

THE WASHINGTON OFFICE ON AFRICA

110 MARYLAND AVENUE, N.E.
WASHINGTON, D. C. 20002
(202) 546-7961

October 19, 1984

Dear Friend,

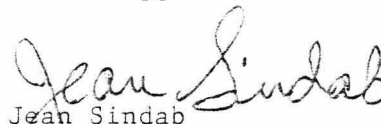
On behalf of the Washington Office on Africa, I would like to thank you for the work which you did to promote the South Africa provisions of the Export Administration Act. As the enclosed update reports, the entire Export Administration Act died when the 98th Congress adjourned on October 12, 1984. With it died our first chance for US economic sanctions against South Africa because of its racist apartheid policies. However, the two-year campaign for these sanctions has tremendously strengthened the American anti-apartheid movement and there were several victories along the way which testify to that fact.

It was the work of the anti-apartheid movement which foiled the Reagan Administration and Senate Republicans in their attempts to remove the sanctions from the bill. Grassroots pressure on Senator John Heinz forced him to change his position and join the Democrats to vote for a compromise which included a "no bank loans" sanction despite administration and Republican leadership opposition. However, Heinz must still answer to his constituents for not supporting "no new investment." It was the strength of grassroots support for sanctions which made the House stand up and demand sanctions, leading Senator Garn and the administration to kill the bill.

This repeated show of strength has placed the anti-apartheid movement in an excellent position for another campaign to pass sanctions in the 99th Congress. The mainstream of the Democratic Party has moved behind a sanctions policy, leading the Democratic Presidential candidates and the Democratic Platform to endorse the provisions. Most importantly, conservative forces realize that they cannot beat back the anti-apartheid movement, but must make real concessions to the popular demand for an end to US support for apartheid.

We want to thank you for the role you played in these victories. We invite you to continue to press for the passage of legislation to end US economic support for apartheid. We have made a significant step in that direction.

The struggle continues,


Jean Sindab
Executive Directive

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WASHINGTON NOTES

THE WASHINGTON OFFICE ON AFRICA
110 Maryland Avenue, N.E., Washington, D.C. 20002
(202) 546-7961

October 1984

SOUTH AFRICA SANCTIONS BILL KILLED IN CONGRESS:

ANTI-APARTHEID MOVEMENT STANDS UP AND IS COUNTED

The Export Administration Act was killed by Senate Republicans and the Reagan Administration on October 12, 1984, and with it died the first U.S. Congressional attempt to impose economic and political sanctions on the racist regime of South Africa. While the death of the Export Administration Act is disappointing, we have successfully built a strong foundation to impose sanctions in the next Congress. It was the strength of the anti-apartheid movement that forced the administration and Senate Republicans to stop the bill altogether. Our extensive lobbying made it impossible for the administration to extract the sanctions from the bill.

The legislative effort to impose sanctions was a drawn-out, two-year process. After extensive committee hearings and overwhelmingly supportive debate on the floor, the House of Representatives approved (by voice vote) on October 27, 1983, four South Africa sanctions as part of the Export Administration Act: 1) **Gray provision** ending new US corporate investment in South Africa; 2) **Solarz provision** mandating compliance with the Sullivan "fair employment" principles for all U.S. corporations operating in South Africa, prohibiting commercial bank loans to the South African government or its agencies, and banning the importation of South African gold coins, including Krugerrands; 3) **Berman provision** re-instating controls on exports to the South African military and police; and 4) **Wolpe provision** expanding nuclear nonproliferation controls to prohibit certain nuclear equipment, parts, and technology transfers to countries (including South Africa) which refuse to accept full-scope International Atomic Energy Agency (IAEA) safeguards on their nuclear facilities.

The Senate did not consider these provisions at all, except for a weaker version of the Wolpe (nuclear) provision (known in the Senate as the Humphrey-Roth and Boschwitz-Levin provisions), which it passed in March 1984.

Selected members of the House and Senate came together in a conference committee in April to reconcile the differences in the two versions of the bill. Agreement on a final compromise was delayed for several months, mostly because of other controversial sections of the bill regarding exports to Eastern Europe (known as "national security" export controls). Extensive pressure was put on Senator John Heinz (R-PA) to accept the House-passed South Africa sanctions through the exceptional work of anti-apartheid activists in Pennsylvania. Heinz was the "swing" Senator on the conference committee, since Senators Alan Cranston (D-CA) and William Proxmire (D-WI) were in support of the House-passed provisions, and Senators Jake Garn (R-UT) and John Tower (R-TX) were strongly opposed to them.

The conference committee finally reached a compromise on South Africa late in the evening of October 1, 1984. Both the House and Senate conferees rejected a motion by Rep. Bill Gray (D-PA) to weaken his "no new investment" provision and model it after a similar Swedish law, which has more loopholes. This was rejected on the Senate side by a vote of 3 to 2 (split along party lines) and on the House side by a vote of 8 to 7 (voting for the "Swedish" no new investment were: Gray, Steve Solarz (D-NY), Howard Wolpe (D-MI), Michael Barnes (D-MD), Sam Gejdenson (D-CT), Howard Berman (D-CA) and Olympia Snowe (R-ME). Voting against this compromise were: Don Bonker (D-WA), Dante Fascell (D-FL), Lee Hamilton (D-IN), Dan Mica (D-FL), Gerald Solomon (R-NY), Doug Bereuter (R-NB), Ed Zschau (R-CA) and Toby Roth (R-WI). Bonker and Heinz, the House and Senate conference chairmen, also agreed to gut the entire Wolpe (nuclear) provision in a dramatic bow to the Westinghouse Corporation, which had extensively lobbied against it.

The conference committee subsequently agreed to a compromise which severely gutted the House-passed sanctions, but left in: 1) a prohibition on U.S. commercial bank loans to the South African government or its agencies; 2) a re-instating of controls on exports to the South African military and police; and 3) a requirement that the State Department issue an annual report on the compliance or non-compliance of U.S. firms with the Sullivan principles. What was

dropped in the compromise was: 1) a ban on new U.S. corporate investment in South Africa; 2) a ban on Krugerrand imports; 3) restrictions on nuclear exports; and 4) mandatory compliance with the Sullivan principles by U.S. firms in South Africa. This compromise was approved on the Senate side by a vote of 3 to 2 (Heinz joined the Democrats) and on the House side by a vote of 14 to 1. Rep. Gray voted against it because he felt strongly that the House conferees compromised too much with the Senate.

The Export Administration Act went through several more convulsions, however, before it finally was killed. The House and Senate conferees still could not reach an agreement on the "national security" export controls. The dispute was between Senator Garn, backed by the Pentagon, who insisted on more Defense Department control over exports to the Soviet bloc, and Rep. Bonker, backed by big business and the Commerce Department, who insisted on fewer controls on exports. Because they could not reach a compromise, Heinz, Garn and Bonker attempted to get the conferees to agree to drop both the "national security" controls and the South Africa bank loans provision already agreed upon. The anti-apartheid movement successfully stopped this sellout.

Because no agreement could be reached in conference, Heinz and Garn pulled a parliamentary maneuver and took this "compromise" version without the bank loans provision directly to the Senate floor. Garn's position, backed by the White House which wanted absolutely no sanctions against Pretoria, was that if he was going to compromise on the "national security" controls and take them out of the bill, then the House would have to compromise by taking out the already agreed-upon South Africa bank loans provision. The Senate approved this new version of the Export Administration Act on October 10 in the hope that the House would "roll over" and do likewise.

Anti-apartheid activists quickly went to work, demanding that the House stand firm and refuse to allow the extraction of the South Africa bank loans provision. We were successful. When the House considered the Senate's new version of the Export Administration Act on the morning of October 11, it accepted it, but put back in the South Africa bank loans provision and sent it back to the Senate. Garn and the Reagan Administration refused to accept this final House position, and prevented the Export Administration Act from coming up again on the Senate floor. The bill thus died when the 98th Congress adjourned on October 12 for the year.

There are many important points to be learned from this process. First, the anti-apartheid movement comes out of this legislative effort much stronger than when it went in. Garn and Heinz thought they could take out the sanctions without paying the price (the bill itself). We successfully convinced the House to stand up and ensure the inclusion of some South Africa sanctions. We come out of this process as a force to be reckoned with. This is important as we begin the process to impose sanctions in 1985. Second, the onus is on the Reagan Administration and its Senate allies for the death of this bill. All along, the administration had threatened a veto and this is basically what they did. When all other means to stop the sanctions failed, the administration killed the entire Export Administration Act. The fact that it was necessary to kill the entire bill in order to stop the South Africa sanctions is a testament to the strength of the anti-apartheid movement. Third, we successfully stopped the inclusion in the bill of mandatory Sullivan principles, the one part of the four provisions we never accepted. We will continue to work for the passage of legislation in the next Congress.

For more information on the actions of specific Senators or Congressmembers, contact the Washington Office on Africa.

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