example, argues:

We do not want to encourage the adoption of extreme positions by any side or the gaining of allusions by any side. There is a risk on both sides if we act in ways that we judge to be irresponsible. On the one hand, of hardening of discouraging those who are trying to push for change from within the white community, hardening attitudes there. And on the other hand, convincing people in the black community that there is no need to negotiate at all, that the only tactics that really matter are the tactics of the most extreme, the tactics of terrorism, if you will, and violence from the outside.<sup>170</sup>

On the other hand, the opponents of apartheid were determined to pressure the Pretoria government, as well as, the United States administration to facilitate the process in a speedy way. People like Wolpe believed that for the United States to militarily ally with South Africa will expose the United States in a way that may directly undermine its interest both in South Africa and the continent as a whole.

The momentum shifted so that by 1985-1986 the anti-apartheid movement gained bipartisan support in both the House and the senate. Indeed, the preceding discussion and Peter Schraeder's account of the Congressional debate reveal that the discourse on the anti-Apartheid bill was anything but friendly. This view is also supported by non-governmental witnesses who testified at the congressional hearings.

According to Dr. Sulayman Nyang of the Department of African Studies at Howard University, the subcommittee became the focal point for the congressional debate over sanctions on the South African regime. He added that it provided the forum for experts, like

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<sup>170</sup>Ibid.

himself, to bring awareness to the law-makers about the repressive activities of the South African government at the time. By supporting the idea of comprehensive sanctions, he came under fire from law-makers who were in favor of Reagan's "go slow" approach.<sup>171</sup>

Payne Lucas, Executive Director of Africare, collaborated Nyang's perception. Lucas stated that the subcommittee gave non-governmental organizations, such as his and TransAfrica, which were at the forefront of the anti-apartheid struggle, the platform to expose the evils of the Pretoria government. Like Nyang, Lucas also expressed the hostility he sensed from lawmakers who supported the Reagan agenda. Lucas could not understand the basis of the stubbornness of Reagan and Bush in not wanting to see the South African government for what it was--a racist and recalcitrant system.<sup>172</sup>

This chapter on the legislative system focused on the congressional processes that transformed the inputs into outputs. In other words, attention was directed at the third research question of this study: **What shaped the role played by the subcommittee on African affairs in transforming inputs into outputs?** David Easton's "authoritative allocation of values for society" and what was earlier referred to as the "dance of legislation" were at the core of this chapter. The preceding analysis is akin to Helen Ingram and Dean Mann's observation about public policy: legislation is sometimes targeted towards making people feel better instead of causing events to occur.<sup>173</sup> The chapter that follows discusses the output (i.e. the bill which was debated and passed) of the legislative process delineated here.

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<sup>171</sup>Personal, face-to-face interview with Dr. Sulayman Nyang on February 25, 2000.

<sup>172</sup>Personal, face-to-face interview with Mr. Payne Lucas on June 9, 2000.

<sup>173</sup>Hellen M. Ingram and Dean E. Mann (eds), Why Policies Succeed or Fail (Beverly Hills/London, Sage Publications, 1980), p.20.

## CHAPTER FIVE

### OUTPUTS

This chapter examined the outputs of the transformational process of the United States foreign policy towards the Apartheid regime and its aftermath. Attention was given to the fourth research question of the study: **What are the outputs of the transformational process and how can they be characterized?** The discussion explored the function and importance of the feedback mechanism in sustaining the American system. The American political system's responses to demands (actual and anticipated) to United States foreign policy towards the South African regime vacillated based on American's national interest. In addition, the part the outputs played in the conversion and coping processes were also examined. This was important because outputs emanated from the political system in the forms of decisions (or non-decisions) and policy outcomes. These feedbacks into the environment by satisfying the demands of some members of the system, thereby generating support for the system. Additionally, there were negative consequences, resulting in new demands in the system.

#### 5.1 The 1986 Legislation and Subsequent Feedback

Three detailed reports exist on the Comprehensive Anti-Apartheid Act of 1986. One was published in the Congressional Quarterly; the second was written by Robert Shepard, a consultant at the Congressional Foreign Affairs and National Defense Division; and the third by Brenda M. Branaman, an analyst in African Affairs, also at the Congressional Foreign Affairs and National Defense Division. Together, these three reports provide a comprehensive picture of the anti-Apartheid legislation and the positive and negative



feedback it generated.

According to Branaman, this Act of 1986 (P.L. 99-440, H.R. 4868) was vetoed by President Ronald Reagan on September 26, 1986. The House overrode his veto on September 29 by a vote of 313 to 83; the Senate overrode the veto on October 2, 1986, by a vote of 78 to 21. The bill became a law on the same day. The Act had three major provisions. It imposed sanctions against South Africa, it put into law U.S. policy on apartheid, and it provided assistance to black South Africans. The following is a summary of the final provisions of the bill.<sup>174</sup>

Branaman points out that Title III contains immediate sanctions against South Africa. Five of these codify the provisions of the President's Executive orders of September 9 and October 1, 1985. There are 14 additional sanctions in addition to the five, bringing the total to 19. According to her:

- (1) Sanction 301 bans the importation of Krugerrands and other South African gold coins into the United States. The importation of Soviet gold coins into the United States is banned by title V, section 510.
- (2) Section 302 bans the import into the United States of arms, ammunition, military vehicles, and the manufacturing data for these weapons.
- (3) Section 303 bans the import into the United States of products of South African parastatals except for agricultural products for 12 months after enactment and except for strategic materials for which there are no reliable suppliers.
- (4) Section 304 bans the export of computers, computer software, and goods and technology to the South African military, police, and other apartheid enforcing agencies. Computers may be exported only if there is an end use verification that they will not be diverted to prohibited agencies.
- (5) Section 305 bans loans to the South African government or government-owned entities unless the loans are for educational, housing, and humanitarian

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<sup>174</sup> Brenda M. Branaman, Sanctions Against South Africa: Activities of the 99<sup>th</sup> Congress: a Congressional Research Service Report. (Washington, DC: Government Printing Office, February 13, 1987): pp.13-14.

purposes. Loans to the private sector are banned under section 310, which prohibits new investments in South Africa.

- (6) Section 306 bans air transportation between the United States and South Africa via U.S. and South African aircraft 10 days after enactment and terminates a 1947 air travel agreement between the two countries. Emergency landings are allowed.
- (7) Section 307 bans the export to South Africa of nuclear material, component parts, items, substances, or technical data. The exception is health and safety-related items such as pacemakers which contain small amounts of plutonium. This section provides for the ban to be lifted if South Africa becomes a party to the Non-Proliferation Treaty or maintains International Atomic Energy Agency safeguards on all nuclear activities.
- (8) Section 308 prohibits U.S. banks from holding deposits of the South African government or parastatals except for diplomatic or consular purposes. This provision is effective 45 days after enactment.
- (9) Section 309 bans the import of South African uranium ore, uranium oxide, coal, and textiles, effective 90 days after enactment.
- (10) Section 310 prohibits new investment in South Africa, effective 45 days after enactment, but this does not apply to firms owned by black South Africans.
- (11) Section 313 terminates the 1946 U.S.-south African treaty that prevents businesses from paying taxes on the same income to both countries.
- (12) Section 314 prohibits U.S. Government agencies from contracting with South African parastatals for good or services except for diplomatic and consular purposes.
- (13) Section 315 and 316 ban the use of U.S. Government funds to promote tourism in or to subsidize trade with South Africa.
- (14) Section 17-318 ban the export to South Africa of items on the U.S. munitions list except for items the President determines are being exported only for commercial purposes and will not be used by the South African military and Congress has 30 days to disapprove by joint resolutions.
- (15) Section 319 bans the importation into the United States of South African agricultural products, but title II, section 212 allows the export of U.S. agricultural goods to South Africa.
- (16) Section 320 bans the importation of South African iron and steel into the United States.

- (17) Section 321 bans the export of oil and petroleum products to South Africa.
- (18) Section 322 prohibits U.S. agencies from cooperating, directly or indirectly, with the South Africa armed forces except activities for the purpose of collecting intelligence are allowed.
- (19) Section 323 bans the importation of South African sugar and sugar-related products and transfers South Africa's part of the U.S. sugar import quota to the Philippines.<sup>175</sup>

In addition, Branaman cites the following designated future sanctions, as well as, provisions for termination of sanctions:

(A) Title V provides for possible future sanctions. Title V, section 501 requires that the President report to Congress one year after enactment and every year thereafter on the progress of the South African government in ending apartheid and establishing a nonracial democracy. If significant progress has not been made, he may recommend one or more of the following sanctions: a ban on the importation of diamonds from South Africa; a ban on the importation of strategic minerals; and a prohibition of U.S. military assistance to countries violating the international arms embargo against South Africa.

(B) Section 311 provides for the termination of the immediate sanctions (under title III) or future sanctions (under title V) if:

- (1) Nelson Mandela and other political prisoners are released,
- (2) The state of emergency is lifted and all detainees under the emergency are released.
- (3) Democratic political parties are unbanned,
- (4) The group areas and Population Registration Acts are repealed, and
- (5) The South African government publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.<sup>176</sup>

Also, Branaman points out that the President was allowed to suspend or modify any of the sanctions if Nelson Mandela and other political prisoners are released and any three of the four remaining conditions are met. Congress may disapprove of any presidential modification by joint resolution.

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<sup>175</sup>Ibid., pp. 14-16.

<sup>176</sup>Ibid., pp. 16-17.

Branaman further notes the following guidelines for sending reports to Congress, as stipulated in Title V, Section 502-509:

- (1) Health conditions in the "homelands" of South Africa,
- (2) Strategic minerals imported from South Africa,
- (3) U.S. assistance in southern Africa and what steps can be taken to expand the trade, private investment and transport network of landlocked countries in that area, other industrialized democracies,
- (4) Deposit accounts in U.S. banks held by South Africa,
- (5) Violations of the international arms embargo on South Africa imposed by U.N. Security Council Resolution 418,
- (6) Communist activities in South Africa, and
- (7) U.S. investigation of allegations that the ANC or other African opposition groups may have violated the Foreign Agents Registration Act.<sup>177</sup>

For multilateral negotiations, United States policy on Apartheid, assistance to Black South Africans, and state and local anti-Apartheid laws, Branaman points out the following provisions:

(A) Title IV, section 401 gives the President authority to negotiate international agreements imposing sanctions on South Africa with other countries, and he is required to report to Congress on the negotiations. The President is also given the power to modify U.S. sanctions to conform with such international agreement. Section 402 provides the President with the power to retaliate against foreign governments if their policies allow their firms to take commercial advantage of prohibitions against U.S. firms selling their products in South Africa. Section 403 provides that any foreign country taking advantage of U.S. sanctions to supplant U. S. businesses in South Africa would be liable for damage in U.S. courts.

(B) Title I sets forth U.S. policy on apartheid. Title III, section 312 explains U.S. policy toward violence or terrorism, including congressional views of the practice of "necklacing," a method by which some township blacks execute blacks alleged to have cooperated with South African authorities. The victim's hands and feet are bound; then a gasoline-filled tire is placed around his neck and set afire.

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<sup>177</sup>Ibid., pp. 17-18.

(C) Title II provides for assistance to victims of apartheid.

1. Section 201 earmarks \$4 million annually for FY87, FY88, and FY89 for scholarships for black South Africans.
2. Section 202 provides \$1.5 million of the Human Rights Fund in FY86 and each year thereafter for nongovernmental organizations in South Africa promoting an end to apartheid. Of that amount \$500,000 is to be used for direct legal assistance and other activities, which help political detainees, political prisoners and their families.
3. Section 203 provides that U.S. Government agencies assist black-owned businesses in South Africa.
4. Section 204 requires the Export-Import Bank to encourage the use of its facilities by black South African businesses.
5. Section 205 requires U.S. Government agencies employing South Africans to follow the Sullivan Principles.
6. Section 206 provides that the U.S. Government lease or buy housing for its black South African employees and provides \$10 million for FY87 for the program.
7. Section 207 requires all U.S. companies with 25 or more employees in South Africa to implement the Sullivan Principles and provides that no assistance in export marketing be given to companies who do not implement the principles. Section 208 lists the seven Sullivan Principles which U.S. companies and the U.S. Government must follow and provides that the President may contract with private groups to assist him in monitoring the compliance with the principles.
8. Section [209] prohibits assistance to groups, which have members who have violated human rights.
9. Section 210 authorizes the use of the African Emergency Reserve to meet food shortages in southern Africa.
10. Title V, section 511 earmarks \$40 million for FY87 and each fiscal year thereafter for economic aid to disadvantaged South Africans. Of that amount \$3 million each year would be used for training of trade unionists. These funds cannot be used by organizations financed or controlled by the South African government.

(D) Title VI, section 606 gives state and local governments 90 days to bring their anti-apartheid laws into conformity with whatever the Federal Government does, or faces the possible loss of Federal funds.<sup>178</sup>

As Shepard recounts, it was not generally expected that the Congress would pass any significant legislation dealing with South Africa, when the second session began in 1986. Most members, whether they had favored the President's action or not, thought the preceding provisions had defused the issue and effectively set the debate aside. For the first few months of 1986, no concerted action developed in either the House or the Senate for additional sanctions.<sup>179</sup>

But as in 1985, according to Shepard, a series of actions by the South African Government renewed congressional interest. In November of that year, the Republic adopted a new press policy under which no film, photographs, or sound recordings were allowed to be made in "areas of unrest." Civil violence, detentions and shootings of protesters increased steadily. Then, on May 19, 1986, in a series of moves that drew worldwide criticism, South African aircrafts and commandos raided, alleged guerrilla targets, in neighboring Botswana, Zimbabwe, and Zambia. The raid drew considerable attention because they were launched just as a group of Commonwealth notables, known as the "Eminent Persons Group," was investigating the situation in South Africa with a view toward making a recommendation about Commonwealth policy toward the Republic. The three states attacked were Commonwealth members. One month later, on June 12, the South African Government declared a state of emergency giving the military and the police broad powers to arrest suspected revolutionaries and protesters. The same day hundreds of black

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<sup>178</sup>Ibid., pp. 8-20.

<sup>179</sup>Robert Shepard, The 99<sup>th</sup> Congress and South Africa sanctions: a Congressional Research Service Report. (Washington, D.C., Government Printing Office, May 22, 1987), p.19.

political and church leaders were detained.<sup>180</sup>

Shepard also points out that on May 22, 1986, three days after the South African raids, proponents of sanctions introduced a new bill increasing the number and severity of sanctions imposed by the President's Executive order. It was introduced simultaneously in the House by Representative Gray (H.R. 4868) and in the Senate by Senators Kennedy and Weicker (S. 2498).<sup>181</sup>

- (1) Banned new U.S. investments and loans in South African businesses;
- (2) Prohibited U.S. participation in energy development projects in South Africa;
- (3) Banned imports of coal, uranium and steel from South Africa;
- (4) Terminated landing rights for South African Airways in the U.S.;
- (5) Authorized \$25 million annually for community development programs in South Africa; and
- (6) Banned exports of computers to South Africa unless various conditions were met.

According to Shepard, H.R. 4868 in essence, was approved by the House Africa Subcommittee on June 4, by a vote of 6-4, and by the full Foreign Affairs Committee on June 10, by a vote of 27-14, with all 24 Democrats present voting in favor along with 3 Republicans.<sup>182</sup>

Furthermore, notes Shepard, Representative Gray's bill was expected to pass the House by a wide margin generally as written when the vote came on June 18. Yet, as the House debated H.R. 4868, Representative Dellums introduced an amendment similar to the bill he had proposed in 1985, calling for a trade embargo and disinvestment by all American

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<sup>180</sup>Ibid., pp. 19-20.

<sup>181</sup>Ibid., p. 20.

<sup>182</sup>Ibid.

corporations in South Africa. The amendment included requirements that all American-owned firms divest themselves of all their investments in South Africa within 6 months of passage of the bill; effectively terminated all trade between the United States and South Africa, except for U.S. imports of strategic minerals; banned the sale of krugerrands indefinitely; and denied landing rights for all air traffic between South Africa and the United States. The amendment passed by a voice vote; then, to the apparent surprise of all present, no request for a roll call vote was made. Another voice vote was taken on the whole bill, and again there was no request for a roll call vote. Thus, in the course of an hour, the House suddenly passed a bill, whose severity far exceeded the expectations of most observers.<sup>183</sup>

Representative Siljander, the chief Republican strategist in the debate, according to Shepard had refused to call for a roll call vote because he wanted the Dellum amendment to stand; not because he favored it, but because it was so extreme that the Senate and the President could reject it without any fear of being labelled soft on apartheid. Representative Siljander said “the bill is a lemon. It’s a kiss of death. The way to win the war was to let this bill speed through.”<sup>184</sup>

Essentially, suggested Shepard, opinion on the effects of the bill’s passage was divided. Some members of both parties argued that the radical policy shift required by Dellums’ bill resulted in the Senate ignoring the House position and proceeding to develop its own legislation. Most, however, appeared to think that even though none of the

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<sup>183</sup>Ibid., pp. 20-21.

<sup>184</sup>Ibid., p. 21.



amendment's provisions were ultimately included in the final sanctions bill, the climate of debate was changed by the House vote. Sanctions began to seem inevitable, from this perspective, so that in the following weeks, many Senators came to support sanctions that one year earlier had been unthinkable.<sup>185</sup>

Shortly after the House vote, Shepard states, the administration undertook a high-level reassessment of its policies toward the Republic of Southern Africa. The review was suggested by several Reagan aides who, hoped a general reassessment, followed by a major address by the President, would right the administration's image on the South African question. Advice was solicited from several members of Congress, including Senators Dole, Lugar, and Kassebaum, all of whom urged that congressional pressure for sanctions could only be defused if the President, in his speech, strongly condemned South Africa's behavior and stated his opposition to apartheid in an unequivocal and decisive fashion.<sup>186</sup>

According to Shepard, President Reagan's much awaited speech was delivered at the White House on July 22, 1986. The President continued to oppose sanctions, saying, "I urge the Congress—and the countries of Western Europe—to resist this emotional clamor for punitive sanctions." He further warned of what he saw as the potential dangers of such action, saying that "often in the past, we Americans—acting out of anger and frustration and impatience—have turned our backs on flawed regimes, only to see disaster follow." Congressional reaction to the speech was clearly negative. Senators Lugar and Dole said that none of their suggestions had been included in the address. Lugar said that he had hoped the President would deliver "an extraordinary message to the world. He did not do so."

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<sup>185</sup>Ibid.

<sup>186</sup>Ibid., p. 22.

Senator Weicker said “I don’t think the President speaks for the United States on this issue;” and senator Kassebaum expressed her disappointment that the President did not propose anything new. Shepard quoted an article in the New York Times called the President’s talk. “The Speech That Launched A Thousand Critics.” While the South African Government praised the speech, many black South African leaders condemned it in harsh terms.<sup>187</sup>

Shepard noted that just one week later, on July 29, two days before the Senate Foreign Relations Committee began voting on the bill, it was revealed that on July 27 the United States and South Africa had initiated a trade agreement allowing South Africa to increase its textile exports to the United States by 4%, a greater increase than allowed to Taiwan, South Korea, or Hong Kong. This news drew wide criticism in Congress from supporters of sanctions who saw the agreement as further evidence of the administration’s indifference toward apartheid. Senator Kennedy said the accord “is the latest sign of the administration’s insensitivity to and business-as-usual attitude toward apartheid.” The administration responded by stating that the agreement would actually set a limit, for the first time, on the Republic of South African share of the American market. Many Members, irrespective of their position on the sanctions issue, appeared shocked by the timing of the agreement’s signing.<sup>188</sup>

For Shepard, the passage of the stronger Dellums amendment in the House, the negative reaction to the President’s speech, the textile agreement, and the behavior of the South African Government combined to change the climate of the debate dramatically in the short space of little over a month. In June 1986, observers thought that at most the Senate

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<sup>187</sup>Ibid.

<sup>188</sup>Ibid., p. 23.

would pass a bill containing a few additional sanctions beyond what had been passed the previous year. By the time the Senate Foreign Relations Committee began hearings on July 22, 1986, a growing number of Senators appeared receptive to the notion that United States should send a stronger message to Pretoria.<sup>189</sup>

Most members of the senate awaited the introduction of legislation by Senator Lugar, whose bill was expected to be the centerpiece of debate, because of his chairmanship of the Senate Foreign Relations Committee. Previously, a supporter of symbolic sanctions, the Chairman said in opening the committee's hearing that while he did not support the measures included in the House bill, he now favored "targeted" sanctions directed at the South African Government. Shortly thereafter, Senator Lugar introduced S. 2701, a bill that included sanctions, "positive measures" to improve the condition of South African blacks, and guidelines covering all aspects of American policy toward the region. Lugar included a large number of provisions and policy statements in order to gain the widest possible support for his bill. To distinguish it from others, he called the bill, which outlined a multi-faceted American policy toward the region, the "Comprehensive Anti-Apartheid Bill of 1986." The major provisions of the bill:

- (1) Terminated U.S. landing rights for South Africa's national airline;
- (2) Froze the non-diplomatic bank accounts of the South African Government as well as those of government-controlled companies;
- (3) Banned new investment in South Africa by U.S. companies;
- (4) Banned the import of uranium and coal produced by companies owned by the South African Government;
- (5) Authorized the President to sell American gold reserves.<sup>190</sup>

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<sup>189</sup>Ibid., p. 24.

<sup>190</sup>Ibid., pp. 24-25.

Shepard also pointed out those two bills that called for more severe sanctions received some notice. One introduced by senators Kennedy and Weicker, mirrored Gray's original bill, H.R. 4868. The other, also introduced by Kennedy, along with Senator Cranston, contained the language of the Dellums bill. While neither of these bills was expected to be passed, the sponsors hoped they would receive sufficient attention so that key provisions might be incorporated into whatever bill the committee and full Senate approved. The administration reiterated its opposition to sanctions. Secretary of State George Shultz, testifying at the Senate hearings, pleaded with the committee not to approve new sanctions, saying "slender hopes for peace and reconciliation have fallen victim in a headlong rush toward violence. Doors that need to be open have slammed shut. Forces of political fragmentation and racial polarization have been set loose. They will be very difficult to contain." But his argument that the administration needed "maximum flexibility" was met with heavy opposition. Senator Kassebaum, for example, called Shultz's reasoning "convoluted," and Senator Biden said he was "ashamed of the lack of moral backbone" in the administration.<sup>191</sup>

Shepard further noted that the Senate Foreign Relations Committee met to draft a bill on July 31 and August 1, 1986. The committee rejected two proposals by Senator Cranston—an amendment substituting the substance of the House bill, and an amendment to ban the impact of South African textiles and the export of American computer technology to South Africa, which failed by a vote of 8-8, with voting following party lines. An attempt by Senator Helms to add a section congratulating South African leaders for their attempts to roll back apartheid was defeated by a vote of 13-4. The committee then passed S. 2701 by a vote

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<sup>191</sup>Ibid., p. 25.

of 15-2, with Senators Helms and Larry Pressler dissenting. It was taken up by the full Senate on August 14 and 15, 1986, in a debate described by participants as strenuous and grueling, yet exhilarating and of unusually high quality. A large number of amendments were debated and many added, despite the opposition of Senator Lugar, who argued that the committee bill was as strong a bill as could survive a Presidential veto. Senator Kennedy proposed an amendment prohibiting the importation of iron, steel, and agricultural products, the exportation to South Africa of American crude oil and petroleum products, and the renewal of current loans and short term credits, which he claimed represented a gaping loophole in the effort to cut American financial ties. Senator Lugar's motion to table the amendment passed by a vote of 51-48; but Senator Kennedy reintroduced it without the ban on credit and loan renewal. Senator Lugar sought to table the measure again, but this time the motion lost by a vote of 55-44, after which the amendment was approved by a voice vote. A second key amendment, introduced by Senator Cranston, proposed an immediate ban on textile imports from South Africa. The Senator argued that this would hurt black South African workers most severely, but the amendment passed, by a vote of 67-29—a margin that reflected in the opinion of many, hostility to the textile treaty negotiated by the administration two weeks earlier.<sup>192</sup>

Senator Helms, claiming that Senator Lugar's bill was one-sided, insofar as it condemned the use of violence by the South African Government, but not by black groups opposing apartheid, proposed an amendment calling upon the African National Congress to "renounce violence." The move was supported by Senators Dole and Lugar but immediately opposed by Senator Kennedy, who claimed that the term "renounce violence" was the

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<sup>192</sup>Ibid., pp. 25-26.

phraseology of the South African Government. In a hastily called cloakroom meeting, the wording was changed to advocacy of a “suspension of violence,” after which the Senate approved the amendment and Senator Helms agreed to suspend his original plans to stall the legislation. The amended bill was finally passed, hours before the Senate broke for recess, by a vote of 84-14. Senate Democrats voted unanimously for the bill along with 37 Republicans. The 14 who voted against it were all Republicans.<sup>193</sup>

Shepard recalled that it was mid-August 1986, when H.R. 4868, amended to contain the text of S. 2701, passed the Senate, and leaders of both houses recognized that a protracted conference would allow the President to use the “pocket veto” to kill the bill. Senator Lugar, who had opposed the additional Senate amendments, argued that the bill was now as severe as it could possibly be while remaining capable of overcoming a presidential veto. He at first refused to appoint conferees. When he did, he appointed himself, Senator Pell—a supporter of sanctions, and Senator Helms—perhaps the strongest opponent of sanctions in the senate and a legislator, whose presence on the conference committee would ensure that concessions to the House positions would be hard fought. House leaders were thus put in a difficult predicament. Without Senate concessions, a conference would only lead to a deadlock. On the other hand, accepting the Senate-passed bill without change would mean the nullification of all the particulars of their own bill.<sup>194</sup>

During the subsequent three week recess, from August 16 to September 9, 1986, House Democrats, and members of the Congressional Black Causus in particular, held numerous conferences and informal meetings to discuss how to proceed. On September 10,

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<sup>193</sup>Ibid., pp. 26-27.

<sup>194</sup>Ibid., pp. 27-28.

1986, the day after Congress returned, House leaders, after much discussion, finally agreed to accept the Lugar bill. The key that unlocked the dilemma, according to several interviews conducted for the Congressional Research Service report, was Senator Lugar's pledge that he would stick with and fight for his bill whether the President opposed it, issued a new Executive order, or took any other action. One point on which Senator Lugar and House members disagreed was the Senator's contention that the bill would pre-empt the authority of state and local laws, because when Federal, state, and local governments passed legislation on the same topic, the federal law took precedence, or "occupied the field." House leaders rejected this line of reasoning, fearing that the issue might critically delay the whole process: therefore, rather than continue arguing, they attached a provision to the bill declaring that it was the intention of the House that the bill would not take precedence over state and local disinvestment laws. The effect of the House action was unclear. Participants and observers could recall no previous occasion, when a conference bill had been passed by the two houses in different forms. But this approach solved the immediate political problem at hand. In short order, on September 12, 1986, the full House approved the bill as amended by the Senate by a vote of 308-77, with 218 Democrats and 90 Republicans voting in favor and 4 Democrats and 73 Republicans voting to oppose.<sup>195</sup>

The bill, H.R. 4868, went to the White House on September 15, 1986. The President had until midnight, September 26, 1986, to veto the bill or allow it to become law. The administration began to search for a compromise. Senator Dole agreed to lead the fight to sustain the veto if the administration, on its part, agreed to issue a new Executive order, and acted in good faith to change the entire tone of its policy. Many felt that when the

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<sup>195</sup>Ibid., p. 29.

administration had issued its Executive order in 1985 it had essentially continued its previous policy. The administration accepted Senator Dole's proposal.<sup>196</sup>

President Reagan vetoed H.R. 4868 at 8:00p.m., on September 26, 1986, four hours before the bill would have become law. Three days later, on September 29, 1986, the House overrode the veto by a margin of 313-83. In the Senate, a final, and somewhat harsh, battle emerged between those advocating veto override, led by Senator Lugar, and supporters of the administration's and Senator Dole's position. On September 29, 1986, the White House circulated a draft Executive order, which an aide to Senator Lugar called "a day late and dollar short." Shepard noted in the Congressional Research Service report, in an "Op-Ed" piece entitled "Override the President's Veto." published in the Washington Post, Senators Lugar and Kassebaum wrote that their respect for the President would have to take second place "to our commitment to the basic principles that are at the very foundation of our democracy."<sup>197</sup>

In the days before the senate vote, the administration, while abandoning the idea of a new executive order, made a final effort to head off an override vote. Chief of Staff Donald Regan, National Security Advisor John Poindexter, and Secretary of State George Shultz all went to the Hill to lobby for the Reagan-Dole position. There was speculation that if one or two key Senators changed their votes, other Senators would follow and the veto could be sustained. Whatever hope the President's supporters had of sustaining the veto seemed to disappear when, in the days immediately before the Senate vote, South Africa's foreign minister, R.W. Botha, telephoned some Senators, and threatened that South Africa would

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<sup>196</sup>Ibid., pp. 28-29.

<sup>197</sup>Ibid., pp. 29-30.



retaliate against an override by imposing sanctions against American farm products. Senators responded negatively to this pressure. Senator Lugar, on the Senate floor, called the action "despicable" and an attempt "at bribery and intimidation;" Senator Kennedy pleaded with the Senate not to allow "the bullies and thugs of Pretoria" to intimidate them. On October 2, 1996, the Senate voted to override President Reagan's veto by a vote of 78-21. P.L. 99-440 went into effect at midnight.<sup>198</sup>

For Shepard, although the economic sanction in P.L. 99-440, labelled in the law as "Measures by the United States to Undermine Apartheid," were the focal point of congressional and public attention, the law was more than a list of sanctions. Its stated purpose was to "set forth a comprehensive and complete framework" to guide American policy. It enumerated numerous policy goals that the United States should pursue with respect to the government of South Africa, the African National Congress, victims of apartheid, the "frontline states," and the other countries of southern Africa. The law also provided for "positive measures," designed to improve the circumstances of black South Africans: scholarship and human rights funds, and strict guidelines on the employment and housing practices of American corporations in South Africa. In addition, the law called for several reports to be filed by various agencies of the government, mostly to monitor the behavior of the South African Government, its progress toward eliminating apartheid, and the circumstances of black South Africans.<sup>199</sup>

Shepard believed that because sections of the bill were added hastily during the Senate debate, several parts of the law required technical revisions. The wording of the

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<sup>198</sup>Ibid.

<sup>199</sup>Ibid., pp. 30-31.

section banning textile imports, for example, required perfecting changes of a practical nature. The section prohibiting the import of steel was revised to reflect an element of intended precision limiting the term “steel.” Provision was made to exempt goods at sea that had been purchased and shipped prior to the law’s passage. Shepard also reported that some observers have noted a potential “sleeper clause” in Section 502, which granted the President authority to repeal any prohibition in the Act, if he determined that it would lead to increased dependence on the Soviet Union or its allies for imports of coal or other critical and strategic materials. Since, however, the Act did not ban imports of critical and strategic metals or metal ores from South Africa, and since coal, which was banned, is a plentiful commodity, it seemed unlikely, at least at that point, that this clause would be invoked. Finally, the issue of whether the law pre-empted state and local laws remained unresolved. It was possible that affected companies, participants in state and local government pension funds that disinvest, or others, might raise the pre-emption issue in legal challenges to local disinvestment laws or codes.<sup>200</sup>

In Shepard’s assessment, numerous explanations have been offered for congressional passage of the sanctions legislation in 1986, just one year after another sanction drive was turned aside. The following is an overview of some reasons given by various observers why Congress took the lead in developing a new South Africa policy.<sup>201</sup>

First, a principal reason for the change in the disposition of Congress was the behavior of the South African Government in handling protests aimed, in the view of most members, at achieving basic political rights held dear by Americans. Although such demands

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<sup>200</sup>Ibid., pp. 31-32.

<sup>201</sup>Ibid., pp. 32-35.

had been made by non-white South Africans for decades, they had not previously been made on such a large scale and with such persistence. The South African Government's hostility to calls for change, coupled with its use of violence against its domestic opponents and neighboring states, was the chief reason cited by members of Congress in statements on the floor and to the media, and by their aides in interviews reported by Shepard, for their support of sanctions. For many members, heightened familiarity with the issue as a result of new coverage of the protests in South Africa bred a greater inclination toward strong sanctions. Representative Lynn Martin, who described herself as a "right winger," said she visited South Africa "looking to find that sanctions are no good at all," but returned, convinced there was no other appropriate policy for the United States. The large amount of television and newspaper coverage given the protests and Pretoria's reaction had a substantial impact in this regard. In speeches on the floor many members cited incidents, which they had seen on television as contributing to changing their opinion on the issue.<sup>202</sup>

Second, an often-mentioned factor is that the racial nature of the apartheid issue caused members of Congress to treat it with an unusual degree of sensitivity. The role of black voters in the electorate had become increasingly important, and memories of the civil rights struggle in the United States made many members unusually sympathetic to the plight of black South Africans.<sup>203</sup>

Third, constructive engagement had never received much support from either the public or the Congress. But as the administration continued to insist, after each new incident, that although it abhorred South Africa's conduct, it still believed persuasion

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<sup>202</sup>Ibid., pp. 32-33.

<sup>203</sup>Ibid., p. 33.

remained the only way of dealing with Pretoria, its credibility decreased. Many members, including members of his own party, criticized President Reagan for never having denounced the behavior of the South African Government in unqualified and unambiguous terms. One of the most commonly heard critiques was that “one good speech” by the President, condemning South Africa’s policies in unequivocal terms, would have averted the showdown with Congress in 1986.<sup>204</sup>

In addition, a widely held perception—whether correct or not—was that the administration did not view ending apartheid as a high priority. On several occasions, President Reagan and some of his aides made statements that led many to believe that they thought the South African Government’s limited reforms were adequate, or that the administration was morally neutral on the issue. One incident that drew criticism from some was President Reagan’s March 22, 1985, statement that “to say that violence was coming totally from the law-and order side, ignores the fact that there was rioting going on behalf of others there.”<sup>205</sup> According to Shepard, another incident occurred the following year when in an interview with the Los Angeles Times on June 24, 1986, President Reagan praised South African President Botha’s sincerity and willingness to lead the fight against apartheid.<sup>206</sup>

Fourth, some observers believed that White House communications with the Hill on the issue were infrequent—even with Republicans who were ordinarily close to the administration and sought the White House’s opinion at various stages of the process. Also cited was a lack of coherence: Members were not certain at a given moment who in the

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<sup>204</sup>Ibid.

<sup>205</sup>Ibid., pp. 33-34.

<sup>206</sup>Ibid., p. 34.

White House was responsible for the issue, or whether responsibility at the time lay with the State Department.<sup>207</sup>

Moreover, many on the Hill considered the administration's reluctance in both sessions to compromise until it faced the possibility of defeat as poor strategy. A number of observers felt that if President Reagan had issued the Executive order in mid-1985, rather than in September, 1986, under the threat of sanctions legislation, his move would have appeared bold and progressive, rather than as a last-minute defense. Many also said that if a compromise had been sought two months earlier, in 1986, the veto-override could have been averted.<sup>208</sup>

Fifth, because of persistent concern of many members, the House of Representatives took the lead and pressed hard for legislation imposing sanctions. The groundwork for sanctions had been laid in previous Congresses through draft legislation introduced by individual members and through the many hearings on sanctions-related issues conducted by subcommittees of the House Foreign Affairs Committee. As the situation in South Africa deteriorated in 1984 and 1985, many in the House were prepared to act. Shepard, thus, credits Senator Lugar for deftly using the power of his chairmanship of the Senate Foreign Relations Committee to put together bills that received strong bipartisan and bicameral support.<sup>209</sup>

Sixth, the early protests by the Free South Africa Movement proved to be a factor that ignited concerted action on the part of Congress. But the Free South Africa Movement (FSAM) was only the most visible organization in a movement that sought to change

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<sup>207</sup>Ibid.

<sup>208</sup>Ibid.

<sup>209</sup>Ibid., pp. 34-35.

American policy. The Washington Office on Africa, a group supported by the National Council of Churches, had lobbied Congress for sanctions since the early 1970s; Trans Africa, supported by labor and black groups, had long cultivated support and interest in the issue. By contrast, anti-sanctions forces figured only occasionally in the debate. Groups such as the National Association of Manufacturers, the United States Chamber of Commerce, and the Industry Council for Tangible Assets ( a group of 600 precious-metal dealers), as well as several corporations acting on their own, lobbied against sanctions legislation early in 1985, but did not figure prominently later on.<sup>210</sup> It must have become quite obvious to these groups that for them to continue to defend the Apartheid system, which had come to be perceived by many Americans as repugnant, was a losing cause.

Finally, early in 1985 it became evident that most Members of Congress favored some sanctions; after that, the only question was what sanctions should be passed. The debate became one-dimensional in character, giving the sanctions movement the momentum of inevitability, some believe. In the view of some observers, support for sanctions became a litmus test of opposition to apartheid, and this had the effect of closing off alternative approach.<sup>211</sup>

What the preceding discussion reveals is that the passage of the sanctions bill in 1986 was a major foreign policy setback to the Reagan administration. Indeed, the passage of P.L.-440 represented an unusual instance of Congress effectively forcing the President to change a major foreign policy and to replace it with one of Congress's choosing.

Also, face-to-face interviews with Steven McDonald, the director of the Oxford

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<sup>210</sup>Ibid., p. 35.

<sup>211</sup>Ibid.

Forum of the Atlantic Council of the United States, and Mwiza Munthali, an information specialist at TransAfrica, support the view that most of the feedback to the Sub-Committee on Africa in terms of its role in the anti-Apartheid struggle was positive. The work of the Chairman of the committee, Howard Wolpe, was particularly commended.

For McDonald, Howard Wolpe was the voice of the sub-committee by making many trips to South Africa and developing relationships with various stakeholders in that country, including Bishop Desmond Tutu and current Prime Minister Thabo Mbeki. Prior to that, everybody was condemning everybody. It is people like Wolpe who began to help the various opposing factions to forge links for a unified South Africa. He realized that they had similar objectives, just different methods for achieving those objectives. McDonald recalled that in 1990, there was a meeting at Notre Dame during which Wolpe was able to bring Mbeki and the rest of the ANC leadership to seek ways in dealing with South Africa's transition to a majority-rule without allowing the society to collapse. In essence, according to McDonald, Wolpe's long-term chairmanship of the sub-committee allowed him to pursue the sub-committee's objectives with diligence.<sup>212</sup>

According to Munthali, the sub-committee was very active in bringing people together to debate the issue of Apartheid and in pushing the anti-Apartheid legislation. A paramount goal of the sub-committee was to accelerate the release of Nelson Mandela. However, Munthali was dismayed about the fact that the sub-committee has been "practically demolished." He argued that people must see the sub-committee as viable. But that what is happening right now in terms of the sub-committee's perfunctory role in United States foreign policy is that Africa is unimportant. Munthali also suggested that a leadership

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<sup>212</sup>Face-to-face interview with Steven McDonald on July 24, 2001.

must emerge that will push for the viability of the sub-committee. Thus, he expressed preference for someone like Wolpe who is passionate about Africa to chair the sub-committee, as opposed to one, who simply accepts the position because he could not get another one he perceives to be more significant to his political career.<sup>213</sup>

An analysis of the outputs of the transformational process of United States foreign policy towards the Apartheid regime and its aftermath is the main point of this chapter. Attention is given to the fourth research question of this study: What are the outputs of the transformational process and how can they be characterized? The discussion stresses the function and importance of the feedback mechanism in sustaining the use of the American political system.

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<sup>213</sup> Face-to-face interview with Mwiza Munthali on July 19, 2001.



## CHAPTER SIX

### SUMMARY AND CONCLUSIONS

#### 6.1 Summary

This study began by pointing out the need for a thorough examination of the role of the United States Congress African Affairs Subcommittee of the House Foreign Affairs Committee in shaping United States foreign policy towards South Africa from 1981 to 1992. This need hinged on the fact that, while many works exist on congressional committees in general, not a single, comprehensive investigation has been done on any sub-committee in particular.

The era focused on in this study, 1981 to 1992, saw the African Affairs Subcommittee of the House Foreign Affairs Committee being chaired by the Honorable Howard Wolpe (Democratic-Michigan). A former professor of Political Science at Western Michigan University in Kalamazoo, the Honorable Wolpe was chosen as Chairman of the Subcommittee in 1981. Under his leadership, the subcommittee became a model of professionalism and a vigorous critic of American foreign policy in Africa.

Subcommittees, by nature, are supposed to enable Congress to deal coherently with the avalanche of complex issues members confront daily. While final legislative outcomes are refined by floor actions, subcommittees are the means by which Congress sifts through the multitude of bills, proposals, and issues.

The literature review revealed that comprehensive studies on subcommittees (and more specifically), for the subject of the present study, the role of the African Affairs Subcommittee of the House Foreign Affairs Committee on shaping United states foreign policy towards South Africa from 1981 to 1992 are lacking. In order to fill this gap in the

literature on the role of Congress in shaping United States foreign policy, four major questions were posed and four hypotheses investigated. These four questions are as follows:

1. In what types of political, economic, social and cultural environments did the debate on United States foreign policy towards South Africa emerge between 1981 and 1992?
2. What were the positions of the competing factions that lobbied the Subcommittee on the South African issue, and how can they be characterized?
3. What shaped the roles played by the Subcommittee in transforming inputs into outputs?
4. What were the outputs of the transforming processes, and how can they be characterized?

Based on these questions, the following were the hypotheses investigated:

1. The complexity of the South African situation determined the type of policy position the African Affairs Subcommittee took
2. The demands of interest groups that called for the Subcommittee to handle these issues determined the manner in which it did so.
3. The desires of members to chair the Subcommittee in order to initiate lawmaking and oversight augment personal prestige and influence, gain staff and office space, and gain a national platform influenced the type of policy position the Subcommittee took.
4. The desire of a majority of congressional representatives to circumscribe the Subcommittee chairman helped to shape the type of policy position the Subcommittee took.

The theoretical framework used in this study, was David Easton's "framework for political analysis." Here, Easton purports a systems analysis framework, which allows the researcher to conceive public policy as a response of a political system to forces brought to bear upon it from the environment. Forces from the environment, which affect the political system, are viewed as the inputs. The environment is any condition or circumstance defined as external to the boundaries of the political system. The political system is described by

him as that group of interrelated structures and processes, which functions authoritatively to allocate values for a society. Outputs of the political system are authoritative value allocations of the system, and these allocations constitute public polity.

To explore the questions posed and the four hypotheses, the case study approach was used as the research methodology. Pertinent data were collected from two sources: primary sources (face-to-face interviews and Congressional Records) and secondary sources (books, journal articles, newspaper articles, and magazine articles). The data collected were analyzed qualitatively: that is, a comprehensive description, explanation and analysis of the data collected were conducted.

Chapter two explored in more detail the political, economic, social and cultural environment within which United States foreign policy towards South Africa was shaped. The political, economic, social and cultural environment of the 1980s and early 1990s, leading to the sanctions against South Africa was a struggle for or the demand for equal opportunity and on the notion that 'all men are created equal.' The environmental variables dealt with the authoritative allocations of scarce resources or values, according to Lasswell, 'who gets what, when and how.'

By conducting a diligent, protracted, and in-depth investigation of the system's environment, it became obvious that the mood of the nation in the 1980s and early 1990s played a major role in the passage of the Comprehensive Anti-Apartheid Act of 1986. Due to various activities in the environment during this period, the American public was made aware of the atrocities committed by the South African government through the work of the African Affairs Subcommittee of the House Foreign Affairs Committee.

The discussion of chapter three focused on the second research question.

Additionally, it centered on the activities and discourse of several interest groups and organization, which provided inputs and articulated the competing positions in the environment. David Easton recognized the role of interest groups in formulating and articulating policies. These interest groups are sometimes indispensable sources of education, information and feedback to the Congress in assisting members to make their decisions.

The Reagan era, which began in 1981, presented a shift in the United States policy towards South Africa. The era was marked by conservatism and pro-status quo. President Ronald Reagan labeled the policies of President Jimmy Carter as “naïve, “pursuing idealistic human rights goals.” Reagan was bent on placing the emphasis on the strategic and military importance of South Africa to the United States in its Cold War defense planning. South Africa was viewed by the administration as necessary to its global strategy in combating “Soviet influence.” and in embracing his new policies of Constructive Engagement. Constructive Engagement, believed to be the “brain-child” of Assistant Secretary of State, Chester Crocker, was meant to establish a cordial and accommodating intercourse with the South African government.

In the spirit of Constructive Engagement, the administration turned a blind eye to South Africa’s aggression and campaigns of destabilization in the Southern African region, namely, Mozambique, and Angola. Constitutional reform in 1983 by the Botha administration called for the establishment of a three-chamber parliament made up of racially segregated houses for whites, colored and Indians. Quite obviously, this reform excluded Black Africans who comprised 73 percent of the South African population. Such an unfair and unjust reform, for example, was regarded as “a positive step” by the Reagan

administration.

By 1982, the United States Congress realized that constructive engagement was not capable of deterring the Botha government in regard to the political rights of Blacks. A number of bills and resolutions condemning the South African government and its policies, and calls for sanctions, were introduced in the United States Congress. In spite of these actions, the Reagan administration stuck to its position and lauded its successes. By 1984, however, constructive engagement began to decline but the “no Black representation” constitution went into effect on September 3, 1984. This resulted in widespread civil unrest in South Africa and the United States.

Chairman Wolpe credited the inputs of the Congressional debates on South Africa to the role of the African Affairs Subcommittee of the House Foreign Affairs Committee. It is clear from the discussion in this chapter that attitudes were split on the worth of sanctions on the Pretoria regime. The Subcommittee became the forum through which various voices competed keeping the debate alive.

The fourth chapter focused on the third research question of the study, which focused on the Congressional processes that transformed the inputs into outputs. This was done by examining the role played by members of the subcommittee’s legislators and their patterns of interaction. Two scholars, Peter Schraeder discussed the role of the American legislative system during the anti-apartheid struggle in the United States. Another, Vincent Khapoya mentioned the United States Congress only in passing in his discussion of the anti-apartheid struggle in the United States. Most scholars seemed only interested in the roles of Presidents Carter and Reagan in the anti-apartheid movement. As a result, this study’s main resource was the work of Schraeder.

The series of protest that broke out in several townships in South Africa sparked off a decade of pent-up hostility by the black majority. The ensuing violence was sparked by the government's adoption of the tricameral parliament, which limited the political rights of Asians and coloreds and gave none to the black majority.

Americans, who suffered the same plight during the 1960s, felt a sense of unity with them. As the violence escalated in South Africa, the apartheid issue garnered more support in the United States. The general feeling was that the Congress had ignored the issue of apartheid for far too long. Sit-ins at the South African Embassy in Washington, D.C were organized by TransAfrica. These peaceful sit-ins gained continued media attention and so spread throughout the United States. This was further strengthened by the active participation of members of Congress. Eighteen prominent members of Congress were arrested.

Punitive actions were taken against South Africa as a response. On June 4, 1985 the House of Representatives passed a sanctions bill against South Africa, which called for bans on new United States corporate investment, and mandated the curtailment of new sanctions for twelve months. In response, the South African government declared a state of emergency, thereby, intensifying the civil unrest. President Reagan was unwilling to take action against the South African regime, but political pragmatism prevailed and so he yielded the advice of Senator Lugar to embrace the sanctions demand. The President issued an executive order on September 9, 1985, which included bans on United States government loans to the regime.

Continued civil conflict in South Africa led to renewed Congressional efforts in 1986 to pass anti-apartheid sanctions legislation-a comprehensive sanctions bill. Later this bill

was referred to as the Comprehensive Anti-Apartheid Act of 1986. It called for a complete trade embargo and divestment of all economic holdings in South Africa. The administration vetoed the bill and offered a milder version. The House voted overwhelmingly to override the veto. The Senate followed suite four days later. The override was a major foreign policy defeat for the administration and marked an historic turning point in the relationship between the two governments. The Pentagon opposed that part of the bill, which would require outlawing military attachés from being stationed in South Africa. Similarly, the Central Intelligence Agency (CIA) opposed that section of the bill. Both needed the presence of the military attachés, because of their intelligence role. The Dellum bill (HR-1580) was eventually thrown out during the 100th and 101st Congress respectively. Fear from conservative senators mounted about “black empowerment. Additionally, the Namibian and Angolan Accords were signed, which made it difficult to push for such a bill.

The Bush administration came into office in January 1989. To avoid similar defeats experienced by the Reagan administration, Bush expressed sympathy for the South African activists. Despite this overtone from Bush, United States foreign policy toward South Africa did not differ significantly from that of Reagan. The Bush administration tried to encourage the South African elite and the black majority to negotiate for a peaceful resolution. When President Frederick W. De Klerk became the new President of South Africa, many Congressional leaders, such as Chairman Wolpe, were faced with the growing movement within the national security bureaucracies to repeal portions of the 1986 Comprehensive Anti-Apartheid Act, which led to the unconditional release of Nelson Mandela. On the opposite side were groups of Congressional activists, who favored the use of sanctions until there was clear evidence of reforms by the De Klerk administration.

The Subcommittee gave many experts and non-governmental organizations such as Africare, and TransAfrica, which were in the forefront of the anti-apartheid struggle, the platform needed to stage the evils of the Pretoria government. Those who opposed the conservative lawmakers and the Reagan agenda were treated with hostility.

In chapter five, an analysis of the outputs of the transformational process of United States foreign policy towards the Apartheid regime and its aftermath was conducted. Here, the fourth research question: (What are the output of the transformational process and how can they be characterized?) was discussed. The discussion stressed the function and importance of the feedback mechanism in sustaining the American political system. Feedback is usually maintained by satisfying the demands of members of the system, thereby, generating support for the system.

Three detailed reports on the Comprehensive Anti-Apartheid Act of 1986 were uncovered by this study. They were written by the Congressional Quarterly: Robert Shepard, a consultant and Brenda M. Branaman, an analyst in African Affairs, both at the Congressional Foreign Affairs and National Defense Division. These reports gave a comprehensive account of the Anti-Apartheid legislation, detailing the pro and cons and the feedback generated. Shepard recounts that the climate for passage of the legislation on South Africa was positive. However, there was little activity during the first part of 1986 Congressional sessions. A series of actions taken by the South African government heightened interest on the topic. Among these actions was the adoption of a new press policy under which the media was curtailed in its reporting of civil unrest. The result was an escalation of violence, detention, and the killing of protesters. These actions drew the attention of people all over the world and led to increased criticism and pressure to change



the status quo.

Proponents of sanctions seized the opportunity and introduced a new bill, which call for an increase of and severity of sanctions imposed by the President's Executive Order. Both Houses of Congress introduced such bills simultaneously. Members of both parties on the Subcommittee on Africa and the Foreign Affairs Committee voted in favor of the bills. Shortly after the House vote, the administration undertook a high-level reassessment of its policies toward South Africa. Members of the administration felt that the President needed to address the nation thereby attempting to improve the image of the administration on the South African issue. That speech was delivered on July 22, 1986, but the President held to his opposition to strong sanctions against South Africa. Congressional reaction to the speech was on the whole negative. A week later, and two day before the Senate Foreign Relations Committee began voting on the bill, the United States and South Africa initiated a trade agreement, which allowed South Africa to increase its textile export to the United States, Taiwan, south Korea and Hong Kong. This action drew heavy criticism from the Congressional members who supported sanctions. Some, including Senator Ted Kennedy saw this action as insensitivity on the part of the administration.

Disregard for public opinion, poor handling of protests, insensitivity and total indifference to the rights of the majority by the South African government contributed greatly to the change in the disposition of the United States Congress and the support for sanctions. The racial nature of the apartheid issue contributed to the unusual degree of sensitivity with which the Congress viewed the South African problem. Additionally, constructive engagement had never really received much support from the public or the United States Congress. The Reagan administration was criticized for never denouncing the

South African government and for its tendency to refer to the problem in ambiguous and unqualified terms. The public had the distinct impression that ending apartheid was not a high priority.

Obviously, the strong leadership on the Senate Foreign Relations Committee under the chairmanship of Senator Lugar and the Subcommittee on Africa of the House Foreign Affairs Committee under the chairmanship of Representative Howard Wolpe was crucial in the sanction-related hearings. These leaders must be credited with the powerful way in which they used their chairmanship in pulling together bi-partisan and bicameral support on the South African issue.

The Free South Africa Movement consisting of many interest groups, proved to be a factor that ignited action on part of the Congress of the United States. This organization were unwavering in their efforts to change American foreign policy toward South Africa. The Washington Office on Africa, a group supported by the National Council of Churches, were unrelenting in keeping the pressure on the Congress. Many other groups, such as, TransAfrica, Africare, among many other labor and black groups kept the fight for a free South Africa on the forefront of their agenda. Other groups, such as, National Association of Manufacturers, The United States Chamber of Commerce and the Industry Council for Tangible Assets were concerned about the impact of sanctions on their organizations

In the heat of the debate it became evident that most members of Congress favored some sanctions. The only question was what sanctions should be passed. The debate became unidimensional in character, giving the sanctions movement the momentum of inevitability. In the view of some observers, support for sanction became a litmus test of opposition to apartheid. It was not surprising then that the 1986 Comprehensive Anti-

Apartheid Act received such great support.

## **6.2 Conclusions**

First, Easton's "framework for political analysis" appears adequate in analyzing the role of Congress in the anti-Apartheid struggle. In Chapters Three and Four, it is shown that legislators responded to inputs in the form of demands and support from the executive branch, civil rights leaders, education experts, and South African community leaders who believed in the legitimacy of these representatives. Chapter Five shows how members of Congress formulated outputs (the 1986 anti-Apartheid legislation) and decisions about conflicting interests. In Chapter Two, it is revealed that the sub-committee on African affairs had to work within an altruistic, but volatile, environment and was forced to make policies in keeping with the American culture. Chapter Five also reveals that policy-makers did make use of feedback in order to maintain the survival of the American political system. This feedback took two forms: (1) opponents of the Pretorian regime called for stiff sanctions to dismantle the Apartheid system, and (2) supporters of the white South African government preferred Constructive Engagement as a means to change the system. When opponents of the Pretorian regime pressed their dissatisfaction, Congress moved to pass the anti-Apartheid act.

Theoretically, employing Easton's framework to examine the subcommittee's role in the anti-Apartheid struggle yields a number of important lessons. To begin with, certain forms of conflict, rather than being dysfunctional, may actually be productive in that they may make important contributions to the entire political system. One also notices that conflict can be useful when it establishes and reinforces the identity of groups within a system. In addition, an analyst is able to distinguish the political system in terms of a

particular set of interactional properties which, in turn, comprise comprehensiveness, existence of boundaries, and interdependence. Moreover, the subcommittee was effective in dealing with the entire House of Representatives, which is a significant part of the legislature's environment. High membership stability, consensus on goals, and an egalitarian attitude, despite the contending positions, led to a great deal of integration among members of the subcommittee. Finally, Easton's model allows one to see the political relationships during the anti-Apartheid struggle explicit and self-conscious in that it helps in ordering the diffuse discourse on the issue. In sum, the common thread that runs through all of the definitions of Easton's systems framework employed in this study is the emphasis on interaction. Given the subcommittee's work, the interaction among definable units to achieve some purpose becomes quite clear.

Second, members of the Subcommittee on African Affairs and anti-Apartheid activists were well aware that the Reagan and Bush administrations' premises in terms of the Apartheid issue were flawed for several reasons. To begin with, the administrations failed to understand the tenacity with which the Afrikaners held to the myth that God had mandated them to rule over other racial groups. This belief could not simply be reformed; it had to be eliminated. Also, the administrations had no conditions attached to their policies that would have forced the Pretoria government to reform its system. They misinterpreted Pieter W. Botha as a leader who had a genuine interest to reform the South African society. To the contrary, Botha was no different than his white predecessors and had no intention in sharing power with the African majority. In addition, the administrations did not attempt to establish contacts with the African majority whom their policies were designed to assist. After all, the Africans were on the front lines of the struggle, and the Subcommittee members and anti-

Apartheid activists knew that a permanent solution to the crisis hinged on the black South Africans' consent.

Third, by looking at the South African crisis in terms of the vital economic and military/strategic interests of the United States, the Reagan and Bush administrations were shortsighted. United States interests were threatened neither by the radical political change nor the expansion of Soviet influence in Southern Africa. What threatened American interests were a foreign policy strategy that was insensitive to the dynamics of regional affairs. A policy posture toward South Africa that was oriented primarily in terms of the country being an arena of East-West confrontation directly or indirectly aligned the Reagan and Bush administrations with the maintenance of racial rule in South Africa. Indeed, the demonstration of the will to employ power translates into enhanced credibility only when the goals toward which power is directed are achieved. When, however, the environment in which power is exercised is resistance to such achievement, and then credibility is undermined.

Fourth, it is ironic that the Reagan and Bush administrations, in their formulation of Constructive Engagement, seemed to think that a more sophisticated understanding of the South African situation by itself would increase American influence in South Africa. They misread the fact that the American public had become more sophisticated about South Africa and its information had increased through the work of groups like TransAfrica. The level of awareness and understanding among the American people made a more flexible and self-interested policy in South Africa more difficult, not less.

Fifth, the most striking aspect of the anti-Apartheid struggle in the United States is how Congress seized the initiative from the White House and asserted its influence within

the policy-making process. Until Congress took the bold step and passed the Comprehensive Anti-Apartheid Act of 1986, the gradual rise from the 1960s to the 1980s of various anti-Apartheid groups inside and outside the United States who called for the imposition of economic sanctions against South Africa only resulted in limited restrictions on United States-South African military cooperation.

Sixth, when the needs of African countries when regional conflicts are excluded are not that diverse and can be represented by one powerful United States lobby, TransAfrica has been pivotal. This organization played a key role in informing and influencing American foreign policy toward South Africa with respect to its Apartheid system.

Finally, the reforms that took place in South Africa under Frederick W. De Klerk's administration, the freeing of Nelson Mandela and other ANC leaders, the repeal of the 1986 state of emergency regulation, the unbanning of political parties in South Africa following de Klerk's speech to parliament on February 2, 1990, the repeal of the Population Registration Act and Group Areas Act in June 1990, and the negotiations that took place between the former South African government and black South African leaders were positive steps toward the achievement of a race-neutral, democratic South Africa. These were the direct result of the work of the Subcommittee on African Affairs in helping to get Congress to pass the Comprehensive Anti-Apartheid Act of 1986, as they were part of the conditions that the South African government had to meet to warrant the lifting of sanctions placed on it by Section 311 of the legislation.

## APPENDIX A

100 STAT. 1086

PUBLIC LAW 99-440—OCT. 2, 1986

Public Law 99—440  
99th Congress

**An Act**

Oct. 2, 1986  
[H.R. 4868]

Comprehensive  
Anti-Apartheid  
Act of 1986.  
Human rights.  
Terrorism.  
22 USC 5001

To prohibit loans to, other investments in, and certain other activities with respect to,  
South Africa, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

**SHORT TITLE**

SECTION 1. This Act may be cited as the "Comprehensive Anti-Apartheid Act of 1986".

**TABLE OF CONTENTS**

SEC. 2. The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purpose.

**TITLE I—POLICY OF THE UNITED STATES WITH RESPECT  
TO ENDING APARTHEID**

- Sec. 101. Policy toward the Government of South Africa.
- Sec. 102. Policy toward the African National Congress, etc.
- Sec. 103. Policy toward the victims of apartheid.
- Sec. 104. Policy toward other countries in Southern Africa.
- Sec. 105. Policy toward "frontline" states.
- Sec. 106. Policy toward a negotiated settlement.
- Sec. 107. Policy toward international cooperation on measures to end apartheid.
- Sec. 108. Policy toward necklacing.
- Sec. 109. United States Ambassador to meet with Nelson Mandela.
- Sec. 110. Policy toward the recruitment and training of black South Africans by United States employers.

**TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID**

- Sec. 201. Scholarships for the victims of apartheid.
- Sec. 202. Human rights fund.
- Sec. 203. Expanding participation in the South African economy.
- Sec. 204. Export-Import Bank of the United States.
- Sec. 205. Labor practices of the United States Government in South Africa.
- Sec. 206. Welfare and protection of the victims of apartheid employed by the United States.
- Sec. 207. Employment practices of United States nationals in South Africa.
- Sec. 208. Code of Conduct.
- Sec. 209. Prohibition on assistance.
- Sec. 210. Use of the African Emergency Reserve.
- Sec. 211. Prohibition on assistance to any person or group engaging in "neck-Sec.
- 212. Participation of South Africa in agricultural export credit and promotion programs.

**TITLE III—MEASURES BY THE UNITED STATES TO  
UNDERMINE APARTHEID**

- Sec. 301. Prohibition on the importation of krugerrands.
- Sec. 302. Prohibition on the importation of military articles.
- Sec. 303. Prohibition on the importation of products from parastatal organizations.
- Sec. 304. Prohibition on computer exports to South Africa.



- Sec. 305. Prohibition on loans to the Government of South Africa.
- Sec. 306. Prohibition on air transportation with South Africa.
- Sec. 307. Prohibitions on nuclear trade with South Africa.
- Sec. 308. Government of South Africa bank accounts.
- Sec. 309. Prohibition on importation of uranium and coal from South Africa.
- Sec. 310. Prohibition on new investment in South Africa.
- Sec. 311. Termination of certain provisions.
- Sec. 312. Policy toward violence or terrorism.
- Sec. 313. Termination of tax treaty and protocol.
- Sec. 314. Prohibition on United States Government procurement from South Africa.
- Sec. 315. Prohibition on the promotion of United States tourism in South Africa.
- Sec. 316. Prohibition on United States Government assistance to, investment in, or subsidy for trade with, South Africa.
- Sec. 317. Prohibition on sale or export of items on Munition List.
- Sec. 318. Munitions list sales, notification.
- Sec. 319. Prohibition on importation of South African agricultural products and food.
- Sec. 320. Prohibition on importation of iron and steel.
- Sec. 321. Prohibition on exports of crude oil and petroleum products.
- Sec. 322. Prohibition on cooperation with the armed forces of South Africa.
- Sec. 323. Prohibition on sugar imports.

#### TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

- Sec. 401. Negotiating authority.
- Sec. 402. Limitation on imports from other countries.
- Sec. 403. Private right of action.

#### TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

- Sec. 501. Additional measures.
- Sec. 502. Lifting of prohibitions.
- Sec. 503. Study of health conditions in the "homelands" areas of South Africa.
- Sec. 504. Reports on South African imports.
- Sec. 505. Study and report on the economy of southern Africa.
- Sec. 506. Report on relations between other industrialized democracies and South Africa.
- Sec. 507. Study and report on deposit accounts of South African nationals in United States banks.
- Sec. 508. Study and report on the violation of the international embargo on sale and export of military articles to South Africa.
- Sec. 509. Report on Communist activities in South Africa.
- Sec. 510. Prohibition on the importation of Soviet gold coins.
- Sec. 511. Economic support for disadvantaged South Africans.
- Sec. 512. Report on the African National Congress.

#### TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

- Sec. 601. Regulatory authority.
- Sec. 602. Congressional priority procedures.
- Sec. 603. Enforcement and penalties.
- Sec. 604. Applicability to evasions of Act.
- Sec. 605. Construction of Act.
- Sec. 606. State or local anti-apartheid laws, enforce.

#### DEFINITIONS

##### SEC. 3. As used in this Act—22 USC 5001.

- (1) the term "Code of Conduct" refers to the principles set forth in section 208(a);
- (2) the term "controlled South African entity" means—
  - (A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or
  - (B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States;
- (3) the term "loan"—
  - (A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or

Pan African  
Congress.  
22 USC 5012.

## TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

SEC. 102 (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

(2) make known their commitment to a free and democratic post-apartheid South Africa;

(3) agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

(4) reexamine their ties to the South African Communist Party.

(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goal set forth in subsection (a) of this section.

## POLICY TOWARD THE VICTIMS OF APARTHEID

22 USC  
5013.  
POLICY

SEC. 103. (a) The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system. In anticipation of the removal of the system of apartheid and as a further means of challenging that system, it is the policy of the United States to assist these victims of apartheid as individuals and through organizations to overcome the handicaps imposed on them by the system of apartheid and to help prepare them for their rightful roles as full participants in the political, social, economic, and intellectual life of their country in the post-apartheid South Africa envisioned by this Act.

(b) The United States will work toward the purposes of subsection (a) by—

(1) providing assistance to South African victims of apartheid without discrimination by race, color, sex, religious belief, or political orientation, to take advantage of educational opportunities in South Africa and in the United States to prepare for leadership positions in a post-apartheid South Africa;

(2) assisting victims of apartheid;

(3) aiding individuals or groups in South Africa whose goals are to aid victims of apartheid or foster nonviolent legal or political challenges to the apartheid laws;

(4) furnishing direct financial assistance to those whose nonviolent activities had led to their arrest or detention by the

(B) any territory under the Administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

(7) the term "South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a person that resides or is organized outside South Africa; and

(8) the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

**PURPOSE**

22 USC 5011.

SEC. 4. The purpose of this Act is to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government. This Act sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other states in southern Africa. It also provides the President with additional authority to work with the other industrial democracies to help end apartheid and establish democracy in South Africa.

Nelson Mandela.  
Govan Mbeki.  
Walter Sisulu.

**TITLE I—POLICY OF THE UNITED STATES WITH RESPECT**

**TO ENDING APARTHEID**

**POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA**

SEC. 101. (a) United States policy toward the Government of South Africa shall be designed to bring about reforms in that system of government that will lead to the establishment of a nonracial democracy.

(b) The United States will work toward this goal by encouraging the Government of South Africa to—

(1) repeal the present state of emergency and respect the principle of equal justice under law for citizens of all races;

(2) release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners;

(3) permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) establish a timetable for the elimination of apartheid laws; (5) negotiate with representatives of all racial groups in South Africa the future political system in South Africa; and

(6) end military and paramilitary activities aimed at neighboring states.

(c) The United States will encourage the actions set forth in subsection (b) through economic, political, and diplomatic measures as set forth in this Act. The United States will adjust its actions toward the Government of South Africa to reflect the progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection (a).

guarantee of the obligation of another to repay an extension of funds or credit, including—

- (i) overdrafts,
- (ii) currency swaps,
- (iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act,
- (iv) the purchase of a loan made by another person,
- (v) the sale of financial assets subject to an agreement to repurchase, and
- (vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity, and

(B) does not include—

- (i) normal short-term trade financing, as by letters of credit or similar trade credits;
- (ii) sales on open account in cases where such sales are normal business practice; or
- (iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;

4 the term "new investment"—

(A) means—

- (i) a commitment or contribution of funds or other assets, and
- (ii) a loan or other extension of credit, and (B) does not include—

(i) the reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a South African entity or a controlled South African entity or a debt or equity security issued by the Government of South Africa or a South African entity before the date of enactment of this Act, or the transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled South African entity, or the Government of South Africa;

(5) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States or is an alien lawfully admitted for permanent residence in the United States, as defined by section 101 (a) (20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); or

(B) a corporation, partnership, or other business association which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(6) the term "South Africa" includes— (A) the Republic of South Africa;

South African authorities and (B) to the families of those killed by terrorist acts such as "necklacings";

(5) intervening at the highest political levels in South Africa to express the strong desire of the United States to see the development in South Africa of a nonracial democratic society;

(6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in the event the Government of South Africa fails to make progress toward the removal of the apartheid laws and the establishment of such democracy; and

(7) supporting the rights of all Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

**POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA**

SEC. 104. (a) The United States policy toward the other countries 22 USC 5014, in the Southern African region shall be designed to encourage democratic forms of government, full respect for human rights, an end to cross-border terrorism, political independence, and economic development.

22 USC 5014

(b) The United States will work toward the purposes of subsection (a) by—

(1) helping to secure the independence of Namibia, establishment of Namibia as a nonracial democracy in accordance with appropriate United Nations Security Council resolutions;

Namibia

(2) supporting the removal of all foreign military forces from the region;

(3) encouraging the nations of the region to settle differences through peaceful means;

(4) promoting economic development through bilateral and multilateral economic assistance targeted at increasing opportunities in the productive sectors of national economies, with a particular emphasis on increasing opportunities for nongovernmental economic activities;

(5) encouraging, and when necessary, strongly demanding, that all countries of the region respect the human rights of their citizens and noncitizens residing in the country, and especially the release of persons persecuted for their political beliefs or detained without trial;

(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and

(7) providing appropriate assistance, within the limitations of Transportation American responsibilities at home and in other regions, to assist regional economic cooperation and the development of interregional transportation and other capital facilities necessary for economic growth.

Transportation

**POLICY TOWARD "FRONTLINE" STATES**

SEC. 105. It is the sense of the Congress that the President should discuss with the governments of the African "frontline" states the

President of U.S. Transportation. 22 USC 5015

effects on them of disruptions in transportation or other economic links  
 22 USC 5016. through South Africa and of means of reducing those effects.

### POLICY TOWARD A NEGOTIATED SETTLEMENT

SEC. 106. (a)(1) United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country. The United States recognizes that important and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations. The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations.

Communists.

President of U.S.  
 Communists.

(2) To this end, it is the sense of the Congress that the President, the Secretary of State, or other appropriate high-level United States officials should meet with the leaders of opposition organizations of South Africa, particularly but not limited to those organizations representing the black majority. Furthermore, the President, in concert with the major allies of the United States and other interested parties, should seek to bring together opposition political leaders with leaders of the Government of South Africa for the purpose of negotiations to achieve a transition to the post-apartheid democracy envisioned in this Act.

(b) The United States will encourage the Government of South Africa and all participants to the negotiations to respect the right of all South Africans to form political parties, express political opinions, and otherwise participate in the political process without fear of retribution by either governmental or nongovernmental organizations. It is the sense of the Congress that a suspension of violence is an essential precondition for the holding of negotiations. The United States calls upon all parties to the conflict to agree to a suspension of violence.

(c) The United States will work toward the achievement of agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

Great Britain.  
 Canada.  
 France.  
 Italy.  
 Japan.  
 West Germany.

(d) It is the sense of the Congress that the achievement of an agreement for negotiations could be promoted if the United States and its major allies, such as Great Britain, Canada, France, Italy, Japan, and West Germany, would hold a meeting to develop a four-point plan to discuss with the Government of South Africa a proposal for stages of multilateral assistance to South Africa in return for the Government of South Africa implementing—

Nelson Mandela.

(1) an end to the state of emergency and the release of the political prisoners, including Nelson Mandela;

African National  
 Congress.  
 Pan African  
 Congress.  
 Black  
 Consciousness  
 Movement.

(2) the unbanning of the African National Congress, the Pan African Congress, the Black Consciousness Movement, and all other groups willing to suspend terrorism and to participate in negotiations and a democratic process;

(3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and

## TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

22 USC 2151c.

## IPS FOR THE VICTIMS OF APARTHEID

Education.  
Schools and  
colleges.

SEC. 201. (a) Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)" and

(2) by adding at the end thereof the following new paragraph:

"(2)(A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than \$4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

99 Stat. 260.

22 USC 346.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of \$1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for inservice teacher training programs in South Africa through such nongovernmental organizations as TOPS or teachers' unions.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of \$500,000 for the fiscal year 1987 and up to an aggregate of 1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval."

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

22 USC 2151  
note.  
22 USC 2151o.

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS. - In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the

SCHOLARSH

Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa."

HUMAN RIGHTS FUND

22 USC 2151n.

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—  
 (1) by striking out "1984 and" and inserting in lieu thereof "1984."; and  
 (2) by inserting after "1985" a comma and the following: "and \$1,500,000 for the fiscal year 1986 and for each fiscal year thereafter".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than \$500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—  
 (A) removal of black populations from certain geographic areas on account of race or ethnic origin,

(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(C) residence restrictions based on race or ethnic origin,

(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(E) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

"(2)(A) No grant under this subsection may exceed \$100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed \$70,000.

"(g) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, \$175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional \$175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means."

Employment and unemployment.

Housing.

Grants.

22 USC 5031.

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 203. (a) The Congress declares that—

(1) the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and



*Post*, p. 1097.

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses, is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the Code of Conduct to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) Notwithstanding any other provision of law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

Business and industry.

12 USC 635.

#### EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 204. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

Business and industry.

(1) by striking out “(9) In” and inserting in lieu thereof “(9)(A) Except as provided in subparagraph (B), in”; and

(2) by adding at the end thereof the following:

“(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.”

Employment and unemployment.  
22 USC 5032.

#### LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 205. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of labor practices in the United States and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take, without regard to any provision of law, the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the Code of Conduct. Nothing in this

*Post*, p. 1097.

section shall be construed to grant any employee of the United States the right to strike.

**WELFARE AND PROTECTION OF VICTIMS OF APARTHEID BY THE UNITED STATES**

SEC. 206. (a) The Secretary of State shall acquire, through lease or Real property purchase, residential properties in the Republic of South Africa that shall be made available, at rents that are equitable, to assist victims of apartheid who are employees of the United States Government in obtaining adequate housing. Such properties shall be acquired only in neighborhoods which would be open to occupancy by other employees of the United States Government in South Africa.

Real property.  
Housing.  
22 USC 5033

(b) There are authorized to be appropriated \$10,000,000 for the Appropriation fiscal year 1987 to carry out the purposes of this section. authorization.

Appropriation  
authorization

**EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA**

SEC. 207. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that the Code of Conduct is implemented.

22 USC 5034

(b) No department or agency of the United States may intercede Exports with any foreign government or foreign national regarding the export marketing activities in any country of any national of the United States employing more than 25 persons in South Africa that is not implementing the Code of Conduct.

Infra  
Exports

**CODE OF CONDUCT**

SEC. 208. (a) The Code of Conduct referred to in sections 203, 205, 207, and 603 of this Act is as follows:

22 USC 5035

- (1) desegregating the races in each employment facility;
- (2) providing equal employment opportunity for all employees without regard to race or ethnic origin;
- (3) assuring that the pay system is applied to all employees without regard to race or ethnic origin;
- (4) establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;
- (5) increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;
- (6) taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health; and
- (7) implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(b) it is the sense of the Congress that in addition to the principles enumerated in subsection (a), nationals of the United States subject to section 207 should seek to comply with the following principle:  
taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

- (1) supporting the unrestricted rights of black businesses to locate in urban areas;
- (2) influencing other companies in South Africa to follow the standards of equal rights principles;
- (3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment; and
- (4) supporting the rescission of all apartheid laws.

President of U.S.

(c) The President may issue additional guidelines and criteria to assist persons who are or may be subject to section 207 in complying with the principles set forth in subsection (a) of this section. The President may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

President of US

(d) The President may require all nationals of the United States referred to in section 207 to register with the United States Government.

President of U.S.  
Contracts

(e) Notwithstanding any other provision of law, the President may enter into contracts with one or more private organizations or individuals to assist in implementing this section.

**PROHIBITION ON ASSISTANCE**

22USC 5036

SEC. 209. No assistance may be provided under this Act to any group which maintains within its ranks any individual who has been found to engage in gross violations of internationally recognized human rights (as defined in section 502B(d)(11) of the Foreign Assistance Act of 1961).

22 USC 2304

**USE OF THE AFRICAN EMERGENCY RESERVE**

President of U.S.  
22 USC 5037  
necessary

SEC. 210. Whenever the President determines that such action is or appropriate to meet food shortages in southern Africa, the President is authorized to utilize the existing, authorized, and funded reserve entitled the "Emergency Reserve for African Famine Relief" to provide food assistance and transportation for that assistance.

**PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"**

22USC 5038  
22 USC 2151

indirectly

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing".

22 USC 5039

**PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS**

SEC. 212. Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have

traditionally purchased United States agricultural commodities and the products thereof.

### TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

#### PROHIBITION ON THE IMPORTATION OF KRUGERRANDS

SEC. 301. No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

Banks and  
banking.  
22 USC 5051.

#### PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES

SEC. 302. No arms, ammunition, or military vehicles produced in South Africa or any manufacturing data for such articles may be imported into the United States.

22 USC 5052.

#### PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM PARASTATAL ORGANIZATIONS

SEC. 303. (a) Notwithstanding any other provision of law, no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, (1) except for agricultural products during the 12-month period from the date of enactment; and (2) except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers and except for any article to be imported pursuant to a contract entered into before August 15, 1986;

Agriculture and  
agricultural  
commodities.  
Defense and  
national security.  
22 USC 5053.

*Provided*, That no shipments may be received by a national of the United States under such contract after April 1, 1987.

(b) For purposes of this section, the term "parastatal organization" means a corporation or partnership owned or controlled or subsidized by the Government of South Africa, but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

#### PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

SEC. 304. (a) No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by any of the following entities of the Government of South Africa:

22 USC 5054.

- (1) The military.
- (2) The police.
- (3) The prison system.
- (4) The national security agencies.
- (5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research.
- (6) The administering authorities for controlling the movements of the victims of apartheid.
- (7) Any apartheid enforcing agency.

(8) Any local, regional, or homelands government entity which performs any function of any entity described in paragraphs (1) through (7).

(b)(11) Computers, computer software, and goods or technology intended to service computers may be exported, directly or indirectly, to or for use by an entity of the Government of South Africa other than those set forth in subsection (a) only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any entity set forth in subsection (a).

Regulations. (2) The Secretary of Commerce may prescribe such rules and regulations as may be necessary to carry out this section.

#### PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

22 USC 5055. SEC. 305. (a) No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa.

(b) The prohibition contained in subsection (a) shall not apply to— (1) a loan or extension of credit for any education, housing, or humanitarian benefit which—

(A) is available to all persons on a nondiscriminatory basis; or

(B) is available in a geographic area accessible to all population groups without any legal or administrative restriction;

or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

#### PROHIBITION ON AIR TRANSPORTATION WITH SOUTH AFRICA

President of U.S.  
22 USC 5056. SEC. 306. (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

(b)(1) The Secretary of State shall terminate the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, in accordance with the provisions of that agreement.

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or

61 Stat. 3057.  
President of U.S.

President of U.S.

by South African nationals from engaging in air transportation with respect to the United States.

(3) The Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

State and local governments

(c) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subsection (a) or (b) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

Safety

(d) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

**PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA**

SEC. 307. (a) Notwithstanding any other provision of law—

(1) the Nuclear Regulatory Commission shall not issue any license for the export to South Africa of production or utilization facilities, any source or special nuclear material or sensitive nuclear technology, or any component parts, items, or substances which the Commission has determined, pursuant to section 109b. of the Atomic Energy Act, to be especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes;

49 USC app. 1301.

(2) the Secretary of Commerce shall not issue any license for the export to South Africa of any goods or technology which have been determined, pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, to be of significance for nuclear explosive purposes for use in, or judged by the President to be likely to be diverted to, a South African production or utilization facility;

Exports. Science and technology. 22 USC 5057. 42 USC 2139.

(3) the Secretary of Energy shall not, under section 57b.(2) of the Atomic Energy Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa; and

42 USC 2139a.

no goods, technology, source or special nuclear material, facilities, components, items, or substances referred to in clauses (1) through (3) shall be approved by the Nuclear Regulatory Commission or an executive branch agency for retransfer to South Africa,

unless the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, or otherwise maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, as defined in the Nuclear Non-Proliferation Act of 1978.

42 USC 2077.

21 UST 483.

(b) Nothing in this section shall preclude—

(1) any export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission or the Department of Commerce or the Department of Energy; or

22 USC 3201 note.

(2) assistance for the purpose of developing or applying International Atomic Energy Agency or United States bilateral

Exports.

Research and development. Health and medical care. Safety.

42 USC 10203. safeguards, for International Atomic Energy Agency programs generally available to its member states, for reducing the use of highly enriched uranium in research or test reactors, or for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities envisaged by section 223 of the Nuclear Waste Policy Act of 1982 or which are necessary for humanitarian reasons to protect the public health and safety.

Exports.  
Defense and  
national security.  
President of U.S. (c) The prohibitions contained in subsection (a) shall not apply with respect to a particular export, retransfer, or activity, or a group of exports, retransfers, or activities, if the President determines that to apply the prohibitions would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security of the United States and, if at least 60 days before the initial export, retransfer, or activity is carried out, the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth that determination, together with his reasons therefor.

**GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS**

22 USC 5058. SEC. 308. (a) A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

12 USC 461.  
Effective date. (b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

**PROHIBITION ON IMPORTATION OF URANIUM AND COAL FROM SOUTH AFRICA**

22 USC 5059. SEC. 309. (a) Notwithstanding any other provision of law, no—  
(1) uranium ore,  
(2) uranium oxide,  
(3) coal, or  
(4) textiles,  
that is produced or manufactured in South Africa may be imported into the United States.

Effective date. (b) This section shall take effect 90 days after the date of enactment of this Act.

**PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA**

22 USC 5060. SEC. 310. (a) No national of the United States may, directly or through another person, make any new investment in South Africa

Effective date. (b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

(c) The prohibition contained in this section shall not apply to a firm owned by black South Africans.

TERMINATION OF CERTAIN PROVISIONS

SEC. 311. (a) This title and sections 501(c) and 504(b) shall terminate if the Government of South Africa—

22 USC 5061

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

Nelson Mandela

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

(b) The President may suspend or modify any of the measures required by this title or section 501(c) or section 504(b) thirty days after he determines, and so reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that the Government of South Africa has—

President of U.S.

(1) taken the action described in paragraph (1) of subsection (a).

(2) taken three of the four actions listed in paragraphs (2) through (5) of subsection (a), and

(3) made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy.

unless the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution disapproving the determination of the President under this subsection.

(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

African National Congress.  
Pan African Congress.

(1) refuse to abandon unprovoked violence during such negotiations; and

(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law.

then the United States will support negotiations which do not include these organizations.

POLICY TOWARD VIOLENCE OR TERRORISM

SEC. 312. (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the system of apartheid and the establishment of a non-racial democracy in South Africa.

22 USC 5062.



(b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

(c) The Congress declares that the abhorrent practice of “necklacing” and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free from fear of violent reprisals.

22 USC 5063.

#### TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 313. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

3 UST 3821.

#### PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

Contracts.  
22 USC 5064.

SEC. 314. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

#### PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

22 USC 5065.

SEC. 315. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

#### PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

22 USC 5066.

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

22 USC 5067.

#### PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 317. (a) Except as provided in subsection (b), no item contained on the United States Munition List which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

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(c) The President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b). President of U.S. Reports.

**MUNITIONS LIST SALES, NOTIFICATION**

SEC. 318. (a) Notwithstanding any other provision of this Act, the President shall: President of U.S. Exports. 22 USC 5068.

- (i) notify the Congress of his intent to allow the export to South Africa any item which is on the United States Munition List and which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and
- (ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale. Congress.

**PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD**

SEC. 319. Notwithstanding any other provision of law, no:  
(1) agricultural commodity, product, byproduct or derivative thereof, 22 USC 5069  
(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

**PROHIBITION ON IMPORTATION OF IRON AND STEEL**

22 USC 5070.

SEC. 320. Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

**PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS**

22 USC 5071.

SEC. 321. (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

**PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA**

22 USC 5072.

SEC. 322. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947. 50 USC 413.

**PROHIBITIONS ON SUGAR IMPORTS**

22 USC 5073.

SEC. 323. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of

(4) the use of the international offices of a third party as an intermediary to bring about negotiations with the object of the establishment of power-sharing with the black majority.

**POLICY TOWARD INTERNATIONAL COOPERATION ON MEASURES TO END APARTHEID**

SEC. 107. (a) The Congress finds that—

22 USC 5017.

(1) international cooperation is a prerequisite to an effective anti-apartheid policy and to the suspension of terrorism in South Africa; and

(2) the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interests of the United States.

(b) Accordingly, the Congress urges the President to seek such cooperation among all individuals, groups, and nations.

**POLICY TOWARD NECKLACING**

SEC. 108. It is the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing", of any person in any country.

African National Congress.  
22 USC 5018.

**UNITED STATES AMBASSADOR TO MEET WITH NELSON MANDELA**

SEC. 109. It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African Government for the United States Ambassador to meet with Nelson Mandela.

Nelson Mandela.  
22 USC 5019.

**POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS**

Sec. 110. (a) The Congress finds that—

22 USC 5020.

(1) the policy of apartheid is abhorrent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free, open, and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

- Reports.  
South Africa may be imported into the United States after the date of enactment of this Act.
- Philippines. (2) The aggregate quantity of sugars, sirups, and molasses that—  
(A) are products of the Philippines, and  
(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act.
- shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.
- Tariff Schedules of the U.S. 19 USC 1202 and note.  
Philippines. (b)(1) Paragraph ©(1) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—  
(A) by striking out “13.5” in the item relating to the Philippines in the table and inserting in lieu thereof “15.8”, and  
(B) by striking out the item relating to the Republic of South Africa in the table.
- (2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:  
“(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—“(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and  
“(B) no allocation may be made to the Republic of South Africa, in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.”.
- Philippines.

**TITLE IV—MULTILATERAL MEASURES TO UNDERMINE  
APARTHEID  
NEGOTIATING AUTHORITY**

- International agreements.  
22 USC 5081. SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by this Act.
- (b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.
- President of U.S. (2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—
- President of U.S.

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 310 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

President of U.S.  
Federal Register, publication

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final legal text of such agreement, together with—

President of U.S.

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

President of U.S.

**LIMITATION ON IMPORTS FROM OTHER COUNTRIES**

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

President of U.S. 22 USC 5082.

**PRIVATE RIGHT OF ACTION**

SEC. 403. (a) Any national of the United States who is required by this Act to terminate or curtail business activities in South Africa may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

Claims. Securities. 22 USC 5083.

(b) The action described in subsection (a) may only be brought, without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

## TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

### ADDITIONAL MEASURES

- 22 USC 5091. SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within twelve months of the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.
- President of U.S. Reports. (b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within twelve months of the date of enactment of this Act, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—
- (1) an assessment of the extent to which the Government of South Africa has taken the steps set forth in section 101(b) of this Act;
  - (2) an analysis of any other actions taken by the Government of South Africa in ending the system of apartheid and moving toward a nonracial democracy; and
  - (3) the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.
- President of U.S. Reports. Imports. (c) If the President determines that significant progress has not been made by the Government of South Africa in ending the system of apartheid and establishing a nonracial democracy, the President shall include in the report required by subsection (b) a recommendation on which of the following additional measures should be imposed:
- (1) a prohibition on the importation of steel from South Africa;
  - (2) a prohibition on military assistance to those countries that the report required by section 508 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa;
  - (3) a prohibition on the importation of food, agricultural products, diamonds, and textiles from South Africa;
  - (4) a prohibition on United States banks accepting, receiving, or holding deposit accounts from South African nationals; and
  - (5) a prohibition on the importation into the United States of strategic minerals from South Africa.
- Arms and munitions. (d) A joint resolution which would enact part or all of the measures recommended by the President pursuant to subsection (c) shall be considered in accordance with the provisions of section 602 of this Act.
- Banks and banking.

LIFTING OF PROHIBITIONS

SEC. 502. (a) Notwithstanding any other provision of this Act, the President may lift any prohibition contained in this Act imposed against South Africa if the President determines, after six months from the date of the imposition of such prohibition, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (C.M.E.A.) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

President of U.S.  
Reports.  
Imports.  
22 USC 5092.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

Reports.

(A) the average amount of such imports from such country during the period of 1981 through 1985; and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

President of U.S.

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

SEC. 503. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1986, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

Reports.  
22 USC 5093.

REPORT ON SOUTH AFRICAN IMPORTS

SEC. 504. (a) Not later than 90 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on the importation from South Africa of—

President of U.S.  
22 USC 5094.

- (1) chromium,
- (2) cobalt,
- (3) manganese,
- (4) platinum group metals,
- (5) ferroalloys, and
- (6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

50 USC 98 *et seq.*  
President of U.S.

(b) The President shall develop a program which reduces the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a).

STUDY AND REPORT ON THE ECONOMY OF SOUTHERN AFRICA

SEC. 505. (a) The President shall conduct a study on the role of American assistance in southern Africa to determine what needs to

President of U.S.  
Commerce and  
trade.  
Securities.  
Transportation.  
22 USC 5095.

be done, and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

President of U.S.  
Reports.

(b) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

**REPORT ON RELATIONS BETWEEN OTHER INDUSTRIALIZED DEMOCRACIES  
AND SOUTH AFRICA**

President of U.S.  
22 USC 5096.

SEC. 506. (a) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing a detailed assessment of the economic and other relationships of other industrialized democracies with South Africa. Such report shall be transmitted without regard to whether or not the President successfully concluded an international agreement under section 401.

(b) For purposes of this section, the phrase "economic and other relationships" includes the same types of matters as are described in sections 201, 202, 204, 205, 206, 207, sections 301 through 307, and sections 309 and 310 of this Act.

22 USC 5097.

**STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH AFRICAN  
NATIONALS IN UNITED STATES BANKS**

SEC. 507. (a)(xi) The Secretary of the Treasury shall conduct a study on the feasibility of prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national.

12 USC 461.

(2) For purposes of paragraph (1), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the findings of the study required by subsection (a).

**STUDY AND REPORT ON THE VIOLATION OF THE INTERNATIONAL  
EMBARGO ON SALE AND EXPORT OF MILITARY ARTICLES TO SOUTH  
AFRICA**

President of U.S.  
22 USC 5098.

SEC. 508. (a) The President shall conduct a study on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

(b) Not later than 179 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study required by subsection (a), including an identification of those countries engaged in such sale or export, with a view to terminating United States military assistance to those countries.



**REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA**

SEC. 509. (a) Not later than 90 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

President of U.S.  
Public  
information.  
22 USC 5099

(b) At the same time the unclassified report in subsection (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairmen of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives.

Classified  
information.

**PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS**

SEC. 510. (a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

Banks and  
banking.  
22 USC 5100.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

Law enforcement  
and crime.

**ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS**

SEC. 511 (a) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

Commerce and  
trade.  
Education.  
Community  
development.  
22 USC 2346d.

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS. - (A)(1) Up to \$40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(2) Up to \$3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

Education.

Reports.  
22 USC 2346d  
note.

Ante, p. 1111.

“(b) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.”

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

22 USC 5101. **REPORT ON THE AFRICAN NATIONAL CONGRESS**

22 USC 611.

SEC. 512. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representatives of governments or opposition movements in Subsaharan Africa, including, but not limited to, members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpoenas.

**TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS**

**REGULATORY AUTHORITY**

President of U.S.  
Regulations.  
22 USC 5111.  
50 USC 1701  
note.  
50 USC 1701 note.

SEC. 601. The President shall issue such rules, regulations, licenses, and orders as are necessary to carry out the provisions of this Act, including taking such steps as may be necessary to continue in effect the measures imposed by Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, and by any rule, regulation, license, or order issued thereunder (to the extent such measures are not inconsistent with this Act).

22 USC 5112. **CONGRESSIONAL PRIORITY PROCEDURES**

SEC. 602. (a)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution under sections 311(b), 401(d), and 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

(3)(A) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to

the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(b)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution under section 311(b), 401(d), or 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Relations of the Senate.

98 Stat.  
1935.

(3) A joint resolution described in this section shall be considered in the Senate in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98—473), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate; and

(B) amendments to the joint resolution are in order.

(c) For purposes of this subsection, the term "joint resolution" means only—

(A) in the case of section 311(b), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the report described in section 311(b) and for which the matter after the resolving clause reads as follows:

"That the Congress, having received on \_\_\_\_\_ the report of the President containing the determination required by section 311(b) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such determination.", with the date of the receipt of the report inserted in the blank;

(B) in the case of section 401(d)(3), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the document described in section 401(d)(3) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on \_\_\_\_\_

the text of the international agreement described in section 401(d)(3) of the Comprehensive Anti-Apartheid Act of 1986, approves of such agreement.", with the date of the receipt of the text of the agreement inserted in the blank; and

(C) in the case of section 501(d), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the determination of the President pursuant to section 501(c) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on a determination of the President under section \_\_\_\_\_

501(c) of the Comprehensive Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

(d) As used in this section, the term "legislative day" means a day on which the House of Representatives or the Senate is in session, as the case may be.

(e) This section is enacted—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such it is deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

#### ENFORCEMENT AND PENALTIES

President of U.S.  
22 USC 5113.

SEC. 603. (a)(1) The President with respect to his authorities under section 601 shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders.

(2) In ensuring such compliance, the President may—

Records.  
Reports.

(A) require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction described in this Act either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which a foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this Act; and

(B) conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) Except as provided in subsection (d)—

(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of \$50,000;

(2) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than \$1,000,000;

(3) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than \$50,000, or imprisoned not more than 10 years, or both; and

(4) any individual who violates section 301(a) or any regulations issued to carry out that section shall, instead of the

penalty set forth in paragraph (2), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice.

shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

(2) Paragraph (1) shall not apply in the case of a violation by an individual of section 301(a) of this Act or of any regulation issued to carry out that section.

(3) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d)(1) Any person who violates any regulation issued under section 208(d) or who, in a registration statement or report required by the Secretary of State, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be subject to a civil penalty of not more than \$10,000 imposed by the Secretary of State. The provisions of subsections (d), (e), and (f) of section 11 of the Export Administration Act of 1979 shall apply with respect to any such civil penalty.

Reports.

(2) Any person who commits a willful violation under paragraph (1) shall upon conviction be fined not more than \$1,000,000 or imprisoned not more than 2 years, or both.

50 USC app. 2410.

(3) Nothing in this section may be construed to authorize the imposition of any penalty for failure to implement the Code of Conduct.

**APPLICABILITY TO EVASIONS OF ACT**

SEC. 604. This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

*Ante*, p. 1097.

22 USC 5114.

**CONSTRUCTION OF ACT**

SEC. 605. Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in this Act.

22 USC 5115.

**STATE OR LOCAL ANTI-APARTHEID LAWS, ENFORCE**

SEC. 606. Notwithstanding section 210 of Public Law 99-349 or any other provision of law—

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

22 USC 5116.  
*Ante*, p. 749.

## Contracts.

- (2) no other penalty may be imposed by the Federal Government.  
by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act.

THOMAS S. FOLEY  
*Speaker pro tempore.*

STROM THURMOND  
*President of the Senate pro tempore.*

IN THE HOUSE OF REPRESENTATIVES, U.S.,

*September 29, 1986.*

The House of Representatives having proceeded to reconsider the bill (H.R. 4868) entitled "An Act to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

BENJAMIN J. GUTHRIE

*Clerk.*

I certify that this Act originated in the House of Representatives.

BENJAMIN J. GUTHRIE

*Clerk.*

IN THE SENATE OF THE UNITED STATES,

*October 2 (legislative day, September 24), 1986.*

The Senate having proceeded to reconsider the bill (H.R. 4868) entitled "An Act to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Jo-ANNE L. COE  
*Secretary.*

LEGISLATIVE HISTORY—H.R. 4868 (S. 2701):

HOUSE REPORTS: No. 99-638, Pt. 1 (Comm. on Foreign Affairs) and Pt. 2 (Comm. on Ways and Means).

SENATE REPORTS: No. 99-370 accompanying S. 2701 (Comm. on Foreign Relations).  
CONGRESSIONAL RECORD, Vol. 132 (1986):

June 18, considered and passed House.

Aug. 13, 14, S. 2701 considered in Senate.

Aug. 15, S. 2701 considered in Senate; H.R. 4868 considered and passed Senate, amended.

Sept. 12, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22(1986):

Oct. 2, Presidential veto message.

CONGRESSIONAL RECORD, Vol. 132 (1986):

Sept. 29, House overrode veto.

Oct. 2, Senate overrode veto.

## APPENDIX B

## Appendix B

Congressional Quarterly  
99th Congress  
2nd Session....1986  
The Comprehensive Anti-Apartheid Act of 1986  
(P.L. 99-440, H.R. 4868)  
Volume XLII

### Hill Overrides Veto of South Africa Sanctions

Elbowing aside a president uncharacteristically resistant to compromise, the Senate on Oct. 2 overrode Ronald Reagan's veto of a measure (HR 4868) imposing economic sanctions against South Africa.

The 78-21 vote enacting the bill into law (PL 99-440) marked the most serious defeat Reagan had suffered on a foreign issue and one of the most stunning blows of his presidency. (Vote 311, p. 52-S)

The House had acted on Sept. 29, voting to override Reagan's veto 313-83. Reagan had vetoed the bill Sept. 26, but his aides did not lobby House members on the issue and made only limited efforts to block action in the Republican-controlled Senate. (Vote 390, p.110-H)

As enacted, HR 4868 imposed a series of sanctions, such as barring importation of South African coal, steel and agricultural products and ending landing rights in the United States for the government-owned South African Airways. The measure also threatened future sanctions if the Pretoria government failed to move to end the "apartheid" system of racial segregation.

The final version of the bill was identical to the measure passed by the Senate Aug. 15. The House June 18 had passed a much stronger version that would have forced all U.S. companies to leave South Africa and ended virtually all trade between the two countries. House leaders agreed Sept. 12 to accept the milder Senate bill.

Although fundamentally altering a major U.S. policy, the veto override was not expected to have a long-term effect on Reagan's ability to handle foreign affairs. There was widespread agreement on Capitol Hill that South Africa represented a special case in which Reagan was so out of step with the American public that congress had no choice but to intervene.

"We believe the president was not being heard loud and clear" in his opposition to South Africa's apartheid system of racial discrimination, said Richard G. Lugar, R-Ind., chairman of the Senate Foreign Relations Committee. With passage of the bill, he said, "We're going to make sure we are all heard with one voice."

Reagan readily accepted the congressional action and promised to implement the law. In a statement issued by the White House after the vote, Reagan said the debate between himself and Congress "was not whether to oppose apartheid but, instead, how best to oppose it and how best to bring freedom to that troubled country."



Nevertheless, Reagan insisted he had been correct in opposing sanctions because “they hurt the very people they are intended to help.”

Not surprisingly, the white-minority government of South Africa was not so receptive to the message from Capitol Hill. Foreign Minister Pik Botha said the United States and other countries should “leave us alone.” Congress acted “regardless of our reform program, and no reason or argument could stop this emotional wave,” he said.

#### A Historic Vote

The congressional action was the first override of a presidential veto on a major foreign policy issue since 1973, when Congress enacted into law the War Powers Resolution (PL 93-148), giving it the right to withdraw troops from combat situations. (1973 Almanac p. 905)

Congress in the mid-1970s forced President Ford to accept modified versions of two major foreign policy bills after he exercised vetoes: an embargo on arms sales to Turkey in 1974 (PL 93-448) and a bill (PL 94-329) in 1976 giving Congress the right to veto foreign arms sales. (1974 Almanac p. 547; 1976 Almanac p.213)

Congress had modified or stalled Reagan’s policies on several foreign issues, most often involving Central America. In 1984 and 1985, Congress refused Reagan’s requests for military aid to the Nicaraguan “contra” rebels. Political pressure also had forced Reagan to abandon seemingly fixed positions, as in 1984 when he responded to congressional demands and withdrew U.S. Marines from Lebanon.

But until the sanctions veto override, Congress had complete, in fact, that Senate Majority Leader Robert Dole, R-Kan., suggested Congress had taken control of the South Africa issue. “It’s going to be our policy; it’s going to be the policy the Congress establishes, and then we’ll be responsible,” Dole told his colleagues minutes before the vote. “Who’s going to direct that policy from the Congress of the United States?” The common theme binding all of Congress’ foreign policy battles with Reagan was public sentiment. Although an enormously popular president, Reagan had implemented a number of policies that appeared to have little backing among the voters. In those cases, Congress responded by devising alternatives and then seeking to negotiate with Reagan. The difference in the South Africa case was that Reagan refused to budge. In 1985 he reluctantly imposed his own sanctions in response to congressional demands. But in 1986 Reagan stood fast in the face of mounting pressure. (Previous action, 1985 Almanac p. 83; Reagan role, box, next page)

#### **Final Provisions**

As enacted in law Oct. 2 over President Reagan’s veto, HR 4868 (PL 99-440) contained the following major provisions:

#### **Policy Goals**

The bill set two kinds of policy goals for South Africa: immediate objectives, such as the lifting of the existing state of emergency, and long-term, broader objectives, including the creation of a “non-racial democratic form of government.”

The immediate goals of the bill were to encourage the South African government to:

- Suspend the state of emergency imposed in mid-June and respect the principle of equal justice under law for citizens of all races.
- Release from prison African National Congress (ANC) leader Nelson Mandela and his colleagues, black trade union leaders and all political prisoners. While outlawed, the ANC was one of the most prominent black opposition groups in South Africa.
- Allow all South African citizens to form political parties, freely express political opinions and participate in the political process.

Establish a timetable for eliminating apartheid.

Negotiate with representatives of all races for a new political system.

End military and paramilitary actions aimed at neighboring countries.

The bill also called on the ANC, the Pan African Congress and their affiliates to: suspend "terrorist activities" so that negotiations would be possible with the government and other black groups, commit to a "free and democratic post-apartheid South Africa" and agree to enter into negotiations for the "peaceful solution" of that country's problems.

The bill supported the right of the ANC and other groups to negotiate with the government, but said the United States would withdraw that support if the South African government took certain steps and the ANC did not. The United States would back negotiations excluding the ANC and related groups, the bill said, if Pretoria agreed to negotiations without preconditions, abandoned, unprovoked violence" against its opponents and committed itself to a free and democratic post-apartheid South Africa -and if the black groups refused to commit themselves to a free and democratic post-apartheid South Africa.

The bill also called on the ANC to "strongly condemn and take effective action" against "necklacing," a practice in which black militants placed burning, gasoline-filled tires around the necks and legs of blacks suspected of cooperating with the government. For the long term, the bill called for the establishment of a full-fledged democracy and the dismantling of apartheid, but it did not establish specific criteria for judging implementation of those goals. For example, it did not call for any particular political system, such as one-man, one-vote representation.

### **Sanctions**

The bill imposed several new sanctions and directed the president to take other steps. It:

- Required the president, within 10 days of enactment, to direct the Transportation Department to prohibit any South African-owned airline (South African Airways) from operating in the United States, and required the secretary of state to terminate a 1947 air travel agreement between the two countries. It also prohibited U.S. airliners from taking off and landing in South Africa.

- Prohibited importation into the United States of articles produced by South African government-owned or controlled organizations, called "parastatals." Strategic minerals were exempt from the import ban, however, if the president certified to Congress that the amounts of those minerals produced in the United States were inadequate for military needs.
- Banned the importation of these specific items from South Africa: textiles, uranium ore, iron and steel, coal and agricultural products.

### ***Foreign Policy***

- Barred new U.S. loans to South African businesses, the Pretoria government or any entity it controlled, and forbade U.S. firms to make any new investments in South Africa. The ban on new investments, however, did not apply to firms owned by black South Africans. The ban also did not apply to renewals of existing loans, to short-term financings such as letters of credit, or to reinvestments by U.S. firms of profits earned in South Africa on their existing investments.

- Prohibited U.S. banks from accepting deposits by any South African government agency, except for one account maintained in the United States for diplomatic and consular purposes.

- Prohibited exports to South Africa of crude oil and petroleum products.

- Barred the export to South Africa of any items on the official U.S. list of munitions (primarily weapons and military items), solely for commercial purposes and not for use by the South African armed forces, police or other security forces. The president was required to notify Congress 30 days before allowing such sales, giving Congress time to pass a joint resolution rejecting them.

- Prohibited importation of sugar and sugar-related products from South Africa, and transferred South Africa's portion of the U.S. sugar import quota to the Philippines. Terminated immediately a 1946 U.S.-South African treaty intended to prevent businesses from paying taxes on the same income to both countries. Other U.S. laws, however, would continue tax deductions or credits to American individuals or companies in South Africa.

- Prohibited U.S. government agencies from contracting with or buying items from South African government-owned firms, except for those necessary for diplomatic purposes. U.S. agencies were urged to buy from black-owned businesses in South Africa instead.

- Prohibited use of U.S. government funds to promote tourism in South Africa or to promote or subsidize trade with that country. However, another provision authorized the secretary of agriculture to use U.S. subsidy and loan programs to encourage agricultural exports to South Africa.

- Stated that U.S. policy would be to impose more sanctions if South Africa did not make "substantial progress" toward ending apartheid in a year.

If the president determined, after a year, that substantial progress had not been made, he was required to recommend additional sanctions, such as: barring all South Africans from holding U.S. bank accounts, banning importation of South African diamonds and strategic minerals and halting military aid to any country that supplied arms to South Africa. The last provision could affect Israel, which reportedly had sold weapons to Pretoria in the past. Israel had denied selling arms to South Africa in recent years, but to determine the facts, the bill required the president to report to Congress within 180 days on which countries were violating a U.N. arms embargo against South Africa.

- Established the following penalties for violations of the sanctions: a fine of up to \$1 million for businesses and a fine of up to \$50,000 and/or imprisonment of up to five years for individuals. Anyone guilty of importing the South African gold coins called Krugerrands could be fined up to five times the value of the coins involved.

The bill also declared that any action by foreign companies to take advantage of the U.S. sanctions would be considered an "unfair trade practice," potentially triggering retaliation by the administration.

The bill included two provisions encouraging other nations to act against South Africa. The most important required the president to begin negotiations with other countries toward an international agreement on sanctions and to report to Congress within 180 days on the results of his efforts. If the president reached such an agreement, he could modify the sanctions imposed by the bill to reflect the agreement - but only if he reported the agreement to Congress and Congress within 30 days passed a joint resolution approving his action.

Many of the sanctions in the bill were similar to those adopted by the British Commonwealth in early August. (Sanctions roundup, box, p. 368) The bill stated the sense of Congress that the U.N. Security Council should impose the same sanctions as the United States.

The bill also might have the effect of overturning state and local anti-apartheid laws, such as those barring contracts to companies doing business in South Africa.

### **Lifting Sanctions**

All sanctions imposed by the bill would be ended if the president reported to Congress that the South African government had done five things: freed ANC chief Mandela and all persons persecuted for their political beliefs or detained without trial; repealed the state of emergency and released all persons detained under it; legalized democratic political parties and permitted all South Africans to join political parties, to express political opinions and to participate in the political process; repealed the Group Areas Act and the Population Registration Act, which restricted where non-whites lived and worked, and did not institute other measures with the same purpose; and agreed to enter into good-faith negotiations with "truly representative" black leaders without preconditions.

The president also could suspend or modify any of the sanctions in the bill 30 days after reporting to Congress that Pretoria had released Mandela and the political prisoners, had taken three of the other four actions and had made "substantial progress" toward dismantling apartheid and establishing a non-racial democracy. Congress could overturn the president's decision by passing joint resolution - over his likely veto - within the 30 days.

Another provision allowed the president, acting on his own, to lift any of the sanctions against South Africa after six months if he reported to Congress that the sanctions would increase U.S. dependence for coal and strategic minerals on communist countries belonging to the Council for Mutual Economic Assistance, which included the Soviet Union, its Eastern European allies and Cuba. The president could act if he found that U.S. dependence on communist countries for any of those materials would increase over the average annual imports during 1981-85.

### **Reagan's Executive Order**

The bill put into permanent law all of the sanctions that President Reagan imposed on South Africa in his Sept. 9, 1985, executive order. Those were bans on:

- . The importation of Krugerrands.
- The importation into the United States of arms, ammunition or military vehicles made in South Africa.
- The export of computers, computer software and related items to South Africa for use by government agencies, such as the police, and the government's weapons industries.
- Loans by U.S. banks or companies to the government of South Africa or any organization it controlled. Exempted were loans for educational, housing, or health facilities that were accessible to persons of all races.
- . The export to South Africa of nuclear-power equipment and supplies, except those needed for "humanitarian" purposes or, if South Africa committed itself to international standards, to reduce the spread of nuclear arms.

### **Aid to Blacks**

The bill reaffirmed the U.S. commitment to help "the victims of apartheid" through direct financial aid and other efforts.

It authorized \$40 million annually, beginning in fiscal 1987, for economic aid to disadvantaged South Africans, regardless of race. Of that amount, up to \$3 million each year would be provided for training of trade unionists in organizing and other union-related skills. None of the funds could be provided to organizations financed or controlled by the South African government.

Another section of the bill authorized \$4 million annually for scholarships for victims of apartheid. The bill also authorized \$10 million for the purchase of housing for black South African employees of the U.S. government.

An additional \$1.5 million annually was allocated for the State Department's human rights fund, which supported activities by rights groups in South Africa. Individuals or groups involved in necklacing could not receive aid.

U.S. firms employing more than 25 persons in South Africa would be required to adhere to the labor code formulated by the Rev. Leon Sullivan of Philadelphia. Under the code, companies were obliged to practice non-discrimination and to provide housing, education and other benefits for disadvantaged workers.

### **Other Provisions**

In other provisions, the bill:

- Banned the importation of Soviet gold coins.
- Required the attorney general to report to Congress, within 180 days, on actual and alleged violations of the Foreign Agents Registration Act by representatives of governments or opposition groups in southern Africa, including the African National Congress. The foreign agents act required those lobbying in Washington on behalf of foreign governments or groups to register with the Justice Department. The attorney general also was to report on the status of any investigations into such violations.

### **House Committee Action**

Against the backdrop of a renewed government crackdown in South Africa, sanctions legislation moved through two House committees June 10-11.

The Foreign Affairs Committee approved HR 4868 June 10 on 27-14 vote. Three Republicans on the panel -Jim Leach of Iowa, Olympia J. Snowe of Maine and Christopher H. Smith of New Jersey -joined 24 Democrats in voting for the bill. HR 4868, formally reported June 13 (H Rept 99-638, Part I), had been approved by the Africa Subcommittee on a 6-4 vote June 4.

As reported, the measure contained provisions to bar new U.S. investments and loans in South Africa and cut off imports of South African coal, uranium, and steel. In addition, it would stop U.S. participation in South African energy development and threaten to halt American computer company sales to South African government agencies and private firms unless the Pretoria government began "good faith" negotiations with black leaders and freed political prisoners.

One of the bill's advocates, Stephen J. Solarz, D-N.Y., said the administration's constructive engagement policy, begun in 1981, had created an impression of U.S. friendliness toward Pretoria. "Five years later I think the verdict is in," he said. "Despite what may have been the best of intentions, the policy has failed."

Noting that the White House had imposed economic sanctions against countries such as Nicaragua and Libya, Solarz and others said Reagan was being inconsistent by rejecting that tactic against South Africa. "If we are going to stand up against repression in Central America and terrorism in the Middle East, then I think it is time to stand up against racism in South Africa," said Solarz.

The committee brushed aside last-minute pleas against the bill by Secretary of State George P. Shultz and Secretary of Commerce Malcolm Baldrige, both of whom sent letters to committee members.

Shultz called apartheid a "doomed system" that had "simply become unacceptable to the majority of the South African people." But he also said the sanctions in the House measure would undermine administration efforts to seek changes in South Africa's racial policies. "We do not believe it should be our purpose to harm the South African economy; not do we believe that such action will hasten the end of apartheid," he said. Joining in criticism of the bill was Foreign Affairs member Henry J. Hyde, R-Ill., who described it as a "Democratic policy of scorched earth for South Africa."

### **Other Committees**

A day after the Foreign Affairs action, the Ways and Means Committee approved the bill (H Rept 99-638, Part 2) on a voice vote. Ways and Means, which had jurisdiction over trade matters, acted on the bill because of the sections banning imports of various South African products.

The bill also banned the mining of natural resources by U.S. firms in Namibia, a territory controlled by South Africa.

Richard T. Schulze, R-Pa., tried to include diamonds on the list of products that would no longer be imported from South Africa. But that was swiftly rejected after supporters said the other products -coal, uranium and steel -were readily available in the United States, and that banning them would not harm the U.S. economy.

Two other House committees -Banking, Finance, and Urban Affairs and Public Works and Transportation -had jurisdiction over different parts of the bill but decided against separate markups.

Banking's authority extended to provisions cutting off new bank loans to South African businesses. Public Works' jurisdiction covered a section that would deny U.S. landing rights for South African Airways.

### **House Floor Action**

The House passed HR 4868 June 18 after voting to clamp a comprehensive trade embargo on South Africa and require all U.S. companies there to leave within 180 days of enactment.

The unexpected approval of such far-reaching sanctions occurred when the House on a voice vote approved a substitute offered by Ronald V. Dellums, D-Calif., for the milder sanctions bill pushed by Democratic leaders. Final passage also came on a voice vote. Although Dellums' legislation was given little chance of passing the Senate, its unanticipated approval in the House came as a jolting message of congressional opposition to the South African white-minority government's policy of apartheid. Lawmakers said support for the measure was fueled by the South African government's June 12 state of emergency aimed at stifling anti-apartheid protests and international media coverage of the racial tension and violence in that country.

The House "looked at the carnage, the violation human rights that occurred in the last few days and said, 'That's it,'" said William H. Gray III, D-Pa. Gray was the author of the bill superseded by Dellums' substitute.

Gray and other supporters of his bill said they were delighted with the tougher sanctions bill, predicting that it would pressure both the Senate and the Reagan administration to consider strong steps against South Africa.

The White House responded to the House action by repeating its opposition to economic sanctions against Pretoria. "We believe that legislation of this type would erode our capacity to promote negotiations in South Africa and would likely further separate an already divided society," said White House spokesman Larry Speakes. He said the administration would continue "active diplomacy" to achieve changes.

The House bill prompted a sharp denunciation from Pretoria. "It is clear that the American House of Representatives do not give a fig for the black communities of South Africa," said Foreign Minister Botha.

### **GOP Strategy: 'Kiss of Death'**

Conservative House Republicans who opposed sanctions insisted that approval of the Dellums package could doom approval of any bill. They reasoned that passage of the milder Gray bill would have put more pressure on the Senate to follow suit. "Dellums' bill is a lemon. Frankly, it's the kiss of death," said Mark D. Siljander, R-Mich., a leading opponent of South Africa sanctions.

As part of their strategy, Republican House members did not request a recorded vote on the Dellums' substitute, paving the way for its uncontested approval. That decision was made after opponents of sanctions realized that the Gray bill would likely have passed by an overwhelming margin. None of the Republican leaders was on the floor, leaving the last-minute quarterbacking to Siljander and a few other sanctions opponents.

Dellums' victory was in marked contrast to the fate of a similar amendment he offered in June 1985, when the House passed a milder sanctions bill. The House then rejected Dellums' stronger substitute on a 77-345 vote. (*Vote 128, 1985 Almanac p. 42-FI*). During the June 18 debate, Dellums said Gray's legislation was an "inadequate response to what is evolving in South Africa at this very moment." He also rebuffed arguments that sanctions would harm South African blacks by threatening their jobs. Dellums said the same logic could have been used during pre-Civil War days to defend slavery in the United States.

### **Dellums Substitute**

Under Dellums' legislation, the 284 U.S. firms operating in South Africa would be required to leave within six months of the bill's enactment.

Direct investments in South Africa by those companies totaled \$1.8 billion in 1984, with another \$6.4 billion worth of indirect investments.

The Dellums bill also would cut off all trade between the United States and South Africa. An exception would be made for strategic minerals from South Africa, such as chromium, when the president certified to Congress that quantities needed for U.S. military purposes exceeded domestic supplies.

In 1985, U.S. companies exported \$1.2 billion worth of goods to South Africa, with the United States importing South African products valued at more than \$2 billion, according to the Commerce Department.

Other Dellums provisions would permanently ban the sale of South African Krugerrand gold coins in the United States and deny U.S. landing rights for South African Airways. Corporations that violated the House-passed sanctions measure would face fines of up to \$500,000. Individuals would be subject to fines of up to \$250,000 and up to five years in prison.

### **Other Amendments**

On a 365-49 vote, the House approved an amendment by Dan Burton, R-Ind. that would have prohibited U.S. foreign aid funds to the ANC if any members of that group's governing body were members of the South African Communist Party. (*Vote 160, p. 50-H*)

Opponents said the amendment was irrelevant since no money was earmarked for the ANC, but few members were willing to cast what might be interpreted as a pro-communist vote. As it turned out, Burton's amendment was overturned by Dellums' substitute, which did not include a specific authorization for any foreign aid. The House also rejected, 150-268, a second Burton amendment that would have exempted from sanctions any companies in South Africa that complied with the Sullivan Principles that sought anti-discrimination policies in the work place. (*Vote 161, p. 50H*)



## Senate Committee Action

The Senate Foreign Relations Committee on August 1 approved strict sanctions against the White minority government in Pretoria. The report on the bill (S 2701-S Rept.99-370) was filed August 6.

The committee approved S 2701 by a 15-2 vote, with Republicans Jesse Helms of North Carolina and Larry Pressler of South Dakota in opposition. Two other Republicans-Rudy Boschwitz of Minnesota and Frank H. Murkowski of Alaska -had opposed many provisions during the two days of action on the bill, but supported the overall measure on the committee's final vote.

Committee action came little more than a week after President Reagan, in a majority policy address on South Africa July 22, called on Congress "to resist this emotional clamor for punitive sanction."

Based largely on a proposal by Committee Chairman Lugar, the Foreign Relations bill imposed several sanctions targeted at the white government in South Africa and demanded steps toward dismantling the apartheid system. The bill also suggested stronger sanctions in one year if South Africa did not take significant actions to eliminate apartheid.

Lugar, who gradually had abandoned his own reluctance to impose sanctions on South Africa, skillfully used the power of his chairmanship and sheer political muscles to get the bill through committee.

Because of Reagan's opposition to sanctions, Lugar and other committee leaders stressed the need for a bill that could pass the Senate with at least a two-thirds vote-the margin necessary to override a presidential veto. "If we are serious about legislation, we will look for what will have the most support," Lugar told his colleagues as they started work.

### Committee Votes

Endorsing the essential thrust of Lugar's sanction proposal, the committee rejected all major amendments offered by members on the opposite extremes of the issue: Helms, who opposed any sanctions bill, and liberal Democrats, who wanted the much tougher House version cutting off all trade with South Africa.

Helms argued that the committee was voting to undermine an ally -the South African government -setting in motion a process that would lead to communist control of all of Africa. "Here we go again, kicking a friend in the teeth because they don't do what we want them to do," Helms said.

On the other side, committee liberals said Lugar's sanctions were too modest to force the South African government to pay attention. "In confronting an evil as clear as apartheid, we should not take halfway measures," said Alan Cranston, D-Calif.

With neither of those sides able to command a majority, Lugar held his position with a shifting coalition based on his vote and those of four other Republicans: Nancy Landon Kassebaum, Kan.; Charles McC. Mathias Jr., Md.; Daniel J. Evans, Wash.; and Paul S. Trible Jr., Va. They were joined by the Democrats in defeating Helms' weakening amendments, and by other Republicans in defeating the Democrats' strengthening amendments.

The committee's major votes were on these amendments:

- By Cranston, to substitute for the Lugar bill the text of the House-passed measure imposing a total trade embargo on South Africa and requiring U.S. companies to suspend operations there. Rejected 7-9, with Edward Zorinsky, D-Neb., joining eight Republicans in opposition. Murkowski did not vote.
- By Cranston, to substitute for Lugar's bill a series of tougher steps, such as banning all computer sales and barring all South African citizens from holding bank accounts in the United States. Rejected 7-10, with Zorinsky joining all Republicans in opposition.
- By Helms, to "take note" of recent reforms in South Africa. Helms originally had proposed congratulating the government for making "substantial progress" toward eliminating apartheid. Rejected 4-13.
- By Helms, prohibiting any of the sanctions from taking effect until the ANC repudiated the practice of necklacing. On a 13-4 vote, the committee approved a substitute by Christopher J. Dodd, D-Conn., calling on the ANC to denounce such killings.
- A broad amendment by Mathias and Evans toughening several specific provisions of Lugar's original sanctions bill. The most important changes were the addition of a ban on new U.S. business investments in South Africa and the addition of several goals that would have to be met before the sanctions would be lifted. Adopted 13-4, with Lugar's active support.
- By Pressler, to strike a section authorizing the president to sell U.S. gold stocks to drive down the world price of gold, South Africa's most important export. Rejected 4-13.
- By Kassebaum, to delete a provision authorizing the exclusion of South African government officials from the United States on a case-by-case basis. Rejected 4-10.
- By Murkowski, adding a list of possible future sanctions a ban on the importation into the United States of "strategic minerals," such as chromium and rhodium, from South Africa. Adopted 10-4.
- By Cranston, to bar imports of South African textiles. Cranston offered his amendment in response to the Reagan administration's recent agreement to expand South Africa's textile import quota. Rejected 8-8. (*Story, p. 347*)

### **Israel Amendment**

In political and theatrical terms, the highlight of Foreign Relations action was a flip-flop series of votes Aug. 1 on a provision that could target Israel as well as South Africa for a major U.S. sanction.

Acting in what some members said was a state of confusion, the committee at first

- approved the provision, then deleted it, then approved it again.

Offered by Mathias and Evans as part of their broad amendment, the provision required the president to tell Congress in six months what countries were violating a United Nations-imposed embargo on arms sales to South Africa. Six months later, the president could then choose to recommend that Congress bar all military aid to countries found to be violating the embargo.

Committee sources said the provision could affect several countries, notably Israel, which reportedly had supplied military gear and technical help to South Africa in recent years. Lobbyist from pro-Israel groups and the Israeli Embassy monitored the committee action, but no member publicly mentioned Israel.

Mathias and Evans both argued strongly for the provision, saying it was needed to bolster the U.N. arms embargo. "I cannot understand how we can condone anyone, anyone, shipping bullets to South Africa to maintain the system of apartheid," Evans said. The committee took three votes on the provision:

- By 5-11, it rejected a motion by Murkowski to delete the provision.
- Less than an hour later, by a 9-8 vote, the committee agreed to delete the provision.
- Later, the committee reinserted the provision by a 10-7 vote. That happened after Dodd, who had voted previously to kill the provision, said he had cast a "bad vote" and asked for a reconsideration.

Cranston, a prominent supporter of Israel who voted consistently against the provision, later said several members had been confused on the first vote, thinking it was on an unrelated Murkowski amendment dealing with strategic minerals.

### **Botha Stands Fast**

Congressional action on sanctions came in the midst of fast-moving diplomacy by Western nations, intended to quell an upsurge of violence in South Africa. In the eyes of some senators, the South African government threw away its last chance to avoid sanctions on July 29, when State President P.W. Botha rejected a plea by the European Community for changes.

After meeting with British Foreign Secretary Sir Geoffrey Howe, Botha assailed outside pressure on his country. Howe, representing the European Community, had asked Botha to release ANC leader Nelson Mandela and to begin negotiations with that group. "I can never commit suicide by accepting threats and prescriptions from outside forces and hand South Africa over to communist forces in disguise," Botha said. Howe's mission was widely seen as a last-ditch effort by leading European nations to coax positive action out of South Africa and thereby avoid having to impose sanctions.

### **Senate Floor Action**

Breaking with President Reagan, the Senate on Aug. 15 passed HR 4868 by an 84-14 vote after substituting the text of its own measure for that of the House-passed bill. All "no" votes were by Republicans. (*Vote 252, p. 43-S*)

Senators loaded the measure with single-issue provisions but retained a core of sanctions ranging from a ban on new U.S. business investment in South Africa to prohibitions on trade in agricultural products, steel and nuclear supplies. The bill also threatened additional sanctions in a year if South Africa failed to make "substantial progress" toward eliminating apartheid.

In several votes, the Senate rejected conservatives' efforts to add the Soviet Union as a target for sanctions. It also turned back an attempt by liberals to sever nearly all economic ties between the United States and South Africa.

Lugar and other Senate leaders said their overriding goal was a bill that would pass by a wide enough margin to persuade Reagan to sign it, or to override a veto if he did not. In effect, that meant the bill needed about 80 votes-67 for an override plus a margin to protect against Reagan's vaunted ability to sway wavering Republicans. Seeking to head off amendments to toughen the bill, Lugar said on Aug. 15: "I still have the hope that the president will support what we are doing." But Lugar said Reagan definitely would not accept the bill if it "goes too far" beyond his own policy of quiet diplomacy. Lugar also warned the Democrats that their effort to add amendments imposing tough sanctions would reduce support for the overall bill.

The House-passed version of the bill called for a near-total trade embargo and disinvestment by U.S. firms. The Senate rejected that approach by a 2-to-1 margin.

### **Sending Signals**

The South Africa bill -like many pieces of foreign policy legislation handled by Congress -primarily was an exercise in what the diplomats call "signal sending." There were three intended recipients: the South African government, Reagan and the American electorate. Pretoria did everything possible to demonstrate its disregard for Congress' actions; Reagan long had repeated his opposition to sanctions; and it was unclear whether the voters would be impressed.

Covering all three bases, several senators described the bill as largely a moral statement to put the United States on the right side of history.

Lowell P. Weicker Jr., R-Conn. a principal leader of the sanctions movement, noted that he had been in the Senate for 16 years, and "for 16 years nothing was done, as much by this senator as by anybody else." Now, he said, Congress was speaking out against "the greatest moral wrong of our time."

Such statements brought charges of hypocrisy from conservative opponents. Saying that sanctions supporters were ignoring "the far greater evil" of Soviet communism, Malcolm Wallop, R-Wyo., charged: "What we are looking at is middle-class, comfortable white senators playing up to the black population of America and the liberal public of America."

In an ironic reflection of domestic politics, the Senate at the last minute approved an amendment by Don Nickles, R-Okla., opening the potential for subsidies of U.S. farm exports to South African agricultural exports to the United States.

### **Helms Amendment**

In a move to avert delaying tactics by conservatives who opposed any sanctions, the Senate on Aug. 14 accepted a modified amendment by Helms, calling on both the South African government and the African National Congress to renounce violence. The vote was 67-31, and with it, Helms said he would refrain from offering any of the remaining 14 amendments he had prepared. Other conservatives closely aligned with Helms also withheld most of their amendments. (*Vote 235, p. 40-S*)

Helms' original amendment, supported by Lugar and Majority Leader Dole, set conditions for the ANC and related groups to meet before the United States would demand that they be included in negotiations with the Pretoria government. The most

important were that the groups abandon violence and commit themselves to a free and democratic post-apartheid South Africa.

Helms complained that the bill was “one-sided” in attacking the Pretoria government and not demanding more responsible behavior by radical black groups. “Neither side is wholly right and neither side is wholly wrong,” he said. Congress’ bill “must be evenhanded.”

Dole and Lugar supported the amendment, which was substantially watered down from an anti-ANC proposal Helms had floated several days prior to Senate action. Lugar made clear he was doing so for political reasons. The amendment, he said, “is an instrumental factor in bringing about a large majority” for the bill.

Edward M. Kennedy, D-Mass., said Helms was offering a “killer amendment” that would alter fundamentally the bill’s original purpose.

Helms responded by noting that 242 blacks had died in South Africa in the past month, most of them the victims of necklacing. “If you want that to continue, vote against this amendment, Mr. Kennedy,” Helms said.

Dole also rejected Kennedy’s contention, saying: “I don’t believe those of us who offered the amendment are any less concerned about apartheid.”

Weicker harshly attacked the amendment as a perversion of the bill’s intent. The goal of U.S. policy, he said, should be to change the actions of “the government in Pretoria and not those on whose neck they have their foot.”

Helms and Weicker, who stood at opposite ends of the Republican Party in the Senate, then negotiated privately on the amendment and produced a compromise that significantly changed its focus. The compromise called on the Pretoria government – as well as the radical black groups – to “abandon unprovoked violence” and to commit to democracy.

### **Kennedy Amendment**

The Senate first rejected, then accepted, an amendment by Kennedy to add to the bill several sanctions that had been adopted by the British Commonwealth. Opposed by Lugar on the grounds that it might endanger overall support for the bill, the amendment barred imports of South African agricultural products, iron and steel, and prohibited exports to that country of U.S. crude oil and petroleum products.

Debate on the amendment provoked charges that senators were practicing trade “protectionism” under the guise of concern about apartheid.

The Senate at first tabled the amendment, by a 51-48 vote on Aug. 14. (*Vote 234, p. 40-S*)

At that point, the amendment contained a provision extending the bill’s ban on bank loans to South Africa by prohibiting renewals of current loans and short-term credits.

Kennedy said that provision was needed to close a major loophole in the bill.

The next day, Kennedy deleted the provision on renewal of existing loans, eliminating several senators’ objections. A second Lugar effort to table it failed 44-55; the amendment then was adopted by voice vote. (*Vote 240, p. 41-S*)

Most of the Aug. 14 debate on the amendment centered on Kennedy’s insistence that the bill contained loopholes that undermined its stated purpose. The most important one, he said, allowed U.S. banks to renew past loans – even though the bill was advertised as

banning all new loans to South Africa. "Let's not pretend that we're doing something which we're not doing," he said.

Lugar attacked the intent of Kennedy's amendment, which he said was to cut off as many U.S.-South African ties as possible. "The United States in this particular instance is eager to maintain a strong relationship with South Africa," Lugar said. "We do not seek a destruction of that economy. We do not seek a termination of all ties."

Paul Simon, D-Ill., endorsed the amendment as a "meaningful squeeze" on South Africa, citing in particular the ban on steel imports from that country. Simon noted that a new state of Illinois office building in downtown Chicago was constructed with South African steel, even as a steel mill in nearby Gary, Ind., was closing.

That brought a vigorous protest from Lugar, who represented Gary. "The moral basis of the bill really falls out if we are engaging in protectionism by another name," he said. The next day, Lugar himself appeared to invoke a protectionist argument. Referring to the ban on agricultural imports, he noted that the United States in 1985 had a surplus in farm trade with South Africa. If the ban were enacted, he said, "I suspect South Africa would retaliate."

But that argument apparently failed to sway a majority, which promptly voted against Lugar's attempt to kill the amendment.

### **Toughening Amendments**

The Senate rejected other attempts to toughen the bill:

By a 65-33 tabling vote on Aug. 15, the Senate rejected an effort by liberals to attach to the bill the text of the House measure imposing a near-total trade embargo on South Africa. The House measure also would require U.S. businesses to leave South Africa within six months. Offering that proposal, Cranston said: "In confronting apartheid, halfway measures are no satisfactory." Severing all trade, he added, "is the best way to send a strong message" to the government in Pretoria. (*Vote 244*, p. 42-S) Lugar condemned the proposed embargo as an extreme approach that would eliminate all U.S. influence over South Africa.

The Senate rejected two amendments, to reduce Reagan's power to modify the sanctions in response to developments in South Africa, by:

- Joseph R. Biden Jr., D-Del., that would have made additional sanctions, such as banning importation into the United States of South African diamonds, mandatory in one year if there had been no substantial progress toward dismantling apartheid. The bill left imposition of additional sanctions to the president's discretion. It was rejected on a 55-44 tabling vote, Aug. 15. (*Vote 238*, p. 41-S)
- William Proxmire, D-Wis., that would have given Congress a stronger veto power over the president's decision to lift sanctions once events in South Africa warranted. The committee-approved bill allowed Congress to veto such a decision only by passing a joint resolution - over the president's likely veto. Proxmire wanted to require active congressional approval before the sanctions would be lifted. His amendment was tabled 51-46 on Aug. 14. (*Vote 236*, p. 40-S)

### New Sanctions

The Senate adopted three major amendments to add new sanctions or toughen existing ones in the bill.

One, by Cranston, added an immediate ban on importation of textiles from South Africa. It was adopted 67-29. (*Vote 231, p. 40-S*)

The amendment was prompted by the administration's decision to sign a new five-year agreement, effective Sept. 1, allowing a 4.4 percent annual increase in South African textile exports to the United States. Calling the pact an "outrage," Cranston said "there is no reason for allowing this surge in textile imports at this time." Lugar argued that the ban would harm black textile workers in South Africa.

Weicker and Kennedy sponsored another successful amendment to tighten several sanctions in the bill, such as ending a U.S.-South Africa treaty on double taxation, barring U.S. government agencies from buying goods or services from South Africa except for diplomatic purposes, and barring U.S. government promotion of tourism and trade to South Africa. Their amendment was adopted by voice vote after little debate.

The Senate also gave voice vote approval to an amendment by Thomas F. Eagleton, D-Mo., to toughen the list of actions the South African government must take before the U.S. sanctions would be lifted. After little debate, Eagleton's amendment was adopted by voice vote.

A third amendment, by Paul S. Sarbanes, D-Md., would make immediate a ban on air travel to and from South Africa by U.S.-owned airlines. The committee-reported bill would have terminated a U.S.-South African agreement within a year—an action that would have had the effect of preventing U.S. airlines from servicing South Africa. No U.S. airlines currently flew there, but Sarbanes argued that the bill should lock in a ban so that no one would take advantage of another provision barring landing rights in the United States by South African Airways.

The amendment was adopted by voice vote after the Senate refused to table it 42-56. (*Vote 237, p. 40-S*)

### Deleting Sanctions

Almost as if in compensation for the new sanctions, the Senate deleted two provisions that had been voted by the Foreign Relations panel. Both amendments to kill the provisions were offered by committee.

Kassebaum apparently provoked widespread second thoughts in the Senate on a provision in the bill that would have allowed South African government officials and representatives to enter the United States only on a case-by-case basis. Her amendment to kill the provision was approved 99-0, gaining the votes even of Lugar and other committee members who had initiated the visa restriction. (*Vote 233, p. 40-S*) Kassebaum said the United States would "invite retaliation" by restricting visas for foreign officials.

Pressler sponsored another successful amendment to delete from the bill a proviso giving the president the authority to sell gold from U.S. stocks to lower the world price of gold, which was South Africa's principal export. The president already had that authority, and Pressler argued that selling gold to protest apartheid would disrupt world monetary markets. The amendment was adopted 58-41. (*Vote 232, p. 40-S*)

### **Other Amendments**

The Senate also dealt with amendments by:

- Dodd, to expand the bill's ban on imports into the United States of manufactured products from "parastatals," businesses owned or controlled by the South African government. Dodd wanted to bar imports from companies involved in marketing as well as manufacturing.
- Dole objected that the amendment would bar imports of agricultural goods produced by state-owned companies, likely prompting South Africa to retaliate by refusing to buy U.S. farm products such as grain. The United States had recently won a major grain contract after South Africa retaliated against Australia for a similar sanction. The Senate adopted the amendment by voice vote after Dodd modified it to eliminate an immediate ban on U.S. imports of agricultural products from South African parastatals. Instead, the agricultural ban was put on a list of sanctions to be considered by the president in a year.
- Alfonse M. D'Amato, R-N.Y., to prevent the federal government from withholding funds for contracts to which localities had applied such laws. The amendment would have had the effect of allowing state and local governments to retain laws restricting contracts for anti-apartheid purposes. The Department of Transportation had tried earlier in 1986 to withhold highway funds from New York - a amendment to a fiscal 1986 supplemental appropriations bill (PL 99-349).  
The Senate tabled the D'Amato amendment, 64-35. But then it adopted, by voice vote, a much narrower amendment that had the effect of giving state and local governments 90 days to bring their laws into conformity with whatever the federal government did, or face the possible loss of federal funds. By implication, the amendment made federal policy pre-eminent, putting into question the validity of state and local anti-apartheid laws. (*Vote 241, p. 41-8*)
- Jeremiah Denton, R-Ala., to prohibit U.S. assistance to groups or individuals in South Africa that supported the practice of necklacing. The amendment was directed at the ANC, which the Pretoria government had accused of promoting necklacing. Adopted by voice vote.
- Carl Levin, D-Mich., to express the sense of the Senate that the administration should ask the Pretoria government for permission for the U.S. ambassador to meet with Mandela. Adopted by voice vote.
- Wallop, to apply the same sanctions to the Soviet Union as were applied in the bill to South Africa, as a protest against Soviet human rights abuses. Rejected 41-57. (*Vote 239, p. 41-8*)

### **Senate Bill Cleared**

The House on Sept. 12 overwhelmingly accepted the Senate version of HR 4868, thereby eliminating the need for a Senate-House conference on the issue.

The 308-77 vote was more than enough to override a threatened White House veto.

Backing the measure were 218 Democrats and 90 Republicans, while four Democrats and 73 Republicans opposed it. (*Vote 351, p. 100-H*)



Lugar had played a high-stakes game of hardball to force the House to accept the Senate's sanctions bill. First, he warned that there was not enough time in the short September session for a conference committee to meet and resolve the Senate- and House-passed measures, and then for Congress to thwart a presidential veto. If Congress failed to act before the very end of its session, Reagan could kill the bill by a pocket veto. When House leaders -especially leaders of the Congressional Black Caucus -continued to resist, Lugar played his ace, appointing only two senators other than himself to serve on a potential conference committee: Helms and Claiborne Pelt, D-R.I. Lugar and Helms said they would refuse to accept any changes in the Senate bill, thus making a conference useless.

House leaders, including the Black Caucus, gave in to Lugar's pressure on Sept. 10. Black leaders expressed disappointment that they were unable to press for a somewhat tougher measure. Nevertheless, they hailed passage of the bill as a victory for the anti-apartheid movement and as an important moral statement.

Acknowledging that the bill by itself would not guarantee an end to apartheid, Gray said: "It does guarantee that the rest of the world, including blacks in South Africa, will know that this Congress has witnessed the evil and did not turn away."

Another black House member who pushed hard for sanctions bill, Mickey Leland, D--Texas, noted that the bill had support from a wide spectrum: "Everybody from Bob Walker to Ron Dellums." Robert S. Walker, R-Pa., was a leading House conservative who specialized in baiting liberal Democrats, and Dellums, the sponsor of the original bill to pull the United States out of South Africa, was one of the most liberal members of the House.

Dellums said he argued with House leaders for a conference but was overridden by those who argued that "Pretoria should not be able to celebrate because of no bill" emerging from Congress. Nevertheless, Dellums said he was proud that his original bill "moved back the fear barrier" for members on the South Africa issue. Advocates of stronger sanctions "will be back" next year, he said.

Lugar lobbied fellow Republican in the House on behalf of the bill, pointing out its "positive" features such as increased financial aid to black South Africa and playing down the sanctions. In a letter sent to House GOP leaders the morning of the vote, Lugar said the bill "is not so much a radical break with the president's policy as it is a further step in the evolution of U.S. policy as it is a further step in the evolution of U.S. policy toward South Africa."

Lugar's plea was to little avail as four of the seven House Republican leaders to whom he addressed it voted against the bill.

### **State and Local Conflicts**

As House leaders debated whether to accept the Senate bill or to insist on a conference, the issue of preemption of state and local laws arose as the surprise stumbling block. Most members of Congress had paid little attention to the question until press reports suggested that the Senate bill would wipe out scores of anti-apartheid laws, possible including a newly passed California measure forcing the sale of all state-owned investments in businesses working in South Africa.

During Senate action on the bill, Lugar had insisted that the measure would pre-empt state and local laws. The bill did so, he said, by "occupying the field," of U.S. policy toward South Africa. That interpretation was reinforced by the Senate's rejection of an amendment allowing state and local governments to maintain their anti-apartheid laws. The Senate included a provision barring the federal government, for 90 days after enactment of the bill, from withholding funds for contracts to which any state or local government had applied an anti-apartheid law.

House Democrats strongly rejected that interpretation, saying they did not want passage of a federal anti-apartheid law to bar state and local governments from taking their own actions. Members of the Black Caucus said they would refuse to go along with adoption of the Senate bill if Lugar's pre-emption interpretation held.

As a compromise, leaders of the House Foreign Affairs Committee drafted a procedure under which the House would accompany passage of the Senate bill with a statement rejecting Lugar's interpretation of the issue. In a highly unusual move, that statement was included in the rule (H Res 548) governing House consideration of the bill. The House adopted the rule, and thus the pre-emption statement, 292-92. (Vote 350, p.. 98-H) The statement said that "it is not the intent of the House of Representatives that the bill limit, pre-empt or affect, in any fashion, the authority" of state and local governments "to restrict or otherwise regulate any financial or commercial activity respecting South Africa."

The net effect, according to House and Senate sources, was to create confusion about the intent of Congress on the pre-emption, leaving a resolution to the courts.

Ted Weiss, D-N.Y., said that by speaking out on the issue, the House was taking a firm position "even though one member of the other body [Lugar] has seen fit to make a statement that would make it seem otherwise."

House Foreign Affairs Committee Chairman Dante B. Fascell, D-Fla., said adoption of the statement was unnecessary because "there's nothing in the Senate bill" that directly pre-empted state and local laws.

But several Republicans - including some who voted for the bill - objected to the House's attempt to undo the Senate action on pre-emption. Walker said he was voting for the bill with the understanding that it did pre-empt other laws: "We are saying we are pre-empting the ability of others to set foreign policy."

Lugar acknowledged that the conflicting claims would create confusion. Even so, he said, the bill "will put a damper on further foreign policy excursions [by state and local governments] and that was my intent."

### **Loopholes**

Another last-minute issue between the House and Senate was whether the bill's ban on new bank loans and investments in South Africa contained major loopholes.

One important provision of the Senate-passed bill was a ban on new bank loans to South Africa and on new investments by Americans in businesses there. Although that ban largely reaffirmed what already was happening in the marketplace because of instability in South Africa, the ban was seen as significant because it could help deprive Pretoria for

years of much-needed foreign exchange.

The Senate bill contained three exemptions to the ban, however: it permitted continued short-term trade credits for South African purchases of American goods, it permitted U.S. firms to reinvest in South Africa profits earned there, and it allowed American firms to make new investments if needed to allow their South African branches to operate in an “economically sound manner.”

House leaders insisted those exemptions undermined the thrust of the bans on new investments and loans, and they argued that a conference meeting was necessary to narrow those exceptions. But Lugar insisted that the three exceptions were narrowly drawn and would permit only limited amounts of new U.S. capital to enter South Africa. As part of an agreement under which the House accepted the Senate bill, Lugar inserted an explanation in the Sept. 11 Congressional Record aimed at limiting the impact of the exemptions.

### **Veto Overridden**

President Reagan vetoed HR 4868 on Sept. 26. Reagan said sanctions would be counterproductive, hurting the black majority in South Africa rather than the white-minority government.

Reagan decided not to accompany his veto with an executive order imposing his own sanctions. Such a course had been under consideration to help swing votes in the Senate to sustain a veto. But the president’s veto message instead contained veiled “hints” that Reagan might be willing to issue such an executive order if Congress sustained his veto. (*Veto message, p. 28-D*)

The White House delayed announcement of the veto until Sept. 26 –the last of 10 days Reagan had to act –to give Reagan and his lobbyists time to work on wavering senators. Reagan’s veto had been expected ever since the House approved the Senate’s sanctions bill on Sept. 12. White House officials had said the president would attempt to kill the bill because of his longstanding opposition to sanctions against friendly governments. Officials also said Reagan saw the legislation as an unwarranted congressional intrusion into his foreign-policy-making powers.

What was unexpected was Reagan’s decision not to accompany his veto with an executive order incorporating many of the sanctions originally reported by the Senate Foreign Relations Committee on Aug. 6. White House lobbyists carried a draft executive order to Capitol Hill on Sept. 25 and told Senate leaders Reagan likely would sign it. Later that day, White House Communications Director Patrick Buchanan said Reagan would not issue an order –indicating a split among the president’s top aides.

### **House, Senate Override Votes**

The House voted to override the president’s veto Sept. 29, and the Senate followed suit Oct. 2, thus enacting the bill into law.

In the House, where the outcome was never in doubt, the final tally was 313-83 —49 more than the two-thirds majority required to pass the bill over the president’s veto: 81 Republicans joined 232 Democrats in voting to override. (*Vote 390, p. 110-fl*) In the

Senate, which originally had passed the sanctions bill by an 84-14 vote, Reagan needed to pick up 20 votes to prevent an override by the required two-thirds majority. On the day of the vote, one senator who said he supported Reagan – Jake Garn, R-Utah – was at home recuperating from surgery; even so, Reagan still needed 34 votes to sustain the veto.

The Senate debated the issue for four hours on Oct. 1, and again for about two hours just before the vote the next day.

As the roll call began, the Senate chamber was extraordinarily quiet, as if to signify the import of the event. In the gallery were several civil rights leaders who had backed the bill, including Coretta Scott King, comedian Dick Gregory and Randall Robinson, head of the TransAfrica lobby group.

Adhering to a normally ignored rule, most senators voted from their seats. When his turn came to vote, Lugar rose to his feet and quietly said “aye,” formally breaking with the president he had unswervingly supported on other foreign policy issues. Democrats voted unanimously to support the veto override – including Southerners who usually supported the president on crucial votes. As Republican after Republican voted “aye” for the override, it became clear the outcome would not even be close. The final margin was 78-21 – 12 more than the required two-thirds. (*Vote 311, p. 52-S*) Only six of the Republicans who originally had voted for the bill switched and supported the veto: Thad Cochran, Miss.; Majority Leader Dole; Orring G. Hatch, Utah; Nickles; Alan K. Simpson, Wyo., the assistant majority leader; and Ted Stevens, Alaska. Barry Goldwater, R-Ariz., who had been absent on the first vote, also backed Reagan on the veto, raising the total to 21.

Thirty-one Republicans supported the override. Among them were six senators who had agreed to support the veto if the vote was close, a White House lobbyist said. When it became clear that Reagan would lose, the White House decided not to press any of those senators for their votes.

In spite of the seriousness of the issue, the administration never pulled out all the stops to support the veto in the Senate. Reagan telephoned and met with several senators, and the State Department dispatched its senior black official – Alan L. Keyes, assistant secretary of state for international organizations – to the Capitol.

Reagan also took two steps to demonstrate his concern about South Africa: On Sept. 29 he sent congressional leaders a letter promising to sign an executive order with limited sanctions if the veto was sustained, and the next day he named Edward Perkins, a senior black Foreign Service officer, as the new U.S. ambassador to Pretoria. Perkins replace Herman W. Nickel, who had served in South Africa since 1982. (*Text, p. 29-D*) In spite of those symbolic steps, one lobbyist said the vote was “never winnable” for the president, and so the administration decided not to use up valuable political capital on it. The administration also made only feeble efforts to link the vote Reagan’s October “re-summit” meeting in Iceland with Soviet Leader Mikhail S. Gorbachev. Talking to undecided Republicans on Sept. 30, Secretary of State George P. Shultz noted that Reagan would need congressional support for his sessions in Iceland. But most senators said the surprise announcement of the Iceland meeting had little effect on the vote because South Africa would not be on the superpower agenda.

Perhaps the most telling indication of the administration's willingness to accept the veto override was the proffered executive order. Its suggested sanctions were substantially weaker than draft proposals that White House lobbyists had floated on Capitol Hill in advance of the veto.

Reagan also got little productive help from his allies on Capitol Hill. While supporting the veto, Dole made only a faint stab at winning the vote. And Lugar, the man to whom most senators would turn for advice on foreign affairs, actively opposed Reagan. The two senators who spent the most time supporting the veto carried little political clout with their colleagues: Helms and Pressler.

In repeated speeches, they warned that sanctions would not force change in South Africa's racial policies and would instead strengthen the hand of radical black groups. "The thrust of this legislation is to bring about violence and revolutionary change and, after that, everlasting tyranny," Helms said.

Pressler had supported sanctions in 1985 but changed his mind after traveling to South Africa in 1986. He said Congress was ignoring "fundamental reforms" the Pretoria government had made in apartheid.

### **Domestic Politics**

Some senators and White House officials said the Senate's vote was determined by the calendar: It came just a month before the Nov. 4 elections that would decide which party controlled the Senate in the 100th Congress.

Democrats were eager to exploit Reagan's political weakness on the issue, and some attempted to portray his attitude toward South Africa as a Republican policy. Nervous Republicans did not want to risk antagonizing black voters for whom South Africa was especially important.

Dole for months had contended that South Africa was a "domestic civil rights issue" as much as a foreign policy matter. Concluding Senate debate, Dole derisively said his colleagues were about to cast a "feel-good vote" for a "feel-good foreign policy." Several Republican senators who had voted for the bill in August also feared the repercussions of changing their minds on such a highly publicized matter. Some sanctions supporters readily acknowledged the domestic implications, but insisted they were positive ones arising out of the civil rights struggles of the 1960s. South Africa, they said, was important for the United States precisely because of the recent history of racism here. "The vote matters not because of what it says about South Africa," said Rep. Lynn Martin, R-Ill., when the House acted. "It matters more because of what it says about America."

### **Lugar's Role**

The key actor in the Senate was Lugar, normally one of Reagan's most loyal and effective supporters. Lugar was the main architect of the Senate bill, and in early September he promised House leaders that he would stand by it—even in the face of a veto—if they would adopt it.

Lugar was joined by Kassebaum, chairman of the African Affairs Subcommittee, who long had questioned whether sanctions would lead to changes the United States sought in South Africa. But in recent months she had supported the sanctions bill as a way of

demonstrating U.S. leadership on the issue.

Together, they appealed to Reagan to sign the bill. When he refused, they said Congress should move ahead on its own because Reagan had missed his chance to demonstrate leadership.

Lugar lamented that Reagan "didn't take my advice the first, second, third or even fourth time."

For his stand, Lugar came under harsh attack from some fellow conservatives, including White House Communications Director Buchanan. At a rally on Sept. 29, Buchanan said Lugar held his chairmanship only because of Reagan's popularity. Quoting from Shakespeare's "King Lear," Buchanan said of Lugar: "How sharper than a serpent's tooth to have a thankless child."

Helms, the second-ranking Republican on Foreign Relations, got in his own jabs. "Dick Lugar and Ted Kennedy" would be responsible for turning South Africa over to "militant blacks" and ultimately the Soviet Union, he told reporters.

Lugar brushed aside such criticism but clearly was concerned about it. Asked about his desertion of Reagan, Lugar repeatedly referred to his record of voting on the president's behalf and pointed to his work for Reagan on Nicaragua and other issues.

As the Senate's debate got under way, Lugar aides sent to the press gallery a list based on Congressional Quarterly figures showing that, from 1981-85, he had voted with Reagan more than any other senator.

### **Botha's Lobbying**

The night before the Senate vote, Lugar and Helms exchanged charges about Helms' involvement in the lobbying of two farm-state senators by South African Foreign Minister Botha.

Lugar learned the afternoon of Oct. 1 that Botha had told Sens. Zorinsky and Charles E. Grassley, R-Iowa, that South Africa would retaliate against sanctions by refusing to buy U.S. farm goods and barring shipment of those products to neighboring black states whose transportation links were controlled by Pretoria. Lugar also said Botha had promised increased South African grain purchases from the United States if Reagan's veto was sustained.

Botha had telephoned Helms at the Senate Republican Cloakroom: Helms then invited Zorinsky and Grassley to the telephone.

One provision of the sanctions bill barred U.S. imports of agricultural products from South Africa. Lugar and other senators long had warned that the provision likely would provoke retaliation by South Africa.

Lugar angrily charged that Botha's calls were "despicable" and amounted to "foreign bribery and intimidation to change the votes of members of the United States Senate. It is an affront to the decency of the America people." Further, Lugar said, Helms' involvement in the Botha lobbying effort was "inappropriate."

Helms immediately defined his actions and those of Botha, who he said had been a friend for 10 years.

"Methinks Mr. Lugar doth protest too much," Helms said. "I think Ed Zorinsky was

entitled to know that the farmers of America will be shot in the foot by Dick Lugar and Ted Kennedy and the others.”

Helms later suggested that he might consider challenging Lugar for the Foreign Relations Committee chairmanship “if there are any more outbursts” such as Lugar’s charges against him. Questioned about the seriousness of that comment, Helms then contended his suggestion was “flip.” Helms in 1984 gave up his claim to the committee chairmanship so he could take the leadership of the Agriculture Committee instead. Botha defended his lobbying and called “absolutely laughable” Lugar’s complaints. He told reporters in Johannesburg: “If you rob us of our markets, we have to look out after the interests of our farmers.”

After the Senate voted, Dole and others discounted the effect of Botha’s lobbying, noting that Zorinsky and Grassley supported the veto override. “I don’t think it made much of a difference,” Dole said. “It’s no big deal.”

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