



American Committee On Africa

198 Broadway, New York, N.Y. 10038 / (212) 962-1210 / Cable AMCOMMAF

July 3, 1985

Dear Friend,

The U.S. Senate will consider legislation next week intended to kill the divestment movement by the states and cities against apartheid. We understand that Senator William Roth of Delaware intends to introduce an amendment to the Anti-Apartheid Act from the floor of the Senate which would prohibit states and cities from taking divestment action on South Africa.

The amendment would be in direct contradiction to the spirit of the Anti-Apartheid Act, which seeks to send a clear message that the United States will no longer tolerate "business as usual" with the apartheid regime.

The amendment would also deny state and municipal prerogatives in the management of their own funds.

A 28 page memorandum on the subject prepared by the prestigious Lawyers Committee for Civil Rights Under Law with the assistance of Arnold & Porter concluded:

"States may freely adopt legislation restricting investment of state pension funds in firms doing business in or with South Africa. The action is grounded upon the authority of a state to manage its own finances and to determine what activities warrant its subsidization. Divestiture does not violate the Commerce Clause, for that clause simply is not concerned with proprietary state action. Divestiture does not improperly interfere in the conduct of foreign relations by the federal government, for divestiture violates no federal law and advances legitimate state interests..."

This move comes just as the divestment movement is gaining important new momentum. In the last week, the New Jersey Assembly and Senate have passed comprehensive divestment bills and the New York and California Assemblies have both passed bills.

Bishop Tutu and others working for non-violent change have called for economic pressure on Pretoria. Divestment has a positive effect in pressuring South Africa for change.

Please immediately contact your Senators by phone or telegram to defeat this move.

Sincerely,



Dumisani Kumalo
Projects Director