Future Direction of U.S. Policy Toward Southern Rhodesia

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FUTURE DIRECTION OF U.S. POLICY TOWARD SOUTHERN RHODESIA

HEARINGS

BEFORE THE

SUBCOMMITTEE ON AFRICA

AND THE

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

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FUTURE DIRECTION OF U.S. POLICY TOWARD SOUTHERN RHODESIA

WEDNESDAY, FEBRUARY 21, 1973

House of Representatives,
Committee on Foreign Affairs,
Joint Session of the Subcommittees on Africa
and on International Organizations and Movements,
Washington, D.C.

The subcommittees met at 2:10 p.m., in room 2255, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. [chairman of the Subcommittee on Africa] presiding.

Mr. Diggs. The joint subcommittees will come to order.

The situation developing on the Rhodesia-Zambia border, in my view, is a threat to international peace and security. The illegal Smith regime which is the subject of U.N. sanctions imposed pursuant to chapter VII of the charter has seen fit to impose them against its northern neighbor.

Zambia has responded to Rhodesia's closing of the border on January 9 and its subsequent decision to reopen it on February 3 by steadfast refusal to retain any dependence on Rhodesian transit routes.

The purpose of these hearings, to examine the directions of U.S. policy toward Rhodesia, is made more urgent by these recent developments.

In September 1970, President Nixon permitted an exception to U.N. mandatory economic sanctions against Rhodesia and authorized Union Carbide Corp. to import 150,000 tons of chrome from the so-called state of Rhodesia.

This act signaled the beginning of a crack in both U.S. adherence to its international legal obligations and in U.S. support of majority opinion in the United Nations.

While President Nixon has ignored other congressional acts that limited his authority, he has not only respected and indeed tacitly supported the passage of the Byrd amendment, according to my interpretation, but he rushed into immediate implementation of the Byrd amendment without any executive determination that these imports were needed for or would be used for strategic and critical needs of the United States.

His approval of this legislated rupture of mandatory U.N. sanctions was evident later in May 1972, when the intervention from the White House was not considered persuasive in more sophisticated circles in order to gain approval of Chairman McGee's efforts to rescind the Byrd amendment in the other body.

Since March of 1972, according to our information, over 25 ships carrying a wide variety of Rhodesian contraband has entered U.S.

ports. At various times, members of the black community, the labor movement, and church-based groups have protested these illegal entries.

Moreover, there is evidence to suggest that Foote Mineral Co. and Union Carbide Corp. may be carrying out business activities inside Rhodesia that represent a breach far beyond the scope of the Byrd provisions.

Most recently, in November 1972, Clark McGregor, former White House aide and chairman of the Committee to Reelect the President, announced on Rhodesian television that the U.S. sanctions and nonrecognition policy toward Rhodesia was unpopular in the United States and would be changed "sooner than anyone might think."

The irony is that while Britain has been viewed in the past as the principal country responsible for the perpetuation of the Smith regime, world hostility is aimed presently at the United States.

The Subcommittee on Africa and the Subcommittee on International Organizations and Movements plan to continue these hearings on tomorrow, Thursday, February 22 and beyond. Later, separate hearings will be held on the continued presence of the Rhodesian information office in Washington.

Its operations raise grave questions about U.S. compliance with other United Nations resolutions on Rhodesia. This question merits special attention particularly in light of Prime Minister Whitlam's closing of the Rhodesian information center in Sydney, Australia.

In addition, the precarious economic situation created in Zambia by the closing of the border calls for some positive cooperative response from this government in light of the stated policy of support for majority-ruled states in southern Africa.

Clark McGregor's statement, viewed by some as a trial balloon, is the catalyst for these hearings. Any recognition of the Smith regime prior to majority rule cannot be tolerated in the view of this African subcommittee.

It is within this context that we are seeking a clarification of present directions of U.S. policy toward Rhodesia.

We are fortunate to have as our leadoff witnesses this afternoon the Assistant Secretary of State for African Affairs, the Honorable David D. Newsom. He is accompanied by the Deputy Assistant Secretary of State for Africa, Clyde Ferguson, and by the Director, Office of Southern African Affairs for the Department of State, John W. Foley.

Secretary Newsom has a prepared statement. I would assume that he would want to proceed according to that statement.

STATEMENT OF HON. DAVID D. NEWSOM, ASSISTANT SECRETARY FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. Newsom. Chairman Diggs, Chairman Fraser, members of the two subcommittees, it was my understanding, reinforced by the statement of the chairman, that the normal concern of your committees with the situation in Rhodesia has been heightened by the recent events relating to the Rhodesian-Zambian frontiers.

Let me begin by reviewing briefly these events. On January 9, as you have noted, Mr. Chairman, the Rhodesian regime closed the border with Zambia, following a series of attacks on white Rhodesians in the northern part of that territory, attacks attributed to Rhodesian nationalist movements based in Zambia.

I have brought along to illustrate this part of the story, Mr. Chairman, a map which pinpoints the site of these various incidents which have occurred both before and during this question of the border closure.

Rhodesia, upon closing the border, made an exception for the transit of Zambian copper, but Zambia, on January 11, announced that it, in turn, would ship no more copper through Rhodesia.

The action by Rhodesia was apparently not expected by either South Africa or Portugal, and these two nations continued to facilitate the transit of goods to and from Zambia. The matter was brought before the United Nations Security Council and, on February 2, resolutions were passed which resulted in the sending of a United Nations mission to Zambia with a team of experts to study economic requirements.

That team is composed of the permanent representatives in New York of Indonesia which is the chairman, Austria, Peru, and the Sudan. The United States supported the economic aid study of this mission.

That mission is now returning from Zambia and will report by March 1 how the international community can assist Zambia in meeting the effects of a longer-term border closure.

In this connection, Mr. Chairmen, recent press reports stating that the U.S. Government had turned down Zambian requests for governmental assistance in the present emergency are in error.

Beyond indicating the availability of Export-Import Bank financing to Zambia, no decision has as yet been made on a series of needs which Zambia has discussed with us and with other donors.

You will recall that we have not been providing AID assistance to Zambia in recent years in the absence of requests from the Zambian Government for such assistance. Requests recently received have come from various officials within the Zambian Government and require some establishment of priorities by them.

The present United Nations mission to Zambia will, we hope, be helpful in this respect. Any positive decision would need to be taken with due consideration of the current uncertainty regarding aid assistance and the availability of assistance funds.

It is premature, at this point, to speculate on what we may be able to do in the present situation. I repeat that no decision has been made.

On February 3, Rhodesia reopened its side of the border. Mr. Smith announced that he had had assurances from Zambia that it would curtail its support of the Rhodesian nationalist guerrillas.

Denying any such pledge, President Kaunda subsequently announced that he would keep the border closed. The incident has worked hardship on both sides. For Rhodesia, it has meant a further drying up of sources of foreign exchange, already seriously affected by the U.N. sanctions.

For Zambia, it has meant the necessity to change the routing for 65 percent of all imports and of exports of almost 50 percent of its copper.

More fundamentally, however, the incidents point up the risks inherent for all in the continued lack of a solution to the Rhodesian problem. The United States does not condone the use of violence by any side in these complex problems of southern Africa.

At the same time, it understands that violent acts are very likely to occur out of the frustration of unresolved problems. Leaders on both sides are limited by political and geographic restraints in their ability to control acts of violence or groups who seek through violence to bring political change.

The issue of Rhodesia remains a simple one. How can the political structure and the society of Rhodesia be adapted to insure a proper and internationally acceptable political, social, and economic role for the 95 percent of Rhodesia's population which is black African?

It has been more than 7 years since the white minority in the British colony of southern Rhodesia unilaterally declared the independence of the territory. That independence remains unrecognized internationally and almost universally challenged.

The African majority remains without effective political power. The U.S. Government has long shared world concern over the potential for violence resulting from failure to resolve the Rhodesian issue.

We support United Nations and British efforts to achieve self-determination and justice for all the people of Rhodesia. The United States continues to regard the British Crown as the lawful sovereign authority with responsibility for the resolution of the Rhodesian problem.

We support the United Kingdom and the United Nations in their peaceful efforts to influence the Smith regime to accept the principle of eventual majority rule. We see the U.N. sanctions program as an alternative to violent solutions and, in consequence, we have enforced sanctions as vigorously as any nation. We intend to adhere as strictly to sanctions as is in our power to do so.

This policy has not been universally accepted in the United States. Many who opposed sanctions in principle, as well as those concerned with our sources of strategic goods, advocated passage of legislation permitting the importation of certain materials from Rhodesia.

Although the Department opposed this legislation and supported efforts to repeal it, the law remains in force. As a result, the United States is the subject of sharp and persistent criticism in African and international forums for these violations of the U.N. embargo.

The criticisms in Africa are sharpest in some of the most significant nations, such as Nigeria, where our interests by any yardstick are far greater than those in Rhodesia.

Criticisms of the United States unfortunately fail to put our exceptions to the sanctions in proper perspective. Imports into the United States represent less than 5 percent of total Rhodesian export earnings; the more extensive violations by the nationals of other countries importing the remaining 95 percent are often overlooked.

Nevertheless, the sanctions program has had visible effects on the Rhodesian economy and has created considerable difficulties for its leaders. In our view, this was a significant factor in the regime's decision in the fall of 1971 to negotiate with the British.

The proposals agreed to by Smith and British Foreign Minister Douglas-Home were not found acceptable to the Rhodesian people by the subsequent Pearce Commission, but we understand that the two remain in contact.

We would hope that a comparable recognition of the need for a fair solution would also exist within Rhodesia and would encourage the white minority toward meaningful dialog with its own African population and toward an equitable settlement with Britain.

The U.S. Government intends to continue the policy of enforcing sanctions under our present laws and of recognizing British sovereignty over Rhodesia. We hope a peaceful solution will be forthcoming.

Thank you, Mr. Chairman.

Mr. DIGGS. Thank you, Mr. Secretary. Are we proposing or supporting in the Sanctions Committee any steps for strengthening the sanctions?

Mr. NEWSOM. We have discussed with various others in New York and with the members of the Sanctions Committee at various times steps for strengthening sanctions, more prompt reporting of some of the reported violations of sanctions, paying more attention to the present sources of materials which were previously exported to various countries from Rhodesia.

We have sought to lead the way in sanction enforcement by being one of the only two countries in the world actually to prosecute people under the sanctions. There have been two cases, as you know.

We have urged somewhat greater attention on the part of other members of the United Nations to the reported sanctions violations by their own nationals.

I cannot, at this point, say, Mr. Chairman, how effective our efforts have been, but I think we have been conscious that more could be done to enforce the sanctions and have sought to suggest ways this could be done.

Mr. DIGGS. Would you be more specific about the steps you have been discussing and those that you are trying to be more persuasive about?

Mr. NEWSOM. Well, I do not have with me all of the details, Mr. Chairman, on this, but I can take one as an example. If my understanding is correct, it has been the practice of the Sanctions Committee to be supplied with reports of possible violations by nationals of various member countries.

There has been a considerable lag in the time between the time they have been received and the time that they have been published in the committee's annual report. We have raised informally with the committee the possibility of more frequent publication, and the committee has agreed to publish its reports every 3 months.

So far, there has not been a change in the Sanctions Committee actions in this matter, but this is one area where we feel perhaps a more prompt reporting and perhaps a greater stimulus to investigations by some of the member nations, whose nationals are involved, could help.

Mr. DIGGS. It is my understanding that the Rhodesian Information Office has reported to the Justice Department that it is financed by the treasury of the Smith regime in Salisbury. How was that money transmitted from Salisbury, and is this not a contravention of sanctions?

If so, why are we permitting this?

Mr. NEWSOM. Well, I think, Mr. Chairman, you are going to have a representative of the Treasury Department as a witness tomorrow.

They are charged with the enforcement of the Executive order on the implementation of the sanctions and are probably in a better position to describe this process in detail.

I can refer to letters which we have sent to the subcommittee which mention the fact that there is an account in New York to which dollars are paid for transfer to Rhodesia for humanitarian and educational purposes, authorized under the U.N. resolution, and that an exchange is made into Rhodesian currency which is used for the purposes in Rhodesia, leaving the dollars in New York for purposes such as the support of the Rhodesian Information Service.

But, I repeat again, Mr. Chairman, that for full details of how this comes under the Executive order, I would refer you to the Treasury representative.

Mr. DIGGS. I accept your reference except that I have never been in a hearing yet with another agency that at some point did not implicate the State Department regardless of what their involvement happened to be.

So, that is the reason that I thought the question might be appropriate.

Mr. NEWSOM. I am very much aware of that, Mr. Chairman.

Mr. DIGGS. We will give you an opportunity to respond to their answer after tomorrow. One final question from me at this point on your comments on MacGregor's public statements in Rhodesia. Was he in touch with the Department before he left?

Has he been in touch with you since he has been back? He says he was over there as just a private citizen, but, of course, he also said and was quoted from the Rhodesian Financial Gazette of December 1, as saying, "Anyone in public life, as I am, can mean a switchoff. I am not a private citizen."

What do you think of all this?

Mr. NEWSOM. Well, Mr. MacGregor did contact the Department for general information on the possibility of making a private trip to southern Africa. His arrangements were his own. We have not been in touch with him since the return.

I would point out however, Mr. Chairman, that immediately after Mr. MacGregor's press conference in Rhodesia we did, with all appropriate authorization within the U.S. Government, issue a statement saying that he was there as a private citizen, and that his statement did not represent in any way official policy or suggest any change in official policy.

Mr. DIGGS. The gentleman from Illinois?

Mr. DERWINSKI. Thank you.

On page 5 of your prepared testimony, you referred to the fact that the United States was subject to criticism from certain African countries on the question of participating in U.N. embargo.

Yet, you point out that 95 percent of the economic activity with Rhodesia is from other countries. Now, I do know we have always had a reluctance to finger the 95 percent who perpetrate the bypassing of the embargo.

At what point do you think that for purposes of at least demonstrating our relative low abuse you might find it necessary to be fingering more of the countries who brazenly violate the embargo?

The U.S. Government, as a result of congressional passage of the Byrd amendment, does not comply fully with paragraphs 2 (a), (b), and (c) of UN Resolution 232 nor with paragraphs 3 (a), (b), and (c) of UN Resolution 253.

Question 26. What control does an American firm with subsidiaries in Southern Rhodesia have over these subsidiaries?

Question 27. What control does the illegal regime have?

Answer 26 and 27. See numbered paragraphs (1) and (2) of my letter of March 15, 1973.

Question 28. Please supply a complete list of all U.S. companies with interests in Southern Rhodesia, together with details about the nature of their operations and the value of their assets.

Question 29. What is happening to the profits of these companies?

Answers 28 and 29. There is appended here a 1969 list of companies formerly in Rhodesia. A very rough estimate of the value of their assets in 1966 was $56 million, mostly in mining. Since most of the firms have since closed down, there would be no profit data.

Question 30. Please provide for the record a complete list of all payments made through the New York accounts of the illegal regime since U.D.I., in both directions.

Answer. The Treasury Department does not have this information. The subcommittees can no doubt obtain it directly from the New York banks in question.

Question 31. Please provide also a complete list of all humanitarian and other exemptions to the sanctions regulations, with reasons for the licensing in each case.

Answer. Some 1,531 specific license actions have been taken, and it would therefore not be practicable to compile a detailed list of all licensing actions.

Licenses which have been issued fall generally into the following categories:

(1) Remittances of funds to missionaries and other groups in Rhodesia for support of humanitarian, medical, or educational activities, such as church schools, clinics, hospitals, orphanages, et cetera;

(2) Shipment of pharmaceuticals to Rhodesia for medical purposes;

(3) Living and travel expenses of American tourists; and

(4) Remittances from Rhodesian accounts for any of the following purposes:

(*a*) Payment of a legacy;

(*b*) Payment of principal or interest on a loan made prior to July 29, 1968, provided the loan was not renewed or extended thereafter;

(*c*) Educational and medical expenses of dependents in the United States of persons in Southern Rhodesia;

(*d*) Maintenance of relatives in the United States of persons in Southern Rhodesia;

(*e*) Pensions;

(*f*) Pension contributions in appropriate cases;

(*g*) Other personal remittances in appropriate cases;

(*h*) Travel and subsistence in the United States of Rhodesian nationals;

(*i*) Personal insurance premiums; and

(*j*) Taxes or fees payable to the United States or to any State or other political subdivision.

(5) Remittances to Rhodesia to support Americans in Rhodesia with no other income;

(6) Payment of fees necessary to register or renew American patents and trademarks; and,

(7) Miscellaneous (this category consists of a few cases which are not otherwise classifiable):

(*a*) Sale of subsidiaries in Rhodesia to other Americans, or to member countries which adhere to the United Nations sanctions; or, to Rhodesians provided Rhodesia gives up free foreign exchange;

(*b*) Withdrawal of manufacturing facilities from Rhodesia; and

(*c*) Postembargo imports of Rhodesian goods exported or paid for preembargo.

I trust the foregoing will answer your questions fully.

Sincerely yours,

JOHN M. HENNESSY.

ENCLOSURE TO APR. 2, 1973 DEPARTMENT OF TREASURY LETTER, AMERICAN FIRMS, SUBSIDIARIES, AND AFFILIATES: RHODESIA, FEB. 13, 1969

Rhodesian firm	U.S. associate company	Business conducted in Rhodesia
African & Overseas Co. (Pvt.) Ltd., Box 2533, Salisbury.	I.R. Lind (resident Salisbury) [1]	Tobacco exporter.
African Consolidated Films (Pty.) Ltd., Box 855, Salisbury.	Twentieth Century Fox, Inc., New York.	Motion picture showing and distribution.
American Foreign Insurance Association, Box 2592, Salisbury.	American Foreign Insurance Association, New York.	Insurance.
Amrho International, Box 1658, Bulawayo	Sidney Feldman (resident Bulawayo)	Manufacturer's representative.
Baker Perkins SA (Pty.) Ltd., Box 507, Salisbury.	Baker Perkins, Inc., Saginaw, Mich.	Distribution of industrial machinery.
Bardahl Distributors Rhodesia (Pvt.) Ltd., Box 8299, Causeway.	Bardahl Intl. Oil Corp., Seattle, Wash.	Distributor of petroleum products.
Berzack Bros. (Rhodesia) Ltd., Box 2001, Bulawayo.	Union Special Machine Co., Chicago, Ill.	Distribution of industrial sewing machines.
Bikita Minerals (Pvt.) Ltd., P/Bag 9128, Fort Victoria.	American Metal Climax Inc., New York, and American Potash & Chemical Corp., Los Angeles, Calif.	Lithium mining.
Bourne & Co. Ltd., Box 3797, Salisbury	Bourne & Co. Ltd., Elizabeth, N.J.	Distribution of Singer sewing machines.
Burroughs Machines Ltd., Box 2316, Salisbury.	Burroughs Corp., Detroit, Mich.	Distributors of accounting machines.
Caltex Oil (Rhodesia) (Pvt.) Ltd., Box 372, Salisbury.	California Texas Oil Co., New York	Distributor of petroleum products.
Carborundum-Universal SA (Pty.) Ltd., Box 3307, Salisbury.	Carborundum Co., Niagara Falls, N.Y.	Manufacturers of coated and bonded abrasives; diamond wheel and refractor.
China American Tobacco Co. of Rhodesia (Pvt.) Ltd., Box 3417, Salisbury.	China American Tobacco Co., Rocky Mount, N.C.	Tobacco exporter.
Chinchilla Headquarters of Rhodesia (Pvt.) Ltd., Kent House, Queensway, Sby.	Intl. Chinchilla Headquarters, Inc. Redwood City, Calif.	Distribution and sales agency for imported chinchilla.
Continental Ore Africa (Pvt.) Ld., Pearl Assur. House, Salisbury.	Continental Ore Corp., New York	Metal and mineral brokers.
Richard Daggitt Agencies, Box 3199, Salisbury.	Richard Daggitt (resident Salisbury) [1]	Bulk commodity broker.
Dibrell Bros. of Africa (Pvt.) Ltd., Box 960, Salisbury.	Dibrell Bros. Inc., Danville, Va	Tobacco exporters.
Eimco (CA) (Pvt.) Ltd., Box 713, Salisbury	Eimco Corporation, Salt Lake City, Utah.	Distribution of mining and industrial machinery.
Elephant Trading Co., Box 283, Bulawayo	Affiliated Exporters, Inc., New York	Clothing manufacturers.
Falls City Tobacco Co. of Africa (Pvt.) Ltd., Box 3221, Salisbury.	Falls City Tobacco Co., Louisville, Ky.	Tobacco exporters.
Gardner-Denver Co. (Africa) (Pty.) Ltd., Box ST. 100, Southerton.	Gardner-Denver Co., Quincy, Ill	Distributors of mining equipment.
Goodyear Tyre & Rubber Co. (SA) (Pty.) Ltd., Box 1354, Salisbury.	Goodyear Tyre & Rubber Co., Akron, Ohio.	Manufacturers and distributors of tires, tubes, etc.
Grant Advertising (Pty.) Ltd., Box 1485, Salisbury.	Grant Advertising, Inc., New York	Advertising consultants.
Ingersoll-Rand Co. S.A. (Pty.) Ltd., Box 2484, Bulawayo.	Ingersoll-Rand Ltd., New York	Distribution of mining machinery.
IBM Central Africa (Pvt.) Ltd., Box 3891, Salisbury.	IBM World Trade Corp., New York	Distributors of business machines.
Insurance Co. of North America, Box 2693, Salisbury.	Insurance Co. of North America, Philadelphia, Pa.	Insurance.
Kodak (Rhodesia) Ltd., Box 2170, Salisbury	Eastman Kodak Co. of America, Rochester, N.Y.	Distribution of photographic equipment.
Merchant Bank of C.A. Ltd., Box 3200, Salisbury.	Dillon Read & Co., New York	Banking.
Jeffrey-Galion (Rhodesia) (Pvt.) Ltd., Box 2342, Salisbury.	The Jeffrey Co., Columbus, Ohio	Distribution of roadmaking and mining machinery.
Minnesota Mining & Mfg. Co. (CA) (Pvt.) Ltd., Box 742, Salisbury.	Minnesota Mining & Mfg. Co., St. Paul, Minn.	Double coated tissue tapes, PVC, cellulose and masking tapes.
Mobil Oil Rhodesia (Pvt.) Ltd., Box 791, Salisbury.	Socony-Mobil, Inc., New York	Distributor of petroleum products.
National Cash Register Co. (C.A.) (Pvt.) Ltd., Box 979, Salisbury.	National Cash Register Co., Dayton, Ohio.	Distribution of business machines.
Pfizer (Pvt.) Ltd., Box 3295, Salisbury	Pfizer Intl. Ltd., New York	Chemicals.
Polythene Piping (Pvt.) Ltd., Box 2235, Salisbury.	L. R. Hautz (resident Salisbury) [1]	Manufacturers of plastic irrigation equipment.
Rhodesian Cambrai Mines (Pvt.) Ltd., Box 155, Gwelo.	Metallurg, Inc., New York	Chrome mining.
Rhodesian Christian Press (Pvt.) Ltd., Box 2146, Bulawayo.	Rev. R. H. Mann, Everete, Pa	Printing and stationery.
Rhodesian Chrome Mines Ltd., Box 123, Selukwe.	Union Carbide Corp., New York	Chrome mining.
Rhodesian Leaf Tobacco Co. (1953) Ltd., Box 1379, Salisbury.	Universal Leaf Tobacco Co., Richmond, Va.	Tobacco exporter.
Rhodesian Vanadium Corp., Box 2729, Salisbury.	Foote Mineral Co., Exton, Pa	Chrome and manganese.
Robins Conveyors (SA) (Pty.) Ltd., Box 2412, Bulawayo.	Hewitt-Robins, Inc., Stanford, Conn.	Distribution of material handling equipment.
Salisbury Snake Park, Box 3489, Salisbury	L. R. Hautz (resident Salisbury) [1]	Owns snake park.
Socony Southern Africa (Pty.) Ltd., Box 357, Salisbury.	Socony-Mobil, Inc., New York	Distribution of bitumens, asphalte waxes and solvents.

ENCLOSURE TO APR. 2, 1973 DEPARTMENT OF TREASURY LETTER, AMERICAN FIRMS, SUBSIDIARIES, AND AFFILIATES: RHODESIA, FEB. 13, 1969—Continued

Rhodesian firm	U.S. associate company	Business conducted in Rhodesia
Standard Telephones & Cables (Rhod.) (Pvt.) Ltd., Box 2120, Salisbury.	International Telephone & Telegraph Corp., New York.	Distribution of telecommunications equipment.
J. Walter Thompson Co., C. A. (Pvt.) Ltd., Box 3702, Salisbury.	J. Walter Thompson Co., New York	Advertising consultants.
Tobacco Export Corp. of Africa (Pvt.) Ltd., Box 3049, Salisbury.	Dibrell Bros. Inc., Danville, Va	Tobacco exporters.
Willard Africa (Pty.) Ltd., Box ST. 192, Southerton.	Electric Storage Battery Co. of America, Philadelphia, Pa.	Manufacturers of auto batteries.
American products manufactured under license in Rhodesia:		
Central African Bottling Co. (Pvt.) Ltd., Box 2424, Salisbury.	Pepsi-Cola Co., Long Island City, N.Y.	Bottling and distribution of soft drinks.
Chesebrough-Ponds Intl. Ltd., Box 2899, Salisbury.	Chesebrough-Ponds, Inc., New York	Manufacturers and distributors of toiletries.
Salisbury Bottling Co. (Pvt.) Ltd., Hatfield Road, Salisbury.	The Coca-Cola Co., New York	Bottling and distribution of soft drinks.
Scripto of Rhodesia (Pvt.) Ltd., Box 2185, Salisbury.	Scripto, Inc., Atlanta, Ga	Manufacturers and distributors of pens.
Sterling Drug Intl. Ltd., Box 1726, Salisbury.	Sterling Drug, Inc., New York	Manufacturers and distributors of pharmaceutical products.

1 American citizen with personal investments in a company in the United States.

Mr. Diggs. What steps are you taking to check U.S. business transactions in or with South Africa that might be a cover for sanctions evasions?

Mr. Hennessy. At the time, for instance, importations come from these countries, the country of origin would be shown, so it would be apparent at the time things clear customs. I am not sure that is a perfect system, but that is the normal way of trying to identify materials which would have inputs on a prohibited list, whether they come from any embargoed country. There is a normal procedure, whether it is North Vietnam or North Korea, or in this case Rhodesia, which is applied uniformly.

Mr. Diggs. I like your characterization of your system as not being perfect. It certainly is not, because by your own admission, the United States doesn't seem to have a system which would insure that these companies are observing the relevant sanctions, the regulations in these countries, whether or not they are expanding their operations from funds that are earned within the country, and the prior notification matter.

You don't seem to know much about that. You either don't seem to know or you have a very superficial way of checking to see whether importations are coming in under cover from South Africa or from some other third country, it would appear to me, and I would hope that out of these hearings would come some kind of commitment that the Treasury Department is going to tighten up on its obligations and responsibilities with respect to this, because the answers that you have given just to those three or four questions, and I have a dozen more along similar lines, would indicate that your enforcement procedure is laughable.

Mr. Hennessy. Mr. Chairman, let me take exception to that statement. We have been in the enforcement business for quite some time. I believe there have not been any, certainly in the case of Rhodesia and other countries, to the best of my knowledge, and no one has domonstrated that anything has come through the system, so I would say the evidence is on our side.

What I am suggesting is prior notification is not necessarily a part of the system as it now stands or is a necessary component of a monitoring system. In order to get goods out of customs directly from Rhodesia, they must have a certificate; you must report it. Obviously, people come in and report it before the goods are cleared. They cannot get the goods out of customs until they have made that declaration on what the goods are and where they come from.

At that time, we check to see if it is on the list, and the State Department works with us to make sure that the goods on the list are not being sold above market price. So we feel the regulations are tight. We feel they have been well enforced, and until somebody can show to the contrary, I don't think there is a need to tighten up the procedures.

When you go through four or five countries, you are depending on signed declarations of importers who we assume are reputable. Whether there has been an import through a third or fourth country, I cannot give you that certainly, but if that did occur, and I am not sure it does, it would be a strange and rare case. So I would take grave exception to the statement that the Treasury does not apply the regulations.

I think that if anyone could show evidence to the contrary, we would be most delighted to discuss it and get down to particular cases.

Mr. DIGGS. I would also ask unanimous consent to insert at this point in the record several questions for Mr. Lawrence of the Office of Emergency Preparedness that he may respond to in writing.

Mr. FRASER. Without objection, it is so ordered.

[The questions for Mr. Lawrence and the OEP replies follow:]

RESPONSES BY OFFICE OF EMERGENCY PREPAREDNESS TO QUESTIONS SUBMITTED BY HON. CHARLES C. DIGGS, JR.

Question 1. What is your reaction to the fact that ferrochrome plants in Ohio and South Carolina (Foote Mineral and Airco) are suffering from competition by cheap ferrochrome imports from the Union Carbide plant in Rhodesia, and that American workers are being thrown out of their jobs as a result?

Answer. Several factors have contributed to the decrease of ferrochrome production in the United States, among which are: (1) The closing of some of the older ferrochrome producing plants which are considered unprofitable if further expenditures for installation of pollution controls are necessary for compliance with EPA standards, (2) higher labor costs, and (3) higher raw material costs, all of which combine to enable foreign countries, including Rhodesia, to send ferrochrome into the U.S. market at prices under those of U.S. producers. In addition, U.S. steel producers have concurrently lost a part of their domestic market for specialty steels because of the high rate of imports of those steels. Those steels consume large quantities of ferrochromes in their production. Imports from Rhodesia were embargoed from 1967 through 1971. The embargo was lifted as of January 1, 1972. Imports from Rhodesia, as a percentage of U.S. production of ferrochromium silicon, high-carbon ferrochromium, and low-carbon ferrochromium, respectively, in 1972, were the following: 2 percent, 6 percent, and 4 percent. The respective data, estimated for 1973, are 1 percent, 8 percent, and 6 percent. Although there could be a potental threat to the ferroalloys industry from Rhodesian ferrochrome imports, these imports could hardly be considered as causing suffering to that industry and its employees at present. A number of other countries also export ferrochromes to the United States.

Question 2. Would you not agree that, from the point of view of emergency preparedness, it is important to the security of this country in an emergency not to allow U.S. ferrochome production capacity to be run down as a result of illegal Rhodesian imports?

Answer. I agree that from the point of view of emergency preparedness, it is important to the security of this country in an emergency not to allow U.S. ferrochrome production capacity to be run down. However, according to section 503 of Public Law 92–156, imports from Rhodesia are permissible and at this time have not, according to statistics, contributed to any great extent in running down our domestic production.

Question 3. In light of these considerations, and the attempt by the companies concerned to mislead Congress in their claims about the need for Rhodesian chrome imports, what steps do you intend to take to insure that the Byrd provision is rescinded?

Answer. OEP is not in a position to judge as to the equivocalness of testimony by others, nor are we in a position to make any statement as to steps intended to insure that the Byrd provision be rescinded.

Question 4. Please submit a comprehensive statement to this committee, in writing, on the effect of the Byrd amendment on American production of materials deemed "strategic and critical," especially ferrochrome production.

Answer. In the first year that the "Byrd amendment" was in effect, there has been comparatively only a small amount of strategic materials received from Rhodesia. With the exception of metallurgical chromite, only small quantities of "strategic" materials were imported. Approximately 1,800 short tons of nickel, valued at $4,521,156; 200 short tons of chrysotile asbestos, valued at $98,800; 64 short tons of beryl ore, valued at $19,662; 19,087 short tons of ferrochromes, valued at $4,058,000; and 93,000 short tons of metallurgical chromite, valued at $6,809,000. The United States, in comparison, imported from all countries a total of 172,000 short tons of nickel, 719,000 short tons of asbestos, 3,900 short tons of beryl, 150,000 short tons of ferrochromes, and 792,000 short tons of metallurgical grade chromite. During the period 1967 through 1971, the price of metallurgical chromite continued to rise. However, with the inception of the Byrd amendment, the price of metallurgical chromite from Russia was substantially decreased. The Turkish price has remained stable. Russia has been the principal source of U.S. metallurgical grade chromite since 1967. The following shows the prices in 1971 immediately prior to the Byrd amendment, and prices at the end of 1972.

	1971	1972
Russian (per metric ton loading point, 48 percent Cr_2O_3, 4:1–Cr:Fe.)	$51.50–$55	$45-$46.50
Turkish (per long ton, f.o.b. cars Atlantic ports, 48 percent Cr_2O_3, 3:1–Cr:Fe.)	55.00– 56	55– 56.00

NOTES

The Russian 1971 price is equivalent to $70-$73.50 long ton delivered U.S. Atlantic ports.
The Russian 1972 price is equivalent to $64–$65.50 long tons delivered U.S. Atlantic ports.

One of the effects of this change in price of chromite has been a reduction in cost to the U.S. producer of the hasie material which goes into the production of ferrochromes. This enabled the ferrochrome producers to produce their products at less cost than prevailed prior to the enactment of the Byrd amendment.

Question 5. What proportion of chrome ore is used in stainless steel production?

Answer. Approximately 73 percent of the chrome ore consumed for metallurgical purposes in United States in the past 10 years was used in production of stainless steels. The ore was first made into the various ferrochromes and metal before it was used in making the stainless steels.

Question 6. How do you account for the sharp decline in consumption of chrome, which you mentioned in your statement (page 2)?

Answer. The decline in total chromite consumption in United States in 1972 (1972—25 percent under 1970) was, at least, partially due to increased imports of ferrochromes (1972—264 percent over 1970), decreasing production of ferrochromes in United States (about 11 percent) and increased consumption of ferrochromes in United States (about 11 percent). Actual usage of chromite in the metallurgical industries showed a decrease (1972 vs. 1970) of 20 percent. U.S. imports of ferrochromes and chromite ore in 1970 and 1972 were as follows:

[In short tons]

	1970		1972	
	Ores (thousands)	Ferrochromes	Ores (thousands)	Ferrochromes
Belgium-Luxembourg				1,554
Brazil				4,205
Canada				45
Cypress				28
France		28		465
Finland		5,919		6,887
Germany, West		7,037		5,266
Iran	31		14	
Italy				1,653
Japan		657		17,712
Malagasy			13	
Mozambique		560		556
Netherlands				827
Norway		3,876		9,711
Pakistan	31		27	
Philippines	210		131	
Rhodesia, Southern			93	19,089
South Africa, Republic of	407	20,295	244	57,533
Sweden		2,933		11,828
Turkey	257		101	6,882
U.S.S.R.	469		432	
Yugoslavia				5,961
Total	1,405	41,305	1,055	150,241

Question 7. What proportion of chrome is used for military purposes?

Answer. Direct military requirements are classified information, and not easily ascertainable. Indirect usage which is the largest proportion of chrome used for military purposes is not available.

Question 8. Please supply us with full technical and other details on the new Union Carbide process for making stainless steel.

A. Attached is a copy of a writeup taken from 33 magazine detailing the Union Carbide (AOD) process for making stainless steel.

AOD: Significant Advance in Stainless Steelmaking

Union Carbide's decarburization process offers maximum product quality and dependability. Soon 35 percent of the stainless made in the United States will be a product of AOD processing. In just 3 years, argon-oxygen decarburization has shown itself to be one of the fastest growing and most significant technological advances for stainless steel production in several decades. Today 24 companies currently are using AOD or are planning installations during 1972 and 1973. Twelve are U.S. stainless producers, the balance are in Europe and Japan. The U.S. installations will account for over 400,000 tons of stainless in 1972 (530,000 tons when all are operable) or 35 percent of total stainless production, according to Union Carbide, developer of the process.

The AOD process was patented in 1955 by W. A. Krivsky of Union Carbide's Metals Division (U.S. Patent 3,252,790) and improved upon by Nelson and Griffing (U.S. Patent 3,046,107). The first commercial unit was installed at Joslyn Stainless Steels in 1968 and first full scale production began in 1969. Joslyn jointly developed the process to commercial scale with Union Carbide. Licensing arrangements are made through Union Carbide's Linde Division.

The AOD process is a duplexing operating in which a stainless steel heat is melted down in an electric furnace, then transferred to a separate refining vessel in which the stainles melt is decarburized by blowing with a mixture of argon and oxygen. This technique makes it possible to achieve very low carbon levels while minimizing the loss of chromium which occurs in a conventional decarburizing process.

Oxygen lancing in the electric arc furnace became an established technique for decarburizing low-chromium stainless steel melts during the 1950s. However, this practice is limited since it is necessary to refine at very high furnace temperatures if the alloy contains a relatively high chromium content. Otherwise, excessive chromium loss through oxidation occurs, and excessive chromium additions (15–100 percent of total chromium) must be made after refining. This high heat also causes extreme wear of the refractories.

Ideally, the most economic operation, with minimum material costs, is obtained by including all of the chromium in the initial arc furnace charge, either as chrome-bearing scrap or charge chrome, then decarburizing the melt to the required low-carbon level without simultaneously oxidizing the chrome. The AOD process minimizes chrome losses, commonly to as little as 2 percent or less. This was the first technique to make this technically and economically feasible.

In the AOD process, argon is present in the oxygen gas mixture. By diluting the carbon monoxide formed by the oxidation of carbon in the melt, the argon reduces the CO partial pressure (assumed to be one atmosphere during conventional blowing). This, in turn, shifts the reaction equilibrium to strongly favor the oxidation of carbon and, therefore, minimizes the oxidation of chromium.

In practice, the arc furnace is used to melt down scrap and alloy, under "dead melt" conditions and to bring the melt up to the temperature required for refining. Because melting for the AOD process is done at a lower temperature than oxygen lance decarburization in the arc furnace (around 1,600 C. for AOD vs. 2,000 C. for the older practice), arc furnace refractory consumption is significantly reduced.

Prior to AOD refining, the molten metal is tapped into a transfer ladle, sampled, deslagged, weighed, and transferred to the refining vessel. Most AOD vessels resemble a basic oxygen converter in shape and are built so that they can rotate for charging, holding, sampling, and tapping. The base of the vessel is fitted with permanently mounted tuyers through which the argon-oxygen mixture, or pure argon gas, is blown into the bolten metal after the vessel is rotated to the vertical position. Percent of oxygen used ranges from 80 percent during blowing to 25 percent at the end of the blow.

Joslyn Stainless Steels has discovered that nitrogen can be substituted for part of the argon in the first stage of refining. Joslyn is experimenting with the use of gaseous nitrogen as an alloy substitute, although the use of nitrogen interests many AOD users as a cost cutting means. Other mills using conventional arc furnace practice or without gaseous nitrogen capability make nitrogen additions mainly through introduction of expensive high-nitrogen ferrochrome or nitrided ferromanganese to the melt. Gaseous nitrogen is considerably cheaper than ferroalloys. Also it is less expensive than argon. Most users can substitute 25 to 50 percent nitrogen for argon.

Until recently, Joslyn and Ilssa Viola of Italy were the only plants using nitrogen substitution, but all newer vessels have nitrogen capability and older plants are being modified for nitrogen use.

Company	Startup date	Vessel capacity
AOD installations in the United States (tons):		
Armco Steel Corp., Advanced Materials Division, Baltimore, Md	January 1971	35
Baldwin-Lima-Hamilton Corp., Standard Steel Division, Burnham, Pa	August 1971	18
Cabot Corp., Stellite Division, Kokomo, Ind	January 1970	5
Carpenter Technology Corp., Reading, Pa	February 1972	15
Colt Industries, Inc., Crucible Stainless Steel Division, Midland, Pa	March 1972	100
Eastern Stainless Steel Co., a division of EASCO Corp., Baltimore, Md	October 1970	50
Electralloy Corp., Oil City, Pa	September 1970	17
International Nickel Co., Inc., Huntington Alloy Products Division, Huntington, W. Va.	October 1971	38
Jessop Steel Co., Washington, Pa	December 1971	20
Jones & Laughlin Steel Corp., Stainless & Strip Division, Detroit, Mich	do	70
Joslyn Manufacturing & Supply Co., Joslyn Stainless Steels Division, Fort Wayne, Ind.	April 1968	17
United States Steel Corp., South Works, South Chicago, Ill	December 1971	100
Overseas AOD installations (metric tons):		
Avesta Jernwerks AB, Axel Johnson & Co., Avesta, Sweden	July 1973	
British Steel Corp., Panteg Works, Pontypool, Wales, United Kingdom	November 1971	60
British Steel Corp., Stockbridge Works, Stockbridge, United Kingdom	July 1972	50
Ilssa Viola S.p.A., Pont St. Martin, Italy	July 1970	15
IMI Alloy Steels Ltd., Somercotes, United Kingdom	March 1971	20
Fried. Krupp Huettenwerke A.G., Bochum, West Germany	August 1972	70
Nippon Metal Industry Co. Ltd., Kinuura, Japan	March 1972	80
Nippon Metal Industry Co. Ltd., Sagamihara, Japan	November 1971	55
Olarra S.A., Bilbao, Spain	July 1972	14
Rotherham Stainless & Nickel Alloys, Ltd., Rotherham, United Kingdom	April 1972	8
Southern Cross Steel Co. (Pty.) Ltd., Middelburg, Republic of South Africa	August 1972	25
Spartan Steel & Alloys Ltd., Birmingham, United Kingdom	October 1971	8
Terni S.p.A., Finisider Group, Terni, Italy	December 1972	60

Source: "AOD: Advance in Stainless Steel Makings," 33 Magazine, June 1972, pp. 40–42.

COST SAVINGS WITH AOD

Estimated basic cost for 100-ton argon/oxygen refining vessel is $750,000. For a 50-ton unit, capital investment will run $300,000 to $350,000, and for a 15-ton vessel $150,000 to $200,000. Estimated operating costs are:

Labor and overhead (per ton)	$1.30
Utilities	0.20
Refractories	3.00– 5.00
Argon (300–600 cubic feet/ton)	3.00– 4.00
Total operating cost	[1] 7.50–10.75
Fixed charges at 24%	0.40
Amortized cost	7.50–11.15

[1] This does not include the cost of oxygen.

Source: "AOD: Advance in Stainless Steel Makings," 33 Magazine, June 1972, pp. 40–42.

Union Carbide's AOD refining process offers substantial cost savings in the production of extra-low carbon (ELC) grades of stainless. Producers can use low-cost chrome scrap for the total chrome content required in the arc furnace charge, and need no costly finishing additions of expensive low-carbon chrome. Material savings alone on ELC grades of stainless are estimated to be as much as $75 per ton. For regular carbon grades of 300-series and 400-series stainless steels, material savings commonly range between $15 and $25 per ton.

In general, operating costs will vary, depending upon the scale of the operation, the grades of stainless being produced, and minor differences in operating details. For example, argon consumption (up to the end of the decarbonization period) will range typically from 225 to 300 cubic feet per ton of 400-series steels (e.g., 430.416), from 300 to 450 cubic feet per ton of 300-series (about 0.05C), and from 450 to 600 cubic feet per ton of 300- and 400-series ELC grades (0.03C maximum).

Oxygen consumption will also vary from 500 to 800 cubic feet per ton with melt-in chemistry, but will generally be about the same as that required in present practices, because although oxygen efficiency is increased, the charge materials used in the arc furnace will result in higher melt-in levels of carbon than in normal practice. Oxygen usage also varies with desired end product. Replacing some of the argon with nitrogen could result in cost savings of up to $1 per ton.

Residence time in the AOD vessel is shorter than that required for the refining and finishing process in the arc furnace. Since present arc furnace cycles commonly are divided about equally between melting and refining, arc furnace utilization can be increased by about 100 percent when operating in tandem with an AOD refining vessel.

AOD CYCLE TIME NOW RUNS 2 HOURS

The higher productivity thus obtained from the furnace results in savings great enough to repay the added investment in the AOD facility within 1 year. The operating costs associated with the AOD vessel (labor, utilities, refractories, argon, and oxygen) are more than compensated by operating savings in the arc furnace (labor, electrodes, refractories, power, oxygen, oxygen lances, utilities).

AOD VERSUS VACUUM DEGASSING

Although there are other second-vessel refining processes for finishing stainless steel, such as vacuum decarburization techniques, Union Carbide's argon-oxygen decarburization process offers greater flexibility as well as lower investment and operating costs. For example, vacuum degassing requires that desulfurization of the molten metal be done in the arc furnace prior to decarburization in the vacuum vessels, which requires between 45 and 120 minutes, depending on the required degree of desulfurization. With the AOD process, desulfurization can be carried out in 5 to 10 minutes in the refining vessels as the last stage of the process. Sulfur contents of less than 0.005 percent can be achieved, which is extremely important in stainless plate and sheet production. Also, in vacuum degassing, metal is usually "preblown" with oxygen to reduce the carbon level to between 0.2 and 0.3 percent before it can be transferred to a vacuum refining unit. The vacuum system with very high pumping capacity also requires a substantially greater capital investment and higher operating cost than the relatively simple converter-type vessel employed in argon-oxygen decarburization. Consequently, arc furnace productivity is greater, and initial costs are lower, when the furnace is coupled with au AOD converter than when refining is done in a vacuum system.

REFRACTORIES: THE PRINCIPAL PROBLEM

One major problem is high refractory consumption in the argon-oxygen vessel. Since this is a new refractory application, no products have been specifically designed for use in the vessel and the full range of existing products has not been tried. By trial and error, Eastern Stainless discovered greatest wear resulting from its practice occurred in the sidewall above the tuyeres and at the slag line. A practice of zoned linings has improved lining life. Ilssa Viola is having good results witb a low-quality refactory not available in the United States. Frank Death, Linde's manager for argon-oxygen decarburization, feels that "60- to 70-heat campaigns may happen this year in the States." He also believes that through experimenting, some AOD users will lower refractory costs from $3–5 per ton to $2 per ton within a year.

PRODUCT QUALITY HIGH WITH AOD

Experience with the AOD process has demonstrated that it provides a high degree of flexibility, very precise control, and consistently predictable and reproducible results. Starting with carbon and silicon levels both ranging from about 0.2 percent to 2.0 percent (the level aimed for will depeud on local raw material costs and availability), finish carbou analyses from about 0.01 percent upward are readily attained. The blowing program and chemistry path are so reproducible that it has been possible to make final alloy additions based only on the composition of the melt as tapped from the arc furnace. This eliminates the need to hold the heat after blowing to obtain a sample and calculate finish alloy additions.

Product quality obtained by AOD refining is exceptionally high for all grades of stainless. Cleanliness of the finished steel is especially important for products which are eventually procesesed into high-grade polished sheet and plate. Joslyn made detailed analyses of steel quality and reported that AOD steels were cleaner than electric furnace steels and generaly rated Group 2–ASTM scale or better. Almost without exception, the AOD grades showed fewer inclusions, and these were finer and more dispersed than those obtaiued in traditional practice. This improved cleanliness of AOD steels is attributed to reduced oxygen potential during the entire oxidation process as a result of the dilution effect of the argon, plus the thorough agitatlon and mixing of the melt after reduction under an ideal inert atmosphere of pure argon.

Joslyn's work has shown that the addition of nitrogen to Austenitic grade 304 provides a spring temper wire that can be cold drawn more effieiently. In the 410 to 416 Martensitic grades, the use of nitrogen can produce materials at the top of the hardenability range. In the 430 Ferritic area, high impact strengths were developed by going to a higher nitrogen level. According to Edwin E. Hodgess, Joslyn's technical director: "During our 430 heats with gaseous nitrogen as an alloy substitute, we were amazed to find that for the first time we were able to go right from the ingot down to a round."

In summary, the commercial operating experience of Union Carbide licensees employing the argon-oxygen decarburization process have demonstrated the following advantages:

1. Minimum-cost charge, resulting from the ability to use low-cost chrome units to provide the total chromium requirement.
2. Improved alloy quality and metal yield, by minimizing chrome loss through oxidation during decarburization to any carbon levels, as well as minimizing inclusions by lowering gas contents and sulfur content.
3. Reduced arc furnace costs, by doubling the productivity of the arc furnace which is used only for the melt-in, and by reducing the severity of operating conditions on EF refractories.
4. Increased furnace prodnctivity, sufficient to more than offset the added cost of the AOD vessel and refining operation.
5. Improved process control, with sufficient flexibility to handle high melt-in carbon levels predictably and reproducibly, based on calculations from the initial furnace sample.
6. Low capital costs, substantially below those of alternate second-vessel refining processes capable of achieving comparable low-carbon and extra-low carbon levels in high-quality grades of stainless steels.

Tilt Drives Designed for AOD Use

Since the AOD process is a new development, there is much work to be done by refractories and equipment suppliers to make its operation as smooth and as economical as possible. One company, Philadelphia Gear (King of Prussia), has taken up the AOD standard. The company has recently designed and installed the first argon-oxygen shaft mounted gear drives produced in the United States to rotate AOD vessels at Standard Steel and at U.S. Steel.

The first drive installation at Standard Steel Corp. (Burnham, Pa.), features two primary gear heads driven by a flange-mounted, close-coupled, 33-hp. mill motor. Capacity is approximately 650,000 ft.-lb. output torque.

The motor is positioned in a "foldback" design for maximum conservation of floor space and elimination of unnecessary loads on the trunnion shaft. The two primary gear heads are of parallel shaft design for ease of maintenance, accessibility, and durability. Using this type of unit, floor space required for conventional gear boxes often can be cut as much as 85 percent. Also, installation time may be reduced as much as 70 percent since the new drive weighs 40 percent less than conventional gear drives used for this application.

The entire drive is mounted directly on either end of the trunnion shaft supporting the AOD vessel. The Standard Steel unit was constructed with a single point torque arm restraining system, mounted directly underneath the drive assembly to accommodate the movement of the shaft-mounted drive and to allow it to follow the trunnion shaft during normal and peak operating cycles.

The gear drive design eliminates weak links such as trunnion couplings, maldistribution of driving loads, and radial forces imposed on gear boxes because of trunnion shaft wobble. Consequently, only minimum maintenance and few spares are needed.

Philadelphia Gear recently installed a drive with four primary gear heads and its patented torsion bar torque restraining device on U.S. Steel's South Works' 100-ton AOD vessel. The "four-primary" design increases the load capacity of vessel tilt drives that use only two primaries.

The U.S. Steel drive is rated close to 2 million ft.-lb. The "four-primary" design offers three times the torque capacity of units using two primaries, yet the U.S. Steel's drive takes up no more space than the "two primaries" drive at Standard Steel.

The patented torsion bar absorbs shock loads resulting from vessel operation and imposes no radial loads on the connector trunnion. The single point system used at Standard has similar advantages, but is more economical.

Question 9. Is it true that this new process will eliminate the need for ferrochrome and low-income ferrochrome in making stainless steel by 1975–80?

(NB: In a telephone conversation with a student, Ted Clark, of Johns Hopkins University, on November 15, 1972, Mr. Lawrence said that he had in his files information that would destroy the argument about the supposed need for chrome, which proponents of the Byrd amendment were using as a key argument for importing Rhodesian chrome. This is a technical document from Union Carbide Corp., which describes a new process in making stainless steel that the corporation feels will eliminate the need for low-carbon ferrochrome by 1975–80 in making stainless steel. Since stainless steel is the major user of chrome, this would largely eliminate the need for imports after 1975. [*Last sentence deleted.*].)

Answer. If predictions are correct, for the argon-oxygen decarburization process and other similar processes for stainless steelmaking, there will be drastic reduction in the use of low-carbon ferrochromium and ferrochromium silicon. The usage of high-carbon ferrochromium will increase. It is possible that only a small quantity of low-carbon ferrochromium and ferrochromium silicon will be produced in the United States after 1975. These processes enable the substitution of chrome scrap and lower costing high carbon ferrochromium for equivalent units of chromium in low-carbon ferrochromium and ferrochromium silicon. The process also substantially reduces the loss of chromium units coincident to the present conventional process of making stainless steel.

No statement was made to Mr. Clark which indicated that the United States would cease importing chromite ore or its equivalent of high-carbon ferrochrome.

Question 10. When did the surplus of chrome in the stockpile become apparent?

Answer. The surplus of chrome in the stockpile was created on June 30, 1958, as a result of a reduction in the assumed mobilization period from 5 years to 3 years. At that time, the objective was reduced from 6,160,000 short tons to 3,416,000 short tons. Since the inventory contained 4,558,093 short tons, the surplus was 1,142,093 short tons.

Mr. NEWSOM. Well, Mr. Congressman, the problem, and believe me it is one that we have spent a lot of time thinking about because our inability to demonstrate more precisely the degree to which Rhodesian exports—and I emphasize "exports," because in many ways that is the most important part of the economic picture—our inability to demonstrate the degree to which they are going to other countries is partly due to the fact that the charges of violations are all brought up against nationals of various countries, and it is not proper to suggest that this necessarily implies that the country of which so and so is a national is violating the sanctions.

Second, there has not been in many countries the same kind of effort to follow-up on alleged violations that we and the Treasury Department here have sought to do. The U.N. Sanctions Committee report carries each time, and we sometimes regret that not more attention is given to this, a list of the violations that have, or alleged violations that have been brought to its attention.

The latest report of January 29, 1973, lists 111 possible violations by nationals from 32 different countries. I can submit this for the record, Mr. Chairman.

Mr. DIGGS. Without objection, it is so ordered.

[The information follows:]

SUSPECTED VIOLATIONS REPORTED TO U.N. SANCTIONS COMMITTEE

In the latest analysis by the Sanctions Committee (January 29, 1973), 111 possible violations by nationals from 32 different countries are listed as follows:

Federal Republic of Germany	16	Brazil	2
Japan	11	Malawi	2
Greece	8	South Africa	2
Liberia	8	South Vietnam	2
Netherlands	7	Spain	2
Switzerland	5	Sweden	2
United States	5	Austria	1
Yugoslavia	5	Egypt	1
United Kingdom	4	France	1
Argentina	3	Guyana	1
Belgium	3	Mexico	1
Cyprus	3	Panama	1
Finland	3	Singapore	1
Italy	3	Swaziland	1
Norway	3	U.S.S.R.	1
Australia	2	Zambia	1

Mr. NEWSOM. I emphasize we are not talking about the governments of these countries but we are talking about nationals. The list leads off with 16 nationals of the Federal Republic of Germany, 11 from Japan, 8 from Greece, and so on down the line.

I will submit this for the record.

Mr. DERWINSKI. Mr. Secretary, do you know if the subject of Rhodesia came up at all in the recent discussions between the President and Prime Minister Heath?

Mr. NEWSOM. I do not, sir.

Mr. DERWINSKI. Mr. Chairman, if you will permit me to touch on the subject of our former colleague, Mr. MacGregor, just to be sure we understand the situation, Mr. MacGregor, as I recall, was a defeated senatorial candidate in 1970.

Then in the classic practice of American politics, which administrations of both parties follow, he was given an appointment befitting his efforts for his party.

Question 11. Why was action delayed on the bill to reduce the stockpile until after the passage of the Byrd amendment, even though it was well known before that there was surplus chrome?

Answer. The reduction in the stockpile objective for metallurgical chromite was not related to the passage of the Byrd amendment. All of the stockpile objectives are reviewed periodically to reflect changes in supply-demand relationships. No reasons were given to OEP for the delays in hearings on the administration request for disposal legislation for chromite.

Question 12. What has been the use of each cargo of imports from Rhodesia?

Answer. All, or nearly all, of the imported chrome ore from Rhodesia has been used in the production of ferrochrome for use in the manufacture of alloy steels. Small amounts may have been consumed in the production of chromium metal or consumed directly in the steel manufacturing process. Data on these small quantities (if any) are not available.

Question 13. Specifically, which cargoes have been used for military purposes?

Answer. Consumption data for chrome ore for military purposes are not available. However, it is estimated that less than 5 percent of all U.S. stainless steel shipments are used by the military. (Stainless steel is the largest single use of chrome ore.) No record is kept on the quantities of chrome ore, by country, used in the production of stainless steel.

Question 14. On page 1 of your statement, you talk about "accessible" countries. What are the criteria for being "accessible"? Do they include the illegal occupation regime in Namibia, or the illegal regime in Rhodesia which is in rebellion against our ally, the United Kingdom?

Answer. An "accessible" country is one which is located outside of an assumed conventional (nonnuclear) war zone. Accessible countries are those which are certified to OEP by the National Security Council. Rhodesia is included as an accessible country in time of an emergency.

Question 15. What is your personal opinion about the political situation in southern Rhodesia?

Answer. I am not qualified to comment on the political situation in southern Rhodesia.

Question 16. What is the present stockpile of each of the 72 commodities on the list of strategic materials?

Answer. The attached table shows the status of stockpile objectives and inventories as of December 31, 1972.

SUMMARY OF GOVERNMENT INVENTORIES, OBJECTIVES, EXCESSES AND BALANCE OF DISPOSAL AUTHORIZATIONS, BASIC STOCKPILE MATERIALS, DEC. 31, 1972

[Market value in millions of dollars]

Commodity	Unit	Objective	Total Inventory [1]	Market value [2]	Uncommited excess	Market value [2]	Balance of [3] disposal authorization
1. Aluminum	ST	0	1,269,138	634.6	1,269,138	634.6	819,138
2. Aluminum oxide, fused	ST	300,000	420,585	69.2	120,585	16.3	120,585
3. Antimony	ST	40,700	46,676	52.4	5,976	6.0	5,976
4. Asbestos, amosite	ST	18,400	58,084	14.3	39,684	9.8	39,684
5. Asbestos, chrysotile	ST	13,700	11,846	5.9	903	.2	890
6. Bauxite, metal, Jamaica	LDT	5,000,000	8,858,881	120.3	[4] 3,858,881	52.4	714,000
7. Bauxite, metal, Surinam	LDT	5,300,000	5,300,000	54.3	0	0	0
8. Bauxite, refractory	LCT	173,000	173,000	8.8	0	0	0
9. Beryl	ST	28,000	37,582	69.7	[4 5] 9,582	25.8	0
10. Bismuth	LB	2,100,000	2,101,061	8.4	1,061	.004	1,061
11. Cadmium	LB	6,000,000	9,213,358	27.6	3,213,358	8.6	3,213,358
12. Castor oil	LB	50,000,000	22,643,709	8.0	24,242	.007	10,119,367
13. Chromite, chemical	SDT	250,000	568,853	12.2	318,853	6.8	318,853
14. Chromite, metallurgical	SDT	3,086,800	5,330,336	584.5	[6] 2,243,536	141.9	930,539
15. Chromite, refractory	SDT	368,000	1,162,201	34.3	794,201	19.8	762,241
16. Chromium metal	ST	3,775	8,012	19.5	4,237	9.7	4,237
17. Cobalt	LB	38,200,000	68,175,127	166.6	29,975,127	73.0	29,975,126
18. Columbium	LB	1,176,000	7,317,646	12.2	[7] 3,746,104	4.5	3,746,104
19. Copper	ST	775,000	258,659	266.0	0	0	0
20. Cordage fibers, Abaca	LB	0	33,389,007	8.5	33,389,007	8.5	8,262,120
21. Cordage fibers, Sisal	LB	0	113,298,897	16.4	113,298,897	16.4	13,065,136
22. Diamond dies, small	PC	25,000	25,473	1.0	473	.02	0
23. Diamond, industrial bort	KT	23,700,000	41,316,479	87.6	17,616,479	36.6	17,616,479
24. Diamond, industrial stones	KT	20,000,000	23,401,634	177.1	3,401,634	31.0	3,401,634
25. Feathers and down	LB	3,000,000	2,780,608	13.9	0	0	[8] 2,780,608

Footnotes at end of table.

SUMMARY OF GOVERNMENT INVENTORIES, OBJECTIVES, EXCESSES AND BALANCE OF DISPOSAL AUTHORIZATIONS, BASIC STOCKPILE MATERIALS, DEC. 31, 1972—Continued

[Market value in millions of dollars]

Commodity	Unit	Objective	Total inventory [1]	Market value [2]	Uncommited excess	Market value [2]	Balance of [3] disposal authorization
26. Fluorspar, acid grade	SDT	540,000	890,000	69.9	[9] 0	0	0
27. Fluorspar, metallurgical	SDT	850,000	411,788	28.2	0	0	0
28. Graphite, natural, Ceylon	ST	5,500	5,499	1.0	0	0	0
29. Graphite, natural, Malagasy	ST	18,000	18,023	2.2	83	.01	83
30. Graphite, other	ST	2,800	2,800	.6	0	0	0
31. Iodine	LB	7,400,00	8,011,814	16.5	611,814	1.3	0
32. Jewel bearings	PC	57,500,000	61,043,888	19.9	[10] 14,726,698	.4	0
33. Lead	ST	530,000	1,077,615	323.3	547,615	164.3	547,615
34. Manganese, battery, natural	SDT	135,000	308,350	27.3	173,350	14.5	173,350
35. Manganese, battery, synthetic dioxide	SDT	1,900	15,758	7.4	13,858	6.5	13,853
36. Manganese ore, chemical A	SDT	35,000	146,914	10.3	111,914	7.8	111,914
37. Manganese ore, chemical B	SDT	35,000	100,838	7.1	65,838	4.6	65,838
38. Manganese, metallurgical	SDT	4,000,000	9,931,589	367.1	5,985,214	179.0	5,985,214
39. Mercury	FL	126,500	200,105	56.0	[4] 73,605	20.1	0
40. Mica, muscovite block st/better	LB	6,000,000	11,932,674	43.7	[11] 5,173,174	13.6	5,173,174
41. Mica, muscovite film, 1 and 2 quality	LB	2,000,000	1,469,166	16.5	640	0	640
42. Mica, muscovite splittings	LB	19,000,000	35,300,439	42.1	16,300,439	19.3	16,068,806
43. Mica, phlogopite block	LB	150,000	153,519	.05	137,217	.03	137.217
44. Mica, phlogopite splittings	LB	950,000	4,307,294	5.2	3,357,294	4.0	3,357,022
45. Molybdenum	LB	0	42,597,968	76.9	[12] 42,597,968	76.9	6,085,603
46. Nickel	ST	0	0	0	0	0	0
47. Opium	AvLB	143,000	141,602	19.3	88	.009	0
48. Platinum group, iridium	TrOz	17,000	17,176	2.6	184	.03	184
49. Platinum group, palladium	TrOz	1,300,000	1,254,994	85.3	0	0	0
50. Platinum group, platinum	TrOz	555,000	452,645	58.8	0	0	0
51. Pyrethrum	LB	63,375	0	0	0	0	0
52. Quartz crystals	LB	320,000	4,659,240	50.6	4,339,240	46.9	4,338,77
53. Quinidine	OZ	2,000,000	1,800,377	4.9	0	0	0
54. Quinine	OZ	4,130,000	3,548,161	7.2	0	0	0
55. Rubber	LT	200,000	255,982	126.1	55,982	27.6	55,982
56. Rutile	SDT	100,000	56,525	9.9	0	0	0
57. Sapphire and ruby	KT	18,000,000	16,305,502	.2	0	0	0
58. Shellac	LB	1,000,000	2,826,222	1.6	1,826,222	1.0	1,826,222
59. Silicon carbide, crude	ST	30,000	196,453	38.1	[7] 166,453	32.3	0
60. Silver (fine)	TrOz	139,500,000	139,500,000	284.8	0	0	0
61. Talc, steatite block and lump.	ST	200	1,180	.4	980	.3	980
62. Tantalum	LB	3,400,000	4,092,897	35.0	[13] 742,644	7.0	0
63. Thorium oxide	ST	40	[14] 40	.3	0	0	0
64. Tin	LT	232,000	250,523	1,001.7	18,523	74.1	18,505
65. Titanium sponge	ST	33,500	35,862	87.9	8,514	18.0	8,514
66. Tungsten	LB	60,000,000	129,409,483	457.2	69,410,300	242.5	69,410,300
67. Vanadium	ST	540	1,740	12.9	1,200	10.1	1,200
68. Vegetable tannin, chestnut	LT	9,500	24,630	8.1	15,130	5.0	15,130
69. Vegetable tannin, quebracho.	LT	50,600	183,459	58.1	132,859	42.1	132,859
70. Vegetable tannin, wattle	LT	9,500	31,443	10.2	21,943	7.1	21,943
71. Zinc	ST	560,000	905,546	326.0	345,546	124.4	345,546

[1] Total inventory consists of stockpile and nonstockpile grades and reflects uncommitted balance.
[2] Market values are estimated from prices at which similar materials are being traded; or in the absence of trading data, at an estimate of the price which would prevail in the market. Prices used are unadjusted for normal premiums and discounts relating to contained qualities or normal freight allowances. The market values fo not necessarily reflect the amount that would be realized at time of sale.
[3] Committed for sale but undelivered under long-term contracts.
[4] Disposal planning on balance of excess currently underway.
[5] Excess quantity includes 3,617 ST in beryllium copper master alloy and 3,160 ST in beryllium metal.
[6] Balance of excess deferred by the Congress.
[7] Excludes that quantity represented by tantalum contained in columbium minerals.
[8] Balance available due to rotation in order to prevent deterioration.
[9] Excludes 350,000 SDT credited to metallurgical fluorspar.
[10] Factory inspecting feasibility of reworking bearings to meet stockpile specifications.
[11] Excludes 759,500 LBS credited to mica, muscovite film.
[12] Balance of excess pending congressional approval.
[13] Material required in upgrading.
[14] Thorium nitrate credited as 40 ST thorium oxide, $300,000 market value.

Note: Abbreviations—FL, flask; KT, carat; LB, pound; LCT, long calcined ton; LDT, long dry ton; LT, long ton; OZ ounce; PC, piece; SDT, short dry tons; ST short ton; TrOz, troy ounce.

Question 17. How much does it cost to maintain each of these stockpiles?

Answer. Attached is a table showing the costs for storage and maintenance of each material in stockpile for fiscal year 1972 and total cost for each stockpile.

REPORT OF STORAGE COST BY PROGRAM AND COMMODITY, FISCAL YEAR 1972

Commodity	SCM	Supplemental	DPA
Aluminum	$121,201		$50,110
Aluminum oxide, abrasive grain		$3,695	
Aluminum oxide, fused, crude	4,105	27,961	
Antimony	19,759	17,612	
Asbestos	93,440	427,094	1,545
Bauxite	258,047	96,194	1
Beryl	5,453	5,745	
Bismuth	769	1,478	
Cadmium	5,818	8,027	
Castor oil	15,000		
Celestite	2,273	1,903	
Chromite	315,316	125,913	100
Cobalt	64,212	928	2,219
Colemanite		3,621	
Columbite	12,554	618	9,868
Copper	60,398	1,558	
Cordage fiber	633,882		
Feathers and down	59,007		
Fluorspar	34,528	31,839	
Graphite	150,944	12,994	
Iodine	6,418	10,978	
Kyanite	4,548		
Lead	98,078	29,925	
Magnesium	65,656		
Manganese	161,935	139,542	39,916
Mercury	14,456	1,252	
Mica	128,135	20,881	14,411
Molybdenum	77,629		
Nickel	44,083		240
Opium	225		
Pyrethrum	$78		
Quartz	17,050	$829	
Quinidine	1,082		
Quinine	3,004		
Rare earths	56,090	23,759	
Rubber	1,203,570		
Rutile	15,497	9,568	$30,700
Sebacic acid	17,032		
Selenium	317	1,233	
Shellac	24,864		
Silicon carbide	21,380	43,539	
Sperm oil	31,806		
Talc	5,903		
Tantalite	3,924	5	923
Tin	69,884	2,120	
Titanium	13,887	20,878	60,938
Tungsten	182,710	8,542	27,681
Vanadium	22,985		
Vegetable tannin extracts	866,833		
Zinc	60,214	20,823	
Zirconium ore	2,193		
Vault [1]	52,329		
Grand total	5,150,501	1,101,054	238,652
OTHER			
Machine tools inventories: National Industrial Reserve Act	419,588		

[1] Cost of vault storage of diamond, jewel bearings, iridium, palladium, platinum, sapphire and ruby, etc., for the national stockpile and the supplemental stockpile. Breakdown by inventory not available.

Note: Cost of storage figures include: (1) cost of operation and maintenance of General Services Administration storage depots, (2) reimbursement to the Department of Defense for storage at military facilities, and (3) storage cost of commercial warehouses, plantsite locations, and miscellaneous leased sites. They exclude handling costs involved in delivery, rotation, removal, etc., of materials.

Question 18. What is the annual consumption of chrome, nickel, asbestos, and beryllium for military purposes?

Answer. Firm military consumption statistics are available only for nickel and nickel alloys, but not for the other materials. In 1971, 17,299,000 pounds of nickel were shipped against military orders. Total shipments of nickel in the same period were 253,499,000 pounds. Therefore, military orders accounted for approximately 7 percent of total nickel shipments.

It is estimated that military orders for beryllium in 1971 required 270,000 pounds out of total shipments from the industry of 2,282,000 pounds. These military shipments thus approximated about 12 percent of total beryllium shipments.

In 1971, it is estimated that 8,070 short tons of asbestos were shipped against military orders. This was a little over 1 percent of total U.S. consumption of 759,000 short tons.

Military consumption of metallurgical chromite is difficult to estimate because the use of chromite in stainless steel is an indirect use. However, it is estimated that military requirements for metallurgical grade chromite were 6,436 short tons. This represents about 0.9 percent of total U.S. consumption of 720,000 short tons in 1971.

Question 19. What is the annual consumption of each of the commodities for military and domestic purposes?

Answer. See table on opposite page.

Total U.S. consumption for each of these commodities is shown below

Commodity	*1971 consumption (short tons)*
Metallurgical grade chromite	720,000
Refractory grade chromite	193,000
Chemical grade chromite	180,000
Nickel	129,000
Asbestos	759,000
Beryllium	[1] 10,400

[1] Preliminary. Represents consumption of beryl containing 11 percent beryllium oxide.

Source: Preprints from the 1971 Bureau of Mines Minerals Yearbook.

Question 20. How long will present stocks of each of the 72 strategic commodities last at the current rate of consumption?

Answer. See table below.

STOCKPILE INVENTORY AS RELATED TO U.S. CONSUMPTION, DEC. 31, 1972

Commodity	Unit	Total inventory	Approximate months U.S. consumption
1. Aluminum	ST	1,269,138	3.0
2. Aluminum oxide, fused	ST	420,585	26.0
3. Antimony	ST	46,676	16.0
4. Asbestos, amosite	ST	58,084	70.0
5. Asbestos, chrysotile	ST	11,846	.2
6. Bauxite, metal, Jamaica	LDT	8,858,881	12.0
7. Bauxite, metal, Surinam	LDT	5,300,000	13.0
8. Bauxite, refractory	LCT	173,000	6.0
9. Beryl	ST	37,582	17.0
10. Bismuth	LB	2,101,061	11.0
11. Cadmium	LB	9,213,358	9.0
12. Castor oil	LB	22,643,709	2.0
13. Chromite, chemical	SDT	568,853	39.0
14. Chromite, metallurgical	SDT	[1] 4,429,508	73.0
15. Chromite, refractory	SDT	1,162,201	83.0
16. Chromium metal	ST	8,012	25.0
17. Cobalt	LB	68,175,127	63.0
18. Columbium	LB	7,317,646	25.0
19. Copper	ST	258,659	1.0
20. Cordage fibers, abaca	LB	33,389,007	6.0
21. Cordage fibers, sisal	LB	113,298,897	4.0
22. Diamond dies, small	PC	25,473	23.0
23. Diamond, industrial bort	KT	41,316,479	33.0
24. Diamond, industrial stones	KT	23,401,634	59.0
25. Feathers and down	LB	2,780,608	56.0
26. Fluorspar, acid grade	SDT	890,000	15.0
27. Fluorspar, metallurgical	SDT	411,788	11.0
28. Graphite, natural, Ceylon	ST	5,499	23.0
29. Graphite, natural, Malagasy	ST	18,023	21.0
30. Graphite, other	ST	2,800	1.0
31. Iodine	LB	8,011,814	13.0
32. Jewel bearings	PC	61,043,883	8.0
33. Lead	ST	1,077,615	9.0
34. Manganese, battery, natural	SDT	308,350	123.0
35. Manganese, battery, syn. diox	SDT	15,758	13.0
36. Manganese ore, chem. A	SDT	146,914	50.0
37. Manganese ore, chem. B	SDT	100,838	34.0
38. Manganese, metallurgical	SDT	9,931,589	59.0
39. Mercury	FL	200,105	46.0
40. Mica, Muscovite block st/better	LB	11,932,674	119.0
41. Mica, Muscovite film, 1st and 2d quality	LB	1,469,166	1,175.0
42. Mica, Muscovite splittings	LB	35,300,439	103.0
43. Mica, phlogopite block	LB	153,519	26.0
44. Mica, phlogopite splittings	LB	4,307,294	574.0
45. Molybdenum	LB	42,597,968	9.0
46. Nickel	ST	0	0.0
47. Opium	AvLB	141,602	5.0
48. Platinum group, iridium	TrOz	17,176	4.0
49. Platinum group, palladium	TrOz	1,254,994	19.0
50. Platinum group, platinum	TrOz	452,645	10.0
51. Pyrethrum	LB	0	6.0
52. Quartz crystals	LB	4,659,240	43.0
53. Quinidine	OZ	1,800,377	14.0

STOCKPILE INVENTORY AS RELATED TO U.S. CONSUMPTION, DEC. 31, 1972—Continued

Commodity	Unit	Total inventory	Approximate months U.S. consumption
54. Quinine	OZ	3,548,161	2.0
55. Rubber	LT	255,982	5.0
56. Rutile	SDT	56,525	4.0
57. Sapphire and ruby	KT	16,305,502	.3
58. Shellac	LB	2,826,222	1.0
59. Silicon carbide, crude	ST	196,453	16.0
60. Silver (fine)	TrOz	139,500,000	12.0
61. Talc, steatite block and lump	ST	1,180	264.0
62. Tantalum	LB	4,092,897	14.0
63. Thorium oxide	ST	40	4.0
64. Tin	LT	250,523	55.0
65. Titanium sponge	ST	35,862	32.0
66. Tungsten	LB	129,409,483	119.0
67. Vanadium	ST	1,740	4.0
68. Vegetable tannin, chestnut	LT	24,630	40.0
69. Vegetable tannin, Quebracho	LT	183,459	71.0
70. Vegetable tannin, wattle	LT	31,443	26.0
71. Zinc	ST	905,546	9.0

[1] Does not include subspecification material stored at NYE, Montana.

Question 21. How long will present stocks of each of the 72 strategic commodities last for purely military purposes?

Answer. The military requirements are classified, but they are included in the totals.

Question 22. In your contingency planning, what length of emergency do you plan for?

Answer. In 1958, the President approved a recommendation by the Joint Chiefs of Staff, tbat the stockpile program support a 3-year war rather than a 5-year war. The length of this assumed mobilization period was consistent with the 3-year planning base established by the Defense Department.

Because our economy and technology are dynamic, our capability to find substitutes for scarce materials is far greater today than in the past. We are now able to meet defense requirements for materials during possible major conflicts without imposing an excessive burden on the economy or relying on an enormous stockpile, as was once necessary.

After a careful and searching review of the current stockpile, the President approved new guidelines that would tailor the kind and quantity of materials in the stockpile to the national security needs of the 1970's. The new stockpile is substantially reduced, but contains the critical materials that we need in quantities fully adequate for our national security requirements.

The new guidelines would provide the needed commodities to cover material requirements for the first year of a major conflict in Europe and Asia. In the event of a longer conflict, these 12 months would give sufficient time to mobilize so that we could sustain the defense effort as long as necessary without placing an intolerable burden on the economy or the civilian population.

Question 23. Do you estimate for military purposes only; or for full current consumption; or for military and reduced domestic consumption? Please specify the full criteria.

Answer. Requirements estimates for the stockpile are based on specific military, defense industrial supporting, essential civilian and export requirements. In making these requirements estimates, output of consumer durable goods was cut back to a limited extent after the first year of an emergency. Substitution of other less critical materials was used wherever it had been found practical by industry in previous war emergencies (i.e., Korean war).

Question 24. On what date were each of the 72 commodities determined to be "strategic"?

Answer. See table below.

Commodity:	*Date of establishment of 1st stockpile objective*
1. Aluminum	Nov. 17, 1949
2. Aluminum oxide, fused	July 10, 1952
3. Antimony	Nov. 20, 1944
4. Asbestos, amosite	Nov. 20, 1944
5. Asbestos, chrysotile	Nov. 20, 1944
6. Bauxite, metal, Jamaica	Aug. 3, 1954

Commodity—Continued	*Date of establishment of 1st stockpile objective*
7. Bauxite, metal, Surinam	Nov. 20, 1944
8. Bauxite, refractory	Oct. 26, 1950
9. Beryl	Nov. 20, 1944
10. Bismuth	Nov. 20, 1944
11. Cadmium	Nov. 20, 1944
12. Castor oil	Nov. 20, 1944
13. Chromite, chemical	Nov. 20, 1944
14. Chromite, metallurgical	Mar. 7, 1949
15. Chromite, refractory	Mar. 7, 1949
16. Chromium metal (had previously been subobjective of metallurgical chromite)	Nov. 20, 1944
17. Cobalt	Nov. 20, 1944
18. Columbium	June 9, 1971
19. Copper	Nov. 20, 1944
20. Cordage fibers, abaca	Nov. 20, 1944
21. Cordage fibers, sisal	Nov. 20, 1944
22. Diamond dies, small	Oct. 23, 1956
23. Diamond, industrial—bort	Nov. 20, 1944
24. Diamond, industrial—stones	Nov. 20, 1944
25. Feathers and down	Aug. 31, 1950
26. Fluorspar, acid	Nov. 9, 1950
27. Fluorspar, metallurgical	Nov. 9, 1950
28. Graphite, natural, Ceylon	Nov. 20, 1944
29. Graphite, natural, Malagasy	Nov. 20, 1944
30. Graphite, other	Nov. 20, 1944
31. Iodine	Nov. 20, 1944
32. Jewel bearings	Nov. 20, 1944
33. Lead	Nov. 20, 1944
34. Manganese, battery, natural	Nov. 20, 1944
35. Manganese, battery, synthetic dioxide	Oct. 26, 1954
36. Manganese, chemical, A	Jan. 26, 1950
37. Manganese, chemical, B	June 19, 1952
38. Manganese, metallurgical	Nov. 20, 1944
39. Mercury	Nov. 20, 1944
40. Mica, muscovite block, St./Better	Nov. 20, 1944
41. Mica, muscovite film, 1 and 2	Nov. 20, 1944
42. Mica, muscovite splittings	Nov. 20, 1944
43. Mica, phlogopite block	Dec. 27, 1960
44. Mica, phlogopite splittings	Nov. 20, 1944
45. Molybdenum	Aug. 10, 1950
46. Nickel	Nov. 20, 1944
47. Opium	Nov. 20, 1944
48. Platinum group, iridium	Nov. 20, 1944
49. Platinum group, palladium	May 16, 1956
50. Platinum group, platinum	Nov. 20, 1944
51. Pyrethrum	Nov. 20, 1944
52. Quartz crystals	Nov. 20, 1944
53. Quinidine	Nov. 20, 1944
54. Quinine	Nov. 20, 1944
55. Rubber	Feb. 7, 1944
56. Rutile	Nov. 20, 1944
57. Sapphire and ruby	Nov. 20, 1944
58. Shellac	Nov. 20, 1944
59. Silicon carbide	Jan. 18, 1955
60. Silver	June 3, 1965
61. Sperm oil	Nov. 20, 1944
62. Talc, steatite block and lump	Nov. 20, 1944
63. Tantalum	Nov. 20, 1944
64. Thorium oxide	Mar. 13, 1964
65. Tin	Nov. 20, 1944
66. Titanium sponge	June 22, 1954
67. Tungsten	Nov. 20, 1944
68. Vanadium	Nov. 20, 1944
69. Vegetable tannin, chestnut	Feb. 1, 1951
70. Vegetable tannin, quebracho	Nov. 20, 1944
71. Vegetable tannin, wattle	Feb. 1, 1951
72. Zinc	Nov. 20, 1944

Question 25. What proportion of current Rhodesian exports of chrome, nickel, asbestos, and beryllium is currently coming to the United States?

Answer. Data on exports from Rhodesia are not available. The quantity of those materials imported in the United States from Rhodesia in 1972 are as follows:

Chrome ore (short tons)	92,000
Ferrochromes (short tons)	19,087
Nickel (pounds)	3,602,886
Asbestos (short tons)	200
Beryllium (ore) (pounds)	130,696

Source: Bureau of the Census.

Question 26. What action has been taken to review the classification of commodities imported from Rhodesia as "strategic," as a means of avoiding illegal action in permitting these imports contrary to our treaty obligations?

Answer. Materials on the strategic and critical list are examined at regular intervals. The last examination of chromite revealed that it is still critical to defense production and should be on the list.

Mr. GROSS. I might have a few hundred questions to ask Mr. Yost and Mr. Lockwood. I don't know whether I will or not.

Mr. FRASER. We would be glad to incorporate them, I am sure. I understand you are under a time restraint, Mr. Ambassador.

Mr. YOST. Yes, I am.

Mr. FRASER. Do you have a few more minutes?

Mr. YOST. Five or ten, yes.

Mr. FRASER. If the remaining members have a question for Mr. Yost, why don't you go ahead?

Mr. CULVER. Thank you, Mr. Chairman.

We are delighted to welcome you here today, Mr. Ambassador. I just sent a note to Mr. Gross and indicated that, as a fellow Presbyterian from Iowa, I am concerned with his questioning of Mr. Lockwood. I think I will have to pay him a house call, or invite him to Sunday vespers at the Chevy Chase Presbyterian Church.

Mr. Yost, the administration said last year that the majority of the members of the Security Council had violated U.N. sanctions. Could you tell us the names of the most flagrant violators?

Mr. YOST. Congressman, I, of course, have been out, as you know, for the last couple of years, so I have not been in a position to follow the details of this matter. There certainly have been substantial violations, primarily by South Africa and Portugal which, of course, have not been members of the Security Council. I would not have said the majority of the members of the Security Council have violated sanctions.

There has been, as you know, a sanctions committee established by the Security Council which has gone in very carefully to all reported or alleged violations. Some it has been able to pinpoint. The results of the investigation have been reported to the governments in question. In other cases, it has been impossible to follow through the indirect channels just where and how a violation may have occurred.

But I would have thought that the observance of the sanctions by the vast majority of countries has been reasonably good. Some have undoubtedly violated them unwittingly because they have obtained goods of Rhodesian origin through third countries without being aware of from where they came. Others no doubt have closed their eyes to this.

As I said in my statement, I know of no way of dealing with this matter effectively except by continuing to endeavor to improve enforcement. It is like any law, national or international; if one could find an effective means of dealing with the Portuguese and South African side of it, I think the sanctions could be effective. Until one does that there are bound to be serious loopholes.

Mr. CULVER. Last June our committee was told, in order to make sanctions more effective, the United States would have to be willing to embarrass some of our friends about the evasions that have taken place. I can full well appreciate the political problems implicit in the United States unilaterally assuming the policing responsibility within the United Nations framework. This leads me to the question of how adequate is the monitoring machinery that is currently established within the United Nations to both police sanctions and appropriately publicize their violations so as to use world opinion pressures to insure a greater degree of compliance.

Mr. YOST. I know of almost no enforcement procedures that could not be improved. I am sure these could be. The sanctions committee, like all United Nations agencies, has to operate with the consent and cooperation of governments. Only to the extent that it can obtain that, can it get the facts. Sometimes it gets good cooperation occasionally it does not. It obviously does not get any helpful cooperation from South Africa and Portugal, which are the main channels for these violations.

Mr. CULVER. How much publicity is given to their findings, assuming a particular violation is brought to their attention? What are the subsequent procedural steps which promote more effective discipline? Is there anything done other than the filing of a report that gets lost on dusty shelves after a perfuctory general report, or is there a more aggressive followon in terms of enforcement?

Mr. YOST. I cannot give you an up-to-date answer on that. I know in the past there have been occasional press releases and statements on the findings of the sanctions committee. Whether they have been doing this recently, I am not sure. But I am certain it could be done more aggressively if the Security Council should wish to publicize more actively the results of the investigations of this committee. That could be done.

We, ourselves, the United States, could play more of a part in this if it wished to; obviously under present circumstances we would be in a difficult position to do so.

Mr. CULVER. Thank you.

Mr. FRASER. Mr. Ambassador, you may leave whenever you need to. Thanks very much for your appearance today.

Mr. BIESTER. People have been leaving in the middle of my remarks for years, Mr. Ambassador.

Mr. YOST. I wish I could wait.

Mr. BIESTER. I want to say that my affiliation with the Dutch Reformed Church does not mean I endorse their policies in South Africa.

I would like to ask Mr. Lawrence some questions about the Byrd amendment. There are certain facts in it I would like to underscore with you, and perhaps explore in some more detail.

On page 2 of your statement you noted that there has been a decline which amounts to almost 35 percent from 1,405,000 tons in 1970 to approximately 800,000 tons in 1972.

Mr. LAWRENCE. I corrected that figure. I reduced the figure to 912,000.

Mr. BIESTER. The reduction has only been 500,000 tons and not the 600,000 or 700,000 tons mentioned?

Mr. LAWRENCE. That is right.

Mr. BIESTER. But still there has been a significant reduction?

Mr. LAWRENCE. Yes, this is true. It is due primarily to the elimination of several ferrochrome plants in the United States. This is due mainly to the fact that they cannot meet the antipollution laws in the States in which they are located.

Mr. BIESTER. The importation has gone up from about 17 percent to 40 percent in the same period; am I correct?

Mr. LAWRENCE. That is right.

Mr. BIESTER. I checked the Minerals Yearbook, Bureau of Mines figures for 1970 on short-ton production of chrome. I am wondering if the countries mentioned in this list are actual producers of the ore or whether they treat the ore into some form of finished product.

Mr. LAWRENCE. No, this is the point I wish to bring out. Of the 20 countries which shipped ferrochrome and chromium metal in 1972 to the United States, only four of these countries have any chromite within their borders. They are bound to be importing chrome from somewhere, but where I could not tell you.

Mr. BIESTER. In 1970, apparently, Albania produced 5,000 short tons of chrome.

Mr. LAWRENCE. That is right.

Mr. BIESTER. How much could they have mined in Albania?

Mr. LAWRENCE. I don't think Albania has any substantial deposits of chromite in its country.

Mr. BIESTER. Going down the list, actually, India produced almost 300,000 tons in 1970. Do they have mines, chrome mines?

Mr. LAWRENCE. Some, although I believe most of it is chemical grade chromite. Chromite ores are mined in the Philippines. The Philippines do not produce metallurgical-grade chrome. It is refractory chrome.

Mr. BIESTER. Is there ore in the Sudan?

Mr. LAWRENCE. Very small deposits.

Mr. BIESTER. How about Nigeria?

Mr. LAWRENCE. None that I know of.

Mr. BIESTER. As I understand it from your testimony, as of December 31, 1972, we had stockpiled some 5,331,000 short dry tons of chrome ore equivalent; is that correct?

Mr. LAWRENCE. That is correct.

Mr. BIESTER. I take it that was approximately 2,230,000 short dry tons too much.

Mr. LAWRENCE. That is right.

Mr. BIESTER. In your opinion?

Mr. LAWRENCE. That is right.

Mr. BIESTER. How were these criteria set as to how much stockpile we need?

Mr. LAWRENCE. We base it on a formula which currently is a 3-year emergency. We then estimate, as I indicated, those countries which the National Security Council indicates to us would be accessible in wartime. From them we estimate the normal imports that we receive of material from that country.

We estimate the requirements, including the escalated military requirements in the emergency period based on a formula using the gross national product, because the stockpile covers the entire economy: Essential civilian, essential industrial, and military needs. The objective is the difference between the estimated requirements and the estimated supplies.

Mr. BIESTER. Isn't that a conservatively set figure? Are you prudent in that, to be sure you have enough scheduled in that figure?

Mr. LAWRENCE. I think we do. In fact, in view of the declining use of chromite ore in the United States, I suspect we may have too much.

Mr. BIESTER. We had too much by 2 million tons. Are you suggesting maybe the figure 3 million may be too much?

Mr. LAWRENCE. That is right.

Mr. BIESTER. At the time of the adoption of the Byrd amendment, we were in the process of reducing our use of chromite ore?

Mr. LAWRENCE. That is right.

Mr. BIESTER. And had accumulated a stockpile which was almost twice as large as we really needed?

Mr. LAWRENCE. That is right.

Mr. BIESTER. Is that correct?

Mr. LAWRENCE. That is correct.

Mr. BIESTER. In your opinion, would there be any basis for the proposition argued with respect to the Byrd amendment that we needed to provide for importation of chrome to protect national security?

Mr. LAWRENCE. No.

Mr. BIESTER. I have a question for Mr. Lockwood.

You offered the figure of, I think, 39,000 swimming pools in Rhodesia. Is that 3,900 or 39,000?

Mr. LOCKWOOD. 39,000.

Mr. BIESTER. How many white families are there?

Mr. LOCKWOOD. This is a survey of urban white Rhodesians. According to this survey, there are about 180,000 whites.

Mr. BIESTER. That is not families, though?

Mr. LOCKWOOD. The article speaks for itself.

Mr. BIESTER. It sounds like one pool per family.

Mr. LOCKWOOD. "Swimming pools among Rhodesia's whites have risen from 26,000 in 1970 to 39,000; hi-fi sets from 29,000 to 69,000."

Mr. BIESTER. I want to stay on pools for a minute.

Mr. LOCKWOOD. OK. Some 47,000 lived in households with a monthly income of R690 a month; another 61,000 were in households with earnings of R460 to R490.

If you take 26 percent being equivalent to 47,000, you end up with a figure of 180,000.

Mr. BIESTER. There are only 250,000 whites in Rhodesia.

Mr. LOCKWOOD. Right.

Mr. BIESTER. Therefore, if there are 39,000 pools, it comes pretty close to one pool per family.

He then left Government service and went into the 1972 campaign, where, to the best of my knowledge, he was a very fine figurehead, but not really a vital force in the election.

I am coming to the point that could not his presence in Rhodesia have been overexaggerated by the Smith regime, seizing an opportunity to take a prominent American, whose value or leverage in our Government they then exaggerated?

Is my point at all logical, Mr. Secretary?

Mr. NEWSOM. Well, I think taking due note that some of your comments are outside of the immediate scope of the executive department and the State Department——

Mr. DERWINSKI. And keeping in mind that you are a diplomat too.

Mr. NEWSOM. One thing that is very much of an element in the whole southern African picture is that the governments and such regimes as that in Rhodesia are looking for opportunities to suggest their acceptability, if you will, and to suggest that the general line of restraint which we in the U.S. Government have sought to carry out with respect to them may not necessarily be universally approved in the United States.

I think any visitor who shows sympathy for their point of view undoubtedly is welcomed and, if you will, taken note of with this particular problem in mind.

Mr. DERWINSKI. Mr. Chairman, when we have someone as important as the Secretary, and in a case like this, I am tempted to touch on one other subject. Are we limited merely to the Rhodesian question or may I raise one other point?

Mr. DIGGS. It is your time.

Mr. DERWINSKI. I have been very concerned with the complications in Uganda, the adverse effect on the economy and the adverse effect on the people there as a result of the deportation of the Indian population.

Can you give us a capsule commentary on the economic situation that prevails there at the present time?

Mr. NEWSOM. Well, there is no doubt but what the very sudden departure of a group of people who represented the, if you will, the middle level commercial and economic community of Uganda has had an impact on the economy and a certain slowing down of some of the normal trade and commercial patterns.

Without commenting on the Ugandan picture, generally, I think that President Amin is seeking to fill this gap by the rapid introduction into the commercial life of Ugandan citizens.

He has distributed a number of the Asian businesses to Ugandans, many of them from the army, others in government service, and is trying to recreate an African economic community that will take the place of the Asians. This, inevitably, is going to take some time.

Mr. DERWINSKI. Thank you, Mr. Chairman.

Mr. DIGGS. Chairman Fraser?

Mr. FRASER. Thank you, Mr. Chairman.

Mr. Secretary, the closing of the Zambian border could be construed as moving into greater compliance with the U.N. sanctions.

Mr. NEWSOM. On Zambia's part.

Mr. FRASER. Yes. As I recall, when the sanctions were initially imposed, Zambia was given at least an implied exception because it

Mr. LOCKWOOD. That is pretty close. It is better off with regard to swimming pools than Beverly Hills, Calif., and that is saying quite a lot.

Mr. BIESTER. Thank you.

Mr. FRASER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

Mr. Lockwood, I might have misunderstood, but when the chairman introduced you, or you introduced yourself, did you say you represented several organizations?

Mr. LOCKWOOD. I am responsible to a steering committee of six people who are representatives of six different organizations.

Mr. WINN. Those six different organizations make up what?

Mr. LOCKWOOD. They make up the organization. It is a coalition.

Mr. WINN. Do you represent any other organizations?

Mr. LOCKWOOD. No.

Mr. WINN. This is your sole business?

Mr. LOCKWOOD. Yes.

Mr. WINN. You are not what we call a lobbyist?

Mr. LOCKWOOD. No. I do not do other kinds of attempts to influence legislation.

Mr. WINN. I was a little confused on that, and I wanted to clarify it in my own mind.

Mr. Hennessy, on page 3, you referred to an import embargo on North Vietnam. I just wondered, in your opinion, or could you tell us, is the embargo likely to be lifted very soon?

Mr. HENNESSY. That is a decision which will not be made in the Treasury Department. So I just don't know. I just cannot say.

Mr. WINN. Would the Treasury Department have some input on that decision?

Mr. HENNESSY. I think that is primarily a decision which would probably be made in the White House with the National Security Council and the State Department advising on that. We are in the enforcement end of this particular problem.

Mr. WINN. I understood you to say that several times today, but you referred to the embargo, and I thought maybe you had some information that might be helpful to this committee of whether that embargo might be lifted soon.

Mr. HENNESSY. I do not, sir.

Mr. WINN. How does the price and the quality of Rhodesian chrome compare with chrome purchased from the other countries?

Mr. HENNESSY. Probably Mr. Lawrence knows more about that than I do.

Mr. LAWRENCE. Russian ore has the highest chromite content of any ore in the world, running anywhere from 46 to 56 percent. The chromite from Rhodesia is usually in the neighborhood of 48 to 52 percent; some is 54. Both materials are suitable for making any form of ferrochrome that is needed by any steel industry anywhere in the world.

In other words, the chromite content permits only a slightly cheaper conversion when you are going in ferrochrome because you don't have to beef it up with higher grade material.

Mr. WINN. Does our country have requirements? You are talking about percentages, I gather. You say that either of those two meet the requirements?

Mr. LAWRENCE. No. We have a stockpile specification which states that anything in our metallurgical grade stockpile can run from 48 to 54 percent. Our chemical grade chromite runs from around 44 to 46, and the refractory grade is lower.

Mr. WINN. Is there any other substitute that might be acceptable to the steel needs around the world?

Mr. LAWRENCE. For chromite?

Mr. WINN. Yes.

Mr. LAWRENCE. The chromite is almost an essential element for making stainless steel. I don't know of any substitute.

Mr. WINN. Do either of you two gentlemen? It is probably not in your field.

Mr. HENNESSY. It is outside my area.

Mr. LOCKWOOD. I think there is a possibility of using titanium, but I think it increases the cost.

Mr. WINN. Probably this would be Mr. Hennessy, but any of you, again, if you care to answer. I think one of you started on this before.

What country is the largest single purchaser of chrome from Rhodesia?

Mr. HENNESSY. I believe South Africa is the largest purchaser.

Mr. LOCKWOOD. That is absolutely correct.

Mr. WINN. Thank you very much, Mr. Chairman.

Mr. GROSS. Would the gentleman yield?

Mr. WINN. Yes, sir.

Mr. GROSS. Is it not true that the British were the largest purchasers of Rhodesian chrome before the sanctions?

Mr. LAWRENCE. I think the majority of it has always gone to South Africa. South Africa had ferrochrome plants, and they don't have as high-grade ore as Rhodesia, so South Africa has been the principal customer over the years.

Mr. GROSS. Do you know how much chrome has found its way from Rhodesia through second, third, fourth, and perhaps fifth parties to Britain since the sanctions?

Mr. LAWRENCE. I don't know. There has been a lot of speculation about it over the years, but there has never been any way found to determine it.

Mr. GROSS. That is about right, but it is common knowledge that Britain is getting chrome from Rhodesia through other parties.

Mr. LAWRENCE. I couldn't say yes or no to that, sir. I don't know.

Mr. GROSS. Is there any chrome produced in Uganda?

Mr. LAWRENCE. Not to my knowledge.

Mr. GROSS. Is it not true, or do you know, Mr. Lawrence, or Mr. Hennessy, is it not true that before the sanctions were applied, we had for a good many years a favorable balance of trade with Rhodesia?

Mr. LAWRENCE. This is true.

Mr. GROSS. And that can't be said for very many other countries around the world; is that not true?

Mr. LAWRENCE. I would say that is true, yes.

Mr. GROSS. Thank you.

Mr. FRASER. Mr. Biester.

Mr. BIESTER. I wonder if I could spend 2 minutes on nickel, if I might. I believe you said in the criteria by which you establish stockpile requirements, you consider the availability of the resource from a foreign source in the event of war.

Mr. LAWRENCE. That is right.

Mr. BIESTER. I take it also from what someone said here earlier that as a result of the Byrd amendment, we are importing less nickel from Canada and more nickel from Rhodesia; is that correct?

Mr. LAWRENCE. I don't think the amount of nickel we are getting from Rhodesia is a drop in the bucket.

Mr. BIESTER. Has it had any impact on the Canadian market at all?

Mr. LAWRENCE. I don't know that.

Mr. BIESTER. Thank you.

Mr. FRASER. Perhaps just if I could follow up that last question, Mr. Lawrence, since Canada has been a principal supplier of nickel, have we had to stockpile very much of it?

Mr. LAWRENCE. At one time we had 400 million pounds of nickel in the stockpile. Today we have none.

Mr. FRASER. We have none?

Mr. LAWRENCE. No. We sold the remaining 77 million pounds to the mint about 2 months ago.

Mr. FRASER. How does that continue to be on the critical materials list?

Mr. LAWRENCE. Any items on the list are those items which are important in defense production. They don't necessarily have to be in the stockpile itself.

Mr. FRASER. What is the purpose of the list if they are not stockpiled?

Mr. LAWRENCE. The list is composed of items which are important in defense production. This is the main criterion for establishing it.

Mr. FRASER. Why have it on the list if it has no practical policy consequences for our Government?

Mr. LAWRENCE. Nickel is an item, for example, which is highly critical in production of military items.

Mr. FRASER. I know, but we don't do anything about that fact in terms of stockpiling or anything else, apparently.

Mr. LAWRENCE. It was only recently taken out of the stockpile, but we didn't take it off the list because of its criticality for military production.

Mr. FRASER. But do you understand the problem I have in understanding what you are saying? You are saying that we leave it on the list because it is important to defense, but the fact that it is on the list has no consequences.

Mr. LAWRENCE. As far as stockpiling is concerned. Since it is on the list, it is kept under constant surveillance so we will be sure we will have it available in sufficient supply.

Mr. FRASER. In other words, there may be a change in the marketing conditions.

Mr. LAWRENCE. That is right, and we would go back to stockpiling it.

Mr. FRASER. Mr. Winn.

Mr. WINN. You mentioned an amount of tons that we sold, I believe you said, to Japan.

Mr. LAWRENCE. No. To the U.S. Mint for coinage purposes.

Mr. WINN. How recently did we make that decision to sell, as I understand, all of the nickel we had in storage?

Mr. LAWRENCE. We had 77 million pounds remaining in inventory. We sold it to the mint and they paid for it about 2 months ago.

Mr. WINN. Thank you.

Mr. FRASER. Mr. Lawrence, you also said that one of the reasons that U.S. producers of ferrochrome are going out of business was that they could not comply with the pollution requirements.

Mr. LAWRENCE. The expense of improving their plants so that they can comply with the laws, it is almost prohibitive. Pollution controls for an average ferroalloy plant are estimated to cost between $10 and $25 million. I understand Union Carbide is planning to improve on their plant in Ashtabula or Marietta, Ohio, where they will make ferrochrome silicon. There is another plant in Charleston, S.C., which is probably the finest ferroalloy plant in the world, which complies with the pollution standards. Now, because of the low-priced imports, U.S. plants cannot compete if they comply with antipollution laws.

Mr. FRASER. I wanted to ask you about that, because in your statement on page 2 you say that even those countries producing ferrochrome which must import the chrome ore are able to undersell U.S. producers. In other words, from all 20 countries, or at least a large number of them, are we experiencing a supply that comes in at prices under the price which U.S.-produced ferrochrome can be sold?

Mr. LAWRENCE. That is correct. For example, Carbide, I noticed, raised their prices on ferrochromes in the last day or two because they have been losing so much money on that particular part of their ferroalloy business. Even so, they had done this in the face of the fact that you can get imported chromes as much as 2 cents a pound less.

Mr. FRASER. What has been the price behavior of chrome ore in the last several years?

Mr. LAWRENCE. The chrome ore has gone down with the advent of the Rhodesian chrome. The Russians, of course, as long as they had no competition to speak of other than Turkey and Iran, gouged for every nickel they could get. That is a profit motive we all understand. The additional tonnage from Rhodesia, I think, had a salutary effect on the Russian price. It went down and became more realistic again.

Mr. FRASER. What is it down to now?

Mr. LAWRENCE. As I say, I think the last price I have here is about $52 a ton, but that is about a 48 percent grade. I don't have a reference point on it.

Mr. FRASER. What was the high point?

Mr. LAWRENCE. It got up as high as $70 for 56 percent ore.

Mr. FRASER. Is the fact that we are a declining importer of chrome ore affecting the price?

Mr. LAWRENCE. This I could not say, because if the people are shipping in increasing quantities of ferrochrome, they will also ship ore, too, but I would not say it would have much effect on the price because the chrome is going to be consumed one way or the other. I would say that if you add it together, our chrome ore imports plus ferrochrome, you would find we are using in the neighborhood of 1,100,000 tons of chrome ore equivalent today, but we are not making the ferroalloys in this country.

In other words, steel production has recently recovered and is holding up well, and there is a good demand for chrome.

Mr. FRASER. That 1,100,000 has been around the figure that we have had for imports for some time.

Mr. LAWRENCE. That is right. It is a little lower than it was in 1970. It is not 1,100,000. In 1972 it was 1,055,430 tons of ore equivalent.

Mr. FRASER. What about Turkish production? Has that changed?

Mr. LAWRENCE. Turkish ore has been a problem. The turkish mines are being depleted. They have other bodies of ore which are owned by some of the wealthy families in Turkey which they have never opened up for some reason. The declining volume of ore from Turkey, I would say, is due to depletion of the ore bodies. It is not there to ship any more.

Mr. GROSS. That is a low-grade ore, isn't it?

Mr. LAWRENCE. No. The Turkish ore runs 44 to 48 percent.

Mr. FRASER. Lower than Rhodesian or Russian?

Mr. LAWRENCE. That is right.

Mr. FRASER. Mr. Hennessy, under the Byrd amendment, in order that it be invoked with respect to the import of materials, how do you interpret the language with respect to the question of whether the material must be embargoed from all Communist countries or merely from some?

Mr. HENNESSY. We interpret it as applying to all Communist countries.

Mr. FRASER. In other words, it must be embargoed as to all Communist countries in order to prevent its importation into the United States?

Mr. HENNESSY. From Rhodesia. In other words, if it was prohibited from all Communist countries, then it would also be prohibited from Rhodesia.

Mr. FRASER. If we permit it from one country——

Mr. HENNESSY. Then we will permit it from Rhodesia, too.

Mr. FRASER. Even though that country is not a producer?

Mr. HENNESSY. That is right; but I am not sure there is, in fact, such a case in any of these metals that here exist.

Mr. FRASER. I gather nickel is an insignificant item as far as the Soviet production is concerned, isn't it?

Mr. HENNESSY. I think Mr. Lawrence is the expert on that.

Mr. LAWRENCE. No, I don't believe so. There is a fairly good nickel ore body in Russia. This is one of the things that I think has the nickel-producing companies more disturbed than anything, the possibility that one of the deals that has been made by the Occidental Petroleum Co. with Russia involves 20,000 tons of Russian nickel coming into the United States.

Mr. FRASER. How would that relate to current imports of nickel?

Mr. LAWRENCE. The United States consumed 165,000 short tons of nickel in 1972—160,000 short tons of this amount was imported—90 percent from Canada.

Mr. FRASER. My understanding is that Canada has been the principal supplier of the United States.

Mr. LAWRENCE. This is true.

Mr. FRASER. And that the Soviet availability as a source has not been a significant factor.

Mr. LAWRENCE. Not up to now, no.

Mr. FRASER. So in that sense my statement was right—that the Soviet Union was not a significant factor in U.S. consumption.

Mr. HENNESSY. That is right. And we have not prohibited the importation from Russia or other Communist countries.

Mr. FRASER. The rationale was that we should not be dependent on a Communist source, but now nickel is adding $4 million to the economy of Rhodesia.

Mr. HENNESSY. I think there are different interpretations, and that is part of the legal case on the intention of the Byrd amendment. From our own point of view, it is quite clear that our interpretation on the nickel is that nickel is on the list. It is being imported from Russia and, therefore, the President cannot prohibit it from Rhodesia. Certainly in the Congress' wisdom, if it gave a reinterpretation of that, I think it would be taken into account by the executive branch.

Mr. FRASER. Thank you.

Mr. GROSS. Mr. Lawrence, I take it from what you said a few moments ago in answering Chairman Fraser's questions, that once the gouging ability of the Russians was broken, the consumers of chromite in this country got a price break.

Mr. LAWRENCE. That is right.

Mr. GROSS. Mr. Lockwood, you didn't count bathtubs in your swimming pool count, did you?

Mr. LOCKWOOD. No, but the survey counted paraffin stoves, which are flammable and very dangerous, and the major means by which African Rhodesians cook. There are 450,000 paraffin stoves by which they cook.

I was reporting what a market survey indicated was the wealth of white Rhodesians.

Mr. GROSS. You would not count rubber pools as a swimming pool, would you?

Mr. LOCKWOOD. I am talking about human misery, and I don't want to make jokes about it.

Mr. GROSS. I am sure you don't, any more than you want to make jokes about the litter that Congress puts out. I think you yourself probably questioned the statement you made with respect to littering the landscape with statements made by Members of Congress.

Mr. LOCKWOOD. I said the Byrd amendment was based on a tissue of deceit, and that is true.

Mr. GROSS. You can interpret it any way you want to. I am not going to ask you for it, but I wish you would submit to this committee, since you are here representing an organization about which I know nothing, I wish you would submit to the committee the amount of money you spend every year, your salary, and a few other things. I would like to know how you and your organization operates.

Mr. LOCKWOOD. I would be glad to do that.

Mr. FRASER. Any further questions?

Mr. LOCKWOOD. I would like to add one thing about the prices. Mr. Lawrence left an impression about the prices that I think he didn't mean to leave. It was that countries other than South Africa and Rhodesia can undercut American prices equally well. If you will look at the list of prices of imported ferrochrome, you will notice that the South Africans and Rhodesians really have led in the price cutting. That is due to the rather vigorous expansion of their ferrochrome capacity.

I think that the facts on the prices of Sweden, Norway, West Germany, and so on, can be seen if you look at it over the period of years I have listed, 1970 through 1972.

Mr. FRASER. Thank you very much for appearing here this afternoon. We are adjourned until February 28.

[Whereupon, at 4:20 p.m., the joint session adjourned, to reconvene Thursday, March 15, 1973.]

FUTURE DIRECTION OF U.S. POLICY TOWARD SOUTHERN RHODESIA

THURSDAY, MARCH 15, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
JOINT SESSION OF THE SUBCOMMITTEES ON AFRICA
AND ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS,
Washington, D.C.

The subcommittees met at 2:17 p.m., in room 2172, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. [chairman of the Subcommittee on Africa] presiding.

Mr. DIGGS. The joint subcommittees will come to order. In the course of these very enlightening hearings on the future directions of U.S. policy toward Rhodesia, a number of points have emerged very clearly. It is clear that while the State Department favors the repeal of the so-called Byrd amendment, there has not been the carry-through at the White House level.

We have here a clear-cut case of special interests dominating a major foreign policy issue. The chrome business lobbyists and other special interest with the encouragement of the questionable Rhodesian Information Office seem to have been making policy for the U.S. Government—a policy that causes the violation of U.S. treaty obligations in making the United States the only United Nations member to break sanctions openly, as a matter of deliberate Government policy.

The extent of the damage to the United States in the international forum is obvious to all of those who maintain communication with international opinion. This country has now replaced Britain as the country most frequently and bitterly criticized for betraying international efforts to eliminate racist minority rule in Rhodesia.

By the violation of international law in this case, the United States has shown a contempt for the whole concept of law and weakened the United Nations as an instrument for enforcing it. Even worse, we have eroded the confidence which any other country could have in our good faith on other international issues.

The attempt to force a hasty convention on the elimination of certain forms of terrorism at the last General Assembly, for example, was viewed by many delegations as a rather sour job. Many of them refused to take seriously any humanitarian legal proposal coming from a country which openly violated international law dealing with the human rights of the African majority in Rhodesia.

Our witness from the African National Council of Zimbabwe has made it quite clear to us that the illegal Rhodesian regime is one that maintains power through the use of police terror and systematic injustice.

With the passage of apartheid-style legislation in Rhodesia, it is becoming even more impossible to reach a just settlement, and the importance of maintaining the pressure through sanctions is obvious.

We are greatly honored to have with us today at our final hearing a distinguished witness with wide experience in domestic and international affairs, His Excellency, former Associate Justice of the U.S. Supreme Court and Ambassador to the United Nations, Arthur Goldberg.

It is also clear that the passage of the Byrd amendment had a regressive effect on the efforts of the British negotiators to force some concessions out of the Smith regime. It provided a major psychological boost to the regime, quite apart from the sizable amounts of crucial foreign exchange involved. As we heard, over $13 million worth of commodities was exported to the United States from Rhodesia under the Byrd amendment in 1972. Although the arguments were presented in terms of chrome ore, this commodity has not been imported in the last two quarters: Instead, we have seen ferrochrome, nickel, asbestos, and beryllium coming in. There was no mention of these other commodities in the course of discussion prior to the passage of the Byrd amendment. It appears in fact that nickel imports are so irrelevant to national security that the stockpile was recently sold to the Mint.

This question of national security and the promotion of employment in American industry forms a vital link in the chain of reasoning on this question. The chrome interests argued originally that the U.N. sanctions were making this country dependent on Soviet chrome imports, and were depriving American workers of employment through unfair competition with countries like Japan that had access to cheaper chrome. It now appears that Soviet import levels were totally unaffected by this factor, and have stayed fairly consistent at about 58 percent of our total imports. The country that suffered most severely from the sanctions violation was our NATO ally, Turkey.

But the major victims of this violation were the American workers. Already, two ferrochrome plants have had to close as a result of the cheap ferrochrome imports from Union Carbide's plant in Rhodesia, and South African ferrochrome which uses Rhodesian chrome ore. In both countries, the cheapness is the result of blatant exploitation of forced labor. It is high time for American labor to take up this question, and mobilize their forces against the Byrd amendment.

Mr. Justice, you have a prepared statement, and you may proceed.

STATEMENT OF HON. ARTHUR J. GOLDBERG, FORMER ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT AND FORMER PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

Mr. Goldberg. Chairman Diggs, Chairman Fraser, members of the committee, I consider it a privilege to appear today in response to your invitation to testify on what is indeed a most important matter of concern to our country and to the rule of law in international affairs.

On December 16, 1966, during my tenure as U.S. Permanent Representative to the United Nations, the Security Council imposed mandatory sanctions on key exports from Rhodesia and on oil exports to that territory, Resolution 232, adopted December 16, 1966.

This resolution, insofar as the United States is concerned, was implemented by the Executive Order of the President, 11322, of January 5, 1967. On May 29, 1968, the Security Council adopted a further resolution, 253, reaffirming Resolution 221.

The 1968 resolution was implemented by Executive Order 11419, issued by the President on July 29, 1968.

The Charter of the United Nations is a treaty of the United States; it was submitted to the Senate for ratification and the Senate consented to the ratification of the charter on July 28, 1945, by a vote of 89 to 2, with no reservations.

The U.S. ratification was deposited in the Department of State in August 1945, and the charter entered into force for the United States on October 24, 1945.

I emphasize that because in these days it is overlooked too often that the charter is a treaty obligation of the United States, and later I shall point out the international law significance of this.

All members of the United Nations, as a result of these resolutions of the Security Council, including our own, became legally obligated to apply these sanctions in accordance with article 25 of the charter. Our Government fulfilled its obligation by the aforementioned Executive orders and their enforcement.

Thus, until November 1971, our Government faithfully prohibited activities in international trade by American individuals and corporations in violation of the Security Council's resolutions. In November 1971, however, as you have indicated, Congress enacted legislation permitting the importation of chrome and other strategic materials from southern Rhodesia.

This constituted a partial, but most significant, breach of the Security Council's resolutions and represented a regrettable departure from our prior policy of strict adherence to the resolutions.

The present administration, as you have mentioned, Mr. Chairman, opposed this legislation, and since its enactment has urged its repeal. I am not in a position, as Members of the Congress are, to determine how vigorous that opposition was. I can only judge by the printed record.

The printed record shows that the basis for the administration's position has been and is that the legislation enacted by Congress in 1971 has put the United States in violation of its international treaty and legal obligations—a most serious step not warranted by the circumstances.

I share the administration's views stated at the time, and I trust and hope that it still remains the administration's view, that the legislation enacted by Congress on November 17, 1971, constitutes a breach of our treaty obligations, is both legally and morally wrong, and looking to the future, which is the subject of your hearings, Messrs. Chairmen and members of the committee, should be repealed by Congress.

The repeal of the 1971 legislation would allow the United States once again to comply fully with its international treaty obligations. If I may interject at this point, whatever the arguments were at the time was not possible within reasonable circumstances for them to comply with the sanctions. But, insofar as the closing of the border can be sustained, this would represent an improvement, would it not, in the total effectiveness of the sanctions program?

Mr. NEWSOM. Yes, I would agree with you, Mr. Chairman.

The fact is that Zambia was given an official exemption by the Security Council to continue to use Rhodesian routes for exports and imports.

The decision of Zambia no longer to use these routes brings Zambia into almost overcompliance with the sancions. As I said in the statement, it is going to work further problem for Rhodesia as far as its foreign exchange is concerned.

Mr. FRASER. I would hope that it might be U.S. policy to sustain Zambia in that decision.

Mr. NEWSOM. We are sympathetic with the problem which has arisen. Our ambassador has been instructed to convey that degree of interest to President Kaunda. Our problem in the light of the continuing resolution and pressures on our AID funds is precisely how we can respond.

Mr. FRASER. What is the general nature of the requests they have forwarded? Zambia has enjoyed a relatively good foreign exchange position through its copper exports, hasn't it?

Mr. NEWSOM. Yes. One of the questions naturally we would have to consider before going into any kind of concessionary assistance for Zambia would be Zambia's foreign exchange situation.

They have requested mainly trucks and road maintenance equipment, all sorts of equipment which would maintain and upgrade and permit them to utilize the various land routes out of Zambia into Malawi and into Tanzania.

Also, they have asked for cranes and cargo-handling equipment.

Mr. FRASER. So, they relate to problems of closing the border in?

Mr. NEWSOM. That is right.

Mr. FRASER. Have they asked for aid from other countries?

Mr. NEWSOM. Yes. They have asked for aid from a number of other countries. As I said the United Nations mission will no doubt be circulating the results of its mission of Zambia's needs to all of the member countries of the U.N., particularly the members of the Security Council.

Mr. FRASER. Are we likely to be responsive to their requests insofar as we are able to find the money?

Mr. NEWSOM. We have already been responsive in a prompt expression of willingness to use Export-Import Bank funds. Those do not present the same kind of problems that the AID funds present.

At this point, I am just not able to say what the present state of aid resources and AID legislation is going to permit us to do.

Mr. FRASER. That is a problem that is worldwide, isn't it?

Mr. NEWSOM. It is a particular problem where you have a new program. As you know, we have tried generally to indicate to the Congress in our annual presentations the countries in which we anticipate having programs.

The funds have been generally marked out with these original presentations in mind. Where you have a new situation and a new country, it raises questions of notification and consultations.

in support of this legislation, the Byrd amendment, time has eroded the reasons asserted in favor of that legislation. Two reasons were advanced at the time:

One was that chromium ore was needed, and the second reason was that we had to go to Russia to get it, and it would not be appropriate for us to get this important strategic material from the Soviet Union.

I do not know, Mr. Chairman, whether you have had an opportunity to see the Wall Street Journal today. The Wall Street Journal reports—and I should like to offer it for the record, if I may—that the President has now ordered commodity sales from stockpiles to fight inflation, and among the sales contemplated by the President are minerals and other so-called strategic materials, including chromium.

Now, my support of the Rhodesian sanctions at the U.N. was based upon the merits and also my personal knowledge that no American enterprise would be deprived of chromium by joining in the embargo because ample supplies were available in the stockpile.

I am not a stranger to the stockpile; indeed, I have intimate knowledge of the stockpile. The reason for this is that when I was Secretary of Labor under President Kennedy, I was a member of a Cabinet committee appointed by the President to determine what we could do to diminish the stockpile which has swollen into undue proportions. The Government is holding from past wars and, until the present time, materials, which should be put on the market both to help in connection with reducing the Federal budget, and also to aid domestic producers.

If I remember correctly, Secretary Irwin—and I quote his letter a little later—reported over 2 million tons of chromium in our stockpile, and the strategic needs for this chromium represent about 10 percent or so of that amount.

The industrial needs, of course, are greater, but there is plenty of chromium in the stockpile, as President Nixon's statement reported in today's stockpile, indicates.

The second reason seems very old fashioned these days, and that is this problem of buying materials from the Soviet Union. Today, if I understand the policy of the administration, which I think is supported in the country at large, we want to pursue a détente with the Soviet Union.

Wheat is the most strategic of all materials. If a nation's people cannot be fed, then the basis for its society is undermined. Yet we are selling wheat to the Soviet Union. So it seems to me that the argument that Russia is the only recourse for chromium, and that this is a very bad thing, hardly holds water.

Obviously, this argument is no longer acceptable to the American people at large, and certainly not to the administration. In any event, as I said, we have the stockpile, we can use the stockpile, and it would help curb inflation, as the President indicates. It would be a desirable thing to reduce that stockpile.

Again, I am in no position to appraise the administration's activities in support of their opposition to the Byrd amendment. I was impressed, however, by the reasons set forth by the Acting Secretary of State at the time, Hon. John Irwin, opposing the 1971 legislation.

He pointed out what I can verify from my own experience at the

United Nations, that breaching the embargo would undermine our credibility at the United Nations as a country dedicated to the proposition that people everywhere are entitled to the exercise of basic human rights.

Mind you, we were not acting, in voting for the Rhodesian embargo, to send troops to enforce this commitment of the United States. We were joining the sovereign power, Great Britain, and other countries of the world in imposing an economic embargo upon a territory commiting a most serious violation of human rights, the imposition of a small minority rule upon a large majority of people on a racial basis.

It is overlooked that our trade with black Africa, the independent black African countries, far outweighs our trade with Rhodesia and South Africa combined and, from a strictly practical standpoint, it made good sense for the United States in its self-interest to take the position we were taking.

We trade with Liberia for important rubber and other resources. We trade with Nigeria. We trade with Kenya. We trade with Zambia. We trade with many other countries in black Africa. All of our trade there is very important to our own commercial industrial self-interests.

I was very much of the mind at the time we cannot have it both ways indefinitely. We cannot on one hand violate the strong natural convictions of the countries of black Africa who view the Rhodesian regime correctly as an imposed regime, the minority on the majority, and on the other hand hope to expect and hope indefinitely to continue commercial relations with countries who, by their very nature in Africa, regard the Rhodesian regime to be what it plainly is, a racist regime.

At the time of the imposition of the Rhodesian embargo, I analyzed the various arguments against joining in the embargo resolution.

I should like to summarize those arguments and explain the reasons which prompted me at the time to recommend to our Government the action that was taken.

It is argued in support of the 1971 resolution and it was argued at the time of the United Nations sanctions resolutions that supposing economic sanctions represented denial of the principle of self-determination. The simple answer to this argument is that the Smith regime is not asserting the right of self-determination for all of the Rhodesian people, but merely the right of 6 percent of the Rhodesian people, who are white, to rule over 94 percent, who are black.

That is the simple fact of the matter. The refusal of the United Kingdom to recognize the illegal seizure of power by the Smith regime—and that is what it was, far from being a denial of self-determination—is an attempt to implement self-determination for the Rhodesian people as a whole.

It was further argued at the time, it was argued in 1971 and it is still argued, that the actions of the Security Council involve a violation of article 2, paragraph 7, of the U.N. Charter. This provision reads, and I quote:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

The fallacy of this argument can be seen when the facts of the case are tested against the provisions I have just quoted, and I shall summarize the facts.

Rhodesia is not a "state" and has not been recognized as such by a single government in the world or by any international organization.

I, of course, have been away from the U.N. for several years, and I checked yesterday to see whether that status had changed. It has not changed and I repeat that as of this present moment, Rhodesia is not a "state" and has not been recognized as such by a single government or international organization.

That itself would take it out of the article 2, paragraph 7, which is designed to protect states from interference in their international affairs.

Now, the situation in Rhodesia is not "domestic," since it involves the international responsibilities of the United Kingdom under chapter XI of the U.N. Charter relating to nonself-governing territories.

Rhodesia is a nonself-governing territory subject to the sovereignty of Great Britain.

Next, the resolutions of the Security Council do not constitute "intervention," since the Council has acted at the request and with the concurrence of the legitimate sovereign, the United Kingdom.

Further, article 2, paragraph 7 of the charter, by its own terms, does not apply to the application of enforcement measures such as the mandatory economic sanctions imposed by the Council against Rhodesia.

When I read the relevant charter provision, you recall the last words were "but this principle shall not prejudice an application of enforcement measures under Chapter VII."

It is also argued that there is no threat to international peace justifying resort to mandatory sanctions. There is a simple answer to this. Under article 39 of the charter, it is the responsibility of the Security Council to "determine the existence of any threat to the peace, breach of peace, or act of aggression," and to "make recommendations or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security."

Now, the Security Council twice has made a judgment as to what is likely to happen in the future if the seizure of power by the white minority is not brought to an end. This judgment can hardly be determined unreasonable.

The attempt of 220,000 whites to rule 4 million nonwhites in a continent largely of nonwhite governments, which have recently achieved independence, involves great risks of violence.

It is further contended that sanctions cannot logically be applied against Rhodesia since the "threat to peace" originates elsewhere.

It is argued that it is not the 220,000 whites, it is the black population in Rhodesia or in other countries which is threatening the peace. This legal conclusion, the proponents say, is not affected by the morality or lack of morality taken by the Smith government.

Now, this argument involves still more fundamental misconceptions. Under chapter VII of the charter, the Security Council is authorized to order sanctions without the necessity of determining which party to a dispute is the source of a threat to international peace.

Now, this is not a surprising conception. A similar practice is followed in our country in major labor-management disputes, affecting the national health and safety—the Taft-Hartley Act—where Federal powers can be employed to preserve the economy without judgment on the merits of the controversy.

I speak from personal recollection on this point. I tried to argue to the Supreme Court many years ago before I entered public service that the Steel Workers Union, which went on strike, was not to be enjoined because it was not responsible—the employers were.

The Supreme Court of the United States, with only one dissent, did not agree with me. It said which party was responsible was irrelevant; the law could be applied irrespective of the party which was responsible for the condition which brought the labor dispute about.

The U.N. Charter applies the same legal concept. Furthermore, a principal fallacy in this argument is the failure to recognize that the threat to the peace inherent in the Rhodesian situation is the seizure of power by the Smith regime rather than the potential response to it.

It is in this sense that the actions of the Smith regime raise moral as well as legal issues. Some say that moral considerations are irrelevant in the practical affairs of nations. This argument overlooks the fact that the United Nations Charter, like the United States Constitution, embodies moral principles.

One of the principal purposes of the United Nations is to promote, and I quote, "Respect for human rights and for the fundamental freedoms for all without distinction as to race, sex, language, or religion."

The attempt of the Smith regime to alter the status quo in Rhodesia and create a new state committed to the violation of these world community standards embodied, I repeat, in a treaty with the United States is the real source of the threat to peace.

It is also said that the application of mandatory sanctions to Rhodesia constitutes a dangerous precedent for similar U.N. action wherever any violation of human rights may be asserted.

The United Nations it is contended, might intervene in on our own difficulties in the human rights area. This argument overlooks a number of unique elements in the Rhodesian situation. Here we have witnessed what is not present in the United States, an illegal seizure of power by a small minority bent on perpetuating the subjugation of the vast majority.

Moreover, in this situation the sovereign authority with international responsibility for the territory, Great Britain, asked the United Nations to take measures which will permit the restoration of the full rights of the people of this territory under the charter.

We, in the United States, learned over 100 years ago that any attempt to institutionalize and legitimize a political principle of racial superiority in a new state was unacceptable. The effort to do so in our own country created an inflammatory situation that resulted in a civil war which it is to be recalled was the bloodiest war in the history of mankind.

Our Nation had to rid itself of this hateful doctrine at great cost. What could not be acceptable by the United States in the mid-19th century cannot be accepted by the international community, including the United States, in the late 20th century.

Law in the United Nations, as in our own society, is often developed on a case-by-case basis, and we should analyze each action of the U.N. political organs with due regard for the facts of each case and be careful of hasty generalizations which have no foundation in fact, but which really appeal to prejudice rather than reason.

Because the Security Council considers the situation in Rhodesia, with its unique legal and factual elements, as constituting a threat to the peace requiring the application of mandatory sanctions does not absolve it from an independent exercise of judgment to different situations.

Moreover, the fears that have been expressed that this would mean that we expose ourselves to problems in this area are completely without foundation. We are a permanent member of the Security Council. Each of the permanent members of the Security Council has the power to prevent the use of enforcement measures in other situations where it may deem them to be inappropriate.

We are a permanent member and we have the power to prevent an application in a situation where we would think it inapplicable.

It is argued in support of the November 1971 legislation that U.S. economic interests and national security considerations necessitated a breach of the U.N. sanction resolutions to permit the importation of chromium. I have already answered that, Mr. Chairman, in my prior remarks.

As I said, President Nixon has indicated today the availability of chrome from the stockpile. Chrome is available from the Soviet Union, and we have the means to see to it that chrome is sold at a decent price inasmuch as we are selling the Soviet Union materials they badly need.

Secretary Irwin's letter also points out how ample our supply is, and how we can protect our security. I shall not read it, it is contained in page 9 of my prepared statement which I ask to be made part of the record.

Now, I do not intend to elaborate on the economic consideration, because I really think despite the arguments that were presented to the Senate, the Congress was, to use a popular term, "had" in the adoption of the Byrd amendment.

There is something more deep rooted in the adoption of that amendment. It relates to what I found at the U.N. and that is an unwillingness to face up to the facts of life in Africa as a whole.

I do not mind saying to the committee that in my view, and talking now as a worldly and practical man, I do not regard it to be a good commercial risk for American companies to invest in countries like Rhodesia and South Africa.

Now, it may be very profitable at the moment, but the course of history demonstrates that it will not be profitable in the long run, and that it is risky and hazardous in a commercial sense in very large degree.

We are living in a world community which no longer can and will tolerate the subjection of large majorities by small minorities, particularly on racial grounds. I am not saying anything new. When I was at the U.N., I called our leading businessmen to meet with me at the U.S. mission, and I expressed myself very frankly on this point. I do not think it is in keeping with the American philosophy of equality for our Government or American business to lend their support to apartheid regimes, whether in South Africa or Rhodesia.

In conclusion, I wish to make this observation. Our country—founded on the proposition that all men are created equal, a proposition not constitutionally implemented until adoption of the 14th amendment and still not fully realized—cannot in good conscience adopt a double standard on what is happening in Rhodesia.

As a founder of the United Nations and a principal architect of the United Nations Charter, we have a special obligation to see that the charter provisions concerning human rights and self-determination are upheld.

These provisions are not merely exhortations; they are solemn treaty obligations, as I have said. I profoundly believe, as a lawyer and former jurist, in complying fully with our international treaty obligations.

There is much talk in the land today about observance of law. Let us observe the law. Let us observe the law laid down in the Constitution of the United States. The Constitution of the United States deals with this question in article VI, the supremacy clause of the Constitution, which provides that, and I quote: "* * * all Treaties made, or which shall be made under the Authority of the United States, shall be the supreme Law of the Land * * *."

I regret exceedingly that in the legislation adopted by Congress in 1971, the U.S. Government became a law violator. Justice Brandeis once said that government is the great teacher of good or evil; it sets the example for the ordinary citizen.

I believe that. We have in this situation a situation where the Government of the United States, and, if you will permit me to say so, a Congress of the United States, has participated and is participating in violation of law.

Thank you, Mr. Chairman.

[Mr. Goldberg's prepared statement follows:]

STATEMENT OF HON ARTHUR J. GOLDBERG

Chairman Diggs, Chairman Fraser, and members of the subcommittees; I consider it a privilege, Messrs. Chairmen and members of the subcommittees, to appear today in response to your invitation to testify on this important matter.

On December 16, 1966, during my tenure as United States Permanent Representative to the United Nations, the Security Council imposed mandatory sanctions on key exports from Rhodesia and on oil exports to that territory (Resolution 232, adopted December 16, 1966). This resolution, insofar as the United States is concerned, was implemented by the Executive Order of the President, 113–22, of January 5, 1967. On May 29, 1968, the Security Council adopted a further resolution, 253, reaffirming Resoluton 221. The 1968 resolution was implemented by Executive Order 114–19, issued by the President on July 29, 1968.

All members of the United Nations, as a result of these resolutions of the Security Council, became legally obligated to apply these sanctions in accordance with Article 25 of the Charter. Our government fulfilled its obligation by the aformentioned Executive Orders and their enforcement.

Thus, until November, 1971, our government faithfully prohibited activities in international trade by American individuals and corporations in violation of the Security Council's resolutions. In November, 1971, however, Congress enacted legislation (85 Stat. 427, Public Law 92–156, November 17, 1971) permitting the importation of chrome and other strategic materials from Southern Rhodesia. This constituted a partial, but significant, breach of the Security Council's resolutions and represented a regrettable departure from our prior policy of strict adherence to the resolutions.

The present administration opposed this legislation and, since its enactment, has urged its repeal. The basis for the administration's position has been, and is, that the legislation enacted by Congress in 1971 has put the United States in violation of its international treaty and legal obligations, a most serious step not warranted by the circumstances.

I share the administration's view that the legislation enacted by Congress on November 17, 1971, constitutes a breach of our treaty obligations, is both legally and morally wrong, and should be repealed by Congress. The repeal of the 1971 legislation would allow the United States once again to comply fully with its international treaty obligations.

On May 20, 1972, the Honorable John N. Irwin, Acting Secretary of State, in a letter to Senator McGee, pointed out that as a result of the 1971 legislation, ". . . our international interests have suffered in [many] respects. In Africa, where our position on Rhodesia has heretofore been seen as a test of our commitment to self-determination and racial equality, our credibility has suffered. The depth of African concern has been particularly strong in some nations where our interests far outweigh those in Rhodesia. In the United Nations, we will face, with each shipment of chrome or other commodity, an increasing erosion of our position. While we have sought and continue to seek means of making the existing sanctions against Rhodesia more effective, and less liable to circumvention by others, our ability to do so is seriously limited by the legislation now in effect."

It is argued in support of the 1971 legislation that the United Nations' sanction resolutions against Rhodesia represent a denial of the principle of self-determination. The simple answer to this argument is that the Smith regime is not asserting the right of self-determination for all the Rhodesian people, but merely the right of six percent of the Rhodesian people, who are white, to rule over 94 percent, who are black. The refusal of the United Kingdom to recognize the illegal seizure of power by the Smith regime, far from being a denial of self-determination, is an attempt to implement that objective for the Rhodesian people as a whole.

It is further argued that the actions of the Security Council involve a violation of Article 2, Paragraph 7, of the U.N. Charter. This provision reads: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

The fallacy of this argument can be seen when the facts in the case are tested against the provisions I have just quoted:

Rhodesia is not a "state" and has not been recognized as such by a single government or international organization.

The situation in Rhodesia is not "domestic," since it involves the international responsibilities of the United Kingdom under Chapter XI of the U.N. Charter to non self-governing territories.

The resolutions of the Security Council do not constitute "intervention," since with the concurrence of the legitimate sovereign, the United Kingdom.

Article 2, Paragraph 7 of the Charter, by its own terms, does not apply to the application of enforcement measures such as the mandatory economic sanctions imposed by the Council against Rhodesia.

It is also argued that there is here no threat to international peace justifying resort to mandatory sanctions. Under Article 39 of the Charter, it is the responsibility of the Security Council to "determine the existence of any threat to the peace, breach of peace, or act of aggression" and to "make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

The Security Council has made a judgment as to what is likely to happen in the future if the seizure of power by the white minority is not brought to an end. The judgment can hardly be termed unreasonable. The attempt of 220,000 whites to rule four million non-whites, in a continent largely of non-white governments which have recently achieved independence, involves great risks of violence.

It is further contended that sanctions cannot logically be applied against Rhodesia since the "threat to peace" orginates elsewhere. This legal conclusion, it is added, is not affected by the morality or lack of morality of the actions taken by the Smith Government.

This argument involves still more fundamental misconceptions. Under Chapter VII of the Charter, the Security Council is authorized to order sanctions without the necessity of determining which party to a dispute is the source of a threat to international peace. This should not be surprising. A similar practice is followed in our country in major labor-management disputes, affecting the national health and safety, where federal powers can be employed to preserve the economy without judgment on the merits of controversy.

But the principal fallacy in this argument is the failure to recognize that the threat to the peace inherent in the Rhodesian situation is the seizure of power by the Smith regime rather than the potential response to it.

It is in this sense that the actions of the Smith regime raise moral as well as legal issues. Some say that moral considerations are irrelevant in the practical affairs of nations. But the United Nations Charter, like the United States Constitution, embodies moral principles. One of the principal purposes of the United Nations is to promote "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." The attempt of the Smith regime to alter the status quo in Rhodesia and create a new state committed to the violation of these world community standards is the real source of the threat to peace.

It is also said that the application of mandatory sanctions to Rhodesia constitutes a dangerous precedent for similar U.N. action wherever any violations of human rights may be asserted.

This argument overlooks a number of unique elements in the Rhodesian situation. Here we have witnessed an illegal seizure of power by a small minority bent on perpetuating the subjugation of the vast majority. Moreover, in this situation, the sovereign authority with international responsibility for the territory, Great Britain, asked the United Nations to take measures which will permit the restoration of the full rights of the people of this territory under the Charter.

We, in the United States, learned over 100 years ago that any attempt to institutionalize and legitimize a political principle of racial superiority in a new state was unacceptable. The effort to do so created an inflammatory situation, and our nation had to rid itself of this false and hateful doctrine at great cost. What could not be accepted by the United States in the mid-nineteenth century cannot be accepted by the international community in the late twentieth century.

Law in the United Nations, as in our own society, is often developed on a case-by-case basis. We should analyze each action of the U.N. political organs with due regard for the facts of each case and be careful of hasty generalizations.

Because the Security Council considers the situation in Rhodesia, with its unique legal and factual elements, as constituting a threat to the peace requiring the application of mandatory sanctions, does not absolve it from an independent exercise of judgment in different situations.

Moreover, each of the Permanent Members of the Security Council has the power to prevent the use of enforcement measures in other situations where it may deem them to be inappropriate.

It is further argued in support of the November, 1971 legislation that United States economic interests and national security considerations necessitated a breach of the U.N. sanction resolutions to permit the importation of chrome ore.

In my view, Secretary Irwin, in his May 20, 1972, letter, gave the definitive answer to this contention. This is what he had to say on this aspect of the subject:

". . . the Administration continues to hold the view that neither economic nor national security considerations affecting chrome are sufficiently compelling to compensate for the adverse foreign policy consequences of the legislation now in effect. There are 2.2 million tons of excess chrome ore in the stockpile; legislation authorizing release of 1.3 million tons has already been approved this year by the Senate. This amount alone would meet our total chrome needs for about 18 months, and defense requirements amount to only about 10% of total needs. Industry stocks are high, and we continue to have access to chrome ore from a variety of other foreign sources. In short, there was no chrome shortage last year and there is none now. Moreover, the legislation now in effect permits the importation from Rhodesia of other strategic list items in addition to chrome, and under it we may expect a variety of materials including asbestos, nickel, and other minerals to be imported. The adverse international reactions to such transactions in our judgment would outweigh any possible economic advantage, and there is on strategic grounds no need to import any of these materials from Rhodesia."

There is another aspect of the economics of the situation which warrants mention. One of the contentions in support of the '71 legislation is that as a result of the U.N. sanctions on importation of chrome, we have become overly dependent on the Soviet Union for a mineral resource vital to our defense.

There are, in my view, two definitive answers to this argument. One is touched upon in Secretary Irwin's letter. We have ample supplies of chrome ore in our stockpile, and these supplies can be drawn upon if there is a genuine fear of over-dependence upon the Soviet Union. The second alleged economic justification for breaching the U.N. sanctions is that the legislation was required in order to prevent exorbitant price from being charged by the Soviet Union for their chrome ore and to safeguard against loss of jobs by American workers.

Mr. Edward Lockwood, Director of the Washington Office on Africa, in his testimony, has provided your Subcommittees with the economic data effectively rebutting this dual argument and I am not aware of any reasoned response to Mr. Lockwood's detailed and documented presentation.

In conclusion, I wish to take this observation. Our country—founded on the proposition that all men are created equal, a proposition not constitutionally implemented until the adoption of the Foutrteenth Amendment, and still not fully realized—cannot in god conscience adopt a double standard on what is happening in Rhodesia. As a founder of the United Nations and a principal architect of the U.N. Charter, we have a special obligation to see that the Charter provisions concerning human rights and self-determination are upheld. These provisions are not merely exhortations—they are solemn treaty obligations. And I profoundly believe, as a lawyer and former jurist, in complying fully with our international treaty obligations. This is a view based on fidelity to the Constitution, which, in Article VI, the Supremacy Clause, provides that " * * * all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land * * *."

Mr. DIGGS. Thank you very much, Mr. Justice.

Our distinguished witness has a plane to catch and asked to be excused about 3:15, so without editorializing my action to his very enlightening statement, I will now defer and yield to the gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. Thank you, Mr. Chairman.

I would like to thank our witness very much for his very strong statement, and he may or may not be aware that Mr. Lawrence, who testified before this subcommittee within the last several days, certainly built a basis for the President's decision to sell some chromium out of the stockpile because he told us we had more than twice as much chromium than we needed under the circumstances.

I also regard it as a irony that it is not the Russians who are hurt, but our friends in Turkey and Canada who are most hurt by this decision, and I share his concern over the decision.

I must go shortly, Mr. Chairman, to deal with the question of who shall have warmaking powers, the Congress or the administration. One of the great difficulties in that question is where lies the best repository expressing the country's position in international affairs.

I would like to ask this question. When you come right down to it, Mr. Justice, is it a matter in your opinion of legality and the charter, or is it a matter of fundamental morality?

Mr. GOLDBERG. It is both, Congressman. It is illegal and immoral for us to have done what we did in November 1971.

Mr. BIESTER. Supposing it were only immoral.

Mr. GOLDBERG. I would still be opposed to it. I still believe in concepts of morality that ought to govern the operations of Government.

Mr. BIESTER. I ask that because we are in a situation in which the world is changing so far as relationships are concerned, and former antagonists are becoming trading partners, and much of my mail is tentatively full of concern about the morality of such new relationships.

I do not want to go deeply into that at this point——

Mr. GOLDBERG. If I may make a comment about it, there is concern in this area, and legitimate concern. We are dealing with governments which certainly I do not support, and I know you do not support them—they have different ideologies which are distasteful to us.

When we engage in commercial dealings, not prohibited by law, the real question is whether or not the ultimate morality, feeding people, does not overcome our distaste for such dealings.

We have to recall that it was Herbert Hoover that led the relief to a Communist regime after the Bolshevik revolution. Why did he do that? He did that out of instincts of morality. People have to be fed. The people are very often not responsible for their regime, particularly in totalitarian countries.

So that presents a different view to me from the essential immorality of this type of situation where we are dealing with a denial of the rights of a majority of the people.

It is never simple to weigh moralities. This is not present in this case.

Mr. BIESTER. Right, and I agree with you that it does not fly right in the face of our whole direct national interests.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Fraser.

Mr. FRASER. Thank you, Mr. Chairman.

I would like to say, Mr. Justice, that your statement on the legal principle is as clear and understandable as any I have heard on this question, particularly your rather detailed analysis of the U.N. Charter provisions and the arguments that have been raised in relation to them.

I do not really have any questions. I suppose fundamentally I am in agreement with your point of view. Our principal problem here is how to get Members to focus enough on the facts as distinguished from the myths and fictions which prevailed at the time of the debate. There is some reason to believe that one result of the Byrd amendment is to create unemployment in the United States in the ferrochrome industry.

Mr. GOLDBERG. Yes.

Mr. FRASER. Apparently more and more of the chrome which we thought we were making available is instead being converted to ferrochrome over there, and being brought into the United States.

I do appreciate your appearance here this afternoon. I think you have made a very important contribution to the debate and perhaps we can persuade the Members to take a good look at what you have said.

Mr. GOLDBERG. Thank you.

Mr. DIGGS. Mr. Fascell.

Mr. FASCELL. No questions, Mr. Chairman.

Mr. DIGGS. I would like to concur, Mr. Justice, in what is obviously the impact of your statement for the record in connection with the efforts of those of us who oppose this matter in the first instance.

Of course, you are knowledgeable in the congressional process, and empty seats on the podium do not necessarily reflect a lack of appre-

Mr. FRASER. Can you give a ball-park figure on the amount of aid they are requesting?

Mr. NEWSOM. Nobody has put a dollar figure on it yet. It has been in terms of numbers of various items. It could be in the neighborhood of $60 to $100 million, but as I say, nobody has really put a precise figure on the list.

Mr. FRASER. I see.

Mr. DIGGS. That is a pretty large sum. That must be based on something. According to the press, for example, they asked us for 1,200 trucks. That would not come to $60 or $100 million. There must be something in back of your figures to indicate an answer more responsive to the gentleman from Minnesota.

Mr. NEWSOM. It is probably not correct, Mr. Chairman, to talk in terms of figures, because, as I say, we have had a series of requests, some of them coming from different parts of the Zambian Government.

These need to be rationalized, and priorities need to be attached to them. They include not only trucks and cargo-handling equipment and road maintenance equipment, but possibly railroad rolling stock.

If you put all of the requests together, you get a fairly sizable requirement for the movement of the substantial exports and imports that Zambia requires.

Mr. FRASER. Thank you.

Mr. DIGGS. Mr. Biester?

Mr. BIESTER. Thank you, Mr. Chairman.

Mr. Secretary, in these discussions, is there a discussion of the time frame in which there may be an urgency for certain kinds of goods as compared to others? For example, would the railroad stock be dependent upon the completion of the Tanzanian railroad?

Mr. NEWSOM. No. The railroad stock could be currently required because they are making use of the railroads that go out through Angola.

But I think the immediate need is for cargo handling and trucks. But as I say, the priorities, the exact priorities still have to be worked out.

Mr. BIESTER. Mr. Secretary, is there chrome available in any other country in Africa other than Rhodesia?

Mr. NEWSOM. There is chrome in South Africa. There have been deposits of chrome in other countries such as the Sudan, for example, which have been looked at, but which have not been developed commercially.

The other main deposits of chrome in the world are in the Soviet Union, Turkey, and Iran.

Mr. BIESTER. Is there chrome in Nigeria?

Mr. NEWSOM. Not so far as I know.

Mr. BIESTER. Can you tell us what the effect of the Byrd amendment has been in terms of dollars in foreign exchange to the Smith regime?

Mr. NEWSOM. We do not have a breakdown of what the returns are to the Rhodesian regime. The total value of the imports since the Byrd amendment, CIF New Orleans, is $8,780,000. But that is not more than a relatively small proportion of that going to Rhodesia.

Mr. BIESTER. Is that largely chrome?

Mr. NEWSOM. It is largely chrome. It is some nickel, asbestos, and beryllium. The nickel adds another $4 million to that figure. So it is about $13 million.

ciation for your contributions here this afternoon. As you know, Members do read this, there are ways of bringing the transcript to their attention.

I am sure that many things that you say here today and have said will be part of the debate when this matter comes before the Congress in connection with our repeal efforts, and there will be such an effort.

It may come first in the other body, but we are assured of the interests over there, and notably the interests of the new chairman of the African Subcommittee, who is an old friend of yours, Hubert Humphrey, and other people.

The gentlemen from Minnesota touched on a point that is part of a question here about ferrochrome. As you know, our country has imported Rhodesia ferrochrome and asbestos and nickel and beryllium, and I was just curious as to how you view that fact apart from the importation of chrome ore.

Mr. GOLDBERG. Well, I have the same point of view. I thought you had excellent testimony on that from Mr. Lockwood and I subscribe to the testimony that he presented.

Mr. DIGGS. Is there anything that you would add to ways in which U.N. sanctions might be strengthened, apart from the repeal of the Byrd amendment.

Mr. GOLDBERG. Well, Congressman Diggs, I believe always, as you know, in proceeding step-by-step. I think the greatest single contribution that could be made now is to repeal the Byrd amendment. This is a personal opinion. Sometimes if you dilute a problem by adding too much, you weaken the effort. This is just a very personal opinion.

I would like to see us placed back where we were at least. Now there was some leakage. But, by and large, the United States was a pretty good observer of the embargo resolutions.

What has impaired our credibility as a believer in international treaty commitments is the November 1971 resolution. If we repeal the Byrd amendment consideration can be given to other measures of tightening the embargo. It is not easy to impose an embargo, and there are many problems, some of which are apparent in the relations between Zambia and Rhodesia.

It is interesting to note what has happened there. Even though it is going to cause Zambia great cost financially and in other aspects, President Kaunda, one of the great statesmen of the world, is now determined to find another way to send his copper out, whatever the cost.

This, I think, emphasizes what I tried to say to our businessmen in the country. It is not only economics that control; there are great moral compulsions sweeping Africa, and a long range view ought to be taken of those compulsions, because, rightly, in my opinion, countries and individuals ought not to let the pocketbook dictate all of the considerations that enter into their decisionmaking.

Mr. DIGGS. The gentleman from Iowa, Mr. Gross.

Mr. GROSS. Thank you, Mr. Chairman.

I just arrived. I have no questions at this time.

Mr. DIGGS. The Justice has to catch a plane, and we agreed to excuse him at a given time, but we do have 5 minutes or so, if you wish.

Well, thank you, Mr. Justice, for your contribution.

Mr. GOLDBERG. Thank you, Mr. Chairman.

May I offer the Wall Street Journal relating to President Nixon's action today for the record.

Mr. DIGGS. Without objection, it will be included in the record.

[The article referred to follows:]

[From the Wall Street Journal, Mar. 15, 1973]

NIXON SETS HUGE COMMODITIES SALES FROM STOCKPILES TO FIGHT INFLATION

(By James P. Gannon)

WASHINGTON.—The White House has decided to begin massive sales of metals and other basic commodities in Government stockpiles in a new effort to deflate price pressures.

"The President has decided to dramatically reduce" the $6.5 billion strategic hoard of key industrial materials, a high Nixon administration official disclosed. He said a "substantial" portion of the total stockpile will be sold under existing authority and legislation authorizing lower minimum levels for future stategic needs will soon be sought by the White House.

The official said that a basic change in the Government's stockpile policy had been reached by President Nixon in light of inflationary forces building in the economy and in changed strategic conditions. While the previous goals of stockpile sales had been to generate revenue for the Government, the new goal is to aid the overall fight against inflation, the official said.

A Government stockpile specialist said present law would permit sale of about $1.7 billion of the $6.5 billion total hoard. The $1.7 billion includes large amounts of aluminum, lead, and zinc, but doesn't include any amounts of some other key materials such as copper, he said. To go beyond $1.7 billion in sales, the specialist added, the administration would need approval by Congress.

The White House decision to begin dumping stockpiled materials on the market has major implications for prices of a wide variety of commodities. There are some 80 different commodities in the Federal stocks, including about 15 highly imporant industrial materials.

The sales, which the official said would be "across the board" to encompass all the Government's hoarded goods, will include large quantities of aluminum, copper, zinc, tin, rubber, lead, nickel, and other important commodities.

PRICES OF METALS

In recent weeks, and especially since the Nixon administration introduced the revised phase III wage-price controls program, prices of many key metals have been rising. Recent price boosts for copper, zinc, aluminum, and others were key factors in the decision to begin selling off the stockpiled goods, the official indicated. "We're very well aware of those price increases," he remarked.

"We have the authority to immediately sell a substantial portion of the stockpiles within existing legislation," the administration official said. However, President Nixon will shortly ask Congress to further reduce the minimum levels for various commodities so that the government can reduce stocks of some items below the currently prescribed floors.

The official characterized the stockpile sales as "a piece dividend" resulting from the ending of the Vietnam war and "overall lessening of world tensions."

FURTHER EXTENSION OF STRATEGY

The move marks a further extension of the Nixon administration's strategy to try to deal with price increases by boosting supplies on the market rather than by clamping direct controls on prices. This strategy has been the cornerstone of the administration's attack on food prices through such steps as relaxing crop-planting restrictions and removing meat-import quotas.

Now that industrial-commodity prices appear to be coming under heavier inflationary pressure too, the administration has decided to fight back in the marketplace. Industrial commodities, which has been the most stable element in the price picture over the past year, showed a disturbing rise in February, as the wholesale price index of these items jumped at a seasonably adjusted annual rate of 12 percent.

The Government has massive quantities of materials, especially metals, in its strategic hoard. According to a Federal tally as of last September 30, the main stockpiled goods and their values then included:

Nearly 1.3 million tons of primary aluminum, valued at more than $580 million; more than 72 million pounds of cobalt, $150.4 million; about 191,500 tons of copper, $101.5 million; some 1.1 million tons of lead, $316 million; nearly 1.2 million tons of ferromanganese, $220 million; more than 268,000 long tons of rubber, $207.5 million; about 250,000 long tons of tin, $608 million; over 122 million pounds of tungsten ores and concentrates, at $382 million, and 974,309 tons of zinc, $271.3 million.

The stockpiles are managed by the General Services Administration, the Government's housekeeping agency, which presumably will handle the new sales program.

It isn't clear what impact, if any, the administration's new plans will have on an agreement reached with the major aluminum companies only 3 months ago allowing them more time to pay for past purchases of surplus aluminum. In return, the companies agreed to support a Nixon administration recommendation that Congress release for sale 450,000 tons of aluminum currently in Government stockpiles. This additional amount then would be added to the aluminum the companies already are obligated to buy under an earlier disposal arrangement.

The rationale for the agreement, negotiated by GSA, was that the aluminum industry was still emerging from a steep sales slump and couldn't afford the $180 million lump-sum payment it otherwise would have faced this year.

Mr. DIGGS. Our next witness is Dr. Ronald W. Walters, who is chairman of the Political Science Department at Howard University, member of the African Liberation Support Committee, and whose dissertation was on U.S. foreign policy toward Africa, part of which dealt with southern African affairs.

He has lectured widely on the problems of African politics and has had published many articles that have been well received. He has been a member and is a member of the executive committee of the African Heritage Studies Association, among other professional associations.

We welcome his prospective contribution to the deliberations of the joint subcommittees.

Dr. Walters.

STATEMENT OF RONALD WALTERS, CHAIRMAN, DEPARTMENT OF POLITICAL SCIENCE, HOWARD UNIVERSITY

Mr. WALTERS. Thank you very much.

Mr. Chairman, Chairman Fraser, I appreciate the opportunity to appear here today in view of the fact that events in the whole of southern Africa indicate that the situation is intensifying in its danger and in its importance to the people of the United States.

Some recent indication of the tensions are the banning of both black and white student organizations by the South African Government, the worker strikes in South Africa and Namibia, the closing of the Zambia-Rhodesia border by the Rhodesians, and the quickened pace of the revolutionary movements in Rhodesia and the so-called Portuguese territories of Angola, Mozambique and Guinea-Bissau.

I would be remiss here today if I did not say clearly that the basis of my position is that the struggle of the peoples of southern Africa to regain their land and their independence is a just struggle, that the strength of the opposition to these goals determines the legitimacy of the means which they are using, and that all those who purport to believe in justice have a role and an obligation to assist the people of southern Africa in the achievement of their objectives. To that extent, their goals are our goals.

As such, then, this brief statement provides the backdrop for concern with the pace of change in southern Africa, and for the additions to the agenda for southern Africa which have been the business of these joint committee hearings. I would like to address my remarks more narrowly to the question of Rhodesia and to the kind of steps which might be taken by your committees, if through your efforts, American people are to meaningfully assist in the process of the empowerment of Zimbabwes in their own country.

The central ideas which must guide the steps to be taken are those of perspective, persistence, and innovation. First, perspective. In a sense, the problem of Rhodesia is not Rhodesia itself, but of those nations which support it and were responsible for its creation.

In the strictest sense of power politics, one cannot blame Rhodesia for having the audacity to seize power on its own behalf. The pattern of British administration of Rhodesia logically led to those expectations. One can, however, blame the British for not having used force necessary to have stopped that illegal seizure of power in November of 1965.

In the same manner, one cannot blame Rhodesia for seeking alternatives to the effect of sanctions, but one must realize that the reasons why sanctions have been ineffective is that Rhodesia is locked into a system of independence with U.S. business firms, and the Governments of South Africa and Portugal.

In this sense, the violators of African freedom in Rhodesia are not only the Rhodesians but their supporters. Policy, therefore, must be comprehensive in the sense that it is directed toward the Rhodesians directly, and indirectly at those who support that illegal regime.

A number of steps have been taken by Congressman Diggs and others to assure U.S. respect for and observation of international sanctions against Rhodesian trade established by Security Council Resolution 232 of December 16, 1967, and Resolution 253 of May 29, 1968, and by Executive Orders 11322 of January 5, 1967, and 11199 of July 29, 1968.

And although sanctions have largely been ineffective, and the measures to prohibit all U.S. trade with Rhodesia have failed in the Congress, still I would urge that previous efforts should not be abandoned.

That is to say: (1) A redoubled effort should be made to defeat the Byrd amendment to the Military Procurement Act which allowed the importation of Rhodesian chrome. And I include in that other important minerals. Some means should be found to bring this measure up for a vote.

The House vote on the Byrd amendment was significant to a number of observers, but more significant to a wider number of people was the arrival of Rhodesian chrome in the United States and the subsequent publicity which was created at the time.

Since that time, many groups, black and white, have carried on various sorts of educational programs to alert people to the importance of this issue. I have every reason, therefore, to believe that a vote on this matter might be influenced by those thousands of individuals who now know what the very serious ramifications of this illegal act by the U.S. Congress may mean.

(2) Last year, a coalition of organizations and individuals entered a suit against the importation of Rhodesian chrome in the Federal District Court here in Washington although a finding for the plaintiffs was denied, in that the Court found the plantiffs lacked standing. The court of appeals found standing, but ruled against the appellants on substantive grounds (October 31, 1972, Doc. No. 72–1642). I endorse the effort to appeal this judgment through the presently pending petition to the Supreme Court for a writ of certiorari.

Certainly it would seem that, since the United States is a signitory to the treaty which established the U.N. Charter, as Justice Goldberg so ably said, and that sanctions which were taken against Rhodesia in 1966 pursuant to article 41 of the charter by vote of the Security Council, the United States may be in clear violation of international law.

It may also be in violation of domestic law, since treaties are the supreme law of the land. This matter should be pursued as far as possible through the courts.

(3) United States violation of its international legal obligations should also be taken to the International Court of Justice for a ruling, since the force of an adjudication by the International Court of Justice is one means of influencing the actions of states.

In this area, policies may be designed to influence Rhodesia directly, or indirectly through its supporters, or to fend off the effects of the Rhodesian's actions against other black states, such as Zambia.

1. Direct policies: It is a continuing affront to African-Americans and all who believe in African justice for the United States to maintain a haven for Rhodesian policy in the person of the Rhodesian Information Office. Legislation should be formulated for its expulsion from the country.

I hasten to add that legislation is not the only route to follow for the expulsion of the RIS, it seems to lay very clearly in the power of the President. I would hope the committee would also urge the Chief Executive to take his responsibilities seriously in this matter.

I am aware of the fact that agents of foreign governments are required to register with the U.S. Government in order to remain in the country. A clear scrutiny should be made of its registration statement to determine the consonance of its activities with the United States U.N. legal obligations: for its presence here raises legal as well as political questions.

Why is it the new Australian Government was able to close the Rhodesian Information Office in their country and the U.S. Government permits them to remain?

2. Indirect policy: (a) For roughly the last 18 months the British Government has been involved in trying to develop a plan which would give legal independence to Rhodesia within the framework of Rhodesian guarantees of gradual attainment of political parity by the Zimbabwes.

As you know, the first such attempt by the Pearce Commission was rejected by the Zimbabwes in unmistakable terms. Very recently Ian

Smith has given some indications that he is interested in further discussions with Britain, and apparently the ANC, on the subject of achieving a legal separation from Britain.

United States policy must not sanction an illegal independence for Rhodesia without the prior empowerment of the Zimbabwe peoples. That is to say, once you go back to the HMS Tiger negotiations, there should be no support for a policy which does not have "no independence before majority rule" as its basis.

Therefore, representation must be made to the British Government in this regard. It must be communicated both through the Government, and by important domestic groups interested in this issue.

(b) All of us should appreciate the leadership which you, Congressman Diggs, and some of the religious groups have exercised on the relationship of American firms to southern African politics.

The existence of such firms which behave as multinational corporations, has a steadying and supportive impact upon the illegal and racist regimes of southern Africa. In order to thwart sanctions, Rhodesia trades with American firms doing business in South Africa and Mozambique.

So that, by the permissive attitude of the American Government toward American corporations in southern Africa this country—that is, the United States—is avidly supporting sanctions busting in Rhodesia indirectly.

Here again, pressure should be continually applied to these corporations for them to change inequitable salary structures and cease racism and discrimination on the job. And, therefore, information should be continually solicited from Foote Mineral and Union Carbide concerning their activities in Rhodesia.

Specifically, such information should be solicited:

1. In order to understand the behavior of the multinational corporation in Africa, as Union Carbide operates in both Rhodesia and South Africa, both of which are part of the New York based firm of Union Carbide International.

2. In order to discover how the importation of chrome by these companies relates to the issue of "national security" which was one of the arguments raised for the passage of the Byrd amendment.

I might say, Mr. Chairman, I believe that the committee is in an even better position at this particular time to make an analysis of the relationship of these imports which were allowed to that question of National Security.

As Justice Goldberg so ably stated, the question of the stockpile here is relevant, and I think you might discover a divergence of objectives between these particular firms which would allow the importation of chrome on the one basis, and the stockpile activity on the other.

I would think, as I said, we would be in a better position to determine that now as a basis for the importation of chrome and the legislation which supported it.

It should also be noted that these are only short-term gestures and that wherever there was a heavy concentration of European capital in the third world, the host government was literally a captive state.

It may be that if their behavior is not alterable, the only long-term policy which will guarantee control of their resources to southern Africans of the black majority would be for Euro-American firms to leave the continent.

The question of control by the majority is enjoying a resurgence in this country, but as this principle applies to other states, it clearly seems to be based on whether the majority is, in fact, black or white.

3. Redemptive policy: The Government of Zambia, Mr. Chairman, has mounted one of the most courageous series of political strategies of its young life, to free the country from its dependence on the transportation services and trade of Rhodesia.

Recent border closings by Rhodesia were meant to threaten Zambia with economic chaos, but stubbornly, Zambia refused to be intimidated into cowering before international racism. Zambia has now closed her own borders and announced that they will remain closed to Rhodesia so long as the illegal regime continues to exist there, but Zambia is doing this at a price.

The price is incurred in the necessity for her to reroute her trade to other ports in Tanzania which are unable to handle the volume of traffic. The monetary costs of these policy decisions will be great, and the Zambian Government, as you know, has appealed to the United States—and I might say to other countries—for a loan of $60,000 to $100,000. It has also appealed to the United Nations for assistance.

The request of the Zambian Government for financial assistance should be strongly and vigorously supported by you. Also, on March 5, the Zambian representative to the U.N., Mr. Paul Lusaka, requested the Security Council to support the following items: 1. The Council must press for the release of all political detainees and prisoners and end the rebellion; 2. The Council must press for the elimination of discriminatory and repressive legislation; 3. The Council must reaffirm NIBMAR; 4. The Council must make the sanctions more comprehensive and effective. Zambia has already made the move not to return to the southern route; 5. Finally, while these measures are in force, the British Government should convene a constitutional conference truly representative of all races and interests. The African majority must not be a third party merely to be informed about the results.

I would hope that these items, Mr. Chairman, are also especially communicated to the British Government with the support of the U.S. Government and also the support of this committee.

Although in my opinion, your committees should look very closely at the necessity of suggesting other conditions to the proposed constitutional conference. Indeed, it has already been suggested that Ian Smith may found his own brand of African to support his plans for "legal independence."

Finally, Mr. Chairman, I would reaffirm the position that it is important to try old strategies once again, because with each attempt, one hopes that the forces mobilized on the side of African justice grows stronger.

It is true that a great many Congressmen were persuaded to vote for the Byrd amendment by the fallacious argument used to reimport chrome, which held that it was a matter of national security or important to the survival of some congressional district payroll in Ohio.

But doubtless, there were a great many others who must be shown that U.S. support for international racism in Africa makes a joke of our moral pretentions elsewhere in the world, and that violation of Security Council resolutions weakens our claim to international leadership.

I believe that the right perspective, persistence in the pursuit of old policies, and the innovation of new ones will help to give back to the Zimbabwe peoples the dignity, the control of their country which was stolen by the Rhodesians, and sanctioned by the British, and more recently supported by the U.S. Congress.

Mr. DIGGS. Thank you, Dr. Walters.

Mr. Fraser.

Mr. FRASER. Thank you very much, Dr. Walters, for a very fine statement.

One of the points you make early in your paper is of particular interest—your assertion that the United States should be giving active support to the liberation movements in southern Africa or at least that we should recognize the justice of their claims, and the point that they have no other means open to them if they are to secure the rights which are recognized as theirs in the civilized world.

To what extent do you believe that there is an awareness of this issue here in the United States?

Mr. WALTERS. Well, I do not believe that there is a great deal of awareness outside of many of the groups that are already activated among which I would name students, professional Africanists, and other people who have had some political interest in this problem for some time.

That is why I am hopeful that a growing number of individuals, particularly those that are now working from church groups and looking at, for example, such things as the social responsibility of corporations, are performing the kind of educational service to the Nation that are raising these questions of the morality and justice of the liberalization movement.

For all that has been said about the tenure of President Kennedy in office lately, I think it is well to look again at the fact that his administration did look with some sense of legitimacy upon those who were struggling to gain independence in Africa and did a great number of things from the standpoint of the Chief Executive to make it clear which side the United States was on.

I think that position has steadily eroded over the last decade, and I think we ought to be concerned about that, because we have lost one of the most effective means for educating the American people to the struggles in Africa.

Mr. FRASER. I am always struck by the willingness to act that our Government seems to have shown on the right of self-determination in one part of the world, where we have expended hundreds of billions of dollars, and imposed enormous casualties and continue even today. to use of strategic bombers in major bombing missions in part of Indochina, all without the support of the international community. Yet where there is a struggle that the international community accepts as just and legitimate we not only have done nothing to assist in securing the right of self-determination, we have actually imposed obstacles.

Mr. WALTERS. Yes, I think you are right about that. One of the alleged problems of the U.S. behavior with respect to Africa has been the fact that Africa was already carved out—carved out by those individuals who were allies to the United States.

As such, the United States has conceived of its self as respecting a sphere of political influence. The same problem did not exist to the same degree in Asia. I think that rather than using that as a shield for inaction by the Government, that the U.S. Government could play a very important role in using its influence.

I think you will note in the context of my remarks that I repeatedly said the United States should use its influence with Britain to bring this particular situation to a halt, and in that regard, I apologize, but look again at the actions of President Kennedy with respect to assisting France to bring to a close the Algerian war.

The United States did not at that time tame the position that it is none of our business. President Kennedy recognized that there were NATO interests involved, we were trying to build a new relationship to Europe and it was in the vital interests of the United States to do something to influence French policy.

Well, that promulgated a series of very active events and I would hope that in Africa, that the United States concedes that part of its own vital interests are in looking at this question of racism and illegality.

I spoke earlier on about the question of the danger and the threat to international peace. I think that we tend to gloss over that too much, but particularly in the Rhodesian situation.

Recent statements by the Government there alluded to the fact of aggression, not only from Rhodesia, but aggression from other African states in the north. I think it is clear that Rhodesia is seeing itself boxed in. I think that they are slowly moving to a situation perhaps of intractable conflict, and I think if that happens, it would be in the interest of a great many nations in the world that the situation not get out of hand.

So, while I know that part of the policy of this Government has been to look at southern Africa, and say that well, no threat to the peace really exists, I would also use the recent evidence of the border closing and the use of terms like "aggression" by the Rhodesian Government as evidence that in fact there is still a serious threat to international peace.

Mr. FRASER. I have no difficulty with that. I assume that ultimate change will come in southern Africa as a result of the efforts of those who live there, and who suffer under the present policies of the de facto or recognized governments in that part of the world.

I do not think we can impose a solution from the outside, but it is my view that as things get tougher we will wish that we might have at least played as constructive a role as we could to have headed it off. I think it was the Lusako Manifesto which outlined a path toward change which sought to invoke peaceful ways, but if those avenues are closed, of course, then inevitably, there will be an increase in the use of force, and then we will wonder why the international community was not willing to act at a time when all of the terrible consequences might have been avoided.

I want to thank you for your excellent statement this afternoon.

Mr. DIGGS. Dr. Walters, I was intrigued among other reasons with your reference to the Rhodesian Information Office and its operation here in the United States. This is a matter that is rarely referred to by witnesses.

As a matter of fact, when you mentioned it, I was trying to recall if any witness had attached enough significance to the existence of this office to make a reference to it. I wondered if you would elaborate on that.

It is interesting that we anticipate having a specific hearing on that question. It is in our plans and it is imminent. It is probably triggered by the action taken by the new Australian Government that you alluded to, but I would like you to elaborate on it at this point, if you could.

Mr. WALTERS. Yes. I simply believe, and I have some reason to believe, that the Rhodesian Information Office is nothing more than a political organization which is legitimatized and sanctioned by the U.S. Government.

If I may make reference to a couple of personal things that happened to me, I did not want to say anything about it without having been there, so I went to the Rhodesian Information Office, and asked for some routine information.

The gentleman asked me what did I want the information for. I thought that was a very curious kind of question inasmuch as they are supposedly in the business of providing information, and if they are sanctioned by our Government, the supposition is that they would give it to the public without those kinds of questions.

Second, when I left the Rhodesian Information Office, I noticed that the Executive Protective Police apparently pulled up outside and were looking at the building. Well, now, I wonder about the impact which a black man must have created in going into a place like that, and whether or not they, in fact, made a call to them; and if they did, whether or not an organization which is supposedly protecting U.S. agencies and Embassies—that is, official residences—has also been assigned to protect the Rhodesian Information Office.

Mr. DIGGS. What was the date of that incident?

Mr. WALTERS. Yesterday.

Mr. DIGGS. Yesterday?

Mr. WALTERS. As I say, these things are in the realm of supposition, but I think——

Mr. DIGGS. Approximately what time?

Mr. WALTERS. Approximately 2:30 in the afternoon.

Mr. DIGGS. About 2:30 in the afternoon?

Mr. WALTERS. Yes.

Mr. DIGGS. Who did you talk to there that interrogated you in this way?

Mr. WALTERS. The man never said his name, but he was apparently one of the officers there. He went in and took a seat behind a desk.

Mr. DIGGS. Where is this place located?

Mr. WALTERS. It is located on McGill Terrace. The address is 2852 McGill Terrace NW., and it is right beside the Panama Embassy.

Mr. BIESTER. It would be $8 million of chrome, beryllium, and asbestos, and $4 million of nickel?

Mr. NEWSOM. That is right.

Mr. BIESTER. So the total since the Byrd amendment is $13 million?

Mr. NEWSOM. Right.

Mr. BIESTER. Can you give us some ball-park notions of what percentage of that finds its way back to Rhodesia?

Mr. NEWSOM. I cannot, Mr. Congressman. We do not have those figures. Perhaps the Treasury representatives can help you.

Mr. DIGGS. Mr. Reid?

Mr. REID. Mr. Secretary, I would like to thank you most warmly for coming today. I have one basic question. I refer to your testimony on page 5, wherein you say, "As a result, the United States is the subject of sharp and persistent criticism in African and international forums for these violations of the U.N. embargo."

In Chairman Diggs' opening remarks, he pointed out that in September 1970, President Nixon permitted an illegal exception to the U.N. mandatory economic exception against Rhodesia and authorized Union Carbide to import 150,000 tons of chrome.

In your statement, your are explicit that the Department opposed this legislation. It is my understanding that although the law remains in force, the Department is still opposed to that. Is that correct?

Mr. NEWSOM. That is correct.

Mr. REID. My question then is: Is the White House on a somewhat different wavelength than the Department in this regard, because the President had the opportunity to veto the legislation or not act under it.

My query is: Is it wise to have one position by the Department and another by the White House?

Mr. NEWSOM. Well, first, Mr. Congressman, I would like to state the record on the 150,000 tons for Union Carbide as it appears to us.

This was not an exception to the sanctions, but it was a determination after extensive consideration of the matter by the Treasury Department and the State Department, that 150,000 tons of chrome had actually been contracted for and paid for by Union Carbide before the sanctions went into effect. So I do think it is appropriate to make that point.

Mr. REID. Might I ask, Mr. Secretary, on that precise point, did the Department support that determination?

Mr. NEWSOM. The determination had to be one made on the basis of facts that were available. The Treasury Department concluded that the company had made a satisfactory case that payment had been made before the sanctions went into effect, and we accepted that.

Mr. REID. But could not the Department have taken the position that this was a de facto or a de jure position to our pledge not to go in, notwithstanding the date of the contract?

Mr. NEWSOM. No; we insisted on the matter being reported to the Sanctions Committee. The report was made and it did not cause the kind of problems which the Byrd amendment has caused which we put in quite a different category.

Mr. REID. What is the position of the White House on the Byrd amendment, and are they prepared to take legislative steps or encourage legislative initiatives to end the Byrd amendment?

Mr. Diggs. On the 25th day of May, Dr. Walters, as you know, the OAU will celebrate its 10th anniversary, and I am advised that the Secretary General of the U.N. will be there.

I don't know what other activities are being planned, but it would appear to me to be some kind of convergence point for significant announcements, reassessments of the role of Africa vis-a-vis the United States and other countries as part of the International Community and so on.

I don't know whether our country has any plan tied into that date. We are in the process now of directing a communication to the Department to ascertain if they consider this event significant enough to be prepared for important announcements, and to put it a different way, to suggest and to urge that they use it as a convergence point to perhaps make some important announcements, enter into some important changes in U.S. policy.

I just wonder whether or not you or any of your compatriots or sources of information had begun to think about that date, its significance, and what might be done, what we might urge upon our Government to enter into the context?

Mr. Walters. Yes, that is a very significant date, Mr. Chairman. As you know, last year approximately the same day the African Liberation Support Committee was instrumental in having literally thousands of Afro-American citizens around this country to come together and reaffirm their basic identity and their ties with Africa.

I would expect that somewhere near the same thing is going to happen this year and indeed every year hereafter. That particular event was significant not just because individuals assembled, but it was also important because for the first time there was an affirmation of a kind of tangible supportive role being played and being developed by black citizens.

I would hope that as part of that, the U.S. Government could do something which many of us have deemed as having some significance, and here I am not speaking for any organization, but it occurs to me that the United States has never given their significant attention to the African Development Bank, and on that occasion it might be a fruitful occasion to announce for the first time American significant contribution to the economic development of Africa.

I don't want to prejudge or give anyone any unworthy leads, but I think that would make an opportune place for a statement of some tangible support.

I am dismayed in the last 2 or 3 years by the drift of a policy toward Africa which has been wholly symbolic. Individuals have made various treks through Africa, trips of one kind or another, at an official level: and when they have left Africa, nothing really tangible has been left behind.

I think it is time now for this Government to make a major contribution, and I think this would be a major opportunity to do it.

Mr. Diggs. I want to thank the gentleman for his contribution.

Does counsel have any questions she would like to propound?

Mrs. Butcher. I don't have any questions, but I would like to request that certain items be included in the appendix.

One item is the relevant articles of the United Nations Charter—articles 1 and 2; and chapters VII, IX, and XI should be included, as well as the relevant resolutions of the Security Council, specifically Senate Concurrent Resolutions 232 and 253, and the relevant Executive orders, as well as the later Security Council resolution, Senate Concurrent Resolution 277.

Also, section 5 of the United Nations Participation Act, and the relevant legislative history on that, should be included.

Also, there is a brief section in a book by Abram Chayes, former Legal Adviser of the Department of State, concerning the implementation by the Government of the sanctions of southern Rhodesia, and comparing that implementation with the way in which we have implemented our sanctions against Cuba and some other countries.

I believe those pages should be included.

Also, as Justice Goldberg suggested, I think it would be helpful if statistics on our trade with black Africa be inserted as well as statistics on our trade with southern Rhodesia and also with southern Africa in general.

In addition, there is a recent study on the economic situation in southern Rhodesia and on the confrontation with Zambia which would be helpful.[1]

There was an authoritative study of sanctions completed last fall by Guy Arnold of the African Bureau and I believe some excerpts from that would be helpful as well as material related to the U.N. Sanctions Committee.

Mr. DIGGS. Were you asking Dr. Walters to provide this material?

Mrs. BUTCHER. No.

Mr. DIGGS. Without objection, the material referred to by counsel will be placed in the appendix of the record. I hear no objections.

We have now had a very useful exercise and before us a very useful collection of information and insights into the issues of U.S. policy toward Rhodesia and in particular the question of international mandatory sanctions as a means of pressurizing the illegal regime.

It is clear that sanctions are having an effect, and that the illegal regime is anxious to move the pressure off of it as quickly as possible.

This makes it all the more vital that the United States, together with the rest of the world, hold fast to the principles on which the United Nations was founded; namely, the principle of self-determination and independence for the people of each country free from arbitrary minority rule and the principle of basic human rights and fundamental freedoms.

Now, this year we are likely to see a major effort put into removing the effect of the Byrd amendment but these various efforts may be met with the lobbying force and political power of those who have been traditionally against it and perhaps even reendorsed with their impressive array of weaponry.

We must know, therefore, what the real intentions of the White House are going to be this time around. Equivocation such as we saw last time combined with a quiet understanding that there should

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[1] The study, "The State of the Rhodesian Regime, 1973," by Barbara Rogers may be found in appendix 16, p. 186.

be no substantive opposition to the violation of international sanctions will be totally unacceptable.

The most immediate issue meanwhile is the question of a U.S. contribution to the multilateral assistance plan to give Zambia complete independence from the transit routes through Rhodesia.

The State Department witness at an earlier hearing claimed that the Zambian request of the United States had been confused and totaled a very large amount, but the United Nations mission to Zambia, whose visit was so strongly supported by even our own representative at the Security Council, has now reported in detail on the exact requirements for emergency assistance mainly relating to transportation costs.

There has not been the kind of immediate assurance to the high level Zambian team which has been visiting Washington these past few days, at least not the kind of assurance that we feel has been called for.

This is in stark contrast to our efforts in 1967, when we assisted the British in a massive airlift to Zambia at the time that sanctions against Rhodesia were just beginning to be applied internationally. All kinds of excuses have been given for the failure to react immediately to Zambia's needs, but it comes down to a failure of political will.

A symptom of the same kind that affects the administration with regard to the Byrd amendment; basically those in power are not interested in independent Africa even where there is a direct U.S. national interest.

As the State Department witness informed us, the United States has far greater interests in countries that are strongly opposed to our Rhodesian policy such as Nigeria than it has in Rhodesia itself.

Regretfully, we are likely to find ourselves increasingly ostracized by Africa in many ways if we continue this foreign policy of tacit support for these minority white regimes.

Following this review of the effects of our violation of the international sanctions, I hope that the administration will adopt a positive attitude toward our international, legal, and moral obligations.

With that the joint subcommittee stands adjourned.

[Whereupon, at 3:48 p.m., the joint subcommittees adjourned.]

APPENDIX

1. Letter From John M. Hennessy, Department of Treasury, Containing Additional Information on Operation of American Businesses in Southern Rhodesia

March 15, 1973.

Dear Mr. Chairman: I am returning herewith the corrected transcript of my testimony at the Joint Subcommittee hearings on February 22, 1973.

I would like to take this opportunity to clarify a number of points which developed during the Joint Subcommittees' oral questioning, for which relevant information was not at hand at that moment.

(1) Chairman Diggs asked how Treasury scrutinizes the operations of Union Carbide or Foote Mineral or any other American organization inside Rhodesia to assure their compliance with the Treasury Regulations.

As noted in my reply, the Treasury control on imports into the United States are enforced by the Customs Bureau. The Treasury controls on financial transactions with Rhodesia are operated through the banking system. Dealing more specifically with activities taking place inside Rhodesia, the Office of Foreign Assets Control monitors activities inside Rhodesia using all available sources, e.g., U.S. Embassy reporting, press reports, information from trade sources, information from foreign governments, etc. To the extent the Rhodesian subsidiaries are not under compulsion from Rhodesia, FAC has instructed the parent firms that they must ensure that the subsidiaries comply with the Regulations. However, Rhodesia has in fact passed laws placing the subsidiaries under "mandate" from the Ministry of Mines, and imposing criminal penalties against mining firms and their managers in Rhodesia which refuse to obey directives from the Minister of Mines. The Minister of Mines has directed the subsidiaries of Union Carbide and Foote Mineral to produce chrome ore and deliver it to Univex, a Rhodesian corporation established by Rhodesia for export activities. If the local managers did not comply with these directives, they would be subject to imprisonment. In accordance with standard policy, the Office of Foreign Assets Control has advised the parent firms that they are not in violation of the Treasury Regulations in these circumstances. The parents, however, may not send funds to Rhodesia for investment purposes, nor may they send equipment for any purpose.

With respect to possible imports of Rhodesian commodities via third countries, I would like to point out that, in addition to the standard Customs procedures, FAC has instituted special monitoring activities wherever they seemed appropriate. For example, in the period when chrome ore and ferrochrome were embargoed, FAC arranged that samples be taken by Customs of all imports of chrome ore from Mozambique, South Africa, and the USSR. Samples were sent to the Customs laboratory for analysis. In no case was it found that Rhodesian chrome or ferrochrome had been falsely entered as of other origin.

FAC instituted a similar laboratory testing procedure on all imports of ferrochrome from South Africa. In this respect, allegations were made that one South African ferrochrome producer was using Rhodesian chrome in the ferrochrome it was exporting to the U.S. The charge was made that the firm could not possibly produce ferrochrome of the high quality it was exporting to the U.S. (as shown by the Customs laboratory analyses) from non-Rhodesian ores.

FAC undertook an extensive field investigation of these allegations. The Minerals Attache at our Embassy in South Africa visited the chrome mines in South Africa which were said by the refinery to be the source of the ore used. He took samples on the spot and had them analyzed. It was determined that ore from these particular mines was of high quality, well above the average quality of South African chrome ore.

He then visited the ferrochrome refinery and observed the unloading of the ore from these same mines. He followed the ore through the entire refining process and took samples at all stages. The conclusion was that the ferrochrome was in fact produced entirely of South African materials.

Again, certain ferrochrome imports from Japan seemed questionable on the basis of the Customs laboratory analysis. At FAC request, a Customs Agent visited the Japanese plants and examined their records. In one case, documents showed that the ferrochrome had been produced from a mixture of Indian and Philippine ore. (India does produce some chrome ore, according to the Bureau of Mines.) In the second case, documents disclosed that the Japanese firm was using Russian chrome ore to make its ferrochrome with.

Likewise, FAC has arranged for samples of all tobacco imported into the U.S. from African tobacco producing countries to be sent to the Customs Tobacco Examiners, who are experts in this field, for examination in order to ensure that Rhodesian tobacco is not falsely entered as of other origin.

I believe the foregoing description of Treasury special monitoring activities demonstrates that the U.S. Government is diligent in enforcing the Rhodesian sanctions fully. Treasury has even gone to the extent of acting with respect to certain elephants imported from Mozambique, because there is reason to believe they were captured in Rhodesia.

(2) Chairman Diggs asked for comment on his understanding that Union Carbide might be reinvesting its profits resulting from the Byrd Amendment to expand its Rhodesian operations.

As stated under (1) above, Union Carbide in the U.S. would not be allowed to send funds to Rhodesia for investment purposes. Equally, its reports are reviewed to ensure that it does not import chrome ore or ferrochrome from Rhodesia at above-market prices.

On the other hand, Union Carbide's Rhodesian subsidiary presumably does make profits from its sales to Univex, which resells the ore to foreign countries (not only to the U.S.). However, as explained above the subsidiary is under "mandate" from Rhodesia. In this situation the Minister of Mines can direct the subsidiary to reinvest its profits as he sees fit. Thus, any investment which may occur is a wholly Rhodesian operation. So far as we are aware, Union Carbide (U.S.) has not been involved in the alleged reinvestment activities.

(3) Chairman Diggs asked about a report that Lockheed had exported to Rhodesia seven planes built by an Italian firm.

The primary responsibility for controlling exports from Italy rests on the Italian Government, which subscribes to the UN sanctions. Treasury Regulations do not apply to the activities of Italian firms which are licensees of U.S. firms. Thus, unless Lockheed itself arranged the alleged sale (which is not apparent from the report in question) there would be no violation of the Treasury Regulations. In any event, we are informed by the Department of State that this report was taken up with the Italian Government in October 1971. The Italians replied that they could assure us that these planes were not exported to Rhodesia by Italy.

(4) Chairman Diggs asked why there is no provision for prior notification of cargoes of Rhodesian commodities, and stated that there was nothing in the Byrd Amendment authorizing the Treasury to give up this responsibility.

There never has been any requirement for prior notification to the Treasury of imports of commodities from Rhodesia. Import control are customarily applied at the time of customs entry, when a customs declaration is filed. If a special import license is required, a prudent importer will apply for it before the arrival of the merchandise, in order to avoid unnecessary delay and expense. However, the Byrd Amendment prohibits the President from prohibiting or regulating the import of Rhodesian commodities. Thus, it would not be appropriate for the Treasury to impose a special license requirement. Moreover, since the imports are legal, it would impose an unnecessary burden on businessmen to require prior notification. In any event, no pre-notification requirement ever existed, and thus none was terminated.

(5) Finally, Mr. Lockwood cited statistics showing that ferrochrome was imported from Mozambique, Western Africa and Portuguese West Africa in 1969 and 1970. He added that, to the best of his knowledge, there are no ferrochrome plants in these countries. His inference was the ferrochrome must have been of

Rhodesian origin, and imported illegally. He concluded by charging that . . . "I think we have a case here on the face of it that the United States Government does not read its own publication if it is serious about pursuing sanctions violations * * *".

These are serious charges, and they are in error. I think I have demonstrated in my comments above that the Treasury does indeed take its responsibilities seriously, and does enforce its Regulations fully. With respect to this particular allegation by Mr. Lockwood, the facts are that this statistical data in the Minerals Year Book is derived from Bureau of Census statistics. These, in turn, are obtained from copies of the Customs entries filed by the importer at the time the merchandise enters the United States.

A check with the Bureau of Census discloses that the country of origin was erroneously tabulated in each case. Actually, all of the ferrochrome in question was shown on the Customs entries as being of South African origin, and should have been so reported in the Census statistics and in the Minerals Year Book. As I have already explained, all imports of South Friean ferrochrome were subjected to laboratory analyses during the period in question. Mr. Lockwood's inferences in this respect are therefore quite clearly wrong. I would hope the record could be corrected to reflect these facts so that we do not lend ammunition to those people and foreign countries which mistakenly may believe that U.S. foreign policy is not to enforce fully its sanctions Regulations.

I am sending a similar letter to Chairman Diggs.

Sincerely yours,

JOHN M. HENNESSY.

2. The Charter of the United Nations

Note: The Charter of the United Nations was signed on June 26, 1945, in San Francsico, at the conclusion of the United Nations Conference on International Organization, and came into force on October 24, 1945. The Statute of the International Court of Justice is an integral part of the Charter.

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

And for these ends

to practise tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be nsed, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all people,

Have resolved to combine our efforts to accomplish these aims

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter I—Purposes and Principles

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

* * * * * * *

Chapter VII—Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

* * * * * * *

Chapter IX—International Economic and Social Co-operation

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social health, and related problems; and international cultural and educational co-operation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

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CHAPTER XI—DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

ARTICLE 74

Members of the United Nations also agree that their policy in respect to the territories to which this Chapter applies, no less than in respect to their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

3. The United Nations Participation Act of 1945, as Amended

Text of Public Law 264, 79th Congress [S. 1580], 59 Stat. 619, approved December 20, 1945, as amended by Public Law 341, 81st Cougress [H.R. 4708], 63 Stat. 734, approved October 10, 1949; Public Law 86–707 (H.R. 7758), 74 Stat. 797, approved September 6, 1960, and by Public Law 89–206 [S. 1903], 79 Stat. 841, approved September 28, 1965

AN ACT To provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That this Act may be cited as the "United Nations Participation Act of 1945".

Sec. 2. (a)[1] The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the United Nations who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the Unitd Nations and may serve ex officio as representative of the United States in any organ, commission, or other body of the United Nations other than specialized agencies of the United Nations, and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may, from time to time, direct.

(b)[1] The President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament (control and limitation of armament). Such persons shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations. They shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations. Any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(c) The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative.

(d)[2] The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in organs and agencies of the United Nations. The President may, without the advice and consent of the Senate, designate any officer of the United States to act without additional compensation as the representative of the United States in either the Economic and Social Council or the Trusteeship Council (1) at any specified session thereof where the position is vacant or in the absence or disability of the regular representative or (2) in connection with a specified subject matter at any specified

[1] As amended and restated by sec. 1(a) of P.L. 89–206, 79 Stat. 841, September 28, 1965 (22 U.S.C. 287).

[2] As amended and restated by sec. 1(b) of P.L. 89–206, 79 Stat. 841 (September 28, 1965).

As I understand it, that is the Department's position.

Mr. Newsom. The Department was given the role, if you will, or given the responsibility to present the administration's point of view on the Byrd amendment, which we did both in the time of its enactment and in the time when Senator McGee, with the help of the chairman of the subcommittee here, sought to bring about its repeal.

In this case, the Department felt that it was carrying out a mandate and a position which represented that of the U.S. Government as a whole.

Now, the problem which was presented to the White House by the enactment of the Byrd provision, not the amendment, but the provision, really, was that it came up in a military procurement bill, a very important piece of legislation.

I think you will recall the difficulty which the House had in establishing the germaneness of the legislation and the problems of dealing with the Byrd provision while it was at the same time dealing with the many complications that arose from the military procurement legislation.

That same problem existed in the Executive side. When the repeal came up, we went further than we had gone previously and the acting Secretary of State, on behalf of the administration, wrote a letter to the Congress which set forth our opposition.

I personally spoke to a number of Members of the Senate at that time, pointing out that we did not need the chrome, that the reports that the Soviet Union was buying chrome and re-exporting it to the United States did not have foundation.

All this is known. I cannot speculate, Mr. Congressman, on what plans the administration may have in this Congress to deal with this problem.

Mr. Reid. Well, I understand the sensitivity of the question, and I appreciate the thoughtful character of your response and indeed the efforts you made personally on behalf of the Department on the Hill.

Let me just say that I think in your testimony, going back to page 5, it is quite clear that the United States is subject to criticism, and I think it is because there is an apparent dichotomy. There is a very simple way to clarify this. That would be a statement from the White House indicating their opposition to the Byrd language, and their efforts, whatever they might be, to work to end it.

So long as the White House is silent, it seems to me that the Department's position can be subject to misinterpretation in Africa.

Mr. Diggs. The gentleman from Kansas, Mr. Winn.

Mr. Winn. Thank you, Mr. Chairman.

Mr. Secretary, on page 2, second paragraph, you say a request recently received has come from various officials within the Zambian Government and requires some establishment of priorities by them.

Could you tell us what type of officials these are? Are they high up and recognized as official spokesmen for the Government?

Mr. Newsom. As in a rapidly changing situation like this when the Government is faced with a new situation the various ministers of that government are in touch with our embassies as they are with other embassies outlining their particular problems and not so much making requests, as discussing possible help with our Embassy.

session of either such Council in lieu of the regular representative. The President may designate any officer of the Department of State, whose apopintment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States in the Security Council of the United Nations in the absence or disability of the representatives provided for under section 2 (a) and (b) or in lieu of such representatives in connection with a specified subject matter.

(e) [3] The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the European office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States, at the European office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State may, from time to time, direct.

(f)[3] Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

(g)[3] All persons appointed in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 411 and 412 of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress) for chiefs of mission and Foreign Service officers occupying positious of equivalent importance, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under subsections (c) and (d) of this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be eutitled to receive such compensation.

SEC. 3.[4] The representatives provided for in section 2 hereof, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations.

SEC. 4.[5] The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein, under his instructions, of the representative of the United States.

SEC. 5.[6] (a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Chapter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or

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[3] Subsecs. (e) and (f) were redesignated subsecs. (f) and (g) respectively, and a new subsec. (e) was added by sec. 2 of P.L. 89–206, 79 Stat. 841 (22 U.S.C. 287).

[4] 22 U.S.C. 287a.

[5] 22 U.S.C. 287b.

[6] 22 U.S.C. 287c.

any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States.

SEC. 6.[7] The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 7 of this Act, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

SEC. 7.[8] (a) Notwithstanding the provisions of any other law, the President, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter—

(1) the detail to the United Nations, under such terms and conditions as the President shall determine, of personnel of the armed forces of the United States to serve as observers, guards, or in any noncombatant capacity, but in no event shall more than a total of one thousand of such personnel be so detailed at any one time: *Provided*, That while so detailed, such personnel shall be considered for all purposes as acting in the line of duty, including the receipt of pay and allowances as personnel of the armed forces of the United States, credit for longevity and retirement, and all other perquisites appertaining to such duty: *Provided further*, That upon authorization or approval by the President, such personnel may accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso hereof, and (b) extraordinary expenses and perquisites incident to such detail;

(2) the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of any supplies and equipment to the United Nations by the Department of Defense, under such terms and conditions as the President shall determine;

(3) the obligation, insofar as necessary to carry out the purposes of clauses (1) and (2) of this subsection, of any funds appropriated to the Department of Defense or any department therein, the procurement of such personnel, supplies, equipment, facilities, services, or other assistance as may be made available in accordance with the request of the United Nations, and the replacement of such items, when necessary, where they are furnished from stocks.

(b) Whenever personnel or assistance is made available pursuant to the authority contained in subsection (a) (1) and (2) of this section, the President shall require reimbursement from the United Nations for the expense thereby incurred by the United States: *Provided*, That in exceptional circumstances, or when the President finds it to be in the national interest, he may waive, in whole or in part, the requirement of such reimbursement: *Provided further*, That when any such reimbursement is made, it shall be credited, at the option of the appropriate department of the Department of Defense, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

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[7] 22 U.S.C. 287d.
[8] 22 U.S.C. 287d-1.

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(c) In addition to the authorization of appropriations to the Department of State contained in section 8 of this Act, there is hereby authorized to be appropriated to the Department of Defense, or any department therein, such sums as may be necessary to reimburse such departments in the event that reimbursement from the United Nations is waived in whole or in part pursuant to authority contained in subsection (b) of this section.

(d) Nothing in this Act shall authorize the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any other law of the United States.

SEC. 8.[9] There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118a); cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); allowances and expenses as provided in section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and allowances and expenses equivalent to those provided in section 901(3) of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress); the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof, the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to the Act of August 23, 1912, as amended (31 U.S.C. 679), and unusual expenses similar to those authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act, incident to the operation and maintenance of such living quarters; and such other expenses as may be authorized by the Secretary of State; all without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

HISTORICAL NOTE

References in text of section 8 to the following should be changed to read:

Classification Act of 1923, as amended, is now the Classification Act of 1949, as amended (5 U.S.C. 305, 5101–5108, 5110–5113, 5115, 5331–5338, 5341, 5342, 5509, 7154).

Travel Expense Act of 1949, as amended (5 U.S.C. 5701, 5702, 5704–5708).

Section 10 of the Act of March 3, 1933, as amended (5 U.S.C. 5731).

Act of June 26, 1930, as amended (5 U.S.C. 5912).

Section 6 of the Act of July 30, 1946, as amended (22 U.S.C. 287r).

Section 901(3) of the Foreign Service Act of 1946 is now codified as 5 U.S.C. 5921–5925 by P.L. 89–554, 80 Stat. 378 at 510, September 6, 1966.

Section 22 of the Administrative Expenses Act of 1946, as amended, is now codified as 5 U.S.C. 5913 by P.L. 89–554, 80 Stat. 3378 at 510, September 6, 1966.

[9] 22 U.S.C. 287e.

4. Excerpts From the Report of the Senate Committee on Foreign Relations on the United Nations Participation Act of 1945, November 8, 1945

ECONOMIC SANCTIONS

The Charter of the United Nations contemplates that force will be used to settle disputes only as a last resort. In the first instance the parties obligate themselves to seek a solution of a given dispute through the various peaceful settlement procedures prescribed by the Charter. Thereafter, in the event the machinery for peaceful settlement fails to function satisfactorily, there would be contemplated enforcement measures short of the actual use of force. It would be only if these measures were determined to be inadequate that armed force would be used in connection with any particular dispute. Article 41 of the Charter has to do with enforcement measures short of war, and section 5 of the bill is designed to empower the President to lend this country's effective collaboration in action taken by the Security Council under this article.

Section 5 in substance would empower the President to join with other countries in applying enforcement measures short of the use of armed force in dealing with particular disputes. It also prescribes penalties to enforce regulations issued by the President in the exercise of this power. The section refers to the severance of economic relationships and communications; the severence of diplomatic relations, which is referred to in article 41 of the Charter, is omitted from section 5 of the bill since this is a matter concerning which full authority is vested in the President by virtue of his constitutional powers and obligations with respect to the conduct of this country's foreign relations.

The committee realizes that the powers proposed to be granted to the President under this section are very great. However, the basic decision in this regard was made when the Charter was ratified and this provision is simply a necessary corollary to our membership in this Organization. The committee also believes that the Security Council must be placed in the most effective position possible to act under article 41 since the prompt and effective application of economic and diplomatic sanctions by all the United Nations (or even the threat or possibility thereof) may avoid the necessity for the use of the armed forces available to the Security Council.

The better prepared this country is to participate promptly in action of this kind, the more effective will be the Security Council and the more hope there will be that the United Nations may serve its major purpose, namely, the prevention of armed conflict.

There exist several well-recognized and long-standing precedents for the delegation to the President of powers of this general nature. Without going into detail, the committee would refer to the embargo legislation approved June 4, 1794, giving the President power to lay embargoes on all ships and vessels in American ports whenever in his opinion the public safety should require (1 Stat. 372). Legislative enactments in 1798 (1 Stat. 565–566), 1799 (1 Stat. 613, 615), 1800 (2 Stat. 7, 9), 1808 (2 Stat. 490) and 1809 (2 Stat. 506) suspended commercial relations with various countries but left the discontinuance of the restraints to the discretion of the President. In addition the Supreme Sourt held in *Cargo of the Brig Aurora* v. *U.S.* (11 U.S. 382 (1813)) that it was constitutional for the President to extend further the provisions of the Non-Intercourse Act of 1809 (2 Stat. 528) by proclamation to Great Britain although such a method of invoking the statutory provisions had not been stipulated in the statute. Congress has likewise, in 1886, authorized the President to exclude foreign vessels for retaliation against discrimination to American commerce (24 Stat. 79). There are many subsequent examples of such delegation of power to the President, one of the more recent of which was upheld by the Supreme Court on the issue of unconstitutional delegation of power in the well-known case of *United States* v. *Curtiss-Wright Export Corporation* (299 U.S. 304).

5. Excerpts From Hearings Before the Committee on Foreign Affairs on "Participation by the United States in the United Nations Organizations," House of Representatives, 79th Congress, First Session, on H.R. 4618 and S. 1580, December 7, 1945

House of Representatives,
Committee on Foreign Affairs,
Washington, D.C.

The committee met at 10 a.m., Hon. Sol Bloom (chairman) presiding.

Chairman Bloom. The committee will come to order for the consideration of Senate 1580, to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization.

And also for the consideration of H.R. 4618.

[S. 1580 and H.R. 4618 are as follows:]

[S. 1580, 79th Cong., 1st sess.]

AN ACT To provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Participation Act of 1945".

Sec. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States at the seat of the United Nations who shall have the rank and status of envoy extraordinary and ambassador plenipotentiary, shall receive annual compensation of $20,000, and shall hold office at the pleasure of the President. Such representatives shall represent the United States in the Securtiy Council of the United States and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, shall appoint a deputy representative of the United States to the Security Council who shall have the rank and status of envoy extraordinary and minister plenipotentiary, shall receive annual compensation of $12,000, and shall hold office at the pleasure of the President. Such deputy representative shall represent the United States in the Security Council of the United Nations in the event of the absence or disability of the representative.

(c) The President by and with the advice and consent of the Senate may appoint from time to time to attend a designated session or designated sessions of the General Assembly of the United Nations not to exceed five representatives of the United States, one of whom shall be designated as the senior representative. Such representatives shall each be entitled to receive compensation at the rate of $12,000 per annum for such period of appointment as the President may specify.

(d) The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in the organs and agencies of the United Nations at such salaries, not to exceed $12,000 each per annum, as he shall determine: *Provided,* That the advice and consent of the Senate shall be required for the appointment of any person to represent the United States in the Economic and Social Council or in the Trusteeship Council of the United Nations or the principal representative in such other specialized agencies as may be established by the United Nations Organization.

(e) Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

SEC. 3. The representatives provided for in section 2 hereof, when representing the United States in the respective organs and agencies of the United Nations, shall at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations.

SEC. 4. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein under his instructions, of the representative of the United States.

SEC. 5. (a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, concerned in such violation shall be forfeited to the United States.

SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to inquire the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to said special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

SEC. 7. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service and classification laws; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and Section 10 of the Act of March 3, 1933, and under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118a); cost of living allowance under such rules and regulations as the Secretary of State may prescribe; communication services; stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); local transportation; equipment; transportation of things; rent of offices; printing and binding; official entertainment; stationery; purchase of newspapers, periodicals, books, and documents; and such other expenses as may be authorized by the Secretary of State.

Passed the Senate December 4 (legislative day, October 29), 1945.

Attest:

LESLIE L. BIFFLE, *Secretary.*

[H.R. 4618, 79th Cong., 1st Sess.]

A BILL To provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Participation Act of 1945."

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States at the seat of the United Nations who shall have the rank and status of envoy extraordinary and ambassador plenipotentiary, shall receive annual compensation of $20,000, and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the United Nations and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, shall appoint a deputy representative of the United States to the Security Council who shall have the rank and status of envoy extraordinary and minister plenipotentiary, shall receive annual compensation of $12,000, and shall hold office at the pleasure of the President. Such deputy representative shall represent the United States in the Security Council of the United Nations in the event of the absence or disability of the representative.

(c) The President may appoint from time to time to attend a designated session or designated sessions of the General Assembly of the United Nations not to exceed five representatives of the United States, one of whom shall be designated as the senior representative.

(d) The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in the organs and agencies of the United Nations at such salaries, not to exceed $12,000 each per annum, as he shall determine: *Provided,* That the advice and consent of the Senate shall be required for the appointment of any person to represent the United States in the Economic and Social Council or in the Trusteeship Council of the United Nations if the person so appointed is not at the time of such appointment a Member of the Senate or House of Representatives of the United States or an officer of the United States who shall have been appointed by and with the consent of the Senate.

(e) Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

SEC. 3. The representatives provided for in section 2 hereof, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations.

SEC. 4. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein under his instructions, of the representative of the United States.

SEC. 5. (a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extend necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle concerned in such violation shall be forfeited to the United States.

SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

SEC. 7. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nation as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service and classification laws; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and section 10 of the Act of March 3, 1933, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118a); cost of living allowance under such rules and regulations as the Secretary of State may prescribe; communications services; steonographic reporting, translating, and other services, by contract, if deemed necessary without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); local transportation; equipment; transportation of things; rent of offices; printing and binding; official entertainment; stationery; purchase of newspapers, periodicals, books, and documents; and such other expenses as may be authorized by the Secretary of State.

* * * * * * *

Also, whenever the Security Council is making a—is taking a position to take enforcement measure, he makes a special report.

Ssection 5(a) provides [reading]:

"Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, postal, telegraphic, radio, and other means of communications between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States."

Now, perhaps we should read at this point article 41 of the Charter, because the language of this section has been taken from that article.

Mrs. BOLTON. What page?

Dr. PASVOLSKY. Page 198.

Mr. ACHESON. Article 41 says [reading]:

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

Mr. FLOOD. Is this what is known, Mr. Secretary, as the sanctions provision?

Mr. ACHESON. Yes.

Mr. EATON. And this is in accord with article 41.

Mr. ACHESON. And this is in accord with article 41. It says the Security Council may call upon the members to apply the measures prescribed there. Then the President has the authority to do what we have by international treaty agreed to do.

Mr. KEE. Mr. Chairman.

Chairman BLOOM. Mr. Kee.

Mr. KEE. I take it this merely gives the President authority to apply measures which otherwise he would not have authority to apply.

Mr. ACHESON. That is correct.

Mr. KEE. He already has authority to apply other measures, such as severing diplomatic relations.

Mr. ACHESON. Yes. Under the Constitution the President has that authority. But the interruption of economic relations and communications by rail, sea, radio, and telegraph he would not have unless the Congress gave it to him. Section (b) is the enforcement provision for section (a). Is says [reading]:

"Any person who wilfully violates or evades or attempts to violate or evade any order, rule, regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, concerned in such violation shall be forfeited to the United States."

Mrs. BOLTON. May I ask a question.

Chairman BLOOM. Mrs. Bolton.

Mrs. BOLTON. I am in complete ignorance. What is a natural person?

Mr. ACHESON. That means an individual.

Mr. JARMAN. A human being.

Mr. FLOOD. Just an individual.

Mr. ACHESON. A legal person may be a corporation.

Mrs. BOLTON. And this has two legs and two arms.

Mr. ACHESON. A human being; yes.

Mr. FLOOD. Mr. Chairman.

Chairman BLOOM. Mr. Flood.

Mr. FLOOD. Is there any reason in section (b) which is well drafted with reference to the officer, director or agent of any corporation—is there any reason why the corporation itself cannot be liable to a fine? Of course, you cannot imprison a corporation. In the phrase "any person," the first two lines in section (b), do you interpret person to mean natural and corporate entity?

Mr. ACHESON. Yes, sir.

Mr. FLOOD. So that a corportion should be subject to a fine for violating any of the statutory provisions. If that is so, would it be advisable to include in the specifications of persons subject to the penal provisions of the act a statement that a corporation could be fined?

Mr. ACHESON. That is not necessary, Mr. Flood. These particular provisions have been interpreted by the courts many times.

Mr. FLOOD. Yes.

Mr. ACHESON. They appear in a great many statutes of the United States.

Mr. FLOOD. Yes.

6. Report of the House Foreign Affairs Committee on "Participation of the United States in the United Nations

Providing for the Appointment of Representatives of the United States in the Organs and Agencies of the United Nations, and to Make Other Provision With Respect to the Participation of the United States in Such Organization

DECEMBER 12, 1945.—COMMITTED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION AND ORDERED TO BE PRINTED

Mr. Bloom, from the U.S. Congress House Committee on Foreign Affairs, submitted the following report [to accompany S. 1580].

ECONOMIC SANCTIONS

The Charter of the United Nations contemplates that force will be used to settle disputes only as a last resort. In the first instance the parties obligate themselves to seek a solution of a given dispute through the various peaceful settlement procedures prescribed by the Charter. Thereafter, in the event the machinery for peaceful settlement fails to function satisfactorily, there would be contemplated enforcement measures short of the actual use of force. It would be only if these measures were determined to be inadequate that armed force would be used in connection with any particular dispute. Article 41 of the Charter has to do with enforcement measures short of war, and section 5 of the bill is designed to empower the President to lend this country's effective collaboration in action taken by the Security Council under this article.

Section 5 in substance would empower the President to join with other countries in applying enforcement measures short of the use of armed force in dealing with particular disputes. It also prescribes penalties to enforce regulations issued by the President in the exercise of this power. The section refers to the severance of economic relations and communications; the severance of diplomatic relations which is referred to in article 41 of the Charter, is omitted from section 5 of the bill since this is a matter concerning which full authority is vested in the President by virtue of his constitutional powers and obligations with respect to the conduct of this country's foreign relations.

The committee realizes that the powers proposed to be granted to the President under this section are very great. However, the basic decision in this regard was made when the Charter was ratified and this provision is simply a necessary corollary to our membership in this Organization. The committee also believes that the Security Council must be placed in the most effective position possible to act under article 41 since the prompt and effective application of economic and diplomatic sanctions by all the United Nations (or even the threat or possibility thereof) may avoid the necessity for use of the armed forces available to the Security Council.

The better prepared this country is to participate promptly in action of this kind, the more effective will be the Security Council and the more hope there will be that the United Nations may serve its major purpose, namely, the prevention of armed conflict.

There exists several well-recognized and long-standing precedents for the delegation to the President of powers of this general nature. Without going into detail, the committee would refer to the embargo legislation approved June 4, 1794, giving the President power to lay embargoes on all ships and vessels in American ports whenever in his opinion the public safety should require (1 Stat. 372). Legislative enactments in 1798 (1 Stat. 565–566), 1799 (1 Stat. 613, 615), 1800 (2 Stat. 7, 9), 1808 (2 Stat. 490) and 1809 (2 Stat. 506) suspended commercial relations with various countries but left the discontinuance of the

So, in this case, we have contacts with several of the ministers of the Zambian Government who expressed, from the point of view of their particular responsibility, what they thought, what they felt was the major need.

We recognize, as well as they do, that all of this needs to be sorted out before a rational program can be undertaken.

Mr. WINN. Are these ministers pretty much in agreement on their own priorities or are they going in all directions?

Mr. NEWSOM. They are not going in all directions. It has been known in other governments where there are slightly different views of the same problem. I do not cite this as a serious problem, but it does require sorting out before a rational program can be undertaken.

Mr. DIGGS. Would the gentleman yield?

Mr. WINN. I will be glad to.

Mr. DIGGS. I think the response to that needs some clarification. It seems to me that it gives an impression that people are going in different directions, that the Zambian Government is irresponsible.

Anybody who has been to Zambia, has met the President, and knows anything about the Zambian Government, knows that President Kaunda runs his own ship. I do not think it is correct to let the record give the impression that several ministers are coming from various angles, having serious discussions with our country team in Lusaka or here.

I do not think that any minister would enter into any serious discussions with our Government or our Government's representation without clearance from the President himself.

I think that that ought to be clarified. I think that leaves a wrong impression. The gentleman has been to that country. He knows the President as well as I do. I think that he would want to clarify that, and not leave the impression that you just have some irresponsible people going off in different directions, making requests that run up to $60 and $100 million as has been mentioned here today, when that is not the case.

Mr. NEWSOM. I would like to address myself to that, Mr. Chairman.

This was certainly not the intention or the implication that we sought to give in this. What we were saying, and something I think the Zambian Government would certainly agree with, and that which in a sense they have looked to the U.S. mission for possible assistance in doing, is that at a time like this, they need to assess what resources may be available to them.

They need to explore with those diplomatic missions which are in Lusaka various possible lines of action and lines of help. This is a very normal part of a process of resolving a problem and framing a program of this kind.

I think all we intended to say is that the full resolution of their needs and program is still in a formative state.

Mr. WINN. I appreciate the clarification of that, and the question by the chairman on that.

On page 5, the second paragraph, you stated—and I am sure that part of the question that we just touched on and maybe this one too, is the fact that you have tried to keep your remarks very brief before this committee, and we appreciate that—in the second paragraph you restraints to the discretion of the President. In addition the Supreme Court held in *Cargo of the Brig Aurora* v. *U.S.* (11 U.S. 382 (1913)) that it was constitutional for the President to extend further the provisions of the Non-Intercourse Act of 1809 (2 Stat. 528) by proclamatiou to Great Britain although such a method of invoking the statutory provisions had not been stipulated in the statute. Congress has likewise, in 1886, authorized the President to exclude foreign vessels for retaliation against discrimination to American commerce (24 Stat. 79). There are many subseqeunt examples of such delegation of power to the President, one of the more recent of which was upheld by the Supreme Court on the issue of unconstitutional delegation of power in the well-known case of *United States* v. *Curtiss-Wright Export Corporation* (299 U.S. 304).

7. Security Council Resolution No. 232 of December 16, 1966

[U.N. doc. S/RES/232 and Corr. 1 (1966) (S/7621/Rev. 1, as amended); and adopted by the Council on Dec. 16, 1966, by a vote of 11 (U.S.) to 0, with 4 abstentions (Bulgaria, France, Mali, and U.S.S.R.)]

Text of Resolution

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost in order to break off economic relations with Southern Rhodesia,

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that to the extent not superseded in this resolution, the measures provided for in resolution 217 (1965) of 20 November 1965, as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

(*a*) the import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(*b*) any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(*c*) shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(*d*) any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

(*e*) any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia: the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia: and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(*f*) participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia;

notwithstanding any contracts entered into or licenses granted before the date of this resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV); and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or of the specialized agencies to report to the Secretary-General the measures each has taken in accordance with the provisions of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

8. White House Press Release Dated January 5, 1967

U.S. Implements U.N. Sanctions Against Southern Rhodesia

The President on January 5 signed Executive Order No. 11322 implementing the United Nations Security Council's Resolution No. 232 of December 16, 1966, which imposed selective mandatory economic sanctions against Southern Rhodesia.

The President acted under the United Nations Participation Act of 1945, as amended. Section 5 of the act empowers the President to implement Security Council decisions adopted pursuant to article 41 of the United Nations Charter. In its Resolution No. 232, the Council decided that all member states shall prohibit imports of Rhodesian asbestos, iron ore, chrome, pig iron, sugar, tobacco, copper, meat and meat products, and hides, skins, and leather, as well as dealing by their nationals or in their territories in such products originating in Southern Rhodesia. The resolution also obligates members to embargo shipments of arms, aircraft, motor vehicles, and petroleum and petroleum products to Southern Rhodesia.

This Executive order prohibits the activities proscribed by the resolution, including transactions involving commodities exported from Southern Rhodesia after December 16, the date of the resolution, and delegates to the Secretaries of State, Commerce, and the Treasury the authority to promulgate regulations necessary to carry out the order. These regulations will be issued by the Departments shortly and will be effective as of January 5.

A violation of the Executive order is a criminal offense. Provision will be made in the regulations to deal with cases of undue hardship arising from transactions commenced before the date of the order.

The selective mandatory sanctions imposed by the Security Council's resolution of December 16 supplement earlier voluntary measures taken by a large majority of U.N. members in response to the Council's appeal, contained in its resolution of November 20, 1965 that they break off economic relations with Southern Rhodesia. This resolution was adopted a few days after the Smith regime in Southern Rhodesia had unilaterally declared its independence on November 11, 1965. The United States joined with other states in implementing the voluntary measures called for by the Security Council by embargoing the shipment to Southern Rhodesia of all arms, military equipment, and related items and by suspending the 1965 and 1966 U.S. import quotas for Rhodesian sugar. Since early 1966, the United States has called upon U.S. firms to cooperate with the voluntary Security Council sanctions and has recommended that U.S. firms comply with British Orders-in-Council by avoiding trade in commodities of significant importance to the Southern Rhodesian economy, including petroleum, as well as Rhodesian exports of chrome, asbestos, and tobacco.

96-861—73——12

9. Text of Executive Order 11322, January 5, 1967, Relating to Trade and Other Transactions Involving Southern Rhodesia

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations, by Security Council Resolution No. 232 adopted December 16, 1966, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order.

(a) The importation into the United States of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat prodncts, and hides, skins and leather originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(b) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the export from Southern Rhodesia after December 16, 1966, of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia, and any dealings by any such person in any such commodities or in products made therefrom in Southern Rhodesia or elsewhere, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings: *Provided*, however, that the prohibition against the dealing in commodities exported from Southern Rhodesia or products made therefrom shall not apply to any such commodities or products which, prior to the date of this Order, had been imported into the United States.

(c) Shipment in vessels or aircraft of United States registration of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(d) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles and equipment and materials for the mannfacture and maintenance of arms and ammunition in Southern Rhodesia.

(e) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles, and of equipment and materials for the manufacture, assembly, or maintenance of aircraft or motor vehicles in Southern Rhodesia; the shipment in vessels or aircraft of United States registration of any such goods destined for Southern Rhodesia; and any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia.

(f) Any participation in the supply of oil or oil products to Southern Rhodesia (i) by any person subject to the jurisdiction of the United States, or (ii) by vessels or aircraft of United States registration, or (iii) by the use of any land or air transport facility located in the United States.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows:

(a) To the Secretary of State, the function and responsibility of enforcement relating to the importation into, or exportation from the United States of articles, including technical data, the control of the importation or exportation of which is provided for in section 414 of the Mutual Security Act of 1954 (68 Stat. 848), as amended (22 U.S.C. 1934), and has been delegated to the Secretary of State by section 101 of Executive Order No. 10973 of November 3, 1961.

(b) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of articles other than the articles, including technical data, referred to in subsection (a) of this section; and

(ii) the transportation in vessels or aircraft of United States registration of any commodities the transportation of which is prohibited by section 1 of this Order.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not delegated under subsections (a) or (b) of this section.

SEC. 3. The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 232.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses, or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 232.

SEC. 5. (a) The term "United States," means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association, or other unincorporated body of individuals, or corporation.

LYNDON JOHNSON.

THE WHITE HOUSE, *January 5, 1967.*

10. Treasury Department Press Release, March 1, 1967

Rhodesian Transaction Regulations

The Treasury Department announced today it has issued regulations governing trade with Southern Rhodesia, under an Executive Order of January 5, 1967, by President Johnson.

The Rhodesian Transaction Regulations prohibit, unless licensed by Treasury:

Imports into this country of Rhodesian products named in a U.N. sanctions resolution of December 16, 1966. These Rhodesian products include asbestos, hides, skins and leather, meat and meat products, chromium, copper, iron ore, pig iron, sugar, tobacco, and certain by-products items, wherever made.

Dealings abroad in these products by Americans and by Rhodesian subsidiaries of U.S. firms.

Exports from abroad to Rhodesia, by Americans, of arms, aircraft, oil, motor vehicles, and some other products not of U.S. origin, directly or through a third country for transshipment to Southern Rhodesia.

(Control of exports of arms and other goods of U.S. origin to Southern Rhodesia falls under export controls exercised by the State and Commerce Departments.)

Penalties for violation of the regulations call for imprisonment for not more than 10 years, a fine of not more than $10,000, or both.

The Treasury said that in line with the President's Executive Order of January 5, it would license imports or other dealings in the products involved which had been exported from Southern Rhodesia prior to December 16, 1966. In addition, it said it would in general license in those cases where payment had been made by Americans prior to January 5, 1967. This provision was made to avoid cases of undue hardship arising from transactions made before the date of the Executive Order. Applications for such licenses must be filed with the Federal Reserve Bank of New York.

The Rhodesian Transaction Regulations apply only to the products mentioned and related financial and commercial transactions.

11. Security Council Resolution No. 253

[U.N. doc S/RES; 253 (1968); adopted unanimously by the Security Council on May 29, 1968]

The Security Council,

Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

Taking note of resolution 2262 (XXII) adopted by the General Assembly on 3 November 1967,

Noting with great concern that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, and 232 (1966) of 16 December 1966, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

Gravely concerned that the measures taken by the Security Council have not been complied with by all States and that some States, contrary to resolution 232 (1966) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime in Southern Rhodesia,

Condemning the recent inhuman executions carried out by the illegal régime in Southern Rhodesia which have flagrantly affronted the conscience of mankind and have been universally condemned,

Affirming the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility for dealing with the prevailing situation,

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV),

Reaffirming its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the United Nations Charter,

1. *Condemns* all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions;

2. *Calls upon* the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

3. *Decides* that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

(*a*) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(*b*) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(*c*) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(*d*) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

(*e*) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

4. *Decides* that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs;

5. *Decides* that all States Members of the United Nations shall:

(*a*) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and

(*b*) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966;

6. *Decides* that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

7. *Decides* that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

8. *Calls upon* all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

9. *Requests* all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

10. *Emphasizes* the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965);

11. *Calls upon* all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the United

Nations Charter and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article;

12. *Deplores* the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censures in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;

13. *Urges* all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

14. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

15. *Requests* States Members of the United Nations, the United Nations Organization, the specialized agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping her solve such special economic problems as she may be confronted with arising from the carrying out of these decisions of the Security Council;

16. *Calls upon* all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

17. *Considers* that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favoring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole;

18. *Calls upon* all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

19. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

20. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

(*a*) To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;

(*b*) To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3(*d*) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

21. *Requests* the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective;

22. *Calls upon* all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution;

23. *Decides* to maintain this item on its agenda for further action as appropriate in the light of developments.

said that the sanction has had visible effects on the Rhodesian economy and created considerable difficulties for its leaders.

Could you elaborate on those difficulties a little bit? What type of difficulties are you talking about?

Mr. NEWSOM. The first and foremost difficulty is the very severe shortage of foreign exchange. This has created problems for Rhodesia in getting replacements for equipment from abroad, both in the industrial sector and the transport sector.

It has meant that the economic growth has been limited by the fact that foreign exchange needs to be hoarded in so careful a manner because of sanctions. Sanctions have also hit the agriculture sector hard, particularly the tobacco sector.

This has caused major realinements of crops and of economic activity within the country. Reading from a State Department report on this, it notes that sustained pressures on Rhodesia's limited foreign exchange reserves have led it to keep exchange controls to protect foreign trade industries.

The inability to replace foreign trade and sanctions have had a particularly serious effect in preventing the acquisition of badly needed aircraft, rolling stock and agriculture machinery.

Mr. WINN. It is pretty general, would that be a fair statement?

Mr. NEWSOM. Yes, but all coming back to the fact that whatever the level of their economic activity may be, they are still not able to produce the kind of foreign exchange they need to produce.

Mr. WINN. Do they do much in the way of manufacturing or do they have to import all of the manufactured goods?

Mr. NEWSOM. Sanctions has increased to some extent locally manufactured items, but they still depend quite heavily on imports.

Mr. WINN. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Bingham?

Mr. BINGHAM. In the interest of time, Mr. Secretary, I would like to ask just one question. In a situation of this kind where you are in the preliminary stages of considering an aid request or, where it is not even a request, but there is the possibility of Eximbank funding of parts of it, how is this approached within the U.S. Government in terms of what might be handled under the Eximbank and what might be handled in some other way?

How do you go about that?

Mr. NEWSOM. Well, in a situation such as this, where there is a country that has at least initially a good foreign exchange situation. we would tend to look for, to meet the immediate needs, commercial arrangements backed, financed or guaranteed by the Export-Import Bank.

There are already, for example, some American truck manufacturing companies that are in contact with the Zambian Government and in contact with us as well about the possibility of making direct commercial sales with Export-Import Bank help.

That is the simplest and most immediate tool that is available to us. We would encourage activities under that while we wrestle with the longer-term problems of what we can do in the concessionary field.

Mr. BINGHAM. Have there been exports to Zambia in recent years financed by the Eximbank?

12. Text of Executive Order 11419, July 29, 1968

Relating to Trade and Other Transactions Involving Southern Rhodesia

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations by Security Council Resolution No. 253 adopted May 29, 1968, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

Section 1. In addition to the prohibitions of section 1 of Executive Order No. 11322 of January 5, 1967, the following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Importation into the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(b) Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; *Provided, however*, That the prohibition against the dealing in commodities or products exported from Southern Rhodesia shall not apply to any such commodities or products which, prior to the date of this Order, had been lawfully imported into the United States.

(c) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(d) Sale or snpply by any person subject to the jurisdiction of the United States, or any other activities by any such person which promote or are calculated to promote the sale or supply, to any person or body in Southern Rhodesia or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products. Such activities, including carriage in vessels or aircraft, may be authorized with respect to supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material, and foodstuffs required by special humanitarian circumstances.

(e) Carriage in vessels or aircraft of United States registration or under charter to any person to the jurisdiction of the United States of any commodities or products consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

(f) Transfer by any person subject to the jurisdiction of the United States directly or indirectly to any person or body in Southern Rhodesia of any funds or other financial or economic resources. Payments exclusively for pensions, for strictly medical, humanitarian or educational purposes, for the provision of news material or for foodstuffs required by special humanitarian circumstances may be authorized.

(g) Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

Sec. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions, and of those prohibitions of Executive Order No. 11322 of January 5, 1967, specified below, are delegated as follows:

(a) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of commodities and products other than those articles referred to in section 2(a) of Executive Order No. 11322 of January 5, 1967; and

(ii) the carriage in vessels of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(b) To the Secretary of Transportation, the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage in aircraft of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not previously delegated in section 2 of Executive Order No. 11322 of January 5, 1967, and not delegated under subsections (a) and (b) of this section.

Sec. 3. The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 253.

Sec. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 253.

Sec. 5. (a) The term "United States," as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association or other unincorporated body of individuals, or corporation.

Sec. 6. Executive Order No. 11322 of January 5, 1967, implementing United Nations Security Council Resolution No. 232 of December 16, 1966, shall continue in effect as modified by sections 2, 3, and 4 of this Order.

Lyndon B. Johnson.

The White House, *July 29, 1968.*

13. Treasury Department Press Release, August 12, 1968

Rhodesian Sanctions Regulations

The Treasury Department announced today that it has issued new regulations extending mandatory economic sanctions against Southern Rhodesia.

The regulations implement a United Nations Security Council Resolution of May 29, 1968. Issued under Presidential Order of July 29, they prohibit virtually all unlicensed commercial and financial transactions by Americans with Southern Rhodesia.

Exports from the United States are governed by Commerce Department regulations. Exceptions, under Treasury regulations, may be made for shipments from foreign countries by Americans of medical, educational, news materials, and foodstuffs in special humanitarian circumstances. Payment of pensions to persons in Southern Rhodesia and charitable remittances to missionary societies can be authorized.

Licenses will be issued for imports of merchandise of Rhodesian origin not previously embargoed when the Treasury is satisfied that the merchandise was exported from Southern Rhodesia prior to May 29, 1968. The Treasury, in general, will consider applications for licenses for other imports where payment had been made by Americans prior to July 29, 1963. This policy is designed to alleviate cases of undue hardship arising from transactions entered into before the date of the Executive Order. Applications for licenses may be filed with the Federal Reserve Bank of New York.

Penalties for violation of the regulations provide for imprisonment for not more than 10 years and a fine of not more than $10,000, or both.

The new regulations bear the title "Rhodesian Sanctions Regulations," and replace "Rhodesian Transaction Regulations" which have been revoked.

14. Security Council Resolution No. 277

[U.N. doc. S/RES/277(1970)/Corr. 1 (S/9709/Rev. 1); adopted by the Security Council on Mar. 18, 1970 by a vote of 14 to 0, with 1 abstention (Spain)]

The Security Council.

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

Taking into account the reports of the Committee established in pursuance of Security Council resolution 253 (1968) (S/8954 and S/9252),

Noting with grave concern:

(a) That the measures so far taken have failed to bring the rebellion in Southern Rhodesia to an end,

(b) That some States, contrary to resolutions 232 (1966) and 253 (1968) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime of Southern Rhodesia.

(c) That the Governments of the Republic of South Africa and Portugal have continued to give assistance to the illegal régime of Southern Rhodesia, thus diminishing the effects of the measures decided upon by the Security Council,

(d) That the situation in Southern Rhodesia continues to deteriorate as a result of the introduction by the illegal régime of new measures, including the purported assumption of republican status, aimed at repressing the African people in violation of General Assembly resolution 1514 (XV),

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolutions 1514 (XV),

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the United Nations Charter,

1. *Condemns* the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia;

2. *Decides* that Member States shall refrain from recognizing this illegal régime or from rendering any assistance to it;

3. *Calls upon* Member States to take appropriate measures, at the national level, to ensure that any act performed by officials and institutions of the illegal régime in Southern Rhodesia shall not be accorded any recognition, official or otherwise, including judicial notice, by the competent organs of their State;

4. *Reaffirms* the primary responsibility of the Government of the United Kingdom for enabling the people of Zimbabwe to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations and in conformity with General Assembly resolution 1514 (XV), and urges that Government to discharge fully its responsibility;

5. *Condemns* all measures of political repression, including arrests, detentions, trials and executions, which violate fundamental freedoms and rights of the people of Southern Rhodesia;

6. *Condemns* the policies of the Governments of South Africa and Portugal, which continue to have political, economic, military, and other relations with the illegal regime in Southern Rhodesia in violation of the relevant United Nations resolutions;

7. *Demands* the immediate withdrawal of South African police and armed personnel from the Territory of Southern Rhodesia;

8. *Calls upon* Member States to take more stringent measures in order to prevent any circumvention by their national, organizations, companies and other institutions of their nationality, of the decisions taken by the Security Council in resolutions 232 (1966) and 253 (1968), all provisions of which shall fully remain in force;

9. *Decides*, in accordance with Article 41 of the Charter and in furthering the objective of ending the rebellion, that Member States shall:

(a) Immediately sever all diplomatic, consular, trade, military and other relations that they may have with the illegal régime in Southern Rhodesia, and terminate any representation that they may maintain in the Territory;

(b) Immediately interrupt any existing means of transportation to and from Southern Rhodesia;

10. *Requests* the Government of the United Kingrom as the administering Power, to rescind or withdraw any existing agreements on the basis of which foreign consular, trade and other representation may at present be maintained in or with Southern Rhodesia;

11. *Requests* Member States to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

12. *Calls upon* Member States to take appropriate action to suspend any membership or associate membership that the illegal régime of Southern Rhodesia has in specialized agencies of the United Nations;

13. *Urges* Member States of any international or regional organizations to suspend the membership of the illegal régime of Southern Rhodesia from their respective organizations and to refuse any request for membership from that régime;

14. *Urges* Member States to increase moral and material assistance to the people of Southern Rhodesia in their legitimate struggle to achieve freedom and independence;

15. *Requests* specialized agencies and other international organizations concerned, in consultation with the Organization of African Unity, to give aid and assistance to refugees from Southern Rhodesia and those who are suffering from oppression by the illegal régime of Southern Rhodesia;

16. *Requests* Member States, the United Nations, the specialized agencies and other international organizations in the United Nations system to make an urgent effort to increase their assistance to Zambia as a matter of priority with a view to helping her solve such special economie problems as she may be confronted with arising from the carrying out of the decisions of the Security Council in this question;

17. *Calls upon* Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

18. *Urges*, having regard to the principle stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

19. *Calls upon* Member States to report to the Secretary-General by 1 June 1970 on the measures taken to implement the present resolution;

20. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report not to be made later than 1 July 1970;

21. *Decides* that the Committee of the Security Council established by resolution 253 (1968), in accordance with rule 28 of the provisional rules of procedure of the Security Council, shall be entrusted with the responsibility of:

(a) Examining such reports on the implementation of the present resolution as will be submitted by the Secretary-General;

(b) To seek from Member States such further information regarding the effective implementation of the provisions laid down in the present resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

(c) To study ways and means by which Member States could carry out more effectively the decisions of the Security Council regarding sanctions against the illegal régime of Southern Rhodesia and to make recommendations to the Security Council;

22. *Requests* the United Kingdom, as the administering Power, to continue to give maximum assistance to the Committee and to provide the Committee with any information which it may receive in order that the measures envisaged in this resolution as well as resolutions 232 (1966), and 253 (1968) may be rendered fully effective;

23. *Calls upon* Member States as well as the specialized agencies to supply such information as may be sought by the Committee in pursuance of this resolution;

24. *Decides* to maintain this item on its agenda for further action as appropriate in the light of developments.

15. Excerpts From "International Legal Process: Materials for an Introductory Course," by Abram Chayes, Thomas Ehrlich, and Andrea F. Lowenfeld (1969; pp. 1355, 1393–1397)

United States

In the United States, the legal situation was wholly different. As we saw in Problem IV (pp. 266–270), the regulation of imports is traditionally the preserve of Congress, delegated to the executive only under carefully worked out conditions. Moreover, the most-favored-nation provision [135] precludes special restrictions on goods of any given country or area for political reasons. Thus while the United States could and did discourage imports from Rhodesia after UDI and the November 1965 resolution,[136] it could not (except as discussed below) impose prohibitions on import of goods of Rhodesian origin.

In contrast, exports, which under the Constitution are immune from taxation,[137] are subject to controls by the President pursuant to a broad statutory grant of authority—the Export Control Act of 1949.[138] Section 3 of that act authorizes the President, in order "to effectuate the policies set forth in section 2," to "prohibit or curtail the exportation from the United States * * * of any articles, materials, or supplies * * * except under such orders and regulations as he shall prescribe." The purposes stated in § 2 include "(B) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities. * * *"

It was this statute that had been the basis for the system of export controls and licenses established in 1949–1952 to control trade in strategic goods with the communist nations (see p. 1383, Question 2(a)). For present purposes it seemed clear that ¶B could support an export control scheme directed at Southern Rhodesia, and such a scheme was put into effect early in 1966.[140] Nearly all goods exported from the United States and destined for Rhodesia needed a special or "validated license," and licenses were rarely granted.

This dual posture of the United States during 1966 on trade with Rhodesia—strict controls on exports and no controls on imports [141]—baffled most observers. Many critics of the United States, not knowing or caring about the statutory framework, thought it proved the hypocrisy of the Uinted States position.

The decison of the Security Council in favor of mandatory sanctions brought into play (for the first time) § 5 of the United Nations Participation Act (Documents Supplement, p. 64). On January 5, 1967, the President accordingly issued an Executive Order Relating to Trade and Other Transactions Involving Southern Rhodesia (Documents Supplement, p. 622). Two months later, detailed implementing regulations were issued by the Treasury Department. (Documents Supplement, p. 624). An idea of how they operate can be obtained from working through the questions that follow.

Notes and Questions

1. One alternative to waiting for a decision of the Security Council under Article 41 would have been for the United States to invoke the Trading with

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[135] Sec. 251 of the Trade Expansion Act, 19 U.S.C. § 1351.

[136] See, e.g., the statement of Ambassador Goldberg on Nov. 20, 1965, 20 U.N. SCOR, 1265th Meeting 14–15 (1965); 53 Dept. State Bull. 915–916 (1965).

[137] Art. I, § 9, Documents Supplement, p. 6.

[138] 50 U.S.C. App. §§ 2021–2032 and Supp. II (1965–1966).

[140] United States Dept. of Commerce. Current Export Bull. No. 926, Dec. 28, 1965, 31 Fed. Reg. 85 (1966); 31 Fed. Reg. 4783 (1966); 31 Fed. Reg. 6864 (1966). The present regulations are contained in United States Dept. of Commerce, Comprehensive Export Schedules 15 C.F.R. § 373.69 (1968).

[141] The United States did, however, on November 20, 1965, suspend Southern Rhodesia's sugar quota for 1965 and 1966, pursuant to a provision in the Sugar Act permitting suspension of sugar quotas of any foreign country on national interest grounds. 7 U.S.C. 1112 (d)(1)B and Supp. II (1965–66). See 30 Fed. Reg. 15316 (1965).

the Enemy Act, and particularly § 5(b) [142] (Documents Supplement, p. 621). A state of emergency had been proclaimed in December 1950 when the Chinese communists attacked United States troops in Korea [143] and this proclamation had not been revoked. It had been resorted to in other situations, particularly with respect to Cuba and with respect to Vietnam. As Attorney General of the United States, would you have advised that the Trading with the Enemy Act could be invoked to control trade with Rhodesia? See the excerpt from Sardino v. Federal Reserve Bank of New York, Problem I, p. 36.

2. Compare § 527.307 of the United States Rhodesia Transaction Regulations with §§ 500.329–330 of the Foreign Assets Control Regulations covering trade with the communist controlled areas of China, Korea and Vietnam, and §§ 515.329–330 and 515.541 covering trade with Cuba.

RHODESIAN TRANSACTION REGULATIONS [1]

§ 525.307 *Person subject to the jurisdiction of the United States.* (a) The term "person subject to the jurisdiction of United States" includes:

(1) Any person, wheresoever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization organized under the laws of, or having its principal place of business in, Southern Rhodesia which is owned or controlled by persons specified in subpargraph (1), (2) or (3) of this paragraph.

FOREIGN ASSETS CONTROL REGULATIONS [2]

§ 500.329 *Person subject to the jurisdiction of the United States.* (a) The term "person subject to the jurisdiction of the United States" includes:

(1) Any person, wheresoever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any state, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization wheresoever organized or doing business, which is owned or controlled by persons specified in (1), (2), or (3).

§ 500.330 *Person within the United States.* (a) The term, "person within the United States", includes:

(1) Any person, wheresoever located, who is a resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any state, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization, wheresoever organized, or doing business, which is owned or controlled by any person or persons specified in (1), (2), or (3).

CUBAN ASSETS CONTROL REGULATIONS [3]

§ 515.329 *Person subject to the jurisdiction of the United States.* (a) The term "person subject to the jurisdiction of the United States" includes:

(1) Any person, wheresoever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any state, territory, possession, or district of the United States; and

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[142] Recall use of the same statute in aid of regulations concerning gold and foreign investment, Problem X, pp. 717 and 789 n. 91.

[143] Proclamation No. 2914. Dec. 16, 1950, 15 Fed. Reg. 9029 (1950).

[1] 31 C.F.R. pt. 525 (1968).

[2] Id. pt. 500.

[3] Id. pt. 515.

(4) Any partnership, association, corporation, or other organization wheresoever organized or doing business which is owned or controlled by persons specified in subparagraph (1), (2), or (3) of this paragraph.

§ 515.330 *Person within the United States.* (a) The term "person within the United States," includes:

(1) Any person, wheresoever located, who is a resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any state, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization wheresoever organized, or doing business, which is owned or controlled by any person or persons specified in subparagraph (1), (2), or (3) of this paragraph.

§ 515.541 *Certain transactions by non-banking organizations in foreign countries owned or controlled by persons in the United States.* (a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, all transactions incidental to the conduct of business activities abroad engaged in by any non-banking association, corporation, or other organization, which is organized and doing business under the laws of any foreign country in the authorized trade territory are hereby authorized.

(b) This section does not authorize any transaction involving United States dollar accounts or any other property subject to the jurisdiction of the United States.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of any merchandise of United States origin or the obtaining of a credit in connection therewith.

(d) This section does not authorize the transportation aboard any vessel which is owned or controlled by any organization described in paragraph (a) of this section of any merchandise from a designated foreign country to any country or from any country directly or indirectly to a designated foreign country.

(e) This section does not authorize any person subject to the jurisdiction of the United States other than an organization described in paragraph (a) of this section to engage in or participate in or be involved in any transaction. For the purpose of this section only, no person shall be deemed to be engaged in or participating in or involved in a transaction solely because of the fact that he has a financial interest in any organization described in paragraph (a) of this section.

Note that each set of regulations is different. How do you explain this difference? Look again at Question 4, p. 1355. What is the appropriate jurisdictional scope for a regulation of this kind when drawn up by a country whose nationals have widespread foreign investments?

3. General Motors has a substantial operation in South Africa, assembling, selling and servicing GM automobiles and trucks. After December 31, 1965, as we have seen, the principal supplies of fuel for Rhodesia came through South Africa, largely overland by truck.

(a) Is there any obligation on General Motors, South Africa (Pty.) Ltd., a wholly owned subsidiary of GM, to exercise control over the use of the trucks it sells?

(b) Suppose a trucker comes to the GM plant in Johannesburg and asks that his fuel trucks be equipped with special heavy duty springs and axles so that they will stand up better on the bad roads to Salisbury. Is there any obligation on GM/South Africa to decline to comply with this request?

(c) Assume that Ford of South Africa is operated as a branch of the Ford Motor Company rather than as a subsidiary. Is the answer to (b) any different with respect to Ford than with respect to General Motors? If so, is the distinction rational in terms of the objectives of the sanctions?

(d) If your answer to (a) and (b) is that GM/South Africa has no obligation to heed the regulations, does this not reflect a large gap in the regulations? Would you favor closing it? How?

Questions

1. Look again at Sir Patrick Dean's statement on the constitutional limitations on British legislation for Rhodesia (pp. 1326–1327 and Question 2, p. 1348). Is is possible to reconcile that statement with the Southern Rhodesia Act, 1965? Does the Attorney-General's statement (p. 1351) do it?

2(a) Did the Security Council's resolutions add anything to the authority of the British government? Was it necessary, for example, for Prime Minister Wilson to wait until after passage of Resolution 217 (p. 1347) before imposing the oil embargo?

(b) Did Resolution 217 obligate Britain to take the steps it did? Why do you suppose no mention is made of the resolution in the petroleum order (Documents Supplement, p. 601)?

3. Prime Minister Wilson and Foreign Secretary Stewart placed great emphasis on the need to secure collaboration not only from foreign governments but from the oil companies in order to undertake an effective embargo. Could the United States government simply have directed all United States companies to comply with British law and with the Security Council resolution? Would § 5(b) of the Trading with the Enemy Act (Documents Supplement, p. 621) be adequate authority for such an order? What about § 5 of the United Nations Participation Act (Documents Supplement, p. 64)?

4. Look at the Southern Rhodesia Petroleum Order, Documents Supplement, p. 601. The prohibition applies to: (i) supply of petroleum to Southern Rhodesia; (ii) carriage of petroleum to Rhodesia in British ships; and (iii) importation of petroleum into Southern Rhodesia. Each of the prohibitions is subject to criminal penalty, but each has a different jurisdictional basis. Can you explain this? Why, for example, should not supply of oil to Rhodesia be an offense regardless of the nationality of the person doing it? Compare, in this connection, the regulations issued by the United States a year later (Documents Supplement, pp. 624–633) and Question 2, pp. 1394–1397.

5. Consider now the Southern Rhodesia (Prohibited Exports and Imports) Order 1966, Documents Supplement, p. 603. Specific embargoes were decreed by supplementary orders specifying various products under ¶1(1).

Mr. NEWSOM. Yes. I do not know the exposure of the Eximbank, but there have been quite a number of exports, particularly related to the mining industry there.

Mr. BINGHAM. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Rosenthal?

Mr. ROSENTHAL. Thank you, Mr. Secretary, setting aside the current situation for the moment, what is your prognosis of the economic situation in Rhodesia, assuming the sanctions continue?

Mr. NEWSOM. I think it is our general impression that if sanctions can continue, and there is no more weakening or symbolism of weakening, the same pressures which have really encouraged Mr. Smith to look for solutions to the problem which are acceptable internationally, are going to continue and perhaps even to mount somewhat.

I think there is a feeling on the part of those who have been close to the problem, and particularly some of our British friends, that this is a time when there should perhaps be a minimum of external efforts to resolve this problem, and the sort of tentative but existing efforts to open discussions between the Smith regime and the African National Congress, more or less representing the black community, should be left to develop, and certainly the sanctions remain an important aspect of the encouragement of that process.

I cannot predict how it will go, but I think our feeling is that there is some movement in this direction. We certainly hope that it can be encouraged and continued.

Mr. ROSENTHAL. I am not sure I understand your answer. Is your answer that the attitude of the present government is to relax external pressures and hope internal forces will solve the problem?

Mr. NEWSOM. No. I say this is the answer of those who have been close to the problem. But, in talking about relaxation of external pressures, they are not referring to the sanctions. They are referring to the external pressures to bring the two sides together in Rhodesia.

Mr. ROSENTHAL. I am trying to find out whether you have an opinion as to whether sanctions are an effective tool to obtain the objectives the British set out 7 years ago.

Mr. NEWSOM. We think they are the only element in the picture that is still exercising the necessary pressures to bring about some solutions other than acceptance of the status quo.

Mr. ROSENTHAL. In a sense then, looking back on the 7 years, one can say the sanctions were a failure because when they were originally imposed, it was anticipated that the Smith regime would fall.

When they were first imposed, there were forces within Great Britain suggesting the use of military action. What then prevailed was—that is, the reasonable view—that the bite and cut of sanctions would cause the falling of the Smith regime.

Mr. NEWSOM. Well, it did not happen as quickly as a lot of people thought it might, but the basic utility of sanctions as a means of bringing about some kind of acceptable, internationally acceptable, solution to the problem still exists.

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Secretary, we have several other questions, but we have two other witnesses. I would like to, without objection, read the remainder of my questions into the record and have the record open so that you can respond. We will provide you with the questions, and you can respond in that fashion.

16. The State of the Rhodesian Regime, 1973

(A Study by Barbara Rogers)

The Effect of Sanctions

The Johannesburg Star recently said:

"Rhodesia moves into 1973 with a deep sense of uncertainty, uneasiness and frustration born of continued isolation and the inability to shape her own destiny free from the fetters of powerful outside influences.

"* * * White Rhodesia may put up a brave and defiant face, but it is clear that the years of economic warfare and isolation are taking their toll. The desire for a settlement and the more secure future it would bring has never been stronger.

"* * * The foreign exchange position is desperate (the reason that luxuries like Scotch whisky are disappearing from shop windows) ad it is this factor which is causing a number of resident to ponder on whether it is worth sinking their roots deeper into Rhodesian soil."

(Weekly edition, Dec. 30, 1972)

In May, the President of the Associated Chambers of Commerce of Rhodesia emphasized the inability of the economy to expand under sanctions to provide a level of employment necessary to ensure the country's long-term future. He added that sanctions were also costing the regime a less visible, but very important loss of competition in the commercial world, and pointed to the growing exodus of qualified young people:

"They are leaving not because they are unhappy with the political situation, but because the whole business climate is too restrictive." [The Star, Johannesburg, weekly, May 12, 1973]

Even though South Africa enables Rhodesians access to world trade, there is a price; South Africa is known as "our friends plus 10%", and Smith had admitted that "We buy at a premium and we sell at a discount." Tension has developed between Rhodesian and South African businessmen since the latter claim that the Rhodesian market is largely closed to them. The obvious export market in the Portuguese colonies came to a standstill in early 1972 as a result of drastic foreign currency shortages in Angola and Mozambique arising from the colonial wars there and the Cabora Bassa Dam construction. [Rhodesia Herald, Feb. 10, 1972] Priority for imports goes to war material to repress the African population and fight the guerrillas of the liberation movements; and then to the import-intensive capital goods necessary for the import substitution program. Rhodesia invariably had a trade surplus before UDI, but this is no longer so. The result is a tightening foreign exchange crisis, and poor quality, choice and quautity of many consumer items, which the white population finds increasingly irritating. Photographic equipment, sports equipment, imported whisky and other luxuries, and even books are in short supply, while many other items produced locally are very expensive and of poor quality. The number of consumer complaints appearing in Rhodesian newspapers has risen considerably.

Economic factors are not isolated as a cause of uneasiness among the ruling white minority. Another is a distinct lack of confidence in the leadership, and its inability to deal with economic, diplomatic and military pressures. The retiring president of the Bulawayo Chamber of Commerce said that Rhodesians were "tiring and becoming frustrated by secrecy" as much as by sanctions themselves:

"For how long can we be shrouded from the truths which we suspect, but which we can never be sure of? For how long can we accept decisions without knowing the true and full facts on which those decision are based? * * * The Rhodesian way of life, or the ideal of it, is friendly and easy-going. This life style is reaching a crisis point—for good or for bad, we cannot ignore the pressure of the outside world." [Rhodesian Herald, Mar. 23, 1972]

South Africans, who used to bring valuable tourism income to Rhodesia, are frightened to visit now as a result of the guerrilla attacks. The Chairman of the Kariba Publicity Association, after visiting South Africa to promote renewed tourism, commented:

"I doubt if we will overcome this problem for a very long time to come. A great deal of damage has been done and we don't seem to be able to undo it." [The Star, weekly, March 24, 1973]. An additional blow to the hotel industry has been the closure of the Zambian border. Some hotels are faced with bankruptcy because the white visitors from Zambia, on which they relied, can no longer visit Rhodesia. [The Star, weekly, April 21, 1973]

Immigration has also slowed down drastically in 1973. The net gain in March was only 20 whites [The Star, weekly, May 5, 1973].

Between 1960 and 1970, Rhodesia lost 88,210 whites and gained 82,170. Immigration has for some time been large balanced by large-scale emigration, especially of young people. The proportion of the white population aged 55 has risen markedly. Annual natural increase is only 1.1% a year, half the rate in the 1950's. Only 10% of the whites were born in Rhodesia, and of the 50 white members of the House of Assembly, only 6 were born in Rhodesia. For recent immigrants, the promise of an easy life may turn out to be an illusion. Unemployment among Africans has long been a fact of life, but now even for whites. "If you want a job these days you join the queue," according to Salisbury employment bureaus. It is estimated that 70% of the unemployed are new immigrants. [Rhodesia Herald, March 16, 1972]

Agriculture.—A letter from a visitor to Rhodesia at the beginning of 1973 says, "Everyone seems to think that white farming is at the end of the road." The demand for tractors has reached "alarming proportions", according to the President of the Rhodesian Agriculture Dealers' Association (RADA). [Property and Finance, Salisbury, April 1972]. Although State aid to the agricultural sector is massive, in the form of straight subsidies and credit, the regime is under constant fire for not allocating even more of the regime's scarce resources. The tobacco industry has been the hardest hit sector, and has declined steadily in spite of the huge subsidies amounting to R$9,000 per farmer per year. The agricultural sector is now facing a major drought, whose effects will be felt over the next few months as usual production levels of maize and other export crops fall steeply. The South Africa *Financial Mail* estimates that the difference between the 1972 bumper harvest and even a fair 1973 season could be about R$39m in export earnings. (Dec. 22, 1973.)

Mining.—The long-term trend of falling commodity prices, which hits all developing countries, is also a problem for Rhodesia with its large mining industry, which is heavily export-oriented. (See e.g. Mr. Wrathall's "budget" statement, June 1971). The regime's refusal to devalue the Rhodesia dollar is also heading the industry to what the Johannesburg Star calls a "crisis point" [weekly edition, March 17, 1973]. The regime has made it a matter of confidence in its own management not to devalue the currency, even at the South African and U. S. devaluations; this seriously affects the competitivenes of the mining sector in international markets, as well as other foreign exchange-earning sectors such as tourism.

The Wankie coal-mine disaster, and loss of the Zambian market, has badly affected the coal-mining sector. Nickel interests, perhaps the fastest growing mining sector, have reacted adversely to the refusal to devalue. Perhaps the most favored sector is that of chrome—where production is dominated by the U.S. companies Union Carbide and Foote Mineral, and where production has expanded in the last year, partly as a result of the Byrd Amendment for which both companies lobbied (apparently under the threat from the regime that their assets might be expropriated). Production of ferrochrome at the Union Carbide mine, and the construction of a plant at Foote Mineral's has obviously benefitted from the Byrd Amendment. $6m.-worth of ferrochrome was imported into the U.S. from Rhodesia in 1972, almost half the total imports under the Byrd Amendment. This contributed to the decline of the U.S. ferrochrome industry, which put several hundred U.S. employees of Foote Mineral and other companies out of work in 1972.

The regime allows no statistics to be published, but it is understood that mines are now having to stockpile mineral production as a result of the inadequacies of Rhodesia Railways.

Transportation.—This is the sector which has been the worst hit by sanctions in the long run, since it has proved impossible to maintain and renew the rolling stock, or purchase enough new locomotives. Tariffs have had to be raised twice recently, but even with that Rhodesia Railways had deficit in 1971–2 of R$1.9m., compared with a deficit of R$1.7m. the previous year. [Rhodesia Herald, Dec. 21, 1972]. The closure of the Zambia border has resulted in a loss of revenues to the Railways of $20m. a year. In May 1972 the Treasury was forced to write off a R$30m. loan, and to ease repayment on a further R$15m. The South Africa Financial Mail comments that railway deficits will quadruple, even assuming that trucks previously used for Zambian exports (at a premium) will be fully utilized locally. (Jan. 15, 1973.) Any further tariff raises to control the deficit would raise the price of vital mineral exports.

Manufacturing.—The boost to locally based industrial growth provided by UDI appears to have lost its momentum. Opportunities for import replacement expansion have largely been exhausted, and both internal and external markets are static or shrinking. Industrial growth is low; the Association of Rhodesian Industries forecast 3.5% growth for 1973 it will be much less if farming revenue falls as expected, due to the drought.

The external markets have been cut by the South African devaluations, which made Rhodesia goods 19% more expensive in South Africa and other competing markets, such as Malawi and Mozambique. Inflation in South Africa, and an unwillingness to reduce prices proportionately to the devaluation, mean that essential South Africa imports are more expensive. Meanwhile, the industrial sector is clamoring for foreign exchange. Much of the fast industrial growth-rate achieved after UDI was the result of buying cheap second-hand machinery on the South African market; these now need either spare parts or complete replacements.

The Zambian border closure

It was an unexpected move by the regime which sparked off the confrontation with Zambia; at the beginning of January it closed the border, following the explosion of a guerrilla landmine. However, it announced that Zambia copper exports would be allowed through—an indication of its dependence on revenue from the transit trade which was at a higher rate than for local goods. Zambia faced the challenge by refusing to export copper through Rhodesia, and when Smith backed down a month later, on the claim that he had received "assurances" from Zambia that guerrilla activity would be stopped (a claim vigorously denied by the Zambians), the border remained closed at Zambia's insistence.

The effect on Zambia was serious, but not catastrophic. President Kaunda has told friends that he could not have made the decision to keep the border closed without the full support of his people. Fortunately for Zambia, the crisis coincided with a substantial increase in the price of copper, which resulted in a rise in foreign reserves from an all-time low of K82.5m. in September 1972 to K127m. at the end of February. [The Star, weekly, April 14, 1973]. With the oil pipeline to Dar es Salaam (built by an Italian firm after traditional British suppliers had forecast insuperable difficulties); the new road to Dar built with Canadian and U.S. loans, and the rapid progress of the Tan-zam railway, built by the Chinese after a World Bank refusal, the problems are mainly short-term, and in the long run the diversion of trade routes away from Rhodesia is likely to be beneficial to Zambia and other independent African countries. The very high costs of the rerouting program are being partly offset by contributions from Canada, Scandinavia, African countries and others through the United Nations. The U.S. is one of the slowest to respond to the U.N. appeal for assistance.

Interestingly, Portuguese authorities in Angola and Mozambique have been very eager to cooperate with Zambia, partly because increased transit trade improves their own income, and partly to show their disagreement with the rash move by the Rhodesian regime. The South Africans have also taken pains to dissociate themselves from the regime, and have helped to provide essential equipment to keep the Zambian mining industry going. The attempted blockade has united Zambia with such unlikely African governments as those of Malawi, Uganda and Tanzania, who have all pledged wholehearted support.

Reaction to Smith's miscalculated confrontation with Zambia has been very adverse in Britain, where foreign policy officials now appear to consider Smith and his regime to be a major embarrassment. Even the London Times, not known for its liberalism, commented:

"Mr. Ian Smith yesterday declared that his action would have no effect on the prospects for a settlement with Britain. He is mistaken. An illegal regime is applying sanctions against a friendly state.

"* * * The circumstances that led to the closing of the border—infiltrations by guerrillas which had considerable support from within Rhodesia—hardly suggests the Africans are now ready to reserve their earlier verdict (that the Smith regime is unacceptable)" [February 1, 1973].

The Foreign Secretary, Sir Alec Douglas-Home, told the House of Commons:

"This is a most regrettable development, I believe it can only make more difficult the search for an acceptable settlement of the Rhodesian problem and increase the level of tension in the area." [Quoted by the U.K. delegate in the Security Council debate, Jan. 20. 1973]

Even the staunchest of Smith's friends are beginning to withdraw their support as a result of the series of blunders and overreactions which have characterized the regime since the beginning of 1973: the attempt to present a facade of African opinion turning in favor of the 1972 settlement overwhelmingly rejected by Africans, as reported by the Pearce Commission; the decision to impose collective punishment on Africans suspected of helping guerrillas; the harshness of *apartheid*-style repressive legislation, and forced removals of thousands of people from their homes, involving the separation of children from their parents; and of course the politically and economically disastrous decision to close the Zambian border, which is estimated to be costing $20m. a year to the regime. A former loyal supporter, Roy Blackman of the right-wing Daily Express, London, comments:

"The goings-on in Salisbury in recent weeks suggest that certain Ministers there are currently tip-toeing through a minefield with the subtlety of startled white rhinos." [March 1, 1973]

Since then, the detention and secret trial of a British journalist, Peter Niesewand, caused an uproar in Britain, and further reduced the regime's prospects of a settlement on their terms.

Guerrilla activity

Since the end of 1972, the Rhodesian settlers have been shaken by the most sustained and effective guerrilla attacks for six years. Tactics, training and areas of operation have changed, and the ZANU (Zimbabwe African National Union) forces have established links with FRELIMO in the neighboring Tete province of Mozambique to enter the North-east region, as compared with the large-scale crossings of the Zambezi frontier with Zambia in earlier years. [The Observer, London, May 13, 1973, and other sources]. South African papers report that guerrillas have infiltrated the Salisbury region, which has produced great alarm among many whites there. [The Star, weekly, April 7, 1973]. However, there is great uncertainty over the extent of infiltration and the actual incidents, since the regime maintains total secrecy about the details of the situation and admits only to some of the confrontations involved, in which ten white civilians died by mid-May, together with twelve members of the Rhodesian security forces. [The Star, weekly, May 19, 1973]

It appears that the current activity was preceded by very careful planning, and was based on strong popular support for the guerrillas, as expressed through local spirit mediums (who, unlike priests in the Christian tradition, have no hierarchical authority but are supposed to divine the feelings of the people). By the end of 1972, a sizeable arsenal had been built up (largely by local people acting as porters, and much of this is apparently still intact. Mines have been widely used, for the first time in Rhodesia, with considerable effect. Attacks are concentrated at the weakest economic links of the regime, the isolated white farms.

As a result of the widespread activity, apparently far more severe than that officially reported by the regime, extra territorial units were called up on January 7, a move not popular with industrialists since it exacerbated existing economic strains. On January 8, in an incident the other side of Rhodesia from the area of ZANU activity, a South African paramilitary police truck was blown up by a ZAPU mine. This brought the South African Commissioner of Police to the spot, with an implied rebuke for the regime's ineffectiveness in dealing with the problems.

There seems to be an atmosphere highly conductive to resistance in the African townships, and the regime's police have over-reacted by, for example, arresting 400 people in Harari township in January. In May, a riot erupted at a stadium in Salisbury, which resulted in 27 people, all but three of them whites, being injnred by a barrage of bricks and rocks.

(For fuller details on guerrilla activity, see Kees Maxey, The Fight for Zimbabwe, mimeo February 1973.)

The regime has responded to the guerrilla attacks by what the London *Guardian* calls "counter-terror" (April 7, 1973). Collective fines have been imposed on whole populations of disputed areas. Spreading "rumors likely to cause alarm and despondency" can now lead to seven years' jail. In one area, all economic activity was prohibited for some time, and essential services such as hospitals, schools, stores and African businesses were closed down. Wholesale deportations were announced in May, together with a "scorched earth" policy for the North-East and seizure of property that might be used by terrorists. [The Star, weekly, May 19, 1973] Rhodesian troops have planted mines inside Zambia.

The methods involved in "pacification" attempts are exemplified by one known instance where on a European farm the men were afraid to work because of "terrorists," so the farmer persuaded them to send four up a tree to act as lookouts. The army appeared, and shot all four; when the mistake was discovered, it was decided to count the dead as "terrorists," and everyone was threatened with dire consequences if they let this be known.

It is well known that many others killed or wounded by the security forces have nothing to do with the guerrillas. It may be that some of the incidents are deliberate, and that the forces are pursuing a tactic of reprisals against civilians in the Nazi tradition which is already a common feature of the Portuguese colonial forces. It seems that torture by the Rhodesian forces is becoming commonplace: one teacher who was detained for two weeks received severe head and other wounds, and was psychologically broken. Whips and electric shock treatment (common in South African prisons) are known to be used by the Rhodesian police.

All these extreme measures seem to be largely counter-productive, in provoking extreme hatred of the regime among Africans in sensitive areas, and further support for the guerrillas. The African National Council, which generally speaks for the overwhelming majority of Rhodesian Africans, has warned that while nobody wished to see violence, "this stage could be reached if the Africans' aspirations are thwarted without end by the Europeans." [The Guardian, April 19, 1973]. The guerrillas themselves have no reason to soften their approach; a spokesman for FROLIZI (The Front for the Liberation of Zimbabwe) stated in April that "There will be no more incidents like that of Mrs. Judy Barker, whose life was spared by a freedom fighter in the Mtoka district on March 13 because she had young children." Within 30 minutes, the alarm had been raised and the freedom fighter had himself been killed. [The Star, weekly, April 7, 1973]. A British employee of the regime, Gerald Hawkesworth, was captured by ZANU in January, and a ZANU spokesman later said that if the three alleged guerrillas held in Salisbury prison were executed, they might have to decide on similar tactics with regard to their prisoner. [The Guardian, April 21, 1973]. The three freedom fighters were hanged by the regime on May 21. [Washington Post, May 22, 1973].

17. Rhodesia: Token Sanctions or Total Economic Warfare (Excerpts)

(By Guy Arnold and Alan Baldwin, The Africa Bureau, London, England, September 1972)

INTRODUCTION

The imposition of economic sanctions against Rhodesia took place in three phases following UDI in November 1965. The first phase covered the period from UDI to the first talks between the British Prime Minister, Harold Wilson, and Ian Smith on board HMS Tiger in December 1966. It consisted of unilateral action by Britain in stopping most trade, blocking funds and forbidding currency transfers; and most members of the United Nations co-operated in refusing recognition to the regime, banning arms and certain other supplies and preventing oil reaching Rhodesia.

Following the rejection of the British "Tiger" proposals by Salisbury, Britain agreed to United Nations Mandatory Sanctions to cover the major imports into Rhodesia and her main exports including asbestos, chrome, tobacco, sugar and meat. Since that time members of the United Nations have been bound according to the terms of the Charter to uphold sanctions.

The third phase dates from May 1968 (following the illegal execution of three Rhodesians despite a reprieve by the Queen in March) when the United Nations passed Resolution 253, broadening the scope of Mandatory Sanctions and establishing the Sanctions Committee of the Security Council to administer the implementation of the Resolution. Thereafter, the only exceptions to the trade embargo were to be educational materials, medical supplies and news materials, money for certain pensions and other materials if considered necessary for humanitarian purposes—in certain circumstances these could include food.

There has been a good deal of confusion over the years as to what sanctions were meant to achieve. Once Britain had ruled out the use of force to crush the Rhodesia rebellion sanctions, for some, were seen as the non-violent alternative that would, in the words of the British Prime Minister, act in a matter of weeks rather than months to force the illegal regime to surrender the independence it had taken and return to legality. For others, especially African countries, they were regarded with deep suspicion as an excuse or pretence in lieu of stronger action; and for others again they were a gesture against racism but were not expected to work.

After four and a half years of full-scale Mandatory Sanctions following Resolution 253 in May 1968 two things are clear. First, that sanctions have not worked in the sense of forcing the illegal regime to abandon its illegality and return to the status quo ante the rebellion. The Smith regime is still very much in control in Salisbury and there is every indication that it will continue in control indefinitely if sanctions are only maintained at their present level. Second, it is also clear that sanctions have achieved certain important results. Apart from their effects upon the Rhodesian economy (see below) they can be said to have achieved a number of more limited aims as follows:

(a) They have denied outright victory to the Smith regime.

(b) They have kept Rhodesia in a state of complete diplomatic isolation.

(c) They have forced the regime to go on struggling for economic survival at ever rising costs to itself.

(d) They have encouraged and strengthened internal opposition to the regime by demonstrating continuing world interest in its cause.

(e) They have maintained international concern over the Rhodesian issue.

(f) They have sustained the world view of the unacceptability of the regime.

At their present level of functioning, therefore, sanctions may be said to have achieved a stalemate; the world at large can express its disapproval of the illegal regime in Rhodesia without either exerting itself too much or taking action that will seriously cost it anything; and the Smith regime can continue in uneasy control of Rhodesia, sitting on a racial powder keg, and having to spend more and more of its energies and resources in devising new ways to evade sanctions and, in consequence of them, standing still economically.

To break this deadlock much tougher action is required on a whole series of fronts by the United Nations.

The failing of sanctions arise from several causes: the long period of time that elapsed between UDI and the imposition of full-scale Mandatory Sanctions in May 1968 which enabled the regime to make adjustments and arrangements for their evasions; the total refusal of South Africa and Portugal to apply sanctions both by trading 'as normal' with Rhodesia and also by acting as go betweens to market her goods and import on her behalf; the lack of a general political will go on the part of most members of the United Nations to make sanctions work effectively.

Sanctions have failed to prevent Rhodesia exporting many of its products; it now (1972) exports almost as much value as in 1965 by finding outlets for its minerals in Europe, America and Japan through South Africa and Mozambique. It also manages to import many products such as cars, machinery and certain large-scale capital goods through South Africa. Sanctions have given a boost to secondary industry in Rhodesia by leaving it free to manufacture import substitutes without competition from outside. By preventing the international mining corporation from repatriating their profits sanctions have further provided that potential capital for development remained in the country.

Against the above must be set the positive economic effects of sanctions. The tobacco industry has been decimated and large state subsidies have been required to maintain those farmers who have not moved into other crops. The Beira patrol has prevented oil reaching Rhodesia by the cheapest route and although supplies have been re-routed through South Africa this has substantially increased the costs which have been spread across the Rhodesian economy. The most telling long-term effect of sanctions has been to cut Rhodesia off from the world's money markets and create a chronic shortage of foreign exchange. This manifests itself in three ways: first, the regime has had great difficulty in obtaining replacement stock for the railway which, in consequence, has become progressively less efficient and more costly to run with a reduced carrying capacity; second, some sectors of industry have been held back due to the difficulty in obtaining machinery; third the regime has been brought (1972) to attempt urgent measures to develop export-oriented industries and export markets in order to earn foreign exchange.

A vicious circle exists for the regime which only the evasion or dismantling of sanctions can break; the one reason why Smith was prepared to talk with the British Foreign Secretary in November 1971 was the hope that sanctions could be brought to an end as the result of any agreement between Britain and Salisbury.

Much of the effect of sanctions lies in the less tangible area of politics and psychology however. It is argued that sanctions have drawn the white minority closer together politically. They have also forced the regime to enter negotiations with Britain on three occasions. The white population feel themselves to be isolated and to some extent outcasts. Despite this, many Rhodesians can still travel abroad on foreign passports while the rest can travel to Malawi and South Africa. They still receive news material and television programmes from outside: individual sportsmen and teams, entertainers and political sympathisers and many others visit Rhodesia; white immigration is increasing again to pre-UDI levels although emigration is high.

Reasons given by Europeans for accepting the 1971 Settlement Proposals were shown in the Pearce Report to be first and foremost economic. One Salisbury Commission reported:

"The most forceful and determined support for the Proposals came from people in commerce and industry * * * and all industrialists, commercial managers and businessmen admitted that expansion was being prevented because of lack of capital whilst some even admitted that economic stagnation was a real threat if no Settlement was reached. All made it abundantly clear that they believed a settlement could result in a tremendous surge of industrial and commerical expansion from which all could benefit."

The speed with which Rhodesia negotiated with various businesses and would-be investors between the signing of the Home-Smith Proposals in November 1971 and the publication of the Pearce Report is a good indication of Rhodesian anxiety to resume world trade contacts; and, conversely, it was an indication of the relative effectiveness of sanctions in stopping such contacts.

Finally, it is important to realise that the white minority is so privileged and cushioned by the present structure of Rhodesian society that only total economic collapse will make them voluntarily surrender the position they now enjoy.

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THE USA

As one of the world's two super powers the USA must expect that any of its actions which have international significance will come under particular scrutiny. Inevitably its example, for good or ill, must be of crucial importance in the United Nations.

The United States' record in applying sanctions has been a good one; it is one of the very few countries to have successfully prosecuted its citizens and companies for breaking sanctions. Unfortunately, this justly earned reputation for applying sanctions thoroughly accordingly to the resolutions of the United Nations has been ruined by the 1971 decision to import Rhodesian chrome and other strategic minerals.

The Byrd Amendment (named after Senator Byrd of Virginia) added a proviso to the Military Procurement Act of 1971—as section 503—which allowed American firms to import chrome, copper, asbestos, manganese, nickel and several dozen other commodities on grounds of overriding 'national security'. Byrd's argument was that the United States should not be debarred from importing chrome from a "free world" country—Rhodesia—as long as chrome was being imported from a communist country—the USSR. Since sanctions Russia has supplied over half of the United States' chrome imports. However, even in old fashioned Cold War terms this argument looks weak, given the size of the American chrome stockpile and the relatively modest chrome requirements needed for defense purposes.

The success of the Byrd Amendment depended upon the long term work of the pro-Rhodesia lobby in the United States and the two major companies concerned to import Rhodesian chrome—Union Carbide and Foote Minerals.

In 1966 Union Carbide transferred dollars to its Rhodesian subsidiary to pay for 150,000 tons of chrome ore; later it asked the United States' Government that an exception should be made for it to import that amount of chrome into the United States. This request was refused by the Johnson Administration.

The Nixon Administration, however, granted the Union Carbide request in September 1970 and this may be taken to represent a change in American policy towards sanctions.

The Byrd Amendment was originally blocked by the Foreign Affairs and Foreign Relations Committees of Congress; then Senator Byrd took the Amendment to the Senate. It could still have been defeated had the White House brought to bear its influence upon a number of senators likely to respond to a direct intervention from the President. No such move was forthcoming from the White House, whose aides suggested that they had been preoccupied with other aspects of the Administration's progamme. Other sources, including Senator McGee who has attempted a counter amendment to defeat Byrd's, suggest willful ignoring of the issue by the White House. Should this prove to be the case it represents a bleak outlook for American policy towards the United Nations in general and sanctions in particular.

* * * * * * *

Meanwhile, the United States Justice Department has successfully charged IDI Management, Inc. of Cincinnati and the Margas Shipping Company, Inc. of Panama with conspiring to construct a $50m. chemical fertilizer plant in Que Que, Rhodesia. Individuals were charged with exporting ammonia to Rhodesia; another business was charged with exporting technical assistance to Rhodesia; and a tax commissioner was charged with conspiring to conceal transactions by forming corporations in Liechtenstein and opening bank accounts in Switzerland.

Thus, on the one hand, the United States has enacted legislation in order to break sanctions in relation to chrome and other minerals: on the other hand and at the same time she has demonstrated how to prosecute sanctions breakers in other fields—among the few cases to have been brought anywhere in the world.

Officials in Washington—in attempts to minimize the impact of the Byrd Amendment—argue that until its passage the United States record was one of the best anywhere in terms of applying sanctions. They proceed to argue that the chrome decisions is at least an honest one and that the Government is not being hypocritical about it. They subsequently point out that other countries including major powers while claiming to apply sanctions are clearly breaching them. The implication of these arguments is that too great a condemnation of the American action by the United Nations would be unjust in the absence of equal censure for other sanctions breakers. This argument is unrealistic.

It is abundantly clear that a number of countries are in breach of sanctions—or their nations are—while the governments do little to enforce them. Moreover, even when evidence of breaches has been provided these governments do little or nothing about it unless the evidence is of such an overwhelmingly clear cut nature that they cannot ignore it. Clearly in these cases the political will to apply sanctions is almost entirely lacking.

It may appear unfair that blatant sanctions breakers, whose total trade with Rhodesia is larger than that of the United States, will not be censured in the same way as the United States. This, however, will certainly be the case. The USA has chosen by an act of its Senate to upset a part of the sanctions process. Having gone on record as doing this it must expect international censure; moreover, no contention that others are doing the same thing secretly can excuse the American decision: to use the defaults of others as an excuse to default themselves is hardly the act of statesmen or major powers.

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Summary of Part II

There are widely varying attitudes to sanctions throughout the world: some countries pay lip-service to the principle and break them; some say they apply them and are in the happy position of never having had any trade with Rhodesia; others subscribe to sanctions in theory and given an occasional prod would be prepared to work them properly; some are openly contemptuous of the whole process; a few really want to make them work. Three sources of pressures are most likely to encourage better performances in applying sanctons. These are:

(i) The United Nations
(ii) Britain
(iii) African countries

THE UNITED NATIONS

Apart from existing or additional measures the constant focussing of publicity and world attention upon sanctions breakers is an undoubted deterrent since few countries are so insensitive to world opinion that they can afford to ignore it: the more their activities are spotlighted the more likely that they will take remedial action.

BRITAIN

Britain as the administering Power which has constantly claimed responsibility for Rhodesia is in a unique position to bring pressure to bear upon countries guilty of sanctions breaking. Britain claims that her record in terms of applying sanctions is the best. Since that is her claim and since she has worldwide trade and investment interests she is in a position (as well as being morally bound to do so) to exercise major pressures upon sanctions breakers.

AFRICAN COUNTRIES

African countries have a particular interest to make sanctions work; they are also in a position to exert unique pressures. Most countries that do break sanctions have substantial trade and other interests in Africa which they do not want to jeopardize or lose. In consequence African countries can use precise threats to take retaliatory action against sanctions breakers by switching trade or discriminating against companies known to trade wih Rhodesia.

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Conclusions

The fact that more than four years after the imposition of mandatory sanctions (May 1968) by the United Nations it is possible to put forward so many recommendations of additional measures designed to make sanctions more effective is an indication of the lack or political will among members of the United Nations to make sanctions work.

Failures of sanctions to date raise the question of how serious the United Nations is about the whole operation: why are there so many exceptions? Why is a blind eye turned to the shortcomings of so many member states? Why have the devices needed to close the loopholes in sanctions or the means to pressure sanctions breakers into compliance with United Nations resolutions not been discussed and put into operation?

A further question relates to the purpose of the sanctions operations. If the purpose is to punish the regime in Rhodesia for pursuing racist policies; to deny it recognition; to keep the world aware of its shortcomings; and to make it difficult for Rhodesia to pursue its policies but no more, then sanctions can claim a measure of success.

But if the object is to go further than that and to bring about conditions which force the regime to abandon its current policies and instead come to political terms with its majority African population then clearly the present level of sanctions is far from enough.

Britain argued at the time of UDI—and since—that force was out of the question. Furthermore, she made plain her determination that no one else should employ the force she refused to contemplate herself. Some of Britain's allies have supported her stand in refusing to use force. Many other countries have called upon her in vain to do so.

Britain has advanced a whole series of arguments as to why force was out of the question: kith and kin; impossible logistics; a revolt in the army; a resulting bloodbath; the fact that a peaceful way was possible—sanctions to work in a matter of weeks rather than months. These arguments can be accorded the respect they deserve. However, they would all have earned far more acceptance had Britain made plain the fact that having ruled out force she was prepared to use every other means to end the rebellion.

The above queries suggest a difference between sanctions and economic warfare. Sanctions may be taken to have—at least in the popular usage of the work—a punitive effect: they are applied as a punishment, a limitation, a factor of isolation, a reminder of world disapproval. Economic warfare implies a battle that has to be won—i.e. there is a victory at the end of it.

There are a number of methods of economic pressure—whether they are to be called sanctions or economic warfare—outlined in this report that have not yet been used; that should have been used ever since UDI or at least since May 1968.

Again the question must be asked: how serious is Britain about ending the rebellion in Rhodesia? She is the administering Power and so in terms of international law is in a position to take measures that no one else can take. If the United Nations is prepared to accept Britain's arguments that she cannot use force and will not contemplate anyone else using it, at least it has the right to expect that Britain will do everything short of using force. In this respect for example, Britain ought to have made plain from the time of UDI in November 1965 that she regarded any actions by any power that helped Rhodesia as being tantamount to assisting rebellion against Britain. In no instance have any British protests remotely approached such an attitude; not surprisingly, in consequence, her integrity has been called into question.

Furthermore, over the question of sanctions perhaps no country in the world has greater past experience or has built up a greater body of expertise on waging economic warfare: British civil servants were busy working out economic warfare strategies during the 1930's ready for the then approaching war with Germany. In the circumstances, therefore, it is surprising that Britain has been so unforthcoming in suggestions of ways and means of making sanctions effective.

As long as Britain maintains that Rhodesia is her responsibility she must accept the major responsibility for what takes place in Rhodesia. In consequence she must also expect to play a primary part in ensuring that sanctions work. It is hyprocritical for Britain to protest (as too many of her politicians do)

We may ask you for one or two other documentations of the comments that you have made here.

[The questions for the State Department and their replies follow:]

RESPONSES BY DEPARTMENT OF STATE TO QUESTIONS SUBMITTED BY HON. CHARLES C. DIGGS, JR.

EVENTS IN RHODESIA (ZIMBABWE)

(1) How would you assess the achievements of the liberation fighters in Zimbabwe?

This fall for the first time since early 1970, Rhodesian liberation forces a series of armed attacks and mine-laying operations within the Rhodesia which inflicted casualties on the civilian population and the security forces. The Rhodesian security forces are fully deployed, and reserve territorial units have been called up. The regime has claimed to have inflicted many casualties amongst the so-called "terrorists" who have gained enough support from the local African population to have caused the regime to institute a system of collective punishment against communities found assisting the rebels. While the liberation forces do not appear to be able at this time to conduct other than small-scale operations, the security forces have not been able to prevent continued attacks. The regime is expressing increased concern over the incidents.

(2) The Smith regime has been trying to create an illusion of African acceptances of the settlement proposals by getting some puppet organization to accept. Can we count on the U.S. Government to reject such a distortion of African opinion?

The United States as a member of the U.N. Security Council would be called upon to make a judgment on any settlement calling for U.N. approval. We would examine very closely the claim of African acceptance in any proposal put forward.

(3) What are you doing to encourage the British Government to convene a constitutional conference?

On September 29, 1972, the American representative at the U.N. Security Council meeting on Rhodesia, Ambassador Christopher H. Phillips, said:

"We would also hope that circumstances could be brought about in which a constitutional conference including those representing all Rhodesians, Africans, and Europeans, could be called. We recognize that this would be impractical under present conditions but we call upon those who seek an orderly and just outcome to the present impasse to continue to seek common ground of discussion and possible compromise."

(4) What is a proper role for Africans in Zimbabwe? Does the United States support majority rule? Are we for one man-one vote? Do we support the five principles of Sir Alec Douglas-Home?

The United States has supported the five principles of Sir Alec Douglas-Home as a basis for a settlement of the Rhodesian question. This calls for effective participation of the black majority in Rhodesia in the political life of the country and for ultimate majority rule.

RHODESIA/ZAMBIA CONFRONTATION

(1) What in your opinion was the reasoning behind Smith's closure of the border? Does it reveal any weakness on his part?

Not being in contact with the Smith regime we do not have a valid opinion on what led him to close the border with Zambia. He himself based his action on the charge that attacks on white citizens in Rhodesia were made by guerrillas based in Zambia.

(2) What is your estimate of the value to Southern Rhodesia of Zambian copper shipments through Rhodesia?

Twenty million dollars is the estimate we have.

TIGHTENING OF SANCTIONS

(1) What steps are you proposing or supporting in the Sanctions Committee for the strengthening of sanctions?

We are meeting now in the Sanctions Committee to implement U.N. Security Council Resolution 320 of September 29, 1972, which called for examination of proposals "for extending the scope and improving the effectiveness of sanctions that she applies sanctions more thoroughly than any other country as though that should be the limit of her involvement. There are many more steps that Britain can and should take.

Instead of grumbling at the costs of sanctions over the years British politicians might argue for an all out effort to make them work and succeed so that normal relations with a legal Rhodesia—so much regretted—could be resumed in happier circumstances for all its peoples.

In political terms this report calls for international reprisal tactics against sanctions breakers. There are a number of ways this can be done:

(*a*) The first key lies in the hands of African states which should institute the process of trade discrimination against companies and then countries which break sanctions.

(*b*) The second key lies in those measures that assist in breaking sanctions.

(*c*) The third key is an extension of the second: the creation of an international blacklist of all companies that export to Rhodesia or import from her.

There must be deliberate and maximum publicity given to the activities of countries which break sanctions and, further, the deliberate encouragement of lobby groups to pressure their governments to change their policies.

Another political tactic must be to seek out the sensitive pressure points in the political armoury of particular countries known to be breaking sanctions in order to persuade such countries to change their policies. The particular examples of West Germany and Switzerland have been cited in this report. Others could be found. If, for example, for the first time all the African signatories of the Yaounde Convention were to act as one and demand that France and her EEC partners observe sanctions fully this would undoubtedly have an effect.

It is important to ensure that fullest information about sanctions breaking is made available to NGOs.

The longer an issue remains before the public—and Rhodesia has now been an international problem since November 1965—the easier for the public to become bored and forget the issues involved or the reasons for maintaining action which has continued over a long period. In consequence it is especially important for the United Nations to keep the general public informed as to the policies behind its decisions.

This report is highly political in content and will undoubtedly cause offence to some individuals, organizations and countries. It is written, however, in the conviction that the present exercise in international action through the application of sanctions is of crucial importance to the United Nations. Despite arguments to the contrary and false claims that sanctions have been tried in the past and have failed (the case of Italy and Ethiopia is always cited) this is not true. In the Italian case there was no unanimity. In the present case only two powers—South Africa and Portugal—refuse to apply sanctions while even non-members of the United Nations—West Germany and Switzerland—have agreed to apply them in whole or in part. The USA has just legislated to make an exception for chrome and other Rhodesian minerals; she must be persuaded to reverse her decision. As for the rest, even the main sanctions breakers such as Japan and France pay lip-service to the principle and if sufficiently exposed ought to be persuaded to apply them thoroughly. As far as South Africa and Portugal are concerned it is up to the United Nations to demonstrate (using some of the methods outlined in this report) that they have too much to lose by continuing to defy sanctions.

Despite tensions between the world's different groupings and ideologies the issue of Rhodesia has obtained backing for sanctions of the world's three main groupings—East, West and Non-Aligned. In consequence this is the first time that the United Nations has obtained almost universal agreement to a form of concerted action—other than force—as a means of solving a problem that threatens the peace.

It is a vital African interest that sanctions should succeed in bringing about political change in Rhodesia before the situation deteriorates into major bloodshed. Equally it is vital to Britain that she solves her problem with international help.

The issue is of even greater importance for the future of the United Nations. Some of the suggested tactics put forward in this report may seem harsh (threatening to veto a West German application for UN membership when some present members of the United Nations are certainly as guilty of breaking sanctions as she) yet the United Nations cannot afford to lose this particular battle.

Should adverse political forces reduce the effectiveness of sanctions to little more than a political gesture it will be a very long time indeed before the United Nations will attempt to use this instrument again. For the sake of the whole international community it is important that sanctions should be forged into a successful instrument of collective action which can be used in the future as an alternative to force.

RECOMMENDATIONS

The recomendations that follow are made on the two assumptions that:

(i) The United Nations wants to end the rebellion in Rhodesia as soon as possible and bring about majority democratic rule there.

(ii) The United Nations will be prepared to use all measures short of military force.

These recommendations fall into several categories: those that could be taken up unilaterally by a particular country—e.g. Britain—or collectively—e.g. by members of the OAU; United Nations' measures designed to strengthen existing procedures: United Nations' measures that call for fresh legislation or other action by member nations; and new measures that all members should be called upon to take in order to put pressures upon South Africa and Portugal to dissuade them from breaking sanctions.

BRITAIN

That Britain should enact legislation as the sovereign power over Rhodesia that all Rhodesian goods at the moment they leave Rhodesia belongs to the Crown; and that, thereafter, the Crowu should sue for their recovery anywhere in the world where they can be traced.

That Britain should formally protest the United States' decision to import strategic materials from Rhodesia and should request the United States to reimpose sanctions on all Rhodesian minerals and so stop assisting a rebellion against the Crown.

That Britain should formally request the Government of Switzerland to stop all trade with Rhodesia and so stop assisting a rebellion against the Crown.

That Britain should request particular help from countries such as France and the United States with extensive consular services in Africa in the gathering of information of possible sactions breaking in order to make this available to the Sanctions Committee of the United Nations.

That Britain, once she becomes a member of the EEC, should particularly request her new partners to assist her in all ways to close any gaps in sanctions, most especially by ensuring that their own nationals do not break them.

That Britain requests the Government of the Malagasy Republic to make available to her again the facilities at Majunga for the use of the RAF in patrolling the Beira Straits.

THE USA

That the United States Government (pending a reversal of the Byrd Amendment) should require any company importing any mineral from Rhodesia to satisfy the Administration that the mineral cannot be obtained elsewhere and that its import is in the "overriding national interest".

That the United States should rescind the Byrd Amendment and reimpose total sanctions against Rhodesia.

MEMBERS OF THE OAU

That the OAU should establish its own sanctions committee.

That the OAU should exert particular pressures upon its members not to break sanctions.

That the OAU should undertake to co-ordinate joint actions of its members so as to maximise their diplomatic impact.

That members of the OAU should mount a fresh diplomatic campaign in Washington to persuade the Administration to reverse the Byrd Amendment.

That, apart from the activities of the United Nations, members of the OAU should mount joint diplomatic campaigns against any country in breach of sanctions.

That the OAU should prepare detailed schedules of the trading and investment interests of outside powers throughout Africa and make these available to all members to facilitate the mounting of pressures against sanctions breakers.

That the OAU should from time to time list those companies trading in African countries which are also known to be breaking sanctions.

That members of the OAU should consider discriminating against any company that breaks sanctions against Rhodesia.

That Botswana and Tanzania (perhaps joined by others) should study whether they could replace current Swiss imports of meat from Rhodesia and make a suitable offer to do so to the Swiss Government.

That Malawi and Zambia (perhaps joined by others) should study whether they could replace current Swiss imports of tobacco from Rhodesia and make a suitable offer to do so to the Swiss Government.

THE UNITED NATIONS—GENERAL

That the United Nations should request the Government of the Malagasy Republic again to make available to Britain the facilities at Majunga for the use of the RAF in mounting the Beira patrol.

That the United Nations should request the Government of Switzerland to prevent any further capital transactions to or from Rhodesia for as long as sanctions continue.

THE UNITED NATIONS—STRENGTHENING CURRENT PROCEDURES

That the United Nations Sanctions Committee should circulate lists of all goods Rhodesia is currently known to export with comparable lists of similar exports from South Africa and Mozambique, indicating the exent to which the South African and Mozambican exports have increased since UDI.

That the Sanctions Committee should call upon all members to inform it as to their sources of supply for the major commodities they used to obtain from Rhodesia before sanctions were applied.

That the Sanctions Committee should request all members to apply to Southern African sources of commodities formerly obtained from Rhodesia especially rigid examination procedures.

That the United Nations should review the special exceptions to sanctions—postal communications, media sales, educational materials and compassionate exceptions—and ensure that the reasons for them are clearly understood and that these exceptions are not abused.

That the United Nations should discover whether one or more members would be willing to join with the British Navy in patrolling Beira.

THE UNITED NATIONS—PUBLICITY AND THE SEIZURE OF RHODESIAN GOODS

That the Sanctions Committee should study ways in which the whole purpose of the United Nations sanctions policy should be made clear to members and should periodically reqnest members to draw the attention of their publics to the United Nations resolutions and intentions.

That the Sanctions Committee should consider the appointment of a special press officer to deal with all aspects of sanctions.

That the Sanctions Committee should consider working in public.

That the Sanctions Committee should consider ways and means of making information about breaches of sanctions quickly available to non-governmental organisations and the press in any country at the time that a breach of sanctions by that country is under consideration by the Committee.

That the Sanctions Committee should consider the appointment of an expert in international commerce to assist its staff.

That the Sanctions Committee should consider offering rewards for information from individuals that lead to the uncovering of sanctions breaking operations.

That the United Nations should request all members to be prepared to "freeze" any cargo suspected of being of Rhodesian origin until a full examination of it can be carried out.

That the United Nations should request members to help establish a body of expert consultants available at short notice to examine and analyse suspect cargoes in order to determine the origin of the commodity; such experts normally to be resident in their own countries and only to be called in when required to analyse a suspect cargo.

That the United Nations should request all member governments to seize on its behalf any cargo once it is established as being of Rhodesian origin.

That the United Nations should request all member governments to sell such seized cargoes and after deducting necessary expenses hand over the balance of the money raised to the United Nations.

That the United Nations should establish a special sanctions fund for the receipt of monies from the sale of Rhodesian cargoes.

That the United Nations should lay down guidelines for the use of the proposed sanctions fund: to pay for the iuformation and experts envisaged under paragraphs 31 and 33 above.

That the Sanctions Committee should consider producing a manual of procedure concerning the freezing, examination and seizure of cargoes suspected of being of Rhodesian origin.

The United Nations—Proposals for Further Sanctions

That the United Nations should request all members to pass legislation to the effect that the activities of a subsidiary company (which may be guilty of breaking sanctions) are the responsibility of both the parent and other subsidiary companies situated outside Rhodesia.

That the United Nations should request appropriate members to legislate to the effect that the branches of multi-national business corporations resident in those countries are to be held responsible from the sanctions breaking activities of other branches of the same corporation operating, for example, from South Africa by, for example, supplying capital to another subsidiary or branch of the corporation situated in Rhodesia; and that the resources of those branches of corporations outside Rhodesia and South Africa should be liable to seizure to the extent of any capital supplied to Rhodesia by the South African branches of such corporations.

That the United Nations sould request all members to make it a criminal offence for their subjects to visit Rhodesia.

That the United Nations should request all members to pass legislation to forbid insurance companies to cover air flights into or out of Rhodesia; similarly insurance of people travelling into or out of Rhodesia should be refused.

That the United Nations should call upon member nations not to renew—and where possible to seize—passports of their own subjects now resident in Rhodesia but using the passports of their former countries.

That the United Nations should call upon all members to make sanctions breaking a criminal offence.

That the Sanctions Committee consider producing a pro-forma of legislation making sanctions breaking an offence and should, if requested, make available to members the advice of its legal experts.

That the United Nations should call upon all members to pass legislation creating impediments to the sale and transport of Rhodesian goods or of goods destined for Rhodesia, specifying that all shipping lines should not carry any such goods and that insurance companies should neither insure them nor ships carrying them.

That the United Nations should request all members to legislate or otherwise provide that insurance companies attach warranties to all marine insurance contracts specifying that no goods of Rhodesian origin should be carried nor goods destined for Rhodesia.

That the United Nations should request all members to regard any cargo of Rhodesian origin or any cargo destined for Rhodesia as contraband.

That the United Nations should consider publishing a list of all companies found guilty of sanctions breaking with attached details and dates.

That the United Nations should examine the possibility of establishing a system of 'navicerts'; that is, the issue of certificates by governments to ships leaving their ports and destined for Southern Africa to the effect that the cargoes are not intended for Rhodesia.

That the United Nations should consider extending the Beira blockade to cover Lourenco Marques; and should consider extending the blockade to cover goods other than petroleum and petroleum products.

THE UNITED NATIONS—LIMITED SANCTIONS AGAINST SANCTIONS BREAKERS

That the United Nations should request all members to regard those goods coming from South Africa, Mozambique or Angola that could be Rhodesian as prima facie suspect and to apply to them rigid tests of origin, including analysis by experts and that such cargoes should be "frozen" at their ports of destination until such tests have been carried out.

That the United Nations should request member countries to require that sales contracts between their countries and South Africa or the Portuguese territories—especially for such goods as aircraft, vehicles, machinery, rolling stock, spare parts etc.—should include a clause expressly forbidding any resale to Rhodesia and that there should be a peualty clause concerning ongoing sales should the condition be broken.

That the United Nations should request member countries to require that purchase contracts for goods from South Africa and the Portuguese territories should include a clause to the effect that if goods purporting to be from those territories turned out to be of Rhodesian origin this would automatically render the contract void.

That the United Nations should set up a working party to consider what practical steps can be taken to discourage the persistent sanctions breaking of South Africa and Portugal.

That the United Nations should request member countries to require that application from Portugal for any form of link with the EEC as long as Portugal continues its present policies in Africa.

That the United Nations should request the EEC to refuse to consider any application for special trading considerations by South Africa as long as South Africa refuses to apply sanctions to Rhodesia.

That the United Nations should call upon all international or multinational bodies to which either South Africa or Portugal belong to exert their collective influence upon those two countries to change their policies over sanctions against Rhodesia.

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against Southern Rhodesia (Zimbabwe)." At the moment various proposals are under discussion. The United States has consistently supported the effective implementation of sanctions. We believe that the Committee has a clear obligation to seek greater compliance with existing sanctions rather than to extend the scope of sanctions.

(2) Why did the U.S. delegation oppose opening the Sanctions Committee meetings?

The United States and other delegations opposed the opening of Sanctions Committee meetings to the public to avoid public postures the delegations would have taken if the proceedings should have been made public. Also, the Committee at times deals largely with hearsay and unproved allegations which can best be discussed in closed sessions, with only the results of Committee deliberations being published.

(3) What is the role of South Africa and Portugal in breaking sanctions? What representations have we made to these countries to observe sanctions?

Both South Africa and Portugal have taken the position that the U.N. Rhodesian sanctions program is illegal and that they respect the principle of free access to landlocked countries. Therefore, they freely permit products destined to or from Rhodesia to transit their territories and continue to purchase and sell products to and from Rhodesia. We disagree with the position taken by these two countries and have made our position clear in a multilateral context. The United States has cooperated with the United Nations and member nations to portray the role that South Africa and Portugal play in the breaking of sanctions.

(4) To what extent is Japan breaking sanctions? West Germany? France? Communist countries? Any others?

We have submitted to your committee a listing of possible violations by the citizens of countries cited in the Sanctions Committee report of January 29, 1973. This does not necessarily imply the knowledge or the involvement of the government concerned. These citations do not necessarily represent proven violations of sanctions but only that they are under investigation by the Committee. We have not had sufficient and clear enough evidence on specific violations of sanctions to make definitive and public accusations against individuals or other governments.

(5) Why do you refuse to submit information on sanctions violations to the Sanctions Committee to back up accusations of other countries breaking sanctions?

In some cases, we have approached governments on a private basis where we have had information (in many cases privileged) on possible violations. Where we have information which can be made public, such as our regular reports of U.S. imports under the "Byrd" provision, we have reported such information to the committee.

(6) Where does our information about sanctions evasion come from?

The limited amount of information we have comes from a variety of sources and includes press and other public media, commercial, and diplomatic and intelligence sources.

(7) Is it from similar sources to the British information which is given to the committee? If so, why do we not follow the British lead?

The British maintain an active surveillance program on compliance with Rhodesian sanctions because of their special responsibility for their colony of Southern Rhodesia. For us to provide information we may have obtained would in most cases not add any new information. We maintain close contact with the British on this matter to see where we can be helpful.

(8) You say in your statement that you are concerned about "the potential for violence resulting from failure to resolve the Rhodesian issue." Does this mean that we are retreating from the position where we regard the situation in Southern Rhodesia as a threat to the peace?

We see no contradiction between regarding the situation in Rhodesia caused by the unilateral declaration of independence of the white minority regime as a threat to the peace and the recognition that there exists a potential for violence. It concerned us at the time of the UDI and in 1968 when mandatory sanctions were established, as well as now in the current situation, that there is a threat to the peace in the area which can and does lead to violence.

U.S. AID TO ZAMBIA

(1) According to the press, Zambia requested American assistance, including 1,200 trucks, which was refused; and the Embassay was told to apply to the

Ex-Im Bank. Why is the administration not repeating the helpful atttiude of 1966 and 1967, when we gave Zambia assistance described in detail by Ambassador Phillips in his speech to the Security Council of January 31?

Press reports indicating that Zambian requests to the United States for assistance have been denied are incorrect. The Department of State and the Agency for International Development are studying the Zambian requests and the report of the special mission sent to Zambia by the United Nations Security Council. No decision on the Zambian requests has yet been made, in part because Zambia is still in the process of clarifying its priorities to potential donors to whom duplicate requests were made.

(2) What plans do you have for helping Zambia tighten sauctions against Rhodesia, in the light of Ambassador Phillips' statement:

> "The present difficult circumstances in which Zambia funds itself obviously underscore the need to examine carefully appropriate ways in which Zambia might be assisted."

The United States has in various ways contributed to projects which will lessen Zambia's need to use Rhodesia as an outlet for its commerce. We have assisted in the construction of a road to Dar es Salaam and are in the preliminary stages of assisting in roads in Malawi and in Botswana which will bypass Rhodesia. Other Zambian requests are under study.

(3) The United States strongly supported the proposal for a special United Nations mission to Zambia, which is there now. What proportion of the total international assistance to be recommended in their report is the U.S. Government prepared to give?

No decision has yet been made on the specific value of assistance which may be offered to Zambia. If a favorable response to this request is made, the dollar value of the assistance offered will be determined by (among other things) availability of funds to AID, commitments already made to other countries' assistance programs and the response of other donor countries and organizations. Any U.S. assistance will need to be justified on the basis of normal AID criteria.

IMPACT OF BYRD AMENDMENT

(1) What is the total value of chrome imports from Southern Rhodesia since the Byrd amendment? What is the value of nickel imports? asbestos? beryllium?

Imports into the United States of the above items under the Byrd provision during the period Jauuary 24, 1972, to January 12, 1973, were as follows:

	Pounds	Amount
Chrome ore	184,723,992	$2,822,930
Ferrochrome	58,042,293	5,964,805
Nickel	3,471,143	4,412,067
Asbestos	360,000	87,900
Beryllium ore	53,519	7,868

SANCTIONS VIOLATIONS

(1) Has Union Carbide expanded its activities in Rhodesia since the passage of the Byrd amendment?

Do you have any information that suggests it is expanding its ferrochrome operations to more sophisticated chrome alloy production with all the latest automation equipment?

If so, would this not be contrary to U.S. sanctions under the U.N. resolutions? (It is also, forcing the closure of U.S. ferrochrome plants, and throwing Americans out of work.)

What plans do you have to enforce the relevant sanctions regulations?

It is our understanding that Union Carbide operations in Rhodesia have been placed under "mandate" by the Rhodesian authorities and must operate strictly under regime direction. We know that the Union Carbide subsidiary in Rhodesia can now produce ferrochrome products. Union Carbide in the United States has been prohibited from transferring funds to Rhodesia. Since the subsidiary in Rhodesia is under the direct control of the regime, reinvestment of local profits for the modification to produce ferrochrome may have taken place outside of the control of Union Carbide. The U.S. Government cannot effectively control the operations of entities in Rhodesia.

(2) What steps are being taken to prevent other corporations and individuals from violating sanctions?

The executive orders issued subsequent to passage of the U.N. mandatory sanctions program are being fully implemented by the Departments of Commerce aud Treasury with regard to persons or companies subject to American jurisdiction.

(3) What action is being taken against Lockheed for the export to Rhodesia of seven Lockheed light planes for the Air Force, built by the Italian company Aermacchi? (Institute of Strategic Studies, Sept. 2, 1971.)

The report of export of aircraft from Italy, made there under license from Lockheed, to Rhodesia was taken up at the time with the Italian Government. We received assurances that these planes were not exported to Rhodesia from Italy.

RHODESIAN INFORMATION OFFICE

(1) The RIO has reported to the Justice Department that it is financed by the treasury of the illegal regime in Salisbury. How is this money transmitted from Salisbury? Why are we allowing the regime to contravene sanctions in this way?

The transfers of funds from international sources falls under the jurisdiction of the U.S. Treasury Department, and according to their statements, funds for the Rhodesian Information Office come from funds available to the Rhodesian regime in the United States as a result of remittances made by Americans to Rhodesia for humanitarian purposes, fully authorized within the U.N. sanctions program.

(2) What passports do the two officials of the RIO have?

To our knowledge, the two Rhodesian members of the Rhodesia Information Office, Messrs. Towsey and Hooper, do not have valid passports since their British diplomatic passports were withdrawn at UDI.

(3) Has there been any objection from the Canadian Government to the activities of the RIO in Canada?

Not that we are aware of.

(4) What would be your reaction if the Canadian Government did make an official objection?

That would depend on the nature of the approach made to us by the Canadian Government.

VISIT OF CLARK MAC GREGOR

1. Was MacGregor in touch with the State Department before his visit to Africa?

Yes. He discussed with the Africau Bureau his intention to visit the Portuguese territories.

2. Did he inform the Department of State that he was going to Rhodesia?

He did not. We did not know of his visit to Rhodesia prior to press reports of his visit.

3. MacGregor is quoted in the press as saying he briefed the President on his talks with Smith. Has the State Department received any briefiug from the White House on these talks?

No. We have no information on Mr. MacGregor's contacts with other branches of the Executive concerning his trip to Rhodesia.

4. What is your opinion of MacGregor's public statements in Rhodesia?

We have only press reports on what Mr. MacGregor said in Rhodesia, but even Smith said in a press interview in Salisbury that the media was overreading Mr. MacGregor's remarks. The question of recognizing an independent Rhodesia could only arise after a settlement was reached with Great Britain. In any case, as we made clear at the time of Mr. MacGregor's statements, we contemplate no change in our implementation of our obligations under the sanctions programs.

5. Would you agree that his remarks about the United States "normalizing relations" with the regime, coming from the former campaign manager of the President, would be liable to encourage them to think they could count on American support for their political position? Please comment.

It may well have encouraged some segments of the Rhodesian whites to think so, but our denial at the time and other official actions of the U.S. Government in various forums such as in the U.N. and in our enforcement of sanctions should demonstrate clearly that we have not changed our policy toward Rhodesia.

ADMINISTRATION ATTITUDE TO RHODESIA

1. Would you agree that the appointment of Kenneth Rush, the White House refusal to oppose the Byrd amendment actively, the visit of Clark MacGregor, and other recent events would contribute to a climate of increased confidence in Salisbury? Please comment.

The question of Mr. Rush's appointment was thoroughly reviewed at the time of his confirmation by the Senate Foreign Relations Committee. We have already commented on the visit of Mr. MacGregor.

2. How can the administration defend itself from the charge of hypocrisy, when its tacit encouragement of the Rhodesian regime is contrasted with these pious statements by Ambassador Phillips:

"Southern Rhodesia has continued to flout world public opinion. Its obstinate refusal to agree to the principle of self-determination for all of its population and to accept the principle of majority rule has only served to exacerbate an already tense situation. Its willingness to take action against a neighboring country makes it most difficult to achieve the peaceful settlement of the problem which we all seek.

"The Smith regime persists in its rebellion and also is rapidly enacting and enforcing racial laws discriminating between the races and imposing abhorrent collective punishment. Many African states have voiced their opposition to these racial policies. The United States also cannot condone the actions taken by the Smith regime both inside and outside Southern Rhodesia. The United States believes that sanctions should be maintained and tightened, and that further attempts should be made to achieve a peaceful settlement."

How can we claim to support the tightening of sanctions when we are the only country openly violating them?

We do not accept the premise of the question. Our policy supporting the improvement of the enforcement of sanctions is consistent with our disapproval of the regime and with our desire for the achievement of a peaceful settlement. Our inability to observe sanctions in one particular area due to legislative prohibitions in no way deters us from that policy.

3. Do we condemn the use of violence and terror by the illegal Rhodesian regime against the population of Zimbabwe?

Yes, we do. In the U.N. Security Council, we have supported resolutions condemning the regime for its repression of African population; the last two being Senate Concurrent Resolution 253 of June 17, 1968, and 277 of March 18, 1970.

4. Kenneth Rush, your new Deputy Secretary, announced to the Senate Foreign Relations Committee during the recent confirmation hearings that he would be "neutral" on the Byrd amendment. This is contrary to the State Department position as stated by his predecessor, John Irwin, in his letter of May 20, 1972, to Senator McGee last year opposing the Byrd amandment. How can you justify this retreat from the earlier commitment?

Mr. Rush was referring to his personal involvement in this question, not to U.S. policy.

5. Will the State Department actively oppose the Byrd amendment if the issue is raised again?

The Department's position on the Byrd amendment remains as it was when the matter was last before the Congress.

6. Will the White House still refuse to oppose the amendment?

The White House has never refused to oppose the Byrd provision. It has delegated the responsibility for action on this matter to the State Department.

REQUEST FOR WRITTEN MATERIAL

1. Would you give us a written comment in some detail on the economic, legal, and political position of the Rhodesian Africans now in light of recent Government legislation?

Since the closure of our Consulate in Salisbury in March of 1970, the information we have on Rhodesia has been less comprehensive and timely than in the past. There is current review of political and economic developments in Rhodesia prepared by the United Nations Security Council in February of this year (A/AC.109/L.840 of February 1973), a copy of which is enclosed in case the members of the subcommittees have not seen it. In summary, it can be said that the position of the Rhodesian African remains one in which he has much less access to economic and educational opportunities than the whites and remains without effective political power. Recent legislation further restricts his educational possibilities, imposes identity document requirements exclusively on Africans, establishes increased penalties for vagrancy, gives the administration power to withhold passports from Africans, and results in the imposition of collective punishment on communities suspected of assisting armed nationalist forces.

2. Could you send us documentation on the charge made in your testimony this morning that other countries are violating sanctions?

The tabulation which was presented to you at the hearings was compiled from a working paper prepared by the U.N. Secretariat and represents the latest analysis of the cases before the Sanctions Committee. A copy of the report (S/AC.15/WP.59) is enclosed for your information. Also enclosed is a copy of the fifth report of the U.N. Sanctions Committee which represents a review of all sanctions violations presented to the committee. (S/10852. December 22, 1972; Add. 1, December 31, 1972; and Add. 2, February 2, 1973)

Enclosures: [1]

Mr. DIGGS. The next witness is Mr. Fulton Lewis III.

Mr. Lewis is a news commenator for Mutual Broadcasting System. He has a prepared statement. You may proceed, Mr. Lewis.

STATEMENT OF FULTON LEWIS III, NEWS COMMENTATOR, MUTUAL BROADCASTING SYSTEM

Mr. LEWIS. First of all, let me say I am very honored by your invitation to me to be able to appear at this hearing. I am here in two capacities. First, as a plain American citizen, who is concerned that his Nation's policies be just, wisely executed, and in harmony with our principles and interests; and second, as a newsman who has been driven by this concern to conduct a thorough examination into the matter which is the subject of this hearing—our Nation's relationship with Rhodesia.

That examination has involved two extensive trips to Rhodesia, lengthy discussions with Rhodesian Government officials including Prime Minister Ian Smith, similar talks with representatives of that country's African majority, and meetings with other interested parties including Britain's Foreign Secretary Sir Alec Douglas-Home.

It is clear to those who hear my radio commentaries that my views are my own, not necessarily those of the Mutual Broadcasting System or the stations which carry my broadcasts. That obviously applies also to my testimony here today.

In one sense, I almost envy the Rhodesians. When our own forefathers declared their independence from the British Crown nearly 200 years ago, it sparked a long and bloody military conflict. As yet, there has been no open warfare in the wake of Rhodesia's similar declaration issued November 11, 1965.

And yet, as you know, the Rhodesian Government has encountered one difficulty—mandatory worldwide economic sanctions against Rhodesia that were imposed by the United Nations Security Couucil in December 1966.

The United States became involved in the issue when our U.N. Ambassador voted in support of those sanctions and, on January 5, 1967, when then President Johnson issued Executive Order 11332 making

[1] Enclosures are in the records of the committee.

it a Federal criminal offense for any American to violate the world organization's embargo.

The actions of both the Security Council and President Johnson raise in my mind some serious legal questions. The U.N. Charter strictly forbids any U.N. involvement in the internal affairs of any country and the charter quite obviously prevented the United Nations from becoming involved in the Rhodesian-British dispute—no matter how you slice that dispute, whether you do or do not recognize Rhodesia's independence, it was an internal "family" matter.

There is one escape hatch in the charter—article 39 which, in effect, says the Security Council can become involved in a domestic situation if, in its view, that situation poses a threat to world peace.

That was the means used by the Council in December 1966. It quite simply declared Rhodesia a "theat to world peace" and then invoked the powers granted under article 41 and imposed economic sanctions against Rhodesia.

That declaration—that Rhodesia constituted a "threat to world peace"—was, to put it bluntly, preposterous. Rhodesia has a total combined army, air force, and police force of 25,000 men. Nearly 50 percent of these are disarmed, these being the domestic police.

She has never threatened anyone. She has never made a claim against any neighbor's territory. Her troops have never ventured off Rhodesian soil. If the world peace was threatened, it certainly was not and is not by Rhodesia.

There is a second legal question, this involving President Johnson's Executive order of January 5, 1967. Our own Constitution, in article I, section 8, gives the Congress and not the President the responsibility for regulating American trade abroad.

It is that same section, incidentally, which gives the Congress the responsibility for making declarations of war—and the Congress even now is showing signs that it wishes to reclaim that responsibility.

I was surprised that the distinguished Members of the House and Senate did not protest vigorously when President Johnson did proclaim a U.S. embargo regarding Rhodesia because it was a clear encroachment on an area of decision which the Constitution reserves for the legislative branch.

The White House back then justified the President's action by citing the U.N. Participation Act of 1945 which gives him the power to issue Executive orders to mandate U.S. compliance with U.N. decisions. But the U.N. Participation Act, it seems to me, invites situations which may not have been contemplated back then—situations in which the President might be able to circumvent the requirements of our own Constitution.

This happened, as I have noted, regarding Executive Order 11332. The President, singlehandedly, without congressional approval, was ordering Americans to comply with the Security Council's imposition of the provisions of article 41—an economic embargo.

The very next article 42 gives the Security Council the power to go to war to end a "threat to world peace" in the event the embargo fails.

The sanctions against Rhodesia, I think, very clearly have failed. Two years ago, that country's most ardent adversaries asked the Security Council to invoke some of its warmaking powers, and it was on that occasion that the United States cast its first veto in the history of the United Nations.

We did not want to go to war with Rhodesia—and, I think, understandably so. What if, though, someone else had been in the White House? What if he had been disposed to support the invocation of article 42?

What if the United Nations had gone to war against Rhodesia and what if that same President mandated U.S. participation in that war effort by the simple issuance of an Executive order?

If the Congress had not protested the violation of one provision of article I, section 8 by the executive branch, it would have been hard pressed to protest another. If it had given the green light for the President to issue an Executive order regarding economic sanctions, it could hardly ignore that precedent by giving a red light to another Executive order regarding th commitment of American troops to war.

I vigorously support the current attempts to revive the constitutional prerogatives of the Congress in its relationship with the executive branch but I urge you, Mr. Chairman, not to consider only portions of article I, section 8.

I think the congressional responsibilties to regulate international trade are every bit as important as are its warmaking powers and in the case of Rhodesia, the two are quite clearly, and quite closely related, in articles 41 and 42 of the U.N. Charter.

There is, in addition, I believe, the practical side to the Rhodesian issue. I stated earlier that the sanctions have not worked. They have not toppled the Ian Smith regime. They have not brought Rhodesia back into the British colonial network.

If anything, they have even strengthened the Ian Smith government—he has been established, as was quite clear to me during my visits there, as kind of a George Washington figure. They have even strengthened Rhodesia's economy, forcing that country to develop its own industries in areas where it used to be dependent upon foreign imports.

What concerns me, further, is that I have noted in successive trips to Rhodesia these last 6 years that the sanctions have strengthened the hand, politically speaking, of those Rhodesians who are trying to establish an apartheid system—a forcible separation of the races as is practiced in South Africa—which would be a serious step backward, I feel, from the Ian Smith government's present nonracial policies.

Only recently, Rhodesia's Minister of Finance, Mr. J. J. Wrathall, termed the sanctions "a blessing in disguise." A year ago, during my interview with Sir Alex Douglas-Home, the British Foreign Secretary, conceded: "Sanctions are being breached by a number of countries. They have not brought about a political result and I do not think they could bring a politcial result."

During that interview, I asked Sir Alec if he could rewrite history, if he would go the sanctions route. He said: "No, it ought never to be handed over to the United Nations at all. It should have been a British responsibility."

Furthermore, as the members of this Congress officially noted during the fall of 1971, the sanctions against Rhodesia—and our participation in those sanctions—placed our own Nation in jeopardy insofar as our national defense industry was concerned.

We were cut off from a major supplier of chrome ore—vital to the production of stainless steel which in turn is vital to the production of a wide variety of national defense items—and were made, almost overnight, dependent upon the imports we received from the Soviet Union.

The Soviets, recognizing our predicament, exploited their near-monopoly situation by raising the price of chrome ore from $25 per ton to three times that figure. This Congress, in its wisdom, ended that aspect of the U.S. embargo against Rhodesia.

What should be our policy in the future? My view is that the Congress should immediately move to take back its constitutional prerogatives to regulate international trade. Beyond that, I would hope that we can move nationally toward a normalization of relations—both economic and diplomatic—with Rhodesia.

It is to me the height of hypocrisy for us to on the one hand be expanding our trade, and opening up new diplomatic contacts, with countries like the Soviet Union, and Red China—to be considering, indeed, even the extension of foreign aid to North Vietnam who has been responsible for the deaths of tens of thousands of Americans during the last decade—while keeping the door shut tightly on Rhodesia.

How do we possibly justify punishing one country for not perfecting a one-man, one-vote system of government while we openly reward others which practice a no-man, no-vote system?

I sincerely believe that "honey" may work, where "vinegar" has failed regarding Rhodesia. Ian Smith has stated on several occasions that Rhodesia will have black majority rule in "due time." The sanctions have, if anything, made "due time" seem remote and perhaps eons away.

A resumption of trade, a resumption of U.S. diplomatic dealings with Rhodesia, I feel, may put us in a position of influence where we can expedite progress in Rhodesia's domestic democratic procedures.

As so many distinguished Members of this Congress have noted on so many occasions—speaking about our relationships with the Soviet Union and Red China—it is better for us to be on the inside working for change than it is to be standing outside the walls complaining.

That was the thrust of the Cranston sense of the Senate resolution of a few years ago—the notion that we should not consider a country's domestic policies when we are considering the extension of trade and diplomatic relations to that country. That was true then, and it is equally true now.

Change in Rhodesia, I am convinced, is very possible. But for us to be able to affect that change, we must first change our own attitudes and our own policies. It is my sincere hope that these hearings today will be the first step toward such a change.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Biester.

Mr. BIESTER. Thank you, Mr. Chairman.

With respect to the matter of a threat to world peace, is it your understanding of the intent of article 39 that that is relegated only to those situations in which there is a specific, clear and present danger of one power's engagement militarily against another?

Is that the only kind of threat to world peace? Is the U.N. powerless until that point arises?

Mr. LEWIS. I would respond by saying that the United Nations Charter gives the United Nations the responsibility and the authority to become involved when it is a case of one nation against another.

The charter prohibits the U.N. from intervening in a domestic situation. Article 39, as I would interpret it, opens the door for the United Nations to involve itself in a domestic situation when it is explosive, when that situation could explode and affect world peace.

My point is that I do not see under any circumstances any evidence that anything took place in Rhodesia that would possibly affect world peace. I do not think there is evidence to substantiate any developments between Britain and Rhodesia which would jeopardize seriously the peace in that region in Africa.

Mr. BIESTER. I have not done a great deal of reading about sanctions, but in the reading I have done, there occurs the proposition that where countries or peoples are unwilling to resort specifically to military force, they fall back on economic force as a means of achieving a result.

Would you agree that had Britain chosen to take the military step rather than the economic step, that that would then have jeopardized world peace?

Mr. LEWIS. It is a "what if" question, Mr. Congressman. I do not know what the answer would be. It is my impression that even with the Harold Wilson government, which was much harder lined regarding Rhodesia than is the present government, such a confrontation could not occur.

I cannot envision a situation where the British would commit troops to Rhodesia as they did to the American colonies 200 years ago.

Mr. BIESTER. Still on the matter of world peace, do you think that the open-ended situation which obtains in Rhodesia in which a minority of 250,000 whites imposes its rule on 3.5 million blacks is in itself the kind of situation that may at some point result in a threat to world peace?

Mr. LEWIS. In answer to the question, and I guess all things are relative, I do not feel that there is any more threat to world peace derived from the situation of black versus white in Rhodesia than there is from the fact that there are minority governments in Czechoslovakia and Red China.

Mr. BIESTER. Would you say that the minority government in Czechoslovakia has resulted in a threat to world peace?

Mr. LEWIS. I am not sure it is a threat to world peace. It is certainly a threat to Czech peace. When you are talking about world peace, you are talking about a comprehensive thing.

When I think of world peace, I think of military confrontations between the major powers or involving the major powers. In the situation of Rhodesia, I do not believe that the threat is even possible.

It does not mean that I endorse the political system there or that I am happy with it. Certainly I do not endorse the political systems of the Soviet Union or Red China. But, I do not feel even the Czechoslovakian explosion of August 1968 posed a threat to world peace.

It certainly did pose an immediate difficulty between the Soviet Union and Czechoslovakia.

Mr. BIESTER. This was in 1968. Don't you think it involved to some degree a threat to world peace?

Mr. LEWIS. To some degree.

Mr. BIESTER. Thank you.

Mr. DIGGS. Mr. Fraser.

Mr. FRASER. I was struck, Mr. Lewis, with your thought that a breach of world peace has to involve the major powers. Is that really your view?

Mr. LEWIS. When I think of a threat to world peace, I usually think of it involving world powers. I can certainly envision exceptions to that. I would not say that is a hard and fast rule.

Mr. FRASER. I am struck by that because the vast majority of the members of the United Nations are not world powers. If your view were accepted by the United Nations, it would mean that the organization would be impotent with respect to conflicts in which it became involved.

Mr. LEWIS. I think, in all due respect to the United Nations, the United Nations has been impotent in recent years regarding conflicts, the Indian-Pakistani conflict, Vietnam conflict, Arab-Israeli conflict, and Nigerian-Biafran conflict.

The U.N. has found itself sitting on the outside looking in and has not been an effective instrument to resolve these conflicts.

I do not feel that because most nations who are members of the U.N. are not world powers that necessarily excludes them from involvement in article 39.

Neither North Vietnam nor South Vietnam was a world power in and of itself, but as we all know, the conflict in Indochina over the past 10 years was a threat to world peace.

It did involve a confrontation, an indirect confrontation between the world powers so that situation can develop.

Mr. FRASER. I am not sure that it is worth pursuing at length, but what has been clear about the United Nations is that it is impotent when world power interests are involved. Since those are the only kind of conflicts that you think should invoke U.N. action, by your definition you guarantee impotency, meaning no role for the U.N. in 99 percent of the cases.

Let me turn to the incidents that led to the closing of the border. There have been forays onto the territory of Rhodesia by liberation fighters. This did lead to the closing of the borders. That clearly has an international aspect, does it not?

Mr. LEWIS. Yes, but in that case, it would seem to me that Rhodesia could be the party that would be filing the complaint and Zambia would have to be the defendant. It would not be Rhodesia that is posing a threat to world peace. It would be Zambia.

Mr. FRASER. Let's recreate the condition of the 1930's in Germany in which there was systematic genocide against Jews. Is it your view that that is a family matter of no concern to the international community?

Mr. LEWIS. My view is that genocide of itself is an international matter and concern. That was one of my concerns about the Biafran struggle.

Mr. FRASER. What makes it international, the fact that there are conventions against it?

Mr. LEWIS. I would say that, yes.

Mr. FRASER. Or is it that one's sense of decency is offended?

Mr. LEWIS. I would say that, yes.

Mr. FRASER. Or is it that one's sense of decency is offended?

Mr. LEWIS. I would say the international conventions are being violated. You are speaking legally.

Mr. FRASER. But they would clearly proscribe the kind of regime that the Rhodesian Government has.

Mr. LEWIS. If there are, Mr. Congressman, I am not familiar with any international conventions that would require Rhodesia to have a different form of government than it has.

Mr. FRASER. There is an international convention against racial discrimination. Clearly Rhodesia is practicing racial discrimination. You would agree with that?

Mr. LEWIS. I would say that certainly there is racial discrimination practiced in Rhodesia.

Mr. FRASER. And there is an international convention that deals with racial discrimination.

Mr. LEWIS. In all due respect, I am not sure whether the international convention is the same or as binding as is the international convention that relates to genocide. We have racial discrimination in this country.

Mr. FRASER. But not as a matter of official governmental policy, in recent years.

Mr. LEWIS. It was the Civil Rights Commission which made the statement a few years ago that this country itself was moving to an apartheid system.

Mr. FRASER. But the policy of this Government is clearly aimed at ending racial discrimination. It is not sanctioned or tolerated. Aren't you willing to concede that there are some circumstances within a country such as genocide which give rise to legitimate international interest?

Mr. LEWIS. Yes, sir.

Mr. FRASER. What you are arguing, then, is that wholesale racial discrimination does not give rise to the same international interest.

Mr. LEWIS. Mr. Congressman, I would say yes. I would say wholesale racial discrimination would give rise. I do not just say denial of human rights on the basis of race. I am as concerned about the racial situation or the plight of the blacks in Africa as I am of the black, white, Jewish, all varieties of people living in the Soviet Union and China, et cetera.

I think if we are going to be consistent in our policies it is a little unfair and unreal to direct the thrust of our punishment against Rhodesia while ignoring other countries where the violations of human rights are ten times more severe.

Mr. FRASER. So you are saying that if you can't cure all the evils you should not try to cure one of them.

Mr. LEWIS. My argument is that we should not be rewarding those that are most evil with our trade and, as I think we are now moving toward with Red China, diplomatic relations while reserving our punishment for those that are the least evil.

Mr. FRASER. If Mr. Nixon were here, you could ask him about those cases. My interest at the moment is Rhodesia. There is racial discrimination, there is a government-sponsored program which puts the Africans not only into a second-class status but apparently is moving toward an apartheid system like South Africa. If you were a black in Rhodesia, would you feel justified in taking up arms against that government?

Mr. LEWIS. Not being a black in Rhodesia, I don't know how far I could go. I have talked to some who feel, yes, they would take up arms and they do feel oppressed. I have talked to many, many others and I must say the vast majority of the blacks I have talked to have not felt that way. They would not take up arms. And the vast majority have not taken up arms.

Mr. FRASER. You are making no moral judgment as to whether or not they should take up arms or whether or not they would be justified?

Mr. LEWIS. I can't make one. I don't know what I would do if I were in that situation. I don't know how oppressed I would feel. I don't know how much I would trust the Ian Smith government. That government has asserted time and time again that it is all in favor of moving toward black majority rule, and yet time and again the Ian Smith government has taken steps back from that.

I think if I were a black living in Rhodesia I might begin to distrust the Ian Smith government. Many black Rhodesians have. Many black Rhodesians have not. They are still tolerant and trusting and feel they are making steps forward.

Mr. FRASER. Would you accept the verdict of the commission that the British sent into Rhodesia which said the overwhelming majority of the Africans did not support the Smith proposals?

Mr. LEWIS. The Pearce Commission, Mr. Congressman, as you know, sampled 6½ percent of the black population. I think probably its report is accurate insofar as how far it went. I was in Rhodesia at the same time the Pearce Commission was in Rhodesia. The Africans I talked to must have been different Africans than the ones that they talked to, or maybe I talked to them under less official circumstances.

My verdict would have been that there was severe opposition but I don't think it was as overwhelming as the Pearce Commission indicated.

Mr. FRASER. We have, I think, agreed that the policies of the Ian Smith government are founded on racial discrimination which is governmentally sponsored. There have been incidents across national borders which have led to the closing of borders of two countries. Rhodesia and Zambia. There was a finding by the Security Council that a threat to peace exists. Your arguments might well have been directed to whether the Security Council should have voted the way it did, but we are now at the point at which the Security Council did vote that there was a threat to the peace and accordingly imposed sanctions.

Are you suggesting that the United States should now unilaterally violate its undertaking in the United Nations Charter and ignore those sanctions?

Mr. LEWIS. The House and the Senate and the President concurred back in November of 1971 that one aspect of those sanctions in effect posed a threat to our own security, and the Congress and the President agreed on that occasion through the enactment of section 503 of the Military Procurement Authorization Act to get out of the sanctions at least insofar as chrome is concerned.

Mr. FRASER. Would you recommend that we go further and abandon all sanctions despite our international undertaking?

Mr. LEWIS. I think I have already made that recommendation; yes, sir.

Mr. FRASER. I assume you would feel that then we were free to ignore international conventions whenever we decided our views had changed?

Mr. LEWIS. No.

Mr. FRASER. How about the international convention on hijacking? We might decide to pull out of that because we didn't like the way it is operating?

Mr. LEWIS. No, Mr. Congressman. I feel we are obligated to our commitments. I feel that certainly this is one of the big issues regarding the Vietnam war, the obligation to our commitment to the defense of South Vietnam. But on the other hand, I think that the dishonesty in this case was the United Nations preposterous and totally untrue declaration that Rhodesia is a threat to world peace.

Mr. FRASER. I understand that you disagree with their findings, but they have made them. We are members of the U.N. The charter has been ratified as a treaty. Treaties occupy a special position in the U.S. constitutional framework. You are advocating that we violate our treaty obligations unilaterally?

Mr. LEWIS. If I can answer the question in this way: Last year when I talked to Sir Alec Douglas-Home, I asked him what would happen if Britain and Rhodesia resolved their differences. The United Nations Security Council would have to take a positive action to end the sanctions that were imposed. Any country, any member of the Security Council, could quite easily veto that positive action, so even though Britain and Rhodesia had resolved their differences to the satisfaction of the African population of Rhodesia, would Britain still be bound by the sanctions just because the Soviet Union or some other member of the Security Council vetoed the attempt to appeal the sanctions?

The United Nations can be complex. I think we can be locked into a can of worms. I think there was an initial lie, the lie being that the Rhodesian situation is a threat to world peace. I think we have to break the cycle.

Mr. FRASER. You call it a lie. I think it is a basis for their finding. They made a decision. Since it was made contrary to your own view, you think we should ignore it.

Mr. LEWIS. My concern, Mr. Congressman, is how we got into this situation in the beginning. I feel the declaration of Rhodesia as posing a threat to world peace is preposterous and a lie. Second, I am concerned with how we get out of it.

Mr. FRASER. Wouldn't we be better off waiting until the Smith government had made its accommodation to the Africans and then face the problem of how to get out?

Mr. LEWIS. The Smith accommodation is going to be with the British Government. The dispute is not between the Smith government and the African population of Rhodesia; it is between Smith and Britain. It is possible that that dispute could be resolved, but even if it were, is is still possible that we would be in a situation where the United Nations would say there is no longer a threat to world peace but the sanctions are still on.

At that point, if Britain did resolve its dispute, would we be bound legally by the fact that the United Nations was unable to end the sanctions? Would we be bound by the sanctions still?

Mr. FRASER. I accept the possibility that there might be problems down the road. We have not reached that juncture, but yet you want to give up the game now.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Winn.

Mr. WINN. Mr. Lewis, I appreciate your presentation to the committee. I think that maybe at some of these hearings we have a tendency to make a man who starts out his presentation who says he is speaking as an individual and second as a newsman, an expert on international affairs; and second judging not only our country, the State Department, but the United Nations, and I think it is a little tough.

But really, the members of this committee are trying to get all sides of the story and the opinions of those who have been there and who have made their various investigations.

I appreciate that you sound much like your father. As a sports commentator, I followed your father on nationwide broadcasts in 1941 and 1942. That takes me back a long time. But you dig, and you dig deeply, just like he used to. We appreciate your appearance before this committee.

I have no questions.

Mr. LEWIS. Thank you, sir.

Mr. DIGGS. I might add to the gentleman's comments about Mr. Lewis' appearance, as the gentleman from Kansas indicated, we are interested in all opinions, and we invited in addition to Mr. Lewis, who is well-known for his inclinations toward the Rhodesian regime, Clark MacGregor from whom we have had no reply, James J. Kilpatrick, and Charles Burton Marshall. None of these people responded except Mr. Lewis, and for that I commend him.

It is not the first time we attempted to get what we considered to be all the opinions with respect to various subjects, but for some reason some people take, I don't know whether it is a dim view or lacking in courage or what-have-you, to come before the committee and to express their views.

I think Mr. Lewis is to be commended for coming here and expressing his views. Some of us may not understand them or even agree with them, but we thank him for being here.

Mr. FRASER. I don't want to be misunderstood in my exchange with Mr. Lewis. I feel this kind of dialog helps clarify the issues. I assume he understands it in the same light. I think it helps get the issues sharply identified.

Mr. LEWIS. I appreciate that.

Mr. WINN. I would like to point out, and I agree with the chairman, you asked some distinguished men, but the problem might be that they can sell their views for a lot of money nationally, and it doesn't do much for them to appear before this committee, really.

Mr. DIGGS. I will refer that to Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman.

Well, Mr. Lewis, I would like to add to the chairman's statement that we are very glad to have you here. I have heard you not only today, but I have heard you many times on the air on this subject. I will not pursue some of the issues that Mr. Fraser has pursued. I think your colloquy did clarify the issues to a considerable extent.

One aspect of that, to get the record clear, you are not an international lawyer, are you?

Mr. LEWIS. I am not.

Mr. BINGHAM. Would you regard yourself as an expert in the interpretation of the Charter of the United Nations?

Mr. LEWIS. Mr. Congressman, I hate to regard myself as an expert on anything. I have studied the Charter of the United Nations. I have tried to study and keep track of the United Nations. I have a deep interest in the legal aspects of the United Nations. I would hate to even venture a suggestion that I am an expert on that or on any other subject.

Mr. BINGHAM. I am interested in what you mean when you use the term "Rhodesia." I have heard this many times in your comments on the air. What do you think of when you say "Rhodesia" has done this or that?

Mr. LEWIS. I speak of Rhodesia in the same context that I would speak of the Soviet Union or China: the Government of that country that is rightly or wrongly in power has done this or that.

Mr. BINGHAM. In other words, you are not thinking of the Rhodesian people as such?

Mr. LEWIS. I don't think of the Rhodesian people any more than I think of the Russian people when I think that Kosygin or Brezhnev took a certain action. That does not in my mind represent the wishes or the actions of the Russian people or the people who live under Soviet control.

Mr. BINGHAM. If I may say so, I think sometimes in your broadcasts you don't make that clear to your listerners that you are talking about the Ian Smith regime and not the Rhodesian people. You talk very eloquently sometimes about their right to declare independence. You don't make clear that you are talking about the limited Smith regime.

Doesn't it bother you a bit that you compare and have often compared the action of the Smith regime in declaring its independence, to the action of the American people in declaring their independence from Britain in 1776?

Mr. LEWIS. Mr. Congressman, it does not disturb me. As you know, at the time we declared our independence from Britain, we were practicing slavery as a nation. We were far from having clean hands in the Constitution in article 1 again. We provided in our Constitution that blacks and Indians (our native population) would not be allowed to vote. In computing the census, blacks were counted as three-fifths of a person, and Indians were not counted at all.

Those are great embarrassments to us now that we have grown up. We cannot allow other people the right to make the same mistakes that we have? I think it is a tremendous comparison. Rhodesia does things I don't like. Rhodesia has a system of government I don't like. I know many people I have encountered in the world who feel we have a system of government they don't like. That is their right and that is our right.

My job, our job, is to try to hope that our country can develop policies that will be adequate. I would like to push them a little more toward our way of thinking.

Mr. BINGHAM. And you really do see a parallel between the Smith regime's declaration of independence and our action in 1776?

Mr. LEWIS. I see a tremendous parallel, including the racial situations in the countries at the time.

Mr. BINGHAM. I know you have been out there a number of times. Have you ever made any systematic effort to determine whether the majority of the people in Rhodesia were in support of the declaration of independence?

Mr. LEWIS. I have asked questions. I hate to be presumptuous. I don't think I would have done what the Pearce Commission did, and that is attempt on a sampling of 6½ percent to say that the Rhodesian people feel this way or another way. Certainly, my sampling has never been as extensive as that of the Pearce Commission. To tell you the truth, the Rhodesian Africans that I have encountered are more concerned about their health, their education, their welfare, their income, their housing, and what-have-you, much more concerned about that than they are about Rhodesia's problems with Britain, much more concerned about that than if they have a 26-percent or 58-percent or 95-percent representation in the Government.

Maybe the apathy that exists in the black community in Rhodesia is not too unlike the apathy that exists in our own country. I think we make a mistake in thinking that all Rhodesian Africans and whites alike are as involved and interested in the situation as you and I might be.

Mr. BINGHAM. You have said, I believe, in the course of this hearing, that you are not here as a defender of the Smith regime, and you don't approve of the Smith regime particularly. I realize that questions of motivations are difficult to answer, but you have made a crusade on this issue, you have spoken of this endlessly on your programs. Why are you so excited about it? Why are you so upset about it, in relation to all the other issues that you might be discussing on your program?

Mr. LEWIS. There are answers to that. One is the reason I spent so much time is that so many other newsmen spend so little time. I think it is a serious, significant issue. It involves all sorts of things, such as the question of executive versus legislative prerogatives in our country. It involves the question of how obedient we must be to doctrines of the United Nations. It involves cold war policies, the chrome ore policy, and national defense.

I think it should be discussed. The less my colleagues in my media discuss it, the more I feel compelled to discuss it.

The second reason is because I think, as I said in my prepared statement, that we have been in the process of a tremendous mistake and I think a tremendous injustice. I would like to see us get out of it.

I advocate holding Ian Smith's nose to the fire, but coming in and being on the "honey" side instead of the "vinegar" side. I think we would get a lot further doing that.

Mr. BINGHAM. To whom is it an injustice, to the Rhodesian people or the Smith regime?

Mr. LEWIS. I think the first injustice is the big guys ganging up against the little guys. As Mr. Fraser pointed out, the only time the United Nations can act is when the big powers are in harmony, so if the big powers are in harmony the United Nations is acting against the little guy.

The fact that Mr. Smith has not been allowed to speak in his own defense in this country or in the United Nations to present his side of the story, I think that is an injustice.

There are injustices within Rhodesia. I am concerned about the injustices in which we are directly involved.

Mr. BINGHAM. But it is the injustice to the Smith regime you are speaking about, not the injustice to the Rhodesian people?

Mr. LEWIS. I would say that is right.

Mr. BINGHAM. Thank you.

Mr. DIGGS. Counsel, do you have questions?

Mrs. BUTCHER. Mr. Lewis, when you traveled to Rhodesia, was your trip in any part funded by the Smith regime?

Mr. LEWIS. My travels overseas are not even financed by the network. I pick up the tab for all travel.

Mrs. BUTCHER. As you know, the Rhodesian Information office has to submit reports as a foreign agent to the Department of Justice. One of the items listed in one of their reports was an expenditure made to you for travel funds.

Mr. LEWIS. This would have been in 1972.

Mrs. BUTCHER. "February 11, 1972, Fulton Lewis III, contribution to travel expenses, $1,000."

Mr. LEWIS. I was on a round-the-world trip. I had gone into Hong Kong, Southeast Asia, Vietnam, Bangladesh, the Middle East. I was contacted by my office with a request from my secretary, who is from Kenya, that I divert and go into Africa. At the time, the Pearce Commission was visiting Rhodesia. I explained to her that I could not afford to do that. That contribution was made toward paying for that portion of the trip.

Mrs. BUTCHER. You understood at the time who was making the contribution?

Mr. LEWIS. I understood through her and I made it clear through her to them that I was not being bought, that I was not on a guided tour or whatever.

Mrs. BUTCHER. Thank you.

That is all, Mr. Chairman.

Mr. LEWIS. I might point out also that the British Government paid for my hotel bill when I was in London and also paid for the cost of a trip into Belfast.

Mr. DIGGS. Thank you, Mr. Lewis.

Our last witness is Edison Zvobgo, who is Director of External Missions of the African National Council of Zimbabwe, one of the founders of the African National Council, and served as its Deputy Secretary General. He has lived and been imprisoned in Rhodesia as late as November of 1971.

He has a prepared statement.

You may proceed.

STATEMENT OF EDDISON J. M. ZVOBGO, DIRECTOR OF EXTERNAL MISSIONS, AFRICAN COUNCIL OF ZIMBABWE

Mr. ZVOBGO. Thank you, Mr. Chairman.

INTRODUCTION

Mr. Chairman and gentlemen. My name is Eddison Jonas Mudadirwa Zvobgo. I am a Zimbabwian. I am director of External Missions of the African National Council of Zimbabwe which is led by Bishop Abel T. Muzorewa.

My personal background may be briefly stated as follows: I have been actively involved in the struggle for the liberation of Zimbabwe for nearly 15 years. I was the official representative at the United Nations and the Americas of the National Democratic Party in 1961 until it was banned in 1962. I was reappointed to the same office by the Zimbabwe African Peoples Union which was led by Joshua Nkomo, which I held until it was banned in 1962. In 1963, I was appointed executive secretary of the Zimbabwe African National Union (ZANU). In 1964, I was elected deputy secretary-general of the same organization, an office I held until all African Nationalist parties were banned on August 26, 1964.

I was arrested by the Ian Smith regime on August 26, 1964, and restricted to Wha-Wha Restriction Camp for a period of 12 months. Before the 12 months elapsed, I was committed to Salisbury Prison to serve a term of 15 months imprisonment for, allegedly, making a subversive statement at a public meeting. Upon my discharge from Salisbury Prison, on July 11, 1965, I was rearrested and rerestricted, this time to the Sikombela Forest Area in the midlands of Rhodesia. On November 8, 1965, I was moved to undergo detention, without trial, in Salisbury Prison. I remained in that prison until November 22, 1971. I was released subject to the following conditions:

(a) That I shall report to the police daily

(b) That I shall remain within a 10-mile radius of the Post Office

(c) That I shall remain inside my house between 1800 hours and 0600 hours daily

(d) That, should I visit Salisbury City Center, I shall follow a specified route to and from my house.

I escaped from house arrest on July 14, 1972. I am presently at the Fletcher School of Law and Diplomacy in Medford, Mass. My job in relation to the African National Council is to direct all its external missions and activities. I am an Advocate of the High Court of Rhodesia, and a member of the Rhodesia Bar Association.

EVIDENCE

Mr. Chairman, I am directed by the National Executive Council of the African National Council to appear before your committee and to protest as vigorously as I can against U.S. policy as it affects Zimbabwe and my people.

I shall endeavor to bring before you the facts which indicate that the Smith regime is not one which the U.S. Government and the American people should ever support.

When, on November 11, 1965, the Ian Smith regime declared its unilateral declaration of independence, it claimed that it had been compelled to do so in order to preserve Christian civilization and decency. Mr. Smith tried strenuously to draw parallels between his U.D.I. and your own, 200 years ago. However, he did not mention the fact that under his U.D.I. the Africans would, in perpetuity, occupy a position of inferiority as lesser beings. In any event, the events have, since U.D.I., called the bluff.

The regime has enacted laws specifically designed to uproot and disperse African people from their ancestoral homes; deny them of free movement, free speech, and free association; subject them to arbitrary arrests, restrictions, and detentions; deny them every chance to become masters in the country of their own birth and forced thousands into refugee camps and exile around the world. I shall presently proceed to ground each and every allegation, and more.

For purposes of this occasion, I shall deal with events during the last 5 months, for example, since October 1 last year. It will be my contention that a regime capable of unleashing such evil programs on such a scale in such a short time does not deserve to be fraternized with, let alone assisted, by the United States or any other nation which values human dignity and freedom.

The regime has, during the last 5 months, moved in several directions. Here follow some samples:

Part I: Legislation

(a) Legislation against freedom of movement

In November last year, the regime enacted the African (Registration and Identification) Amendment Act, 1972. The bill was introduced in Parliament by Mr. Lance Smith, the regime's Minister of Internal Affairs. The new act has far-reaching consequences. First, it makes it a crime for any African adult to be found without a valid travel document on his person at any time. This provision will be identified as being on all fours with a similar provision in South African "pass laws." Henceforth, every African will be humiliated by the police by being required to produce his "certificate." Second, the act makes it a crime for an African to depart from "his" district without first obtaining a permit from a registration officer. Viewed thus, the African will now be required to have what amounts to a passport to move within the country of his birth. Third, it is important to note that there is to be a charge for the issuance of the degrading certificate. This means the regime is going to tax Africans by this sordid legislation.

When this measure was first published as a bill, almost every organization in the country—except the Rhodesia Front—expressed horror and disgust. The Rev. Canan Banana, deputy president of the African National Council, termed it "an abominable piece of legislation—a humiliating affront to human dignity—The repercussions are bound to be graver than the Rhodesia Front regime is prepared to anticipate."

Advocate E. F. C. Sithole, publicity secretary of the ANC doubted if any person would ever again expect Africans in Zimbabwe to settle with such an evil regime. Pat Bashford, leader of the Center Party, said, "This negative approach can only damage our race relations and our image overseas."

The Anglican bishops cabled Lance Smith to point out that "To impose this burden on one section of the population is discriminatory and oppressive and violates Christian standards of justice and fair play."

Their lordships concluded: "In the name of Christ, withdraw this bill."

The five Roman Catholic bishops and the head of the Hebrew congregation in Bulaway, Rabbi Zwebner, also protested. The Executive Committee of the Christian Council of Rhodesia said, in a statement, "For the sake of sanity, justice, peace and racial harmony (things we know to be dear to our Lord Jesus Christ) we ask that the bill be withdrawn competely or that one procedure of identification be adopted for all residents."

All these pleas were in vain. The racist regime went ahead and added this evil law to our already soiled statute. Where does the United States stand in all this?

(B) LEGISLATION AGAINST THE PRIVATE SCHOOLS

On November 17, 1972, the Education Amendment Act, 1972, was introduced into Parliament as a bill. The material sting in the bill stems from the following clause: "Nothing in this Act shall preclude the admission into and attendance and instruction at registered private schools of persons who are Africans." Anyone who is not schooled in Rhodesian law would miss the significance of these words. The natural meaning would appear to be that nothing in the act shall prevent Africans from attending any registered—that is, recognized—school in the country. But, that is not the true meaning of the provision.

It is necessary to understand that all private schools are church or church-sponsored schools. It is also important to note that no African child may attend a European public—that is, government—school throughout the country. Private schools, originally all white, started admitting African pupils a decade ago. The regime, imbued in racism, enacted the Land Tenure Act in 1969. Among other things, the act sought to require all churches which ran multiracial schools to register under the act and to apply to the Minister of Lands for permits to admit African pupils in their schools. The churches refused to comply and for a time it looked as if they were on a collision course with the regime. At issue was the phrase "occupy" in the act. The act requires that members of one race shall not "occupy" land reserved for the exclusive use by members of another race. All private schools in issue are situated in "European land." Since African pupils would "occupy" European land by attending European schools, the regime provided that the churches which run the schools should register and obtain permits from the regime if Africans were to attend.

Only when it became clear that the churches—particularly the Catholic Church—were not going to submit to the regime, did Mr. Ian Smith, the Prime Minister, propose a compromise. He undertook to amend the Land Tenure Act in such a way that all churches running private schools would be deemed to have registered under the act. That amendment was duly made and both sides claimed victory.

The new amendment reopens that quarrel. The regime has, by insisting that only "registered schools" shall be free to admit Africans reopened the war against church-owned private schools. If they register, the regime will be placed in a position where it can impose its controls upon the private schools. The churches have not missed the point either. Said the education secretary of the Catholic Church: "The Catholic Church will remain multiracial no matter what legislation is passed. We cannot be responsible for institutions from which particular groups are banned by law."

(C) ATTEMPT TO CONTROL THE CHURCH

The African Affairs Amendment (No. 2) bill was introduced in the Rhodesian Parliament on November 23, 1972, by Lance Smith, the regime's Minister of Internal Affairs. This statute is aimed at controlling the work of the church by the Government. In particular, it strives to place the activities of all missionaries in the hands of the Minister of Internal Affairs. The act is designed to place new controls on the presence and movement of all missionaries in Rhodesia. The regime's new Secretary for Internal Affairs, Mr. R. J. Powell, says the bill's intention is not the control of missionaries but the extension of controls on meetings and gatherings to the whole African area, rather than just the tribal trust lands as at present.

Be that as it may, Mr. Powell admits, however, that "in some cases the provisions of the bill may be used "in respect of missionaries."

The bill demands that anyone employed at a mission station in the tribal trust lands or other tribal areas, if he is not an indigenous African, should have written permission of the Secretary for Internal Affairs or District Commissioner to enter or to be in any tribal trust land or tribal area.

The abhorrent nature of the new law is enhanced by the amount of power it gives a local government officer. He can ban a missionary or even an indigenous African from parish work in any rural area as he deems fit without reference to the minister. The bill also removes the present provision demanding that notices served against such church workers in a rural area shall be tabled before Parliament. It gives the local officer power to forbid any gatherings of African people in the rural areas as he sees fit. The questions on everyone's lips include the fate of church gatherings, funerals and African traditional ceremonies.

When full account is taken of the fact that in September 1972, the Umtali branch of the Rhodesian Front (the ruling party) urged that party's secret Congress in a resolution that "no new permits should be issued or renewed, enabling aliens to operate as missionaries in Rhodesia," the meaning of the act becomes clear. The resolution asserted that "outright subversion is frequently hidden under a cloak of religion."

Mr. Lance Smith, the minister responsible for the bill said of the missionaries in Parliament, "some missionaries in Rhodesia support and encourage acts of terrorism amounting to nothing more or less than murder."

Could this be the reason why scores of American missionaries have been deported from Rhodesia since 1965? No African believes these stupid allegations. As far as we are concerned, missionaries have fallen foul of the regime simply because they have stood by us during these turbulent years. Some of them have cried when we have cried, have hungered when we were denied bread by the regime and have condemned when the regime sought to reduce us to the level of beasts. Can America be silent?

(D) LAND TENURE ACT 1969

This act was very much in the news in November and December last year. In November 1972, the regime issued an emergency decree, under the act, which ordered that no African shall be served in hotels and bars in the "European Areas" after 7 p.m. on weekdays, or after 1 p.m. on Saturdays or at all on Sundays. "European" areas, under this evil statute include all urban areas in the country. At issue was the word "occupy" which appears in the statute. In terms of the act, persons of one racial group may not occupy land in an area designated as belonging to a different race without the permission of the Minister of Lands. The Minister of Lands had "determined" that Africans, by being served in hotels and restaurants were infringing the law in that they had to "occupy" European land as they were drinking therein or thereat. He did not make any finding as to what Africans do when they enter a European-owned shop to purchase clothes or when their cooks and nannies tend the whiteman's needs.

This interpretation of the law was challenged by the Queens and Federal Hotels with the assistance of an African journalist, Justin Nyoka, before the high court. Mr. Justice Goldin found for the applicants and the minister's appeal was dismissed. However, the regime went ahead, enacted a new act and put the whole business of reliance upon the court to an end.

(E) RURAL COUNCILS AND THE PROBLEM OF RATES

Rural councils were set-up by the regime in order to control Africans much more thoroughly and to take over mission schools. In December 1972, a new development began to emerge. The Ntabazinduna Rural Council enacted rules which if followed around the country will hit the peasant in a most beastly way. Under these rules, parents who are in arrears with their rates or if they be not in arrears, if their sons are in arrears, will not be allowed to plow. The rules do not take into consideration that the farming done in the rural areas, by tribesmen, is merely subsistence, with no profit expected. Neither do the rules consider that some of the sons expected to pay rates are not employed. It goes without saying that this whole approach is an antiquated attitude that punishes the parents for their children's failure to comply with council rules.

(F) RENT-WAR AGAINST THE URBAN AFRICAN

In order to punish the urban African, higher rents are to be imposed. On December 21, the Rhodesia Herald reported that the Bulawayo city council was submitting to the Ministry of Local Government and Housing proposals to raise rents for lower income groups. If approved (and it is likely to) the rent will be $9.25 a month, a fantastic rise from the present $2.60 a month for the same group. The regime has made it clear that salaries are to be kept static.

(G) FINGO LOCATION BILL

This bill was tabled in Parliament in November designed to strip Fingo Africans of their traditional lands. This bill also appropriates their communal grazing areas. These measures will increase this tribe's economic problems. The present bill will give authorities of the Fingo location (whites) power to evict Fingos who are said to be illegally occupying land.

(H) DEPARTURE FROM THE RHODESIA (CONTROL) ACT

This act, perhaps hastened by my much publicized escape from Rhodesia last year became law in November. It is now a criminal act to leave Rhodesia at a point other than a lawful point of entry and exit. It is designed to prevent opponents of the regime from going aboard to criticize it. Bishop Abel Muzorewa and the Rev. Canan Banana (president and vice president of the African National Council) have had their passports seized by the regime under this act. Once a regime takes drastic measures to keep people inside, we know, and all Americans know, what kind of men are in power.

(I) GROUP PUNISHMENT (OR FINES)

The regime has, through the use of emergency powers, gazetted (January 19, 1972) group punishment upon Africans throughout the country. The regulations promulgated 10 weeks ago, provide that a Provincial Commissioner may impose unlimited fines on any community "if he is satisfied" that one of its members has committed one of a range of offences against security. Apparently, the only redress is an appeal to Mr. Clifford Dupont, the rebel "president," through the Provincial Commissioner, and the President may defer his decision "for such period as he deems fit." When the Provincial Commissioner has determined that he ought to impose penalties upon the entire community he may do so without proof, without the necessity of calling or hearing evidence by any person. In default of fines, he may order forfeiture of goods and/or imprison members of the community. Talk of primitivism and barbarism! Nowhere in this day and age are citizens liable to wake up one morning to the news that they have to pay heavy fines or forgo their goods or suffer imprisonment for crimes allegedly committed by them while they slept (simply) because one of their number has committed or is believed to have committed an offense.

Is this the regime the United States would continue to support with foreign exchange under cover of chrome purchases?

(J) THE REGIONAL AUTHORITIES BILL

The regional authorities bill is another particularly evil piece of legislation which has now been enacted by the regime. It was passed on December 13, 1972. Future generations will regard the new act as the cornerstone of Bantustans. It was introduced in accordance with the "provincialization" policy of the Rhodesia Front. "Provincialization" is euphemism for "Bantustans." As conceived, the Rhodesia Front wants to create separate parliaments for Africans—one for the Shona and the other for the Ndebele.

During the debate on the bill in the Senate, Mr. Lance Smith, Minister of Internal Affairs said:

> The establishment of the regional authorities will, I believe, introduce the traditional power of the Chiefs to the need to adapt themselves more and more to the cash economy and make them more and more familiar with the modern African life and the evolution of local government. Hence, I have taken upon myself, with the advice of my ministry, the powers to ensure that the tribal authorities led by the Chiefs will take their full place in the leadership required in the regional authorities which I propose to establish.

The above cited words of Lance Smith remind one of the words used in the South African Parliament during the introduction of Bantustan legislation. The African people are opposed to the creation of Bantustans and will remain so forever, no matter what language is employed to deceive them and the world at large. Can the United States tolerate a regime which, in 1973, is creating Bantustans? The bill was passed by 38 votes to 11 and has since become law.

(K) VAGRANCY AMENDMENT BILL

The parent Vagrancy Act, under which thousands of Zimbabweians have been regularly arrested and put to forced labor during the last 10 years has now been amended to make it more vicious. The amendment was rushed through Parliament in early December 1972. The new statute widens the term "vagrant" to include any person found without a job or without some lawful place of abode. The District Commissioners will now have authority and power to ban (i.e. deport or endorse-out) any "vagrant" from an urban area for up to 2 years.

When full view is taken of the fact that unemployment has risen by the hundreds of thousands each year since U.D.I., it becomes clear that the regime is trying to penalize ordinary citizens for its treasonous acts in declaring U.D.I. Further, sight must not be lost of the fact that thousands of Africans will now be expelled from urban areas even though they may not have alternative homes in the Tribal Trust Lands.

(L) SAVAGE PUNISHMENTS TO BE IMPOSED

On Friday, February 15, 1973, a new set of amendments to the emergency powers (preservation of law and order) regulations now in force were published in the Government Gazette. The new regulations increase the maximum penalty "for aiding terrorists or failing to report their presence" from 5 to 20 years imprisonment with hard labor. What is more significant and ominous is that the new regulations increase the powers of Magistrates in dealing with cases where the Law and Order (Maintenance) Act has been contravened, and depending on whether a Magistrate is a provincial or regional Magistrate, they are able to impose 10, 15 or the maximum 20 years imprisonment. In Rhodesia, a Magistrate can be any person appointed to that judicial office. There are no minimum qualifications laid down by statute. Only a small fraction would be entitled to practice law either as attorneys or barristers (advocates). We are therefore faced with a situation where judicial officers—the bulk of whom are not learned in the law to the extent that they would be entitled to practice it independently—can impose what amounts to a life sentence in other countries.

(M) HITLERIAN POWERS

Between 1965 and 1973, the regime has acquired through the Emergency Powers Act, totalitarian powers never seen anywhere after the Third Reich. Thousands of innocent persons have disappeared without leaving any trace. The prisons are full with detained persons who continue to be held without trial. I personally spent 7 years in the prisons of Ian Smith. The detainees live under horrid conditions. I can do no more than quote from a letter written by a group of detainees currently held in Salisbury Prison. The letter was published in the Observer by Colin Legum, a reputable British journalist (article dated October 29, 1972).

"Inhuman suffering" of Smith's prisoners: Thirty-four Rhodesian political detainees have written a letter to Mr. D. W. Lardner-Burke, Rhodesia's Minister of Justice and Law and Order, accusing him of "inflicting inhuman suffering" on them and their families.

They have also taken the exceptional action—which could lay them open to prison disciplinary punishment—of sending their complaints to the International Red Cross and a firm of lawyers in Salisbury.

Many of the detainees have been held in prison without charges for as long as 7 years. They include such prominent African political leaders as Mr. Robert Mugabe, who has already obtained two law degrees while in detention. Mr. M. D. Malianga, and Mr. Didymus Mutasa, who was closely associated with Mr. Guy Clutton-Brock's work at Cold Comfort Farm.

Their letter, written in angry language, complains that although some among them have contracted tuberculosis while in prison, they are being refused the right to contact outside sources willing to help to provide them with supplementary food which, as political detainees, they are entitled to receive. They also complain that they are being prevented from contacting friends to help their families who are suffering as a result of their prolonged detention.

Their letter begins: "We, the undersigned, being persons indefinitely detained under your orders, feel constrained to address you in this * * * joint letter, protesting in the strongest terms against your recent highhanded arbitrary, inhuman, and cruel decision denying us the right to contact our wives, relatives, benevolent friends, and charitable organizations, for such material help as we require for our personal maintenance."

It goes on to protest against the "evil and unwarrantable action" which denies them the right to contact friendly organizations and individuals to raise funds for their families and dependents "who have been rendered destitute by the action of your regime in keeping us in perpetual detention."

They complain that 22 letters written to the International Defense and Aid Fund had been stopped by the prison superintendent. In these letters, detainees had asked for urgent supplies such as clothing, towels, soap, toothpaste, and toothbrushes, as well as for allowances to buy such necessities as sugar, bread, and milk—"these being items which your regime refuses to supply to the detainees concerned in order to inflict undeserved inhuman punishment."

Other letters written to the International Red Cross and Amnesty International asking for personal help and for assistance for dependents have also been stopped. So, too, have a number of letters written to sympathetic individuals, friends, and relations, and two letters sent by a detainee. One letter addressed to the Reverend Crane, the prison chaplain at Khami, requesting him to continue assisting in a family matter, was also prevented from being sent.

The detainees comment: "The false reason you and your administrative subordinates give for disallowing the aforementioned letters is that they 'contain references to begging.' How malicious and spiteful can a regime really become?"

The most serious complaint is over the "exceedingly poor scale III food" which provides the following daily diet:

Breakfast: (i) Mealy-meal porridge completely unsugared. (ii) Black coffee.

Lunch: (i) Sadza (hardened mealy-meal porridge) always badly cooked and containing hard knots and lumps of raw meal. (ii) Nyemba (a kind of bean normally used as cattle feed; often containing grains of sand).

Supper: (i) Sadza (in the same condition as above). (ii) A tough and dry boiled piece of meat, hardly 3 ounces per person. (iii) Rape or spinach, often blighted and infested with aphides.

"We challenge you," the letter says, "to try this diet for just a week if only to prove its potency as a human killer. Is there any wonder that your prisons have become institutions where men contract TB and other diseases? A colleague among us is suffering from TB, having contracted it in Khami Prison. We happen to know that he is not the only TB case in prison."

Over and above their own personal needs, the detainees add they have definite obligations to their families and dependents. "In view of the inimical attitude of your regime toward the welfare of these families and dependents, we (need) to be in constant contact with charitable organizations, friendly persons, and relatives. If such contacts are an exposure of the sins of omission of your regime, then your regime must do some soul searching, learn to recognize its obligations, and work to fulfill them.

Finally, they write that they feel obliged to address the letter to the International Red Cross since "your action is calculated to inflict inhuman suffering upon us and our families."

It is not clear whether this letter was in fact cleared for transmission to the Red Cross and detainees' lawyers, or how it was got out of Salisbury Prison.

A detainee is virtually "dead" in the eyes of the law. He cannot be mentioned in public; his name cannot be published or broadcast. His family is not the regime's concern, and I know of cases where children have been exposed to hunger and deprivation. The regime's reply is that the detainee should look after his family from prison. When the families of detainees come to visit, they are subjected to inhuman treatment. For unless the director of prisons instructs otherwise, all visits must take place within sight and hearing of a prison officer. Visitor and detainee are separated by a thick glass and conversation must take place through a telephone communicator. These people have not been brought before any court, and yet they are not able to appeal to any other authority. No reasons have been given for their detention save that the regime has a "belief" that their activities are prejudicial to the security of state.

I can testify to witnessing such acts of brutality and cruelty in Rhodesian prisons as will turn the stomachs of the members of this committee inside out. Mr. Leopold Takawira was a prominent African Nationalist until his death in Salisbury Prison on June 16, 1970. He fell ill in 1967 in a prison cell next to my own. He pleaded with the regime to be allowed to go to the hospital, for 3 years without avail. On June 13, he sank into a coma; and despite my efforts and the efforts of other detainees such as Robert Mugabe, Moton Malianga, Enos Nkala, and Morris Nyagumbo to have him moved to the hospital for treatment, he was left with us to die. He died in prison and only when so certified was his body removed to Harare Hospital. In a statement, the regime asserted that he had died in the hospital of natural causes.

Detainees are constantly harassed while in prison. For months on end, their mail is withheld—then given—then withheld again. We had days when we would be stripped naked and herded into a room notoriously known as "the fridge," there to spend 16 to 20 hours without food. I speak from experience. I am prepared to be contacted by anyone at the Fletcher School of Law and Diplomacy, Tufts University, Medford, Mass., to substantiate further what I say here. Is this the kind of regime the United States should support?

PART 2: FURTHER EVIDENCE OF TOTALITARIANISM AND BRUTALITY

The African people are no longer alone in their view that the Ian Smith dictatorship has become so manifestly evil that it ought to be overthrown. Sir Roy Wellensky, former Prime Minister of the Federation and generally referred to—in racist circles—as "elder statesmen" complained publicly through the columns of the Rhodesia Herald on November 4, 1972. He deplored government control over every aspect of life and characterized it as "communism". Communism or no, the evidence is overwhelming. Witness:

(a) During the first week of January this year the regime arrested over 500 tribesmen—the world press, for example, the Guardian says 200—see Guardian (March 1, 1973) suspected of assisting African nationalist guerrillas who are said to have infiltrated into the northeastern border area from Mozambique. The regime alleges that many have worked as porters, carrying arms, ammunition, and explosives for the Zimbabwe African National Union. We reject these conjectures and maintain that these are innocent ANC supporters who are now being terrorized by the regime as reprisals for their rejecting Anglo-Rhodesian proposals last year. We dare the regime to prosecute these tribesmen in open courts, attended by the press and public.

(B) THE TANGWENA PEOPLE

This year marks yet another milestone in the history of the brave Tangwena tribesmen. Chief Rekayi Tangwena and his people who have been roaming the mountains since the regime seized their traditional lands in 1969, destroyed their huts and vowed to persist until the regime has canceled the sale of their heritage to some British land speculators and restores it to them. Rekayi Tangwena himself has recently stated:

> We have lost cattle and goats and fires have destroyed grass and trees and all the wild animals. We live on wild fruits like animals but we shall never surrender. We might as well perish, but we will not be violent. How can any regime dedicated to the preservation of Christian civilizaton justify this torture of human beings?

(c) Perhaps one of the most telling commentaries of the sordid state of Rhodesian law is the recent trial and conviction of Father Plangger, a Roman Catholic priest who edits the Catholic Monthly "MOTO." His trial was before Mr. J. E. T. Hamilton, Provincial Magistrate for Mashonaland. He was charged under the Law and Order (Maintenance) Act for publishing or causing to be published, a subversive statement. Here is what he wrote, as read out in open court:

> The African people of Rhodesia cannot be expected to live uncomplainingly under a constitution that is itself a mockery of the law, being deliberately framed to keep the majority of the country's citizens in subjection for ages to come.
>
> Bishop Muzorewa very properly reflects his followers' feelings in this matter. No one who has any sense of justice can fail to sympathize with him. His efforts peacefully to wish to dismantle the unjust and institutionalized social structures which oppress his people particularly deserve the support of all who call themselves Christians.

> To talk of preserving Christianity while tolerating racial discrimination with its innumerable attendant injustices, is to make a mockery of the mission of Christ who founded His Church so that God's will be done on earth as it is in Heaven.
>
> God's will can hardly be said to be done when a whole people is kept in subjection through a system which differs not in essence but only in degree from the Nazi doctrine of racial superiority.
>
> Rhodesians must face the fact that those in government and those whose support keeps them in power, suffer from serious moral underdevelopment, if they cannot see how unjust the system is. There simply can be no hope of permanent peace in their country under the present way of life, which is canonized in the 1969 constitution. It must go.

For writing this statement, he got 5 months' imprisonment. Who here can disagree with what he said? Rhodesian law is desperately trying to banish truth from the land.

Part 3: The Internal Security Situation

As I testify to you right now, fighting is going on in Zimbabwe. Before commenting further, I wish to make it clear that the African National Council is a lawful organization in Rhodesia which has decided to work within the ambit of the law. It sees its role as one of attempting to keep all the African people united in their opposition to the Ian Smith dictatorship. It has made it clear that peaceful resolution of the conflict is preferable to a military solution. Therefore, the African National Council does not have a hand in the armed struggle that is now in progress in the Northern Province of Zimbabwe.

Having said that, I want also to say that the armed struggle now in progress is supported and applauded by every tribesman and tribeswoman in Zimbabwe. The revolutionary forces are regarded as heroes throughout the land despite the regime's attempt to degrade and characterize them as "terrorists."

I am better placed to comment on the conflict because the ANC has had nothing to do with it. It appears that hundreds of guerrilla heroes have become entrenched in the countryside. The regime has confessed that these heroes are being fed and looked after by the masses. The regime has been so shaken that it has closed schools and shops in the entire northern Province. We can only conclude that frustration and oppression has compelled the peasants to support these revolutionary heroes on the one hand and the ANC on the other. The regime has only itself to blame for what is now happening. If only the regime can come to terms with reality and accept the inevitable now, much loss of life is likely to be avoided. The Zimbabwe African National Union (ZANU). The Zimbabwe African Peoples Union (ZAPU), and the Front for the Liberation of Zimbabwe (FROLIZI) have sworn themselves to a military confrontation with the Smith regime.

In such a charged situation, does it make good sense for the United States to be buying Rhodesian chrome? Does the United States not see that it is taking sides in a military conflict and in an area where race lies at the bottom of that conflict? The people of Zimbabwe will never forget that every dollar earned by the regime as foreign currency through chrome purchases has contributed to some loss of life and suffering by the African people at the hands of the Ian Smith racist regime.

We believe that the United States, dedicated as it is to human liberty and fundamental freedoms, will move swiftly to support the majority in this conflict. We also hope that the United States will exert its influence upon all concerned to desist from doing anything that would prejudice the democratic aspirations of the African people of Zimbabwe.

PART 4: THE INTERNAL POLITICAL SITUATION

Ever since the 5½ million African people rejected the Anglo-Rhodesian settlement proposals last year, the Smith regime has been beset with incalculable problems.

(A) DISSENSION AMONG THE SETTLERS

For the first time since 1965, the whites have begun to criticize the regime much more eloquently and publicly. The African National Council believes that this development is due to continued diplomatic and economic isolation of the regime by the rest of the world plus the escalation of guerrilla war being waged by Zimbabwe heroes in recent months.

First.—In the Rhodesian Parliament (see Hansard of last session), back benchers are at the Government's throat on a variety of issues.

Second.—A new all-white political party—the Rhodesian Party—has emerged on the political horizon. Frederic Hunter reports in the Christian Science Monitor of February 27, 1972, of its impact in Rhodesia. All indications point to the fact that a growing number of white settlers are now prepared to fight the regime too. Granted, the Rhodesia Party wants reformed white rule which we reject. However, the fact that they find life under Ian Smith intolerable is a good measure of the extent to which the regime has gone to implement totalitarian measures.

The African National Council remains firm on its demands. It demands that the regime and the British Government should accept that the African people rejected the Anglo-Rhodesian proposals and that there can be no return to them in any form, shape, or manner. The council believes:

(*i*) That Zimbabwe is an African country in an African continent and that therefore, African people should govern it.

(*ii*) That persons of other races, for example Ian Smith, can also stay in an African-ruled Zimbabwe but as an ordinary human being not entitled to any favors or privileges on account of race, sex, or religion.

As the Council's manifesto clearly enunciates:

> We shall not waver or prevaricate in our demand for the creation in this country of a just social order * * *.
>
> We shall not deviate from our just demand for universal adult suffrage.
>
> We shall require and desire nothing less than self-determination.

The regime has, recognizing the power and following of the ANC, sought to hold discussions with us. We agreed in good faith. However, having met the regime's representatives, we have formed the impression that Ian Smith is not serious in seeking a peaceful solution to the present impasse. Bishop Muzorewa remains ready to talk to the settlers to bring about a just society within the principles enunciated in the ANC manifesto.

The regime has, in an attempt to reverse the Pearce Commission verdict, unleashed a reign of terror. It has arrested the ANC secretary general, Mr. C. C. Ngcebetsha, and the national organizing secretary, Authur Chadbingwa, as well as thousands of our followers. It is holding these men and women in prisons without trial.

On the other hand, the regime has tried to sponsor certain of its paid agents to pose as leaders of the African people. Such men as George Charambarara, Patrick Matimba, and others are well-known paid agents of the regime who have been trying to portray the picture that all Africans in Zimbabwe do not know what they want except themselves. However, the Zimbabwe people have remained firm, under the banner of unity.

Part 5: The Rhodesian Economy

The position of the African National Council is that international sanctions now in force against Rhodesia ought to be strengthened. The present fascist policies of the regime stem from political and economic greed. If sanctions can be made to work, the regime will be weakened to the point where it would be compelled to let my people go. Here are some concrete facts observable in the period under review.

During the first week of November, over 500 angry white farmers of Umvukwes, a rural diehard Rhodesia front constituency, proposed two motions of no confidence in Mr. David Smith, the Minister of Agriculture, and therefore in government policy. The adopted resolutions calling upon government to implement measures to keep farmers on their land. The farmers claimed there was no hope for their survival unless prices for farm products were substantially increased.

Last year, the regime's expenditures on subsidies reached $34 million from revenue and $8 million from loan funds (compared with $22 million for African education).

Since 1965 the regime has now spent $88 million in subsidies to white farmers hit hard by sanctions. In 1972, the average tobacco subsidy per grower reached nearly R$9,000. This can be contrasted with average yearly income of all European Asian and colored employees throughout Rhodesia of R$3,377 in 1971.

Despite the subsidies, the European farmers generally are in debt as never before. Short-term credit extended to farmers rose from R$50 million in 1969 to an estimated R$85 million by June 1972. Much of this was to purchase fertilizer which made Rhodesia's 1972 record maize (corn) harvest possible.

The regime has supported the tobacco farmers at great sacrifices selling secretly the crop at low-cost prices, or dumping it after several years' storage as unfit for later sale.

The moral is clear, since the white farmers are the mainstay of the regime, more sanctions would cause Ian Smith real problems.

The recent closure of the Zambian border by Ian Smith is one of the best news in years. His farmer advisers, being short on economics and decency, had pressured Smith into committing suicide. The ostensible purpose in closing all traffic between Rhodesia and Zambia was to teach President Kaunda a lesson. It was believed by Smith and his henchmen that such a move would destroy Zambia or compel her to attempt the impossible. Smith wanted President Kaunda to restrain or expel revolutionaries who are allegedly operating from Zambia, despite the President's oft-repeated statement that he cannot restrain what he does not have. In any event, no sooner had Smith announced his "blockade" than he discovered, much to his chagrin, that President Kaunda welcomed it. Attempts to reopen the border have been met with Zambia's determination to have it closed for good.

What this means is that Ian Smith will face a huge deficit in his railways revenues this year. Economists have expressed doubts if Rhodesian Railways can ever balance their books again. The African National Council welcomes this development as it will deny the regime a lot of foreign currency which is required to keep the racist economy afloat.

We have repeatedly been asked if sanctions have not hit the Africans badly and if it was not in our interests to have them relaxed. I want to say very clearly that African people desire more, not less, sanctions against the regime. Africans live off the land as they have always done since the colonization. Whatever hardships sanctions have brought (that is, unemployment) have been endured in the knowledge that the alternative (the recognition of the regime) would spell slavery for themselves and posterity. Africans know that even slaves in America were fed and clothed, but they were slaves. They will endure any hardship, suffer any burden, to insure the redemption of their country and the deliverance of their children from bondage.

What the Zimbabwian People Feel About the U.S. Policy on Rhodesia

When the United States decided to enforce the United Nations Security Council resolution calling for sanctions against Rhodesia, the African people applauded. When the Johnson administration closed the U.S. consulate in Salisbury, we rejoiced. It appeared evident that the United States was not prepared to countenance an illegal racist regime which was dedicated to fascism, privilege, and oppression. It was most encouraging to us to have all the major powers of the world on our side.

Besides, the actions of the United States in closing its consulate and imposing sanctions, had a tremendous impact upon the Smith regime. It suddenly realized that it was now an international outlaw. The regime could not explain away those decisive actions of the Johnson administration. We, the African people, became convinced that sooner or later, the regime would come to its senses and negotiate with us, the majority who are also the owners of the country.

When in 1971, the United States decided to resume the importation of Rhodesian chrome, the Smith racist regime crowed. In its view, recognition was just behind the corner. Mr. Smith told his settlers that the end of the belt tightening was near. There was relief and encouragement in settler cricles.

The African people, led by the African National Council, were enraged. We cannot understand this reversal of policy. We cannot understand this stab in the back. The only rational explanation seems, to us, to be that this country has now decided to support the white oppressors against us. We feel that this racism will mark U.S. policy in southern Africa until we achieve victory, unless forces of reason repeal the Byrd amendment.

We reject the argument that Rhodesian chrome is a matter of life and death for the United States. We cannot see how the United States can perish or even be prejudiced without Rhodesian chrome. Besides, it is moral for the United States to seek survival (assuming Rhodesian chrome was a matter of life or death, which it is not) by supporting a regime which is determined to maintain economic, political, and social slavery upon our people? Is it good economic sense to invest in this regime—which is bound to crumble and fall—at the expense of all 5½ million Africans who will certainly rule Zimbabwe in the near future?

The man or woman in the streets of Zimbabwe now views the United States as belonging to the same group as Portugal and South Africa in that it has expressed its intent to support the regime economically. That, in my view, is a tragic position for the United States.

What U.S. Policy Should Be Toward Rhodesia

In our view, the United States should assume leadership in applying pressure upon the Smith regime. Toward that end:

(*a*) The U.S. Congress should repeal, without delay, the Byrd amendment and reimpose full economic sanctions against the Smith regime.

(*b*) The United States should, as a matter of urgency, declare its support for the 5½ million Africans in their just struggle against the Ian Smith racist regime. It should also make it clear that it will support all and any organization that struggles against the regime.

(*c*) The United States should close down the Rhodesian Information Office in Washington and revoke the residence permit granted to the head of that agency. The African people have never been able to understand the reason for the existence of that office. It is our understanding that the United States does not recognize the Ian Smih regime. It is also our understanding that the United States closed down its consulate in Salisbury because it did not recognize the regime and wished to comply with the United Nations Security Council resolutions in this regard. There was no attempt on the part of the United States to maintain an information office in Salisbury, although such a facility would have served some U.S. interests. The U.S. Information Office, as well as the library which was very popular with the African students, had also to be closed down. We considered the U.S. actions proper and statesmanlike.

However, the United States, for inexplicable reasons, decided to allow the Rhodesian diplomatic office and staff to remain in Washington, D.C. No one was fooled by the mere change of name to "Rhodesian Information Office." It is one of the fundamental principles of U.S. law that a person should not be allowed to achieve indirectly what he cannot do directly. For all purposes, Rhodesia has maintained its diplomatic apparatus in Washington. It is common cause that the office is financed by the Rhodesian illegal regime via Switzerland. Your Treasury Department has been told as much. The Ian Smith regime and settlers generally see that office as their embassy—whatever may be the position at U.S. law. It is immaterial that the staff members in the Rhodesian Information Office are not listed as diplomats. All that matters is that they perform the functions of fully accredited diplomats and are so regarded by the world at large.

Nothing would boost the U.S. image in Africa and the world as the forcible closure of that office and the expulsion of everyone connected with it. The need is urgent and there can be no justification for permitting that office to continue its work on behalf of an illegal regime. If the argument of the U.S. administration in respect of chrome imports is that Congress passed the law, what arguments can prevent the closure of the Rhodesian office? It is common cause that this matter falls entirely within the executive domain. If the United States means well, this office should be closed immediately.

(d) We urge the United States to support future resolutions in the United Nations Security Council, which seek to extend the British-managed Berra blockade. The African National Council desires to see the present blockade extended to include Lorenco Marquis. Although such an extension would not completely prevent exports and imports out of and into Rhodesia, it would create new inconveniences for the regime. The regime would now have to rely on South African ports. In certain instances, certain imports would be more expensive for Rhodesian industries. Besides, the closure of Lorenco Marquis would add some strain to the South African lifelines of Rhodesian products.

(e) Finally, we would urge the United States to launch a new and ambitious program to train Zimbabwe Africans for the challenges of government and nationhood which cannot be too far off. We propose a program which has never been suggested before. To date, Zimbabwe boys and men have had the lion's share in being given opportunities to study in the United States. It is our view that a scholarship program be launched under which 80 percent of the receipients are women students and only 20 percent men. The council is prepared to furnish a list of more than 2,000 young women who are desperate to acquire a higher education in the United States. This list can be made available to the State Department, this committee or to any private institutions and foundations around the Nation. In training Zimbabwe women, the United States would be guaranteeing a sound future for all Zimbabwians.

Mr. Chairman, it is a great privilege for me to appear before your committee today. I shall always be available to testify before you in the future.

Mr. DIGGS. Would counsel yield at this point for some questions of clarification?

Mr. BIESTER. Lance Smith, is he a relative of Ian Smith?

Mr. ZVOBGO. There are four Smiths in the Rhodesian cabinet at the moment. Ian Smith is the most widely known. He is the prime minister. Lance Smith is the minister of internal affairs. The internal affairs ministry is virtually a government-within-a-government. Its responsibility is to rule blacks, so that he is really supposedly our boss. He passed all legislation that deals with African people.

The other two Smiths, the minister of agriculture and the other Smith, are also in the government.

Mr. BIESTER. Are they all related?

Mr. Zvobgo. No.

Mr. Biester. With respect to the activities of the church community, particularly the white church community, is there a growing or is there a diminishing interest in the white community in doing something to change the process in Rhodesia?

Mr. Zvobgo. The church in Rhodesia—and when I say "the Church" I refer principally to the Christian church because we do not have any significant presence of the Islamic religion in Rhodesia—the Christian church in Rhodesia has stood four-square with the demands of the African people right from the 11th of November 1965. They denounced that action and called it evil, and have repeatedly sided with our aspirations for majority rule.

Mr. Biester. Is that the opinion held by the leaders of the clergy or is it an opinion that is increasingly held by the white congregation or is it an opinion or feeling which is diminishing in the white congregation?

Mr. Zvobgo. There is no evidence that this feeling is diminishing. The five Roman Catholic bishops in Rhodesia have from time to time issued a joint pastoral letter. When, for example, there were the Anglo settlement proposals, they issued a letter instructing their faithful to reject these proposals. According to them, these proposals neither promised any real advantage nor could the bishops see any charity or justice in the proposals themselves.

The same position has been taken by American churches in Rhodesia, or the Wesleyan Methodist Church, and the Anglican Church, which are United Kingdom in Rhodesia.

The sole exception has been the Dutch Reform Church. There are two Dutch Reform Churches in South Africa, the NHK and the other one. These ones, at least the brand we have, the NHK in Rhodesia, support the Ian Smith regime because the entire Dutch Reform Church ideology in South Africa is the underpinning doctrine of apartheid. It provides the religious basis for apartheid in South Africa, and they would like to see apartheid fullblood introduced in Rhodesia. It is less than 1 percent, a small fraction of following in Rhodesia.

Mr. Biester. Thank you.

Mr. Diggs. Mr. Winn.

Mr. Winn. I have no questions at this time, Mr. Chairman.

Mr. Diggs. Counsel, would you tell us something about the African National Council of Zimbabwe, of which you are the Director of External Missions?

Mr. Zvobgo. Yes, Mr. Chairman. I was going to comment on the African National Council after creating a fuller picture of the regime's activities during the last 5 months. If that is your pleasure, I will do so now.

The African National Council was formed in December 1971, 2 days after I was released from a 7-year stint in jail. It was formed to fight the Anglo-Rhodesian settlement proposals. We were fortunate in having Bishop Muzorewa as the chairman of the African National Council. It immediately received nationwide support among the African people.

So much was the support of the African National Council immediately after its birth, several African committees that existed disbanded and threw their entire lot with us.

We saw the role of the ANC as simply to reject these proposals and thereafter disband. As the campaign against the proposals went on, appeals came from all over the country, from all of the sections of the African people, that we ought to maintain the organization. So in March 1972 we transformed the ANC into a permanent political organization within Rhodesia.

Mr. DIGGS. Mr. Lewis said that the Pearce Commission sampling only involved some $6\frac{1}{2}$ percent of the population. What percentage of the African population could you document or say credibly is reflected in the ANC support in Zimbabwe?

Mr. ZVOBGO. First, I reject the notion that the Commission saw $6\frac{1}{2}$ percent. This is what Smith has been harping on. When Lord Pearce arrived with his Commissioners in Salisbury, the Ian Smith regime had so designed the method of testing, which the commissioners claimed later they rejected, of going about testing African opinion. The regime relied on the chiefs, contending that the chief represents 40,000 or 50,000 or whatever is the number under his jurisdiction.

Meetings were publicized only for specific areas where the Commission was to sit. Now it was impractical for Africans from, say, 100 miles away simply to be at a particular point. But the Commission, wherever it went throughout the country, and I think it is being honest, found a unanimous "no."

The chiefs upon whom the regime relied also maintained a thunderous "no."

Had the Commissioners found a "yes" as the verdict of the African people, Ian Smith would now be telling the world that 90 percent of the African people accepted because the chiefs accepted. This has been his logic over the years. But in this instance, because the African chiefs stood by us, he counts them as individuals for the first time.

I think the material question is: How many Africans voted for these proposals? We would like to know how many. In fact, straight from businessmen to Members of Parliament, African Members of Parliament, we had ourselves always regarded as "stooges," all of them stood by us and said "no."

I think of the people the Commission saw and it is very difficult to say how many they saw, because they would arrive at an area, and I was in certain area where 50,000 people would be present. The Commission would simply see two leaders of the delegation, who would say the people themselves want to give evidence. The Commission said, "We would be here 5 years if we were to see all these people."

As to how many people were actually assembled at a particular place, it very much depended on the estimate of the police as to whether 10,000 or 20,000 or 30,000 were present, or on one occasion, one Commissioner, Lord Halleck, held my hand and said, "How many people would you say there are here"? I said, "From what I see, it is about at least 40,000." He maintained he saw 15,000. So that this statistic is really useless in my view.

Mr. DIGGS. Mr. Lewis further stated that the Africans that he talked to were more concerned about such mundane issues as "where my next meal is coming from and a roof over my head," that they didn't really care too much about this voting business.

Would you comment on that?

Mr. ZVOBGO. Well, I think Mr. Lewis was far off the point, wide off the mark on this one. Even the Pearce Commission in its own report records that in the forays into the hinterland, the Zambezi Valley, the Gezebi Valley, where they actually heard ordinary tribesmen and women, the Commission reported it was startled by the degree of sophistication and political awareness.

The questions there were of such a kind that these were not men simply concerned with "where my next meal is coming from." Ordinary women, old women who are illiterate, put the questions like "Well, if we accept this, then what? Where are our children which this regime has locked up in jail, and what for? What has happened to our lands?" These are fundamental political questions. "Who will rule us after you have left?"

One old woman suggested that the Commissioners should just stay there so that they would not be harassed by the regime.

Are these questions of people who simply want to see their children in school? The Tangwena, who are not educated people, including the chief who passed grade 1, in 1909, has maintained a consistent struggle for the recovery of his rights and his lands.

So that Mr. Lewis, whatever Africans he met in Rhodesia—and I would be interested in knowing exactly whom he met—we have seen some of these junketing so-called specialists who spend 2 days in the hotel and have people brought to them by the regime, usually informers, to pose as prosperous businessmen—he doesn't go there and he can't verify it—and they say, "What bothers me is education and food; I am not interested in the politics."

I think people like Mr. Lewis should be questioned further to actually name the persons they saw and who and what these people mean in the African context in Zimbabwe. My contention is that whoever goes into the African townships tonight and asks what the No. 1 problem is, is likely to get, 99 percent, the answer: "The future of our country."

Mr. DIGGS. Speaking of that percentage, I am reminded of another frequent argument made by certain pro-Rhodesian elements, and that is that sanctions hurt the African majority, that anything that hurts the economy of the country is bound to have an adverse effect upon the very people that sanctioneers—if there is such a word—are trying to help.

So it is again a question of whether or not people are more interested in their political rights or economic rights. I would like to have a comment from you on that.

Mr. ZVOBGO. The question of sanctions is one which is widely understood even by the uneducated people in the country who have never read a book. The Commissioners put this question. They offered us £50,000 if we accepted the Anglo-Rhodesian proposals, which would be matched equally by another £50,000 by the regime, and the sanctions would be withdrawn. The people simply said: "We are shrubs, we have grown on this land. We will survive."

It is not us who need sheets to sleep on or cars to come into the city, or spare parts to run the industries. We don't own an economy. Those comforts which have been siphoned off by sanctions are totally irrelevant to the African people.

Over 90 percent of the African people live on the land. It is the crops they grow and they eat the same. They are fed by the very soil. So that to suggest that sanctions hurt the Africans and therefore in the interest of the African we ought to drop sanctions, is nonsense.

If there is one prayer my people have right now it is to see sanctions strengthened to the extent that the regime would be reduced to our own level of eating sadza, which is our daily diet. In fact, Smith himself has been in trouble with white farmers who said, "We will tighten our belts to any extent, provided we are not reduced to the extent where we have to eat sadza."

It is their problem. We want sanctions strengthened because thereby the regime is weakened. When it is weakened by sanctions, our people will take care of the rest.

Mr. DIGGS. I have one final question, Counsel. As I indicated, your entire statement will be placed in the record.

You are a relatively young man, an educated man. You have been through the baptism of fire, which is always, among other things, helpful politically once the freedom is obtained; in an African majority or in a one-man, one-vote kind of government, you would obviously be one of the ranking people.

What would they think about the United States? Let's project ourselves to the year *x* over here. Now, you are the Minister of Finance for Zimbabwe. What would be your opinion about the United States, who has been a violator of sanctions and who has been cited at the United Nations and in other international forums for this, and who has not been particularly cooperative with respect to the border questions, the refugee questions, and others of the traditional questions?

What would be your attitude toward our country under those circumstances?

Mr. ZVOBGO. Mr. Chairman, this is the sort of question I as an individual have been faced with back home. For all my sins, I went to college here, so my colleagues would turn around to me when the sanctions were violated by the United States, and say, "You tell us, how do you explain the fact that the United States is trying to tell the world that without Rhodesian chrome, the end of the world will come? Are we really that vital to the U.S. security, the chrome from Rhodesia?"

I was unable to answer that because it is simply inexplicable. This is one of the questions which has made virtually every African nationalist leader very angry and bitter with the United States. We do not understand why smaller powers, perhaps more desperate for chrome, with no stockpiles, have been able to stick it out.

We do not understand if it is purely some coincidence that this administration comes in, violates sanctions with respect to chrome; Ian Smith says in Salisbury that it is now just a matter of time before the United States recognizes him: they are looking for ways, the American people are now waking up to realize the foolishness of their previous administration.

The African people feel that the United States in taking leadership in jeopardizing their chances of realizing majority rule sooner rather than later, is something they ought to remember for a very long time.

Their memories tend to be very long in this respect. They remember, for example, the injuries perpetrated upon them or upon their forefathers 70, 80 years ago.

We, Mr. Chairman, feel that the United States ought to reinstate these sanctions. The ordinary man in the street (and unemployment is quite phenomenal in Zimbabwe right now) still cannot explain why France, Italy, Germany, and so on—some of them, of course, have been breaking sanctions, have had under-the-counter deals, et cetera, but the moral impact of the United States publicly revoking the rule, openly and by statute, has been to demoralize those among the leadership group among the African nationalists who felt the United States would be the last nation to ditch them at their hour of greatest need.

Mr. DIGGS. Mr. Winn.

Mr. WINN. I would like to ask a couple of questions, if I might.

The ANC, is this basically a political organization or a religious organization or a combination of both?

Mr. ZVOBGO. The ANC is a political organization, straightforward. We are a political organization. We say so in our manifesto. We are understood to be a political organization by everyone within the country.

We say a "political organization" rather than a "political party," but those nuances are one and the same in every other country, but not in Rhodesia. We decided to be known as a political organization.

Mr. WINN. What would be your title and rank in the ANC?

Mr. ZVOBGO. You mean myself?

Mr. WINN. Yes.

Mr. ZVOBGO. I am director of external missions. We have representatives in London and Scandinavia.

Mr. WINN. I am trying to get a little more in my own mind. Then are you what we would consider a paid executive to do your job?

Mr. ZVOBGO. Do you mean by the ANC?

Mr. WINN. Paid by the ANC.

Mr. ZVOBGO. If the ANC were in a position to pay me—in fact, we never work like that in the liberation movements; we don't work for pay directly like that. I get an allowance.

Mr. WINN. Somebody has to pay your expenses and transportation and food.

Mr. ZVOBGO. Right. Sympathizers of the struggle will insure that I eat, will insure that I travel and get to where I ought to get, but that is about all.

Mr. WINN. Some would be ANC funds, but not very much, right?

Mr. ZVOBGO. Well, I suppose everyone who took care of me spent some money, and to that extent every penny is spent, I regard it as ANC funds.

Mr. WINN. I am trying to better understand ANC and its workings and your background. You say you have an American education, right?

Mr. ZVOBGO. Yes.

Mr. WINN. You were educated here partially?

Mr. ZVOBGO. Part of my education was here.

Mr. WINN. Under what circumstances did you receive that education? That was prior to ANC, I guess.

Mr. ZVOBGO. Yes.

Mr. WINN. Did you work over here?

Mr. ZVOBGO. No. I came here as a student in 1961 under the African-American scholarship program for American universities. It was a tripartite arrangement where the campuses themselves provided boarding and other ways.

Mr. WINN. Was it an exchange program?

Mr. ZVOBGO. No, it was not. It was simply a massive program of bringing African students from all over Africa to come here. Of course, I also ought to mention that part of the money was from the CIA. One organization that paid to bring African students from all over Africa was revealed to be a conduit pipe from the CIA. To me it made no difference. The Africans wanted an education and the American Government offered it. This is how I came here initially.

Mr. WINN. I doubt that many students check to see where their funds come from, and they still might well be getting CIA money to go to school someplace, right?

Mr. ZVOBGO. It would not interest me. Where that money comes from is not my problem.

Mr. WINN. You are interested in the money, you don't really care where it comes from?

Mr. ZVOBGO. The way we look at it is as if it is Government funds. They are Government funds, whether they go through two or three intermediaries, they are Government funds. We were educated here, I didn't stay longer than 2 years. I went to law school elsewhere. But I think in our view that was that. Thousands of African students came here to study.

Mr. WINN. As a spokesman for ANC, what contact has your organization had with the Smith regime since ANC was organized? Would you explain it, if you would, briefly, how you contact them, under what circumstances?

Mr. ZVOBGO. The regime last year in May sent word through an intermediary.

Mr. WINN. Not the CIA, I hope?

Mr. ZVOBGO. Now that the talks have not got anywhere, there is nothing really to them, I had an official of the U.S. Government put in so much of the lines of the so-called dialog between the African people and the Smith regime; the regime, particularly Ian Smith, wanted to get down to the ANC because the British Government made it clear to Smith that there could be no settlement in this country "unless you have the African people to agree to any settlement proposal."

So we got word that Ian Smith wanted a meeting with Bishop Muzorewa. We were very uncertain as to the genuineness of that, because publicly he was saying we were thugs and he "would have no truck with us" or sit down with us. But privately he was sending men saying he wanted to see senior officials.

We went to the meeting. He sent junior officers of his Government. At that meeting the issue was: If the ANC is interested in a settlement we ought to go back to the African people and say, "Accept the Anglo-Rhodesian proposals which you rejected last year."

Mr. WINN. He tried to get you to tell the African people their story?

Mr. ZVOBGO. Yes.

Mr. WINN. But they made themselves available to you, even though they were some of the "lesser lights" of Government?

Mr. ZVOBGO. Right.

Mr. WINN. Have you ever asked them for a meeting where you have been refused?

Mr. ZVOBGO. Yes.

Mr. WINN. I don't mean Mr. Smith.

Mr. ZVOBGO. On several occasions meetings have been refused. We have had contacts, such contacts as the regime wanted to have with us. We have now come to the conclusion that they led nowhere.

All that has happened in all those meetings is the reiteration by the regime that we ought to pick up that package, that settlement package, or leave it. It will remain on the table. It is not negotiable, according to Ian Smith, and we ought to accept it.

Now there is no way we can betray ourselves that way. There is no way the African can commit suicide and be the only rare species of people where the rest of the world could let us say, "There they lie by their own hand." We can't do it.

Mr. WINN. I hope you are not saying to this committee that there is no room for negotiation, that you either want it your way or none at all or as you say, they want it their way.

Mr. ZVOBGO. No; I do not want to be understood as saying that. We have said that we would like the Rhodesian Government to sit down with us anywhere at anytime to discuss proposals for a settlement.

That is what we want. We would take that opportunity tomorrow. We know the regime has not got the moral courage to actually sit down with us and argue its own position. We want to meet them at any time, but we also realize that the regime is trying to avoid that eventuality.

We insist that a constitutional conference be called if a peaceable solution is going to be found to which all leaders of the Rhodesian population, various groups, will be present. In fact, I returned from London last week where the British Government, the Foreign Secretary, and the Minister for Foreign Affairs, asked me some questions.

Such as, what are you people prepared to offer? If we say we are prepared to offer one, two, three, or four things that would be no negotiation. We want to negotiate. Let Smith come. They can get Smith to the table. Smith does not want to come because he knows once he gets to sit down and negotiate with us, his untenable, immoral position will emerge.

Mr. WINN. This may well be. I am just going on an experience that the entire world watched where two sides basically said this is our last offer, the Vietnam situation, both sides very adamant last spring said this is our last offer, we are not going to give.

But lesser lights than the two top people of the country did meet. They did negotiate. They hacked it out and argued and we now have at least a peace at the present time. With that in my mind, I am wondering even though your political feelings, quite rightfully so, show, I just hope that you are not, because you are a very able spokesman for your philosophy, I am just hoping that you will not say that you cannot and will not negotiate because you are going to get the raw end of the stick.

I think there is going to have to be some give. Maybe you disagree with me.

Mr. ZVOBGO. I appreciate what you are saying. The African people in Zimbabwe are quite prepared to negotiate, but we have made one thing quite clear. There are some things about which you cannot negotiate.

Those things, for example, in relation to Vietnam remained unnegotiable. There was a facade of their having been negotiated. But, they remained like that. They were questions of very vital interest. Like the Vietnam case in which you were involved, you can negotiate and leave it.

There are two things we cannot negotiate. One is to hand over the country to the white man. We simply cannot. We have no way of doing so. We have no other country to go to. We cannot sit down with Smith and say, "OK, let's have give and take. This is no longer our country." This is what he would like us to say, or, from now on we accept your rule and to betray ourselves. We cannot negotiate that. If he does not want compromises we are prepared to make, that he becomes a human being and being treated like everybody else, enjoying human rights in Zimbabwe, like everybody else, have a strong bill of rights to safeguard these fears.

These things we are prepared to sit down and talk about but certainly not the future of our country, not our birthright and our title to govern that country. If we cannot talk over that thing, then it will still have to be negotiated in some other form.

Mr. WINN. The requiring of the religious registration that you mentioned earlier, and you said that only the African churches or black churches were required to register, then they came back after some meeting or negotiation, and if I am wrong please correct me, they came back and said all churches should register, is that true?

Mr. ZVOBGO. The regime came back.

Mr. WINN. Yes, the regime.

Mr. ZVOBGO. No. The regime, having realized that the Catholic bishops had refused to register and said if compelled, they would close those schools and hospitals which they are running which are some of the best for whites in Rhodesia, the regime decided to pass an act deeming all churches to have registered.

In other words, OK, since you won't register, I will say that you have registered. This is what the regime did in 1972.

Mr. WINN. Do you have proof about this?

Mr. ZVOBGO. Yes.

Mr. WINN. There is no doubt about it?

Mr. ZVOBGO. I am not propagandizing you on something you can call for.

Mr. WINN. You might be, but as a lawyer——

Mr. ZVOBGO. What I tried to do in my evidence here is to cite the specific statute to which you probably, I mean necessarily you have access to them.

I would be interested in a note from you to the effect that you cannot find that specific provision.

Mr. WINN. I did not want to get into that much detail on the thing. It is not up to me to prove it to you. You made the statement, and I am asking you if you have the proof.

Mr. ZVOBGO. I am quite aware of the way I am speaking now, and the fact that people will be quick to run to libraries and say I was not truthful. I am being dead truthful.

Mr. WINN. I am not saying you are not. You made a statement that can be challenged, and I asked if you had proof. As I look through here, it seems that a lot of this may be politically oriented.

It may not look like that from your standpoint, but that is the way I look at it.

Mr. ZVOBGO. That is my business. I am in politics. My predecessor had an axe to grind to see that the Ian Smith regime survives.

I am not trying to pretend. I want to see Ian Smith overthrown.

Mr. WINN. You want to see ANC take over?

Mr. ZVOBGO. Sure, or any other African party.

Mr. WINN. What other choice would there be?

Mr. ZVOBGO. You mean apart from the ANC?

Mr. WINN. Yes.

Mr. ZVOBGO. Well——

Mr. WINN. Do we have a third party involved?

Mr. ZVOBGO. No, not within the party. But another party could be born.

Mr. WINN. But there is nothing right now that would be comparable to ANC?

Mr. ZVOBGO. No.

Mr. WINN. Thank you, Mr. Chairman.

Mr. BIESTER. I do want to tell the witness that I appreciate his testimony very much today. I am sorry we did not have a chance to go into more detail on what has happened over the last 4 or 5 months.

To the extent it may not be complete in this document, I trust it will be amplified in additional returns from him. He has given me some insight into the depth of feeling in the oppressed community in your country. I appreciate that very much.

Mr. ZVOBGO. Thank you.

Mr. WINN. Does the witness understand that he can add, and I am sure you said that, that he can add any testimony he so desires.

Mr. DIGGS. Yes. Does counsel have any points of clarification.

Mrs. BUTCHER. I want to ask you to include in your statement please any recommendations that you may have that you would feel would be helpful for U.S. policy as well as a statement on the constitutional conference that you have been seeking to which you alluded to a few minutes ago, with regard to your visit to England.

Please also include some facts on the population of Rhodesia. Rhodesia is different from South Africa not only in regard to the numbers of the minority, but with respect to how long it has been there and so forth.

Would you include that as well as copies of any acts, documentations or statements which would have a bearing on this. Finally, could you tell us very briefly whether Bishop Muzoreiva has been denied a passport, and whether he is still a leader there?

Mr. ZVOBGO. He has a passport and it has been seized as soon as the Departure From Rhodesia Act was passed. This was in November of last year. The regime seized his passport and also the passport of the Deputy President Banana.

Appeals were made by the bishops, his colleagues and various people including some persons in Britain. The Minister of Integration and Tourism made it quite clear that he would not hand back the passport because Bishop Muzorewa had supported terrorism, and he said their policies are clearly communist.

Mrs. BUTCHER. Thank you.

Mr. DIGGS. The subcommittees stand adjourned until tomorrow.

[Whereupon, at 4:55 p.m., the subcommittees adjourned, to reconvene Thursday, February 22, 1973.]

FUTURE DIRECTION OF U.S. POLICY TOWARD SOUTHERN RHODESIA

THURSDAY, FEBRUARY 22, 1973

House of Representatives,
Committee on Foreign Affairs,
Joint Session of the Subcommittees on Africa and
on International Organizations and Movements,
Washington, D.C.

The subcommittees met at 2:12 p.m., in room 2255, Rayburn House Office Building, Hon. Donald M. Fraser (chairman of the Subcommittee on International Organizations and Movements) presiding.

Mr. Fraser. The joint meeting of the subcommittees will come to order.

Today, the subcommittees continue hearings on "future directions of U.S. policy toward Southern Rhodesia." Yesterday our primary emphasis was on bilateral aspects of our relations with Rhodesia; today we have invited witnesses who will deal with issues concerning our former adherance and current violation of United Nations sanctions against the Smith regime.

Testimony last year at hearings on the sanctions, held by the Subcommittee on International Organizations and Movements, seemed to show that while sanctions have failed to bring down the Smith regime, they have succeeded in denying the regime an outright victory, and have sustained the world view of its unacceptability, forcing it to struggle for economic survival in the face of rising costs to itself. The United States, by overtly joining the apparently large number of covert violators of the sanctions, has given the Smith regime its biggest boost in morale to date. Accordingly, American credibility in the United Nations, especially among Black African countries, has suffered. Since sanctions appear to be the only peaceful way of inducing a political change toward majority rule in Rhodesia, some way must be found to strengthen them.

Testimony yesterday from the Assistant Secretary of State for African Affairs left us again with the impression that although the State Department continues to support full adherence to sanctions and opposes the Byrd amendment allowing violation of the sanctions, the apparent position of the White House is at best indifferent and at worst in favor of the Byrd amendment. His remark that "the U.S. Government intends to continue the policy of enforcing sanctions under our present laws" is not encouraging to those of us who would like to remove this country from the roster of international lawbreakers.

We hope to learn from today's witnesses more about the current situation in the U.N. regarding sanctions, including the possibilities for strengthening enforcement of them, and up-to-date information on the implementation of the Byrd amendment.

We are very fortunate in having Ambassador Charles W. Yost (retired), former U.S. Permanent Representative to the United Nations; the Honorable John Hennessey, Assistant Secretary of the Treasury for International Affairs; Mr. William N. Lawrence, Chief of the Stockpile Policy Division in the Office of Emergency Preparedness; and Mr. Edgar Lockwood, representative of the American Committee on Africa.

We ask that questions from the subcommittee members be withheld until after all four witnesses have read their prepared statements, so that questions may be then addressed to the witnesses as a panel.

Our first witness is Ambassador Yost. Will you please proceed, sir?

STATEMENT OF HON. CHARLES W. YOST, FORMER U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

Mr. YOST. Thank you, Mr. Chairman. I have a very brief statement of my personal views.

Probably the most extreme example of minority rule by one race over another anywhere in the world today is that existing in Rhodesia. Five percent of the population, 250,000 whites, rule over 95 percent of the population, 5 million blacks, who have no effective voice in the Government of their own country.

This situation is in glaring contradiction to the self-determination which has occurred everywhere else in Africa, except South Africa, Namibia, and the Portuguese territories. It is an anomaly in the modern world, which has created the most intense indignation throughout Africa and elsewhere.

When therefore in 1965 the minority regime in Rhodesia proclaimed its independence from Britain, the Government of Britain, which has had an excellent record of peaceful decolonization since World War II, pointed out that this was a fictitious exercise of "self-determination" by a tiny minority, refused to recognize the Rhodesian regime, and brought the situation before the United Nations Security Council.

At Britain's request, the Council imposed economic sanctions on Rhodesia, which thereafter were progressively tightened and by 1968 had become a mandatory and comprehensive trade embargo.

The United States strongly supported the imposition of these sanctions and itself observed them faithfully until November 1971. At that time, the Congress adopted and the President approved legislation lifting the ban on the importation of chrome and nickel from Rhodesia into the United States. Chrome imports from Rhodesia soon followed.

Article 41 of the U.N. Charter reads as follows:

> The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures.
>
> These may include complete or partial interruption of economic relations and of rail, sea, air, postal telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Under the language of the charter, when the Security Council "decides" on an action, as it did on the imposition of economic sanctions against Rhodesia, that action is legally binding to all members.

Article 25 of the charter declares:

The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

In permitting the import of Rhodesian chrome despite the U.N. embargo, the United States therefore violated the solemn treaty obligations which it undertook when it signed and ratified the U.N. Charter. The arguments which it adduced for doing so—that other nations were clandestinely violating the embargo and that we should not be wholly dependent on the Soviet Union for supplies of chrome—whatever their intrinsic merits may have been, were totally irrelevant to our treaty obligations.

Frankly, I find our behavior in this case shamefully inconsistent with the posture of strict adherence to international law and treaty which the United States has always proclaimed and which it has sought to have applied universally.

We have, in and out of the United Nations, repeatedly denounced other states for violating their treaty obligations. Nothing could more seriously undermine our moral stature than for us blatantly to commit the very sin for which we have so often condemned others.

A consequence, one which the United States has never had to suffer before, was that in the last General Assembly, 93 states, more than two-thirds of the members, voted to condemn our violation of the embargo.

A quite different but equally troubling question is, of course, the obvious fact that U.N. sanctions against Rhodesia have not brought about the desired result, the acceptance by the Smith regime of self-determination and majority rule.

What is to be done? Africans have repeatedly called on Britain to overthrow the Smith regime by force. The United States has felt so strongly that the use of force would he both unwise and ineffective that 3 years ago it joined Britain in vetoing a Security Council resolution to this effect.

Nevertheless one must also recognize another obvious fact—that one-quarter million people cannot dominate 5 million people indefinitely. If the international community cannot effectively apply its principles, standards, and machinery in Rhodesia, sooner or later force will be applied by the majority of its inhabitants, perhaps in a shocking and indiscriminate fashion.

This may prove to be one of those cases in which, by failing to deal with the causes of a conflict in time, we provoke the very sort of "terrorism" which we are so prompt to condemn once it has occurred.

To turn to the narrower question of the future effectiveness of the sanctions being applied to Rhodesia, I frankly cannot be sanguine about their producing the desired effect as long as South Africa and Portugal both assist Rhodesia in evading them.

Experience has shown that, given a strong determination to resist on the part of the offending state, economic sanctions could succeed only if they were well-nigh universally applied, and that is extremely difficult to achieve.

The conclusive argument for the continuation of U.S. adherence to the sanctions is not therefore based on the probability that, if we do, the Smith regime will be overthrown, at least in the near future.

It is rather that, if we do not, we shall demonstrate to our fellow members of the U.N., particularly the Africans but also to others, that we do not practice what we preach. We shall make clear that for all our fine words about democracy and self-determination and racial equality, we are not prepared to sacrifice even a small commercial interest in order to penalize a regime that flouts all these principles.

We shall prove that we are even willing to violate solemn treaty obligations and the U.N. Charter in order not to lose that commercial gain. It would be hard to imagine any step more likely to undermine our credibility around the world or to give more ground for Communist propaganda against us.

We often speak of the Africans as "irresponsible," yet what could be more irresponsible than behavior of this kind on the part of a great power which aspires to world leadership and constantly asserts its foreign policy to be directed toward strengthening world order and international law?

These then are the reasons why I feel strongly that it is very much in our national interest to continue to conform to the U.N. resolutions on Rhodesia unless and until they are repealed. If they have not been effective so far, they should be strengthened, not abandoned, or alternatively other more effective means should be sought to achieve the same ends.

Thank you, Mr. Chairman.

Mr. FRASER. Thank you very much, Mr. Ambassador, for an excellent statement.

Our next witness is the Honorable John Hennessy, Assistant Secretary of the Treasury for International Affairs.

Mr. Hennessy.

STATEMENT OF HON. JOHN M. HENNESSY, ASSISTANT SECRETARY OF THE TREASURY FOR INTERNATIONAL AFFAIRS, DEPARTMENT OF TREASURY

Mr. HENNESSY. Thank you Mr. Chairman.

Mr. Chairman and members of the subcommittees, I am the Assistant Secretary of the Treasury for International Affairs. The Office of Foreign Assets Control which administers the Rhodesian Sanctions Control Regulations is under Treasury jurisdiction.

My role in these hearings concerns the impact of these regulations on commodities being imported from Rhodesia under the Byrd amendment.

The Treasury's Rhodesian Sanctions Regulations implement Executive Orders 11322 and 11419. These orders were issued by the President to carry out U.S. obligations in connection with the U.N. Security Council's resolutions (232 and 253) calling on all U.N. members to impose sanctions on Rhodesia.

The Treasury regulations prohibit, among other things, the importation of all merchandise of Southern Rhodesian origin, unless licensed. As you know, the Congress enacted § 503 of the Military Procurement Act of 1971 (Public Law 92–156) in November 1971.

This section, the Byrd amendment requires the President to allow the importation of strategic and critical materials from non-Communist countries such as Rhodesia, so long as such commodities are not embargoed from Communist countries.

A general license was issued by direction of the President on January 24, 1972. Its purpose is to implement the Byrd amendment. Thus, it authorizes the importation of chromium ore and concentrates of Southern Rhodesian origin; ferrochrome produced in any country from such chromium ore or concentrates; and any other material of Southern Rhodesian origin determined to be strategic and critical pursuant to the provisions of the Strategic and Critical Materials Stockpiling Act, so long as the importation of such material from any Communist country is not prohibited.

The general license contains two conditions. First, purchases of Rhodesian commodities may not be made at prices in excess of the world market price. The purpose of this condition is to preclude illegal transfers of funds in the form of excessive purchase-price payments.

The second condition is a requirement for reports to be filed with the Treasury of the details of imports under the general license.

The license permits the importation from Southern Rhodesia of any commodity which has been determined to be "strategic and critical" by the Office of Emergency Preparedness pursuant to the requirements of the Stockpiling Act.

The most recent list of "critical and strategic" materials was published by OEP in the Federal Register of February 26, 1972. A copy of this list is attached.

Any commodity on this list is allowed to be imported freely, since there is no commodity on the list the importation of which is prohibited from Communist countries.

For example, there are no existing restrictions in effect on importations of any commodities from the U.S.S.R., the Communist countries of Eastern Europe, or the People's Republic of China, Cuba, North Vietnam, and North Korea are subject to total import embargoes.

There is no restriction in the general license on the purpose for which a commodity allowed to be imported is to be used. Commodities which have been imported from Southern Rhodesia, under the general license, are the following: Asbestos and asbestos fiber, beryllium ore, chrome ore, ferrochrome (high carbon), ferrochrome (low carbon), ferrochromium silicon, and nickel cathodes.

A table is attached which summarizes each commodity imported under the general license. The table shows that the total value of all imports of strategic commodities since the enactment by Congress of the Byrd amendment is $13,295,570.

The principal imports were nickel cathodes, $4,412,067; high carbon ferrochrome, $2,990,713; and chrome ore, $2,822,930. Other imports consisted of low carbon ferrochrome, ferrochrome silicon, beryllium ore, and asbestos fibers.

That completes my prepared statement, Mr. Chairman. Thank you very much.

[The tables referred to follow:]

List of Critical and Strategic Materials Published by Office of Emergency Preparedness in Federal Register, February 26, 1973

Pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, as amended (Public Law 520, 79th Cong.), the Director of OEP is authorized and directed to determine from time to time which materials are strategic and critical under the provisions of this act. Listed below are the materials that have been determined to be strategic and critical under the provisions of this act.

1. Aluminum.
2. Aluminum oxide:
   (a) Aluminum oxide, fused, crude.
   (b) Aluminum oxide, abrasive grain.
3. Antimony.
4. Asbestos, amosite.
5. Asbestos, chrysotile.
6. Bauxite, metal grade, Jamaica type.
7. Bauxite, metal grade, Surinam type.
8. Bauxite, refractory grade.
9. Beryl:
   (a) Beryl ore.
   (b) Beryllium copper master alloy.
   (c) Beryllium metal.
10. Bismuth.
11. Cadmium.
12. Castor oil:
   (a) Castor oil.
   (b) Sebacic acid.
13. Chromite, chemical grade.
14. Chromite, metallurgical grade:
   (a) Chromite, metallurgical grade.
   (b) Chromium, ferro, high carbon.
   (c) Chromium, ferro, low carbon.
   (d) Chromium, ferro, silicon.
15. Chromite, refractory grade.
16. Chromium, metal.
17. Cobalt.
18. Columbium:
   (a) Columbium concentrates.
   (b) Colnmbium carbide powder.
   (c) Columbium, ferro.
   (d) Columbium metal.
19. Copper:
   (a) Copper, oxygen-free, high conductivity.
   (b) Copper, other.
   (c) Beryllium copper master alloy.
20. Cordage fibers, abaca.
21. Cordage fibers, sisal.
22. Diamond dies, small:
   (a) Smaller than 0.004 inch.
   (b) From 0.004 to 0.00059 inch.
   (c) 0.0006 to 0.00079 inch.
23. Diamond, industrial: crushing bort.
24. Diamond, industrial: stones.
25. Feathers and down:
   (a) Down.
   (b) Featbers.
26. Fluorspar, acid grade.
27. Fluorspar, metallurgical grade.
28. Graphite, natural—Ceylon, amorphous lump.
29. Graphite, natural—Malagasy, crystalline:
   (a) Graphite, natural—Malagasy, crystalline lines.
   (b) Graphite, natural—Malagasy, crystalline flakes.
30. Graphite, natural—other than Ceylon and Malagasy crystalline.
31. Iodine.
32. Jewel bearings.
33. Lead.
34. Manganese, battery grade, natural ore.

35. Manganese, battery grade, synthetic dioxide.
36. Manganese ore, chemical grade, type A.
37. Manganese ore, chemical grade, type B.
38. Manganese ore, metallurgical grade:
    (*a*) Manganese ore, metallurgical grade.
    (*b*) Manganese, ferro, high carbon.
    (*c*) Manganese, ferro, low carbon.
    (*d*) Manganese, ferro, medium carbon.
    (*e*) Manganese silicon.
    (*f*) Manganese metal, electrolytic.
39. Mercury.
40. Mica, muscovite block, stained and better.
41. Mica, muscovite film, first and second qualities.
42. Mica, muscovite splittings.
43. Mica, phlogopite block.
45. Molybdenum:
    (*a*) Molybdenum disulphide.
    (*b*) Molybdenum, ferro.
    (*c*) Molybdlc oxide.
46. Nickel.
47. Opium.
    (*a*) Oplum gum.
    (*b*) Opium, alkaloids and salts.
48. Platinum group metals, iridium.
49. Platinum group metals, palladium.
50. Platinum group metals, platinum.
51. Pyrethrum.
52. Quartz crystals.
53. Quinidine.
54. Quinine.
55. Rubber.
56. Rutile.
57. Sapphire and ruby.
58. Shellac.
59. Silicon carbide, crude.
60. Silver.
61. Sperm oil.
62. Talc, Steatite block and lump.
63. Tantalum:
    (*a*) Tantalum minerals.
    (*b*) Tantalum carbide powder.
    (*c*) Tantalum metal.
64. Thorium oxide.
65. Tin.
66. Titanium spouge.
67. Tungsten:
    (*a*) Tungsten ores and concentrates.
    (*b*) Tungsten carbide powder.
    (*c*) Tuugsten, ferro.
    (*d*) Tungsten metal powder, carbon reduced.
    (*e*) Tungsten metal powder, hydrogen reduced.
68. Vanadium:
    (*a*) Vanadium, ferro.
    (*b*) Vanadium pentoxides.
69. Vegetable tannin extract, chestnut.
70. Vegetable tanuin extract, quebracho.
71. Vegetable tannin extract, wattle.
72. Zinc.

Dated February 18, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

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Table of strategic and critical commodities imported from Rhodesia under section 530.518 of the Rhodesian sanctions regulations between January 24, 1972, and January 12, 1973.

Commodity	Weight (pounds)	Value
Asbestos	360,000	$87,900
Beryllium ore	53,519	7,868
Chrome ore	184,723,992	2,822,930
Ferrochrome, high carbon	36,429,610	2,990,713
Ferrochrome, low carbon	7,224,190	1,339,165
Ferrochrome silicon	14,388,493	1,634,927
Nickel cathodes	3,471,143	4,412,067
Total	246,650,947	13,295,570

Mr. FRASER. Thank you very much, Mr. Secretary.

We will now hear from our third witness, Mr. William Lawrence who is chief of the Stockpile Policy Division, Office of Emergency Preparedness.

STATEMENT OF WILLIAM N. LAWRENCE, CHIEF, STOCKPILE POLICY DIVISION, OFFICE OF EMERGENCY PREPAREDNESS

Mr. LAWRENCE. Mr. Chairman and members of the subcommittee, the Office of Emergency Preparedness is charged with the responsibility for establishing policy guidance for the administration of strategic and critical material stockpiles.

These stockpiles are designed to assure that the United States avoids costly and dangerous dependence upon foreign sources of supply for critical materials during a period of national emergency.

To accomplish this, OEP, with the assistance of the Department of State, Defense, Commerce, and the Interior, conducts analyses of expected supply and requirements during a projected future emergency.

Estimates of supply for the projected mobilization period are based upon readily available capacity and normal resources in the United States and upon other countries which are considered accessible by the National Security Council.

The Office of Emergency Preparedness approved a new review of the stockpile objective for metallurgical grade chromite on March 4, 1970. At that time, the objective for this material was reduced from 3,650,000 short dry tons of chrome ore equivalents to approximately 3.1 million short dry tons of chrome ore equivalents.

We have had another review of the chrome ore consumption which is not completed. The estimate in my statement is not correct. It should be 912,000 tons rather than 1,405,000 in 1970. Seven hundred ninety-two thousand tons in 1972 is correct.

Five years ago, imports of ferrochrome were about 17 percent of U.S. consumption. Today, they are more than 40 percent. There are 20 nations shipping the various forms of ferrochrome and chromium metal into the United States.

Only four of these countries mine chromite ores. Even though the remainder must import chromite from producing countries, they consistently undersell U.S. producers.

As of December 31, 1972, the uncommitted stockpile inventory held by the General Services Administration was approximately 5,331,000 short dry tons of chrome ore equivalent. With an objective of 3,100,000 short dry tons of chrome ore equivalent, there remains in excess approximately 2,231,000 short dry tons of chrome ore equivalent.

Of this quantity, approximately 30,000 short dry tons of chrome ore were approved for disposal under subspecification authority, and 900,000 short dry tons of low grade chrome ore were approved for disposal under the Defense Production Act authority by the Director of OEP.

During the last session of Congress, we sought authority to dispose of an additional 1,313,000 tons of chromite which is surplus to the current objective.

The disposal bill was passed by the U.S. Senate, but was not approved by the House Armed Services Committee. Therefore, we are not able at this time to offer the U.S. ferrochrome industry any specification grade chromite ore.

Mr. FRASER. Thank you very much, Mr. Lawrence.

Our final witness is Mr. Edgar Lockwood, representing the American Committee on Africa.

STATEMENT OF EDGAR LOCKWOOD, DIRECTOR, WASHINGTON OFFICE ON AFRICA

Mr. LOCKWOOD. I am actually a representative of the Washington Office of Africa which is sponsored not only by the American Committee on Africa but by five different Protestant church denominations.

Mr. FRASER. I woulder if you would, before you begin your prepared statement, enlarge on that so that we may know specifically whom you represent.

Mr. LOCKWOOD. The Washington Office on Africa is sponsored by the American Committee on Africa; the Southern Africa Task Force of the United Presbyterian Church; the Board for Global Missions of the United Methodist Church; the United Church of Christ; Board of World Ministries, the Episcopal Church; and the Disciples of Christ.

So, I am responsible to a steering committee of six representatives actually, not just the American Committee.

Congressman Diggs, Congressman Fraser, and members of the committee, I am wondering if Congress could not enact a sort of antilitter bill. By that I mean a bill which would require us to reexamine the arguments conveniently thrown away after they have served the purpose of passing a piece of legislation like the Byrd act.

During the debate on the House floor on the so-called Byrd amendment in November 1971 and again in August 1972, proponents of breaking United Nations sanctions argued that the economic self-interest of ordinary Americans required such a course. They said we were being "Uncle Sap."

We were, so it was said, now overly dependent on the malevolent Communist Russians for a material vital to our defense. The Soviet Union was said to have a monopoly of chrome ore and to be reaping unconscionable profits. We were denying ourselves the benefits of cheap Rhodesian chrome ore.

Finally, it was alleged that if only we imported chrome ore from Rhodesia, jobs for Americans would be created. If we passed the Byrd amendment, so it was implied, prices would come down remarkably; much to the comfort of ferrochrome and stainless steel makers, things would be humming again.

Have these things really happened? In the first 11 months of 1972 we imported from the Soviet Union 328,295 short tons of metallurgical grade chromium, with content 46 percent or more chromic oxide.

This amounted to 58 percent of the total amount of such ore imported from the world. This percentage is virtually the identical percentage of the market which the Soviet Union possessed in 1968, 1969, 1970, and 1971.

In short, we were just as dependent in 1972, after the effective date of the Byrd amendment, on the Soviets as we were in prior years. The alleged monopoly, if it ever existed, still exists.

Meanwhile, we imported from Rhodesia 53,035 tons of the metallurgical grade chrome ore or about 9 percent of the total from the world. I am omitting here imports of chemical grade and refractory grade ore from Rhodesia and the Soviet Union because these grades, while they are used in stainless steel making, did not figure in the previous arguments and are less important in amount.

The big loser of market share turns out to be Turkey. During the debate last August on the House floor, Mr. Dent, of Pennsylvania, was ecstatic over the salutary effect that the passage of the Byrd amendment had had on chrome ore prices.

He said: "Within a very short period of time after the embargo was lifted, the price of chromium went down 7 cents a pound, $140 a ton, which took from Russia $50 million on the amount of sales they made into the United States of America."

This is indeed a most curious statement because the most that anyone had accused the Russians of charging was $72 a ton but here was Mr. Dent saying that they had reduced the price by more than double the amount.

The total amount of sales of chrome ore by the Soviets this year amounts in dollars to about $12 million. It is hard to see how anyone can lose $50 million on sales of that amount. Last year it was somewhat more, but not that much.

To be exact, in the first 11 months of 1972 we imported $12,203,659 of metallurgical grade ore from Russia and $1,441,325 from Rhodesia. This value is as stated by importers and since there is no duty on chrome ore, it is open to argument how accurate the valuation given by the Bureau of the Census really is.

To each of these valuations must be added the cost of transportation, which is naturally greater from Rhodesia via Mozambique ports than from Russian Baltic ports. Since Russian ore contains normally 54 percent chrome and Rhodesian 48 percent chrome, comparisons should be done on the basis of price per ton of chrome content. This works out to $68 per ton of Russian ore and $56 per ton of Rhodesian ore.

The notion that Rhodesia could or would sell at bargain prices such as the old presanctions price of $30 a ton, which was widely used to create odious comparisons with Russian prices, turns out to be an illusion.

The reason is rather simple: as the lobbyists told us, the Rhodesians did not have all that much ore to sell us in the first place. Nevertheless, the price of Russian ore has gone down.

Based on information furnished us by a trader in the industry, we believe that Russian prices for chrome ore are about $45 per metric ton of gross weight f.o.b. Baltic ports with a guaranteed analysis of 48 percent chrome content. The year earlier the price on the same basis was $55 roughly.

Russian prices have fallen by about 20 percent which works out to a little more than $3 million, not $50 million as Mr. Dent alleged. Nevertheless, the more fascinating question is why would the introduction of some 50,000 tons of Rhodesian ore, not much as compared with presanctions imports, have had so much of an effect?

Even if importers wanted to buy Rhodesian material, it was not really available apparently. See the attached list of shipments which shows that there were only four shiploads of chrome ore received in calendar 1972.

The answer to this question lies in an unexpected direction. The Soviet Union is cutting its prices to help keep the American ferrochrome industry from collapsing under the weight and impact of low-priced Rhodesian and South African ferrochrome imports which are made with forced labor.

In short, chrome ore was never the real object of passing the Byrd Amendment. Ferrochrome was more important but it was in fact never mentioned. Mr. Bliss of Foote Mineral, for example, said:

> I would speculate this way, Senator, that if I were running the Univex Corp., the state-owned trading company in Rhodesia, I would attempt to sell my metallurgical grade chrome ore to the ferroalloy furnaces of the world.
>
> These furnaces exist in the following countries: Japan, Western Germany, France, Italy, to a lesser extent England, Norway, naturally Russia, Czechoslovakia, Hungary, Red China to name a few. I am certain I have slighted someone here.

Mr. Bliss was correct. He had indeed slighted someone or two. He had omitted to mention the booming ferroalloy, ferrochrome plants of Rhodesia and South Africa.

Perhaps we should pause at this point to explain the difference between chrome and ferrochrome. I am not an expert on this subject. I have taken this from an encyclopedia, but I have had to become an expert to understand what is going on.

Ferrochrome or ferrochromium is an iron alloy containing about 60 to 75 percent chromium and up to 10 percent carbon. It is produced by the reduction of chrome ore either by carbon or silicon in an electric furnace or by means of the thermit process.

Ferrochrome is blended to various specifications suited to making various kinds of stainless and specialty steel and to a lesser extent other alloys. It takes about 2½ tons of chrome ore to make 1 ton of ferrochrome.

Low carbon ferrochrome was until recently the most used ferrochrome product in the making of stainless steel. For example, in 1970 we used 114,956 tons of low carbon, and 63,367 tons of high carbon—that is, carbon with more than 3 percent carbon—and 49,996 tons of ferrochromium silicon.

However, in recent years new technological developments, particularly an oxygen-argon process, makes it possible for stainless steel makers to remove carbon in their steelmaking process rather than paying for its removal in the making of low-carbon ferrochrome.

Thus, in 1972, the United States consumed in 11 months a total of 76,083 tons of low-carbon ferrochromium, measured in chrome content; 110,893 tons of high-carbon ferrochromium; and 23,994 tons of ferrochromium silicon, making in all 217,043 tons in all, or 353,288 if we use the gross tonnage measurements.

This is somewhat more than previous years, and we see a shift from low-carbon to high-carbon ferrochromium. This shift is also perhaps explained by the difference in tariffs. Low carbon is dutiable at 5 percent ad valorem; high carbon at 0.625 cent per pound.

But what is most striking of all is that in 1972, imports of ferrochromium into this country rose by 70 percent over 1971 and are now more than double the average annual amount imported in the years since sanctions were imposed, 1966–71.

I am submitting herewith a table of U.S. imports of ferrochromium since the adoption of sanctions. You will note from that, that the present level—this is for 12 months—is 90,267 of low-carbon and high-carbon ferrochromium. For 1972, the previous year, the total is about 53,000. For 1968, the average is about 43,000. And 1966 was an unusual year because Union Carbide was trying to get a lot of ferrochromium into this country quickly, and they also had a strike on their hands.

I might say in passing, in view of Ambassador Yost's remarks and also the remarks by Secretary Newsom yesterday, about the strict adherence of the United States to the sanctions program, I am rather surprised to find in the Mineral Year Book from 1970—and you will see a page from this in the attachments—that in 1969 it is shown here that the United States imported ferrochromium from Mozambique, 560 tons of low carbon from what is called western Africa, NEC; 2,256 tons of low carbon, from western Portuguese Africa, NEC; not elsewhere classified, 539 tons.

In 1970, we imported from Mozambique 560 tons of high carbon. To the best of my knowledge, there are no ferrochromium plants in Mozambique, in western Portugese Africa, or in western Africa not elsewhere classified.

In short, I think that we have a case here on the face of it that the U.S. Government does not read its own publication if it is serious about pursuing sanctions violations.

[The table follows:]

U.S. IMPORTS OF FERROCHROME, BY COUNTRIES, 1966–72

[Quantities stated in short tons and in terms of chrome content alone]

Country	1966	1967	1968	1969	1970	1971	1972
Australia:							
Low carbon							
High carbon				417			
Canada:							
Low carbon	974					111	29
High carbon						360	
Belgium (Luxembourg):							
Low carbon							28
High carbon		382				71	1,021
Brazil:							
Low carbon							
High carbon						847	2,535
Cyprus:							
Low carbon							
High carbon							16

U.S. IMPORTS OF FERROCHROME, BY COUNTRIES, 1966–72—Continued

[Quantities stated in short tons and in terms of chrome content alone]

Country	1966	1967	1968	1969	1970	1971	1972
Finland:							
Low carbon							
High carbon				1,303	3,347	5,772	3,612
France:							
Low carbon	1,904	1,625	1,714	348		773	336
High carbon	19	19	36		21	2,927	
West Germany:							
Low carbon	2,644	3,662	4,850	7,054	1,910	3,728	2,163
High carbon	202	1,043	1,601	1,285	3,037	4,392	1,519
India:							
Low carbon						1,633	
High carbon							
Italy:							
Low carbon	3						
High carbon	728	716	716	716			1,075
Japan:							
Low carbon	5,444	1,025	314	445	210	4,882	9,598
High carbon	6,005	1,411	1,196	1,674	236	8,363	2,267
Mozambique:							
Low carbon				[1] (380)			
High carbon					[1] (298)		[1] (404)
Netherlands:							
Low carbon							
High carbon							555
Norway:							
Low carbon	3,564	4,483	4,489	2,118	2,362	2,409	4,505
High carbon	537	595	46	630	352	211	2,272
Portuguese West Africa: Low carbon				[1] (539)			
Other West Africa: Low carbon				[1] (1,514)			
Southern Rhodesia:							
Low carbon	3,777			[1] 2,433	[1] 298		[1] 2,585
High carbon							6,795
South Africa:							
Low carbon	26,024	13,731	16,430	12,192	11,658	8,661	14,406
High carbon	6,944	1,480	954	4,716	322	3,871	18,376
Sweden:							
Low carbon	3,156	5,410	4,846	2,865	2,192	4,036	7,125
High carbon			680			151	796
Turkey: Low carbon	2,760	2,662	2,351	3,456		750	4,703
United Kingdom: High carbon	1,415						
U.S.S.R.: Low carbon		120					
Yugoslavia:							
Low carbon	55	109	778				774
High carbon							3,178
Zambia: Low carbon	94						
Total:							
Low carbon	50,399	32,827	35,773	30,738	18,358	26,983	46,252
High carbon	15,850	5,646	5,229	10,741	7,592	26,965	44,015
Grand total	66,249	38,493	41,002	41,479	25,950	53,948	90,267

[1] Figures for Mozambique, Portugese West Africa, and West Africa are bracketed on the ground that they represent imports from Rhodesia since the countries involved do not, so far as is known, possess ferrochrome facilities within their own borders.

Source: Bureau of Mines Mineral Yearbooks for years 1966–70. For 1971, data supplied by John Morning, Bureau of Mines from 1971 preprint of the Minerals Yearbook. For 1972, data suppled by Gilbert Wilson, Bureau of the Census. Data given is for imports for consumption, i.e., imports that have passed through customs and are available for use.

Mr. Lockwood. You will note upon examination that the increase in imports to the level of 90,000 tons of chrome content is almost entirely accounted for by two countries: Rhodesia and South Africa. In 1972 we imported from these two partners in defiance of international law 42,152 tons of high carbon and low carbon ferrochrome, almost as much as we imported from the world in the average year of the 1966–71 period.

I have omitted statistics on ferrochrome silicon to simplify comparisons but it should be noted that from the import shipment data submitted herewith that we imported from Rhodesia 7,195 tons gross weight of ferrochromium silicon, in calendar 1972.

The effect of these low-priced imports made by forced labor has been to devastate the ferrochrome industry in this country. On December

18, the trade journal of the metal industry, Metals Week, reported: "Imported prices, from South Africa, are reportedly even below the U.S. production costs in certain cases, making it increasingly difficult for the domestic industry to compete."

[The article follows:]

[From Metals Week, Dec. 18, 1972]

FOOTE TO LEAVE FERROCHROME MARKETPLACE

The company is closing three plants, including chrome alloy production at Steubenville, Ohio.

With pollution control costs and stiff price competition taking their toll in profits, Foote Mineral last week disclosed plants to go out of the ferrochrome business.

In a move which will incur a $9 million extraordinary charge in the fourth quarter—for termination costs and plant-equipment disposals—Foote has decided to shut down three plants, including its Steubenville, Ohio ferrochrome operation; its Wenatchee, Wash., silicon metal plant; and its Kimballton, Va., lime facility. With 1972 sales projected at $94-million, the three plants account for some 24 percent of the company's total business this year—the bulk of which comes from Steubenville. Foote estimates it would have to spend about $8 million over the next 2 years for the three plants to meet pollution standards, and the company notes: "The projected profitability of the product lines involved does not justify the additional capital expenditures for the required pollution control equipment." Foote was third largest U.S. producer—after Airco and Union Carbide.

All of Foote's ferrochrome—including both low carbon and high carbon, as well as ferrochrome-silicon—has been produced in recent times at Steubenville, an acquisition from the Vanadium Corp. merger that has operated since the 1930's. While the capacity for chrome alloys exists at Foote's Graham, W. Va., and Cambridge, Ohio, plants, these furnaces have been diverted to foundry alloys and vanadium products, respectively. (Steubenville's problems were compounded by rising power costs and power outages.) But, despite a recent interest expressed by the firm in producing charge chrome (the cutthroat competition in ferrochrome pricing undoubtedly played as significant a role in Foote's decision as did the troubles at the plant.) Low-priced imports, primarily from South Africa, have been at an alltime high this year—estimated at some 50 percent of U.S. consumption. Imported prices are reportedly even below U.S. production costs in certain cases, making it increasingly difficult for the domestic industry to compete. The competition has been intensified by a change in emphasis away from low-carbon products and into high-carbon and low-carbon-content charge chrome—the result of mounting South African production and stainless technology which permits the use of lower grade material. In an effort to stem the stiff price cutting, Carbide last fall withdrew its published prices on low-carbon ferrochrome, Simplex, charge chrome, and ferrochrome-silicon.

One highly placed source believes the problem lies deeper, however, originating with a "considerable dislocation of the historical patterns of ferrochrome." Until last year, this expert reasons, the United States maintained a strict adherence to the U.N. sanctions against Rhodesia, making the Rhodesians very selective and independent about selling ore. At the same time, Rhodesia and South Africa—which have maintained a traditional strong bond, accessing low-cost and high-grade ore sources to both—are now seeking to produce and sell chrome alloys rather than ore. As a result, South African ferrochrome production has expanded to an estimated 500,000 tpy by yearend and Rhodesia is slated to triple its own capacity over the next 18 months to 400,000 tpy.

Foote hopes to operate the plant until the end of 1973, although this depends upon State pollution control requirements. The company has sales commitments, as well as ore inventory at Steubenville—which some sources estimate to be "at least a year's supply." How the decision will affect Foote's raw materials position is still another question. The company—which owns mines in Rhodesia that have been mandated and operated by the government during sanctions—was instrumental in winning legislation to open up U.S. chrome imports. Perhaps more significant, however, is Foote's interest in a Turkish chrome concentrator, which started up in fourth-quarter 1971. In late 1970 and during 1971, Foote and Switzerland's Chrome Resources each put up $525,000 to build the plant.

Despite the Wenatchee plant closing, Foote says it has no intention of leaving the silicon business, which doesn't have chrome's competitive problems.

Mr. LOCKWOOD. In an effort to stem the stiff price cutting, Union Carbide last fall withdrew its published price list on low-carbon ferrochromium, Simplex charge chrome and ferrochrome silicon.

Ironically, one of the proponents of the Byrd amendment was one of the first to crumble under the impact of Rhodesian and South African imports.

Foote Mineral announced on December 13 that it would close and write off its Steubenville, Ohio, ferrochrome plant in 1973. In effect, it is going out of the ferrochrome business even though it was this plant that received 29,682 tons of Rhodesian chrome ore in April.

Preferred stockholders were warned in October of the bind the company was in: "The domestic ferrochrome industry has been forced to reduce selling prices in order to combat the low priced foreign imports which have taken as much as 50 percent of the domestic low carbon ferrochrome market this year."

Notwithstanding allegations that pollution control requirements and power costs were to blame, imports were the proximate cause of the plant's impending closure. Ohio Ferro-Alloy Corp. in Brilliant, Ohio is also closing. Foote's closing will put out of work 307 employees while Ohio Ferroalloys will lose 451 positions.

It is ironic to read the words of Congressman Wayne Hays of the 18th district of Ohio where Steubenville is located. Explaining why he would vote against Congressman Fraser's attempt to modify the Byrd amendment, he declared: "I voted for the SST and I voted for a few other things, to make jobs * * * I am going to vote for American jobs and American industry and against the exportation of them to other countries."

What Mr. Hays did not realize, apparently, was that some American companies in the ferrochromium business had already moved to the land of apartheid where labor is a good deal cheaper and less organized than it is here in the United States.

Union Carbide Rhomet, for example, is capable of producing at its plant in Que Que in Rhodesia at least 40,000 tons of low carbon ferrochrome. It has in operation a furnace rated at 7,500 kv.-a. and another at 12,500 kv.-a. according to Mr. William Kastner of the Commerce Department.

With this arrangement low-carbon and high-carbon ferrochrome can be produced simultaneously in a 27 to 13 mixture. Rhodesian Alloys Ltd., which is related to the Anglo-American group, has a kv.-a. capacity of 50,000 kv.-a. and can produce 60,000.

Furthermore, all indications from sources inside the country indicate that rapid expansion is underway at the Union Carbide Rhomet plant. According to Metals Week, "Rhodesia is slated to triple its own capacity over the next 18 months to 400,000 tons per year." That is an astonishing amount of ferrochrome.

Union Carbide disclaims any responsibility and refuses to discuss the matter on the ground that its operations are under the control of government. Any such alleged nationalization, however, does not seem to extend to the use of profits and ownership. It would seem that any re-investment of profits or earnings is a violation of the sanctions.

Perhaps it will be objected that South Africa should be separated from Rhodesia and treated as the main culprit in the price war. But this is to ignore their long-term partnership.

For years, South Africa has acted as middleman, front man and agent in transshipping Rhodesian goods in violation of sanctions.

In 1972, local sales of South African chrome dropped from 2.7 million to 2.4 million, Rand. And yet, at the same time, we know that ferrochrome capacity was skyrocketing to a new level reported to be 500,000 tons by the end of 1972.

Remembering that it takes 2½ tons of chrome ore to make a ton of ferrochrome, it is hard to believe that South African ferrochrome producers used all of the million and a half tons South Africa produced last year. In fact, we know that it is not the case because exports from South Africa ran about five times local sales.

In other words, South African ferrochrome is very largely Rhodesian ore as far as chrome content is concerned. Palmiet Chrome Corp., in which Eastern Stainless Steel Corp. of Baltimore, Md., is a shareholder, has advanced from a 1965 level of 30,000 tons of low-carbon ferrochromium at its plant in Krugersdorp in the Transvaal.

By 1971 it had reached a level of 110,000 tons. The initial use of Rhodesian ore reported by the Roskill Information Service has continued, we believe, although recent information indicates that the company now considers it feasible and economical to use lower grade South African ore.

In the United States, such use would not be economically feasible. I assume the difference is the difference in labor costs. South African ore has not been used for ferrochrome production, but for other purposes, in this country.

In June 1970, Anglo-Transvaal Consolidated Investment Co., Ltd. agreed to set up in conjunction with United States Steel Corp. a ferrochromium plant at Machadodorp, east of Witbank on the Lourenco Marques railway. It has a present estimated capacity of 70,000 tons per annum.

South Africa and Rhodesia are no longer interested in selling chrome ore so much as they are in developing a ferroalloy industry which has access to high grade Rhodesian ore and low-cost migrant labor which is kept in hopeless servitude by repressive labor legislation.

American ferrochrome producers are therefore faced with the dilemma of going out of business or moving overseas to places like South Africa and Rhodesia in order to stay alive. If the Government does not act to reinstate sanctions or to implement a ban on the importation of goods made by forced labor, we will not have a ferrochrome industry.

Bethlehem Steel has already indicated that it will follow the lead of Union Carbide, U.S. Steel and Eastern Stainless by obtaining the cheap labor benefits of apartheid. But we should ask: Is this not a net gain. Will the American consumer of stainless steel not be the beneficiary of all this movement across national boundaries?

We might be able to accept such an argument, even though I have not seen any indication that stainless steel pots or anything like that have gone down in price, if it were not for the fact that labor in South Africa is not free labor.

In 1970 the Smith regime succeeded in passing a constitution which gave 50 percent of the land in Rhodesia to the 5 percent who are white. Naturally, it was the best land. In South Africa, Bantu homelands are declared the true nations to which the African majority belong.

Yet, these African homelands contain a mere 13 percent of the land. There is obviously no place there for the huge and growing African population. Yet both in Rhodesia and South Africa, the African has been made an alien and a foreigner in his own land, as was testified yesterday by the representative of the African National Council.

An African must carry a pass wherever he goes in the white areas. Forced to consider as his true home only those lands which can support the barest kind of subsistence farming, the African is faced with a cruel dilemma.

The tribal homelands are designed to serve the purpose of providing a choice between starvation and living away from his family in hostels or compounds on pitifully low wages. As Sean Gervasi and Francis Wilson have shown, the mining industry illustrates the point that an apartheid system is designed to produce a cheap, docile, manageable pool of labor.

Under apartheid, strikes by Africans are illegal. As the Ovambo and Durban strikes illustrate, Africans are not cowed by the law, in spite of its persecutory character, but their leadership is always prosecuted for rioting when legitimate grievances are protested.

The suppression of communism act in South Africa has repeatedly been used to place labor leaders under house arrest or under banning orders, which cannot be reviewed by courts of law. Indeed, in both Rhodesia and South Africa the rule of law has been virtually abandoned in favor of police roundups.

A man need simply be detained for questioning under the Terrorism Act or some other of their laws. We should also remember that under the South African Terrorism Act of 1967 interruption of the normal course of business constitutes an act of terrorism and may be punished by a sentence of not less than 5 years.

The benefit of these practices and laws is to produce for white Rhodesians a standard of living said to be the highest in the world. In a recent market research survey published by the Rhodesian Printing & Publishing Co., Mr. Clive Kinsley, managing partner, remarked that white Rhodesians are "the luckiest people in the world." A copy of this survey is submitted for the record.

[The article referred to follows:]

[The Johannesburg Star, Jan. 27, 1973]

LUCKY PEOPLE

SALISBURY.—Rhodesian whites were this week termed "the luckiest people in the world" by the managing director of the Rhodesian Printing and Publishing Co., Mr. Clive Kinsley.

At the presentation of a market research survey prepared for his company, he said the survey showed that Rhodesians were enjoying a rapid increase in their standards of living and degrees of sophistication.

The survey's findings on the adult white population showed that 26 percent (47,000) lived in households with a monthly income of about R690 a month or more. Another 34 percent (61,000) were in households with earnings of about R460 to R690.

At the other end of the scale, the biggest sector of urban African adults—38 percent or 241,000—were living in households with incomes of less than R29 a month, according to the survey; 36 percent (190,000 were in households in the R29 to R58 a month bracket.

There were 100,000 adult urban Africans living in households with incomes of R87 a month or more.

The survey showed that only 6 percent of whites over the age of 16 did not own cars. About 84,000 owned two or more cars.

According to the firm which prepared the survey, Market Research Africa, the total percentage of car owners was higher than either South Africa or the United States.

Swimming pools among Rhodesia's whites had risen from 26,000 in 1970 to 39,000 and hi-fi sets from 24,000 to 65,000.

Among urban African adults, 7 percent (41,000 had a car in the household and 262,000 a bicycle.

Paraffin stoves were the most common household appliance in African homes—430,000 of them.

Mr. LOCKWOOD. The survey showed that 26 percent of the white Rhodesians earned at least $800 a month, and 34 percent earned $600 to $800 a month. On the other hand, among black urban Africans, 38 percent live in households with incomes of less than $38 a month, and 36 percent have incomes between $38 and $75 a month. Only 7 percent of the urban African population had one car.

On the other hand, all but 6 percent of the whites over 16 had at least one car, and almost half had two or more. Also, there were 39,000 swimming pools among the white Rhodesians.

Union Carbide's wages are generally in line with this scale of living. Union Carbide pays in its chrome affiliates in Rhodesia as of 1970, $46 to $130 per month to its African workers, while it pays a range of $122.50 to $750 a month to whites.

Average monthly mining wages in Rhodesia during 1970 were $520 for whites and $39 for Africans. South African figures are generally comparable. What are the implications for Americans of the importation of ferrochrome and other products made by runaway American companies using labor under these circumstances?

The president of one American ferrochrome producer, an independent producer, remarked to me: "How can we compete with this kind of labor? The corporations in South Africa and Rhodesia can pay blacks $1 a day. I have to pay American blacks in South Carolina $24 a day. Will you explain to me how I can keep on doing that?"

The fact is that the Byrd amendment did not create jobs; it helped abolish them! Furthermore, low-priced ferrochrome is not the only commodity we can expect to see coming into this country from Rhodesia.

In 1972, we received 1,860 tons of nickel cathodes from Rhodesia. That does not seem like much, but we have to realize that cathodes are pure nickel, and according to State Department testimony heard yesterday, the nickel was worth about $4 million.

Up until recently, we have received the vast bulk of our ore and nickel in concentrates from Canada. However, with Rhodesia in the market, severe price cutting is already beginning.

The United Nations Special Committee on De-Colonization points out the significance of nickel in Rhodesia:

The most spectacular development in base mineral mining since the illegal declaration of independence has been the exploitation of nickel * * *. Available information indicates * * * that copper and nickel have continued to surpass in value such traditional minerals as coal, chrome, asbestos, and gold.

In 1971, Union Carbide and others argued that chrome ore had "never been a major factor in the international trade of Rhodesia" and that removal of sanctions on strategic materials would not have a "significant effect" on the Rhodesian economy.

It was alleged that chrome constituted no more than 2 percent of Rhodesia's exports. Yesterday, however, we heard that the amounts imported in 1972 were 5 percent of Rhodesia's exports or approximately $13 million.

By our standards, that is a mere bagatelle, but it is crucial by Rhodesian standards. Current indications are that the balance-of-payments deficit in 1971 amounted to $18.6 million, the largest since the illegal declaration of independence and one of the largest ever recorded in the history of the territory.

The strain on resources anticipated as acute in 1972 could only have been significantly lightened by such measures as the Byrd amendment. I have touched upon the economic consequences of the Byrd amendment only because they are such a startling revelation of miscalculation, myth, and deceit.

When political principle is sacrificed to narrow expediency, the costs even in economic terms are usually underestimated or misstated. And so it proves to be in this case. The political costs to this country in its position in the United Nations and its future dealings with independent African countries are incalculably greater.

But yet we wonder whether American labor and those in Congress, who claim to represent the interests of the working man, have fully comprehended that fact that under the Byrd amendment jobs are being exported to Rhodesia and South Africa. We wonder whether the steelworkers in Mr. Dent's district know that their jobs may be the next to be exported.

Thank you.

[Mr. Lockwood's prepared statement follows:]

Congressman Diggs, Congressman Fraser, and members of the committee: I am wondering if Congress could enact a new kind of antilitter bill. By that I mean a bill which would require us to reexamine the arguments conveniently thrown away after they have served the purpose of passing a bill.

During the dabate on the House floor on the so-called Byrd amendment in November 1971 and again in August 1972, proponents of breaking United Nations sanctions argued that the economic self-interest of ordinary Americans required such a course. They said we were being "Uncle Sap."

We were, so it was said, now overly dependent on the malevolent Communist Russians for a material vital to our defense.[1] The Soviet Union was said to have a monopoly of chrome ore and to be reaping unconscionable profits.[2] We were denying ourselves the benefits of cheap Rhodesian chrome ore. Finally, it was alleged that if only we imported chrome ore from Rhodesia, jobs for Americans would be created. If we passed the Byrd Amendment, so it was implied, prices would come down remarkably; much to the comfort of ferrochrome and stainless steel makers, things would be humming again.

Have these things really happened?

IMPORTATION OF CHROME ORE

In the first 11 months of 1972 we imported from the Soviet Union 328,295 short tons of metallurgical grade chromium (with content 46% or more chrome oxide). This amounted to 58 percent of the total amount of such ore imported from

[1] Congressional Record, 92d Cong., 2d sess., H7511, Aug. 10, 1972.
[2] "U.N. Sanctions Against Rhodesia—Chrome," hearings before the Committee on Foreign Relations, U.S. Senate, 92d Cong., 1st sess., S1404, July 7 and 8, 1971, at p. 59.

the world. This percentage is virtually the identical percentage of the market which the Soviet Union possessed in 1968, 1969, 1970, and 1971.

In short, we were just as dependent in 1972, after the effective date of the Byrd amendment, on the Soviets as we were in prior years. The alleged monopoly still exists.

Meanwhile, we imported from Rhodesia 53,035 tons of the metallurgical grade chrome ore or about 9 percent of the total from the world. I am omitting here imports of chemical grade and refractory grade ore from Rhodesia and the Soviet Union because these grades did not figure in the previous arguments and are less important in amount.

The big loser of market share turns out to be Turkey.

During the debate last August on the House floor, Mr. Dent of Pennsylvania was ecstatic over the salutary effect that the passage of the Byrd amendment had had on chrome ore prices:

"Within a very short period of time after the embargo was lifted, the price of chromium went down 7 cents a pound, $140 a ton, which took from Russia $50 million on the amount of sales they made into the United States of America.[3]

This is indeed a most curious statement because the most that anyone had accused the Russians of charging was $72 a ton but here was Mr. Dent saying that they had reduced the price by more than double the amount. The total amount of sales of chrome ore by the Soviets this year amounts in dollars to about 12 million. Last year it was somewhat more but not that much.

To be exact, in the first 11 months of 1972 we imported $12,203,659 of metallurgical grade ore from Russia and $1,441,325 from Rhodesia. This value is as stated by importers and since there is no duty on chrome ore, it is open to argument how accurate the valuation given by the Bureau of the Census really is. To each of these valuations must be added the cost of transportation, which is naturally greater from Mozambigue ports than from Russian Baltic ports. Since Russian ore contains normally 54 percent chrome and Rhodesian 48 percent chrome, comparisions should be done on the basis of price per ton of chrome content. This works out to $68 per ton of Russian ore and $56 per ton of Rhodesian ore.

The notion that Rhodesia could or would sell at bargain prices such as the old presanctions price of $30 a ton, which was widely used to create odious comparisons with Russian prices, turns out to be an illusion. The reason is rather simple: as the lobbyists told us, the Rhodesians didn't have all that much ore to sell us. Neverthless, the price of Russian ore has gone down.

Based on information furnished us by a trader in the industry, we believe that Russian prices for chrome ore are about $45 per metric ton of gross weight f.o.b. Baltic ports with a guaranteed analysis of 48 percent chrome content. The year earlier price on the same basis was $55 roughly. Russian prices have fallen by about 20 percent which works out to a little more than $3 million, not $50 million as Mr. Dent alleged.

Nevertheless, the more fascinating question is: Why would the introduction of some 50,000 tons of Rhodesian ore, not much as compared with presanctions imports, have so much of an effect? Even if importers wanted to buy Rhodesian material, it was not really available apparently. See the attached list of shipments which shows that there were only four shiploads of chrome ore received in calender 1972.

The answer to this question lies in an unexpected direction: The Soviet Union is cutting its prices to help keep the American ferrochrome industry from collapsing under the weight and impact of low-priced Rhodesian and South Africa ferrochrome imports made with forced labor.

IMPORTANCE OF FERROCHROME

In short, chrome ore was never the real object of passing the Byrd amendment. Ferrochrome was more important but it was in fact never mentioned. Mr. Bliss of Foote Mineral, for example, said:

"I would speculate this way, Senator, that if I were running the Univex Corp. (the state-owned trading company in Rhodesia), I would attempt to sell my metallurgical grade chrome ore to the ferroalloy furnaces of the world. These furnaces exist in the following countries: Japan, Western Germany, France,

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[3] Congressional Record, 92d Cong., 2d sess., H7509, Aug. 10, 1972.

Italy, to a lesser extent England, Norway, naturally Russia, Czechoslovakia, Hungary, Red China to name a few. I am certain I have slighted someone here." [4]

Mr. Bliss was correct. He had indeed slighted some one or two. He had omitted to mention the booming ferroalloy, ferrochrome plants of Rhodesia and South Africa. Perhaps we should pause at this point to explain the difference between chrome and ferrochrome.

DESCRIPTION OF FERROCHROME

Ferrochrome or ferrochromium is an iron alloy containing about 60 percent to 75 percent chromium and up to 10 percent carbon. It is produced by the reduction of chrome ore either by carbon or silicon in an electric furnace or by means of the thermit process. Ferrochrome is blended to various specifications suited to making various kinds of stainless and specialty steel and to a leser extent other alloys. It takes about 2½ tons of chrome ore to make 1 ton of ferrochrome. Low carbon ferrochrome was, until recently, the most used ferrochrome product in the making of stainless steel. For example, in 1970 we used 114,956 tons of low carbon, 63,367 tons of high carbon (more than 3 percent carbon), and 49,996 tons of ferrochrome silicon. However, in recent years new technological developments, particularly an oxygen-argon process, make it possible for stainless steelmakers to remove carbon in their steelmaking process rather than paying for its removal in the making of low-carbon ferrochrome.

Thus in 1972, the United States consumed in 11 months a total of 76,083 tons of low-carbon ferrochromium (measured in chrome content), 110,893 tons of high-carbon ferrochromium, and 23,994 tons of ferrochromium silicon, making 217,043 tons in all, or 353,288 if we use the gross tonnage measnrements. This is somewhat more than previous years and we see a shift from low-carbon to high-carbon ferrochromium. This shift is also explained by the difference in tariffs. Low carbon is dutiable at 5 percent ad valorem; high carbon at 0.625 cents per pound.

But what is most striking of all is that in 1972 imports of ferrochromium into this country rose by 70 percent over 1971 and are now more than double the average annual amount imported in the years since sanctions were imposed 1966–71. I am submitting herewith a table of U.S. imports of ferrochromium since the adoption of sanctions.

You will note upon examination that the increase in imports to the level of 90,000 tons of chrome content is almost entirely accounted for by two countries: Rhodesia and South Africa. In 1972 we imported from these two partners in defiance of international law 42,152 tons of high-carbon and low-carbon ferrochrome, almost as much as we imported from the world in the average year of the 1966–71 period. (I have omitted statistics on ferrochrome silicon to simplify comparisons but it should be noted that from the import shipment data submitted tbat we imported from Rhodesia 7,195 tons gross weight of ferrochromium silicon, in calendar 1972.)

EFFECTS OF FERROCHROME IMPORTS

The effect of these low-priced imports made by forced labor has been to devastate the ferrochrome industry in this country. On December 18, the trade journal of the metal industry, Metals Week, reported:

"Imported prices (from South Africa) are reportedly even below the U.S. production costs in certain cases, making it increasingly difficult for the domestic industry to compete."

In an effort to stem the stiff price cutting, Union Carbide last fall withdrew its published price list on low-carbon ferrochromium, Simplex charge chrome and ferrochrome silicon.

Ironically, one of the proponents of the Byrd amendment was one of the first to crumble under the impact of Rhodesian and South African imports. Foote Mineral announced on December 13 that it would close and write off its Steubenville, Ohio ferrochrome plant in 1973. In effect, it is going out of the ferrochrome business even though it was this plant that received 29,682 tons of Rhodesian chrome ore in April. Preferred stockholders were warned in October of the bind the company was in: "The domestic ferrochrome industry has been forced to reduce selling prices in order to combat the low-priced foreign imports which have taken as much as 50 percent of the domestic low-carbon ferrochrome market this year." (See table 1.)

[4] "U.N. Sanctions Against Rhodesia—Chrome," hearings cited above, p. 65.

TABLE 1.—U.S. IMPORTS FOR CONSUMPTION OF FERROCHROMIUM, BY COUNTRIES

[In short tons and dollar amounts in thousands]

Year and country	Low-carbon ferrochromium (less than 3 percent carbon) Quantity Gross weight	Low-carbon Quantity Chromium content	Low-carbon Value	High-carbon ferrochromium (3 percent or more carbon) Quantity Gross weight	High-carbon Quantity Chromium content	High-carbon Value
1969						
Australia				587	417	$80
France	475	348	$134			
Finland				2,254	1,303	239
Germany, West	[1] 3,113	[1] 2,374	[1] 901	1,924	1,285	336
Italy				1,102	716	179
Japan	661	445	164	2,498	1,674	391
Mozambique	560	380	135			
Norway	3,044	2,118	788	[1] 883	630	169
South Africa, Republic of	19,794	12,192	4,973	[1] 8,992	[1] 4,823	[1] 933
Sweden	3,800	2,865	1,098			
Turkey	4,947	3,456	1,213			
United Kingdom	(2)	(2)	1			
Western Africa, n.e.c.	[1] 2,256	1,514	530			
Western Portugese Africa, n.e.c.	539	366	130			
Total [1]	39,189	26,058	10,067	18,240	10,848	2,327
1970						
Finland				5,919	3,347	638
France	28	21	9			
Germany, West	2,579	1,910	922	4,458	3,037	902
Japan	310	210	71	347	236	73
Mozambique				560	298	69
Norway	3,387	2,362	1,081	489	352	121
South Africa, Republic of	19,735	11,658	4,517	560	322	71
Sweden	2,933	2,192	1,146			
Total	28,972	18,353	7,746	12,333	7,592	1,874

1 Revised.
2 Less than ½ unit.

Notwithstanding allegations that pollution control requirements and power costs were to blame, imports were the proximate cause of the plants impending closure. Ohio Ferro-Alloy Corp., in Brilliant, Ohio, is also closing. Foote's closing will put out of work 307 employees while Ohio Ferroalloys will lose 451 positions.

It is ironic to read the words of Congressman Wayne Hays of the 18th District of Ohio where Steubenville is located. Explaining why he would vote against Congressman Fraser's attempt to modify the Byrd amendment, he declared:

"I voted for the SST and I voted for a few other things, to make jobs . . . I am going to vote for American jobs and American industry and against the exportation of them to other countries."

What Mr. Hays did not realize apparently was that some American companies in the ferrochromium business had already moved to the land apartheid where labor is a good deal cheaper and less organized than it is here in the United States.

FERROCHROME PRODUCTION IN RHODESIA AND SOUTH AFRICA

Union Carbide Rhomet, for example is capable of producing at its plant in Que Que in Rhodesia at least 40,000 tons of low carbon ferrochrome. It has in operation a furnace rated at 7,500 kv.-a. and another at 12,500 kv.-a. according to Mr. William Kastner of the Commerce Department. With this arrangement low carbon and high carbon ferrochrome can be produced simultaneously in a 27 to 13 mixture. Rhodesian Alloys Ltd. which is related to the Anglo-American Group has a kv.-a. capacity of 50,000 and can produce 60,000.[5]

[5] Mr. Kastner is the Department's expert on the ferrous metals industry. Earlier data may be found in the Roskill Information Service survey, "Chromium Minerals. Ferrochrome, Chromium, and Chromium Chemicals. World Survey of Production and Consumption With Special Reference to Future Demand and Prices." London, January 1972.

Furthermore, all indications from source inside the country indicate that rapid expansion is underway at the Union Carbide Rhomet plant. According to Metals Week, "Rhodesia is slated to triple its own capacity over the next 18 months to 400,000 tons per year."

Union Carbide disclaims any responsibility and refuses to discuss the matter on the ground that its operations are under the control of government. Any such alleged nationalization, however, does not seem to extend to the use of profits and ownership. It would seem that any reinvestment of profits or earnings is a violation of the sanctions.

Perhaps it will be objected that South Africa should be separated from Rhodesia and treated as the main culprit in the price war. But this is to ignore their long-term partnership.

For years, South Africa has acted as middleman, front man and agent in transshipping Rhodesian goods in violation of sanctions.

In 1972 local sales of South African chrome dropped from 2.7 million to 2.4 million Rand.[6] And yet at the same time we know that ferrochrome capacity was skyrocketing to a new level reported to be 500,000 tons by the end of 1972. Remembering that it takes 2½ tons of chrome ore to make a ton of ferrochrome, it is hard to believe that South African ferrochrome producers used all of the 1½ million tons South Africa produced last year. In fact, we know that it is not the case because exports ran about five times local sales.[7]

In other words, South African ferrochrome is very largely Rhodesian ore as far as chrome content is concerned.

Palmiet Chrome Corp., in which Eastern Stainless Steel Corp., of Baltimore, Md., is a shareholder, has advanced from a 1965 level of 30,000 tons of low carbon ferrochromium at its plant in Krugersdorp in Transvaal. By 1971 it had reached a level of 110,000 tons. The initial use of Rhodesian ore reported by the Roskill Information Service has continued, we believe, although recent information indicates that the company now considers it feasible and economical to use lower grade South African ore. In the United States such use would not be economically feasible. South African ore has not been used for ferrochrome production, but for other purposes, in this country.

In June 1970 Anglo-Transvaal Consolidated Investment Co., Ltd., agreed to set up in conjunction with United States Steel Corp., a ferrochromium plant at Machadodorp, east of Witbank on the Lourenco Marques railway. It has a present estimated capacity of 70,000 tons per annum.

South Africa and Rhodesia are no longer interested in selling chrome ore so much as they are in developing a ferroalloy industry which has access to high grade Rhodesian ore and low-cost migrant labor which is kept in hopeless servitude by repressive labor legislation.

American ferrochrome producers are therefore faced with the dilemma of going out of business or moving overseas to places like South Africa and Rhodesia in order to stay alive. If the Government does not act to reinstate sanctions or to implement a ban on the importation of goods made by forced labor, we will not have a ferrochrome industry. Bethlehem Steel has already indicated that it will follow the lead of Union Carbide, United States Steel, and Eastern Stainless by obtaining the cheap labor benefits of apartheid.

But we should ask: Is this not a net gain? Will the American consumer of stainless steel not be the beneficiary of all this movement across national boundaries?

FORCED LABOR IN RHODESIA AND SOUTH AFRICA

We might be able to accept such an argument if it were not for the fact that labor in South Africa is not free labor.

In 1970 the Smith regime succeeded in passing a constitution which gave 50 percent of the land in Rhodesia to the 5 percent who are white. Naturally it was the best land.

In South Africa, Bantu homelands are declared the true nations to which the African majority belong. Yet these African homelands contain a mere 13 percent of the land. There is obviously no place there for the huge and growing African population. Yet both in Rhodesia and South Africa, the African has been made an alien and a foreigner in his own land. An African must carry

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[6] The Star, Johannesburg, international airmail edition, Feb. 10, 1973, p. 18.

[7] The precise figures given in the above article are as follows: "Local sales dropped from R2.7 million to R2.4 million, and the value of exports from R12.1 million to R10.5 million." Production in tons is stated to have dropped from R1.6 million to R1.5 million.

a pass wherever he goes in the white areas. Forced to consider as his true home only those lands which can support the barest kind of subsistence farming, the African is faced with a cruel dilemma.

The tribal homelands are designed to serve the purpose of providing a choice between starvation and living away from his family in hostels or compounds on pitifully low wages. As Sean Gervasi and Francis Wilson have shown, the mining industry illustrates the point that an apartheid system is designed to produce a cheap, docile, manageable pool of labor.[8]

Under apartheid, strikes by Africans are illegal. As the Ovambo and Durban strikes illustrate, Africans are not cowed by the law, but their leadership is always prosecuted for rioting when legitimate grievances are protested. The Suppression of Communism Act in South Africa has repeatedly been used to place labor leaders under house arrest or under banning orders, which cannot be reviewed by courts of law. Indeed, in both Rhodesia and South Africa, the rule of law has been virtually abandoned in favor of police roundups. A man need simply be detained for questioning. We would also remember that under the South African Terrorism Act of 1967, interruption of the normal course of business constitutes an act of terrorism and may be punished by a sentence of not less than 5 years.

The benefit of these practices and laws is to produce for white Rhodesians a standard of living said to be the highest in the world. In a recent market research survey published by the Rhodesian Printing and Publishing Co., Mr. Clive Kinsley, managing partner, remarked that white Rhodesians are "the luckiest people in the world." The survey showed that 26 percent of white Rhodesians earned at least $800 a month, and 34 percent earned $600 to $800 a month. On the other hand, among black urban Africans, 38 percent live in households with incomes of less than $38 a month, and 36 percent have incomes between $38 and $75 a month. Only 7 percent of the urban African population had one car. On the other hand, all but 6 percent of the whites over 16 had at least one car, and almost half had two or more.

UNION CARBIDE IN RHODESIA

Union Carbide's wages are generally in line with this scale. Union Carbide pays in its chrome affiliates in Rhodesia as of 1970, $46 to $130 per month to its African workers, while it pays a range of $122.50 to $750 a month to whites. Average monthly mining wages in Rhodesia during 1970 were $520 for whites and $39 for Africans. South African figures are generally comparable.

What are the implications for America of the importation of ferrochrome and other products made by runaway American companies using labor under these circumstances? The president of one American ferrochrome producer remarked to me: "How can we compete with this kind of labor? The corporations in South Africa and Rhodesia can pay blacks $1 a day. I have to pay American blacks in South Carolina $24 a day. Will you explain to me how I can keep on doing that?"

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The United Nations Special Committee on De-Colonization points out the significance of nickel in Rhodesia: "The most spectacular development in base mineral mining since the illegal declaration of independence has been the exploitation of nickel * * *. Available information indicates * * * that copper and

[8] See "Industrialization, Foreign Capital and Forced Labor in South Africa," United Nations Unit on Apartheid, Sean Gervasi (1970), ST/PSCA/Ser. A/10. F. Wilson, "Labour in the South African Gold Mines 1911–69" (1972), and "Migratory Labor" (1972).

nickel have continued to surpass in value such traditional minerals as coal, chrome, asbestos, and gold." [9]

EFFECT OF SANCTIONS ON RHODESIA

In 1971, Union Carbide and others argued that chrome ore had "never been a major factor in the international trade of Rhodesia" and that removal of sanctions on strategic materials would not have a "significant effect" on the Rhodesian economy.[10] It was alleged that chrome constituted no more than 2 percent of Rhodesia's exports. Yesterday, however, we heard that the amounts imported in 1972 were 5 percent of Rhodesia's exports or approximately $13 million. By our standards, that is a mere bagatelle, but it is crucial by Rhodesian standards. Current indications are that the balance-of-payments deficit in 1971 amounted to $R18.6 million, the largest since the illegal declaration of independence and one of the largest ever recorded in the history of the territory. The strain on resources anticipated as acute in 1972 could only have been significantly lightened by such measures as the Byrd amendment.[11]

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PRICES OF IMPORTED FERROCHROME, 1970–72

[Expressed in price per pound based on declared values at point of original loading]

Country	1970	1971	1972
Low carbon:			
Sweden	0.25	0.31	0.27
Norway	.22	.30	.27
West Germany	.23	.31	.27
Japan	.17	.30	.28
Belgium			.31
Canada		.20	
France		.27	.26
Turkey		.24	.24
India		.25	
South Africa	.19	.19	.21
Rhodesia			.26
High carbon:			
Brazil		.17	.13
Sweden		.17	.16
Norway	.17	.20	.17
Finland	.10	.10	.09
Netherlands			.16
Belgium		.17	.09
West Germany	.15	.18	.16
Italy			.15
Yugoslavia			.10
Japan	.15	.17	.15
South Africa		.12	.13
Rhodesia			.11

[9] Report of the Special Committee of the United Nations General Assembly on the situation with regard to the implementation of the declaration on the granting of independence to colonial countries and peoples. Sept. 1, 1972, ch. 5, A/8723 (pt. III), p. 98.

[10] Statement of Fred Kroft, president, ferroalloys division, Union Carbide Corp., "U.N. Sanctions Against Rhodesia, Chrome," Senate hearings cited above at p. 107.

[11] Report of the Special Committee of the United Nations General Assembly, cited above, at p. 88.

U.S. IMPORTS OF STRATEGIC MATERIALS FROM SOUTHERN RHODESIA UNDER THE "BYRD" AMENDMENT

Commodity	Quantity (short tons)	Port of exportation	Port of importation	Date of arrival	Vessel
Chrome ore	27,902	Beira	Burnside	Mar. 20, 1972	Santos Vega.
Do	29,682	do	Davant, La	Apr. 4, 1972	Agios Giogies.
Nickel cathodes	189	do	Baltimore	Apr. 10, 1972	SS African Sun.
Do	177	do	do	Apr. 29, 1972	SS Moormacove.
Do	25	Durban	do	May 15, 1972	SS Hellenic Leader.
High-carbon ferrochromium	548	Lourenco Marques	San Francisco	May 23, 1972	SS Bris.
Nickel cathodes	130	Beira	Baltimore	June 17, 1972	SS Moormacargo.
Do	10	do	Los Angeles	June 20, 1972	SS Marne-Lloyd.
Low-carbon ferrochrome	551	Lourenco Marques	Burnside	June 8, 1972	M/V Aktion.
Ferrochrome silicon	2,205	do	do	July 3, 1972	M/V Pholegandros.
Asbestos fibers	10	do	Charleston	July 8, 1972	SS African Sun.
Nickel cathodes	42	Beira	Baltimore	July 16, 1972	Do.
Ferrochrome	770	Lourenco Marques	do	do	Do.
Asbestos fiber	100	do	New York	July 17, 1972	Do.
Beryllium ore	27	Beira	do	do	Do.
Asbestos fibers	50	Lourenco Marques	Philadelphia	July 26, 1972	Do.
Ferrochrome	509	do	Baltimore	July 19, 1972	M/V North Highness.
Do.[1]	28,164	Beira	Burnside	July 23, 1972	M/V Angelo Schinicarellio.
Nickel cathodes	5	do	New York	July 24, 1972	SS Musi Lloyd.
Ferrochrome silicon	1,118	Lourenco Marques	do	July 30, 1972	M/V North Highness.
High-carbon ferrochrome	1,101	do	New Orleans	Aug. 14, 1972	SS S.A. Huguenot.
Nickel cathodes	42	Beira	Los Angeles	Aug. 21, 1972	SS Merwe Lloyd.
Ferrochrome	4,187	Lourenco Marques	New Orleans	Aug. 28, 1972	M/V Mexican Gulf.
Nickel cathodes	309	Beira	Baltimore	Sept. 1, 1972	SS African Moon.

Do	86	do	do	Sept. 6, 1972	SS African Lightning.
Do	6	do	do	Sept. 1, 1972	SS African Moon.
Ferrochrome silicon	550	Lourenco Marques	Detroit	Sept. 13, 1972	La Chacra.
Low-carbon ferrochrome	1,100	do	Burnside	Aug. 28, 1972	M/V Mexican Gulf.
Nickel cathodes	42	do	Baltimore	Sept. 15, 1972	Mormacbay.
Ferrochrome silicon	1,125	do	New Orleans	Oct. 6, 1972	Venthisikimi.
High-carbon ferrochrome concentrates	820	do	do	do	Do.
Ingrade high-carbon ferrochrome	2,244	do	do	do	Do.
Offgrade high-carbon ferrochrome	576	do	do	do	Do.
Simplex high-carbon ferrochrome	855	do	do	do	Do.
Asbestos fiber	75	do	Philadelphia	Oct. 11, 1972	African Sun.
Nickel cathodes	209	Beira	Baltimore	Oct. 14, 1972	Do.
Chrome ore	6,615	do	Burnside	Oct. 8, 1972	Venthisikimi.
Nickel cathodes	129	Lourenco Marques	Baltimore	Oct. 15, 1972	African Sun.
Ferro silicon chromium	1,095	do	do	do	Do.
High-carbon ferrochrome	731	do	do	do	Do.
Nickel cathodes	128	do	do	Oct. 28, 1972	Mormactrade.
Do	251	Beira	do	Nov. 5, 1972	Afircan Mercury.
High-carbon ferrochrome	2,240	do	New Orleans	Nov. 24, 1972	M/V Trade Carrier.
Ferrosilicon chromium	1,102	do	Detroit	Nov. 17, 7172	SS Treuenfels.
Asbestos fiber	20	do	Charleston	Dec. 16, 1972	SS African Lightning.
Nickel cathodes	85	do	Baltimore	Dec. 20, 1972	
Low-carbon ferrochrome	550	do	do	Nov. 7, 1972	SS Ocean Pegasus.
High-carbon ferrochrome	1,084	do	New Orleans	Nov. 28, 1972	S.A. Nederburg.
Do	2,308	do	do	Dec. 20, 1972	SS Alfredo Primo.
Asbestos fiber	25	do	Philadelphia	Dec. 29, 1972	SS African Dawn

[1] Port director, New Orleans, states that manifest indicates this shipment was chrome ore, not ferrochrome.

Mr. FRASER. Thank you very much, Mr. Lockwood, for a very thorough statement.

Mr. Hennessy, I am interested in a particular aspect of the regulations issued under the Byrd amendment. Did the Byrd amendment require that products in which a strategic material was to be found should also be exempt from the sanctions?

Mr. HENNESSY. I believe the wording of that was such that the Byrd amendment itself related to the Strategic and Critical Material Stockpiling Act. If materials were listed in that act, as put out in the OEP list, whether they were in the raw form or in some modified form, then they are included in the interpretation of the Byrd amendment.

Mr. FRASER. Is ferrochrome itself explicitly identified as a critical item?

Mr. LAWRENCE. Do you mean on the critical list?

Mr. FRASER. Yes.

Mr. LAWRENCE. No, it is considered to be a derivative of chromite ore which is on the list.

Mr. FRASER. Ferrochrome is different from chrome ore?

Mr. LAWRENCE. All kinds of materials are derived from chrome ore.

Mr. FRASER. Can you give us other illustrations where the ore, in its so-called upgraded form, is put on the critical materials list?

Mr. LAWRENCE. High and low carbon manganese ore, berryllium metal, beryllium copper alloy. There are a number of them in the stockpile.

Mr. FRASER. Do you stockpile those items as well?

Mr. LAWRENCE. Yes, we do.

Mr. FRASER. Even though they are not listed on the stockpile list?

Mr. LAWRENCE. That is right. We have 80 items in the stockpile. All together there are 117 materials in the stockpile. The other 27 are the upgraded forms of one or more of the 80.

Mr. FRASER. In other words, you have added to the list certain additional items because they are derived from the original 80.

Mr. LAWRENCE. Correct.

Mr. FRASER. Now, I want to go back to my question. Do you stockpile ferrochrome?

Mr. LAWRENCE. Yes, sir.

Mr. FRASER. What is our stockpile reserve of ferrochrome?

Mr. LAWRENCE. We have in high carbon ferrochrome 402,694 short tons, low carbon ferrochrome 318,894 short tons. In ferrochrome silicon 58,356 short tons, chromium metal, we have about 8,000 tons of chromium metal.

Mr. FRASER. Are these included in what you make an estimate of what your chromium stockpile is?

Mr. LAWRENCE. The objective, that is correct. They are translated into the ore equivalent.

Mr. FRASER. How long have we been stockpiling ferrochrome?

Mr. LAWRENCE. I guess some of it has been with us since about 25 years.

Mr. FRASER. So you have been doing that since chrome itself was identified as a critical item?

Mr. LAWRENCE. That is right.

Mr. FRASER. Mr. Lockwood, I understand from you that Rhodesia and South Africa are moving from export of chrome ore to export of ferrochrome. Is that essentially what you are saying?

Mr. LOCKWOOD. That is what I am saying, and the major component in South African ferrochrome is Rhodesian chrome processed in South Africa.

I am saying they are escalating at a very rapid rate.

Mr. FRASER. Mr. Hennessy, do you know whether or not the effect of the import of ferrochrome as distinct from chrome ore adds significantly to the dollar volume for the same amount of chrome?

Mr. HENNESSY. I do not know the answer to that but just looking at the figures, of course there is considerable value added. Over the period it does add a considerable amount, but I do not know the magnitude of it.

Mr. FRASER. Do you know the answer, Mr. Lawrence?

Mr. LAWRENCE. I am looking for it here. These are not current prices, but they are indicative. Metallurgical grade chrome ore is $52.04 per ton. High carbon ferrochrome sells for around $474 a ton. Low carbon ferrochrome, $760 a ton.

Mr. FRASER. I think Mr. Lockwood was saying it took 2½ tons to make 1 ton of ferrochrome. So that would be in the order of $125 of metallurgical chrome ore generating for export purposes $760. So, there is at least a doubling of value by shipping this ferrochrome product as distinguished from the original chrome ore. Is that correct, approximately?

Mr. LAWRENCE. I am sorry, I did not follow you.

Mr. FRASER. Is there at least a doubling in the export value?

Mr. LAWRENCE. Yes. In some cases, there would be eight times as much.

Mr. FRASER. Mr. Lockwood, you say that the use of African labor at these substandard wage levels is putting American workers out of jobs.

Mr. LOCKWOOD. That is correct. I notice from Mr. Hennessy's figures that the chrome ore is $2,822,930, and if you add up the ferrochrome high carbon, low carbon, and the ferrochrome silicon, it looks to me like you have about $6 million.

That is just adding them up. Maybe he can check that, what I am saying is that those three items together are more than twice the chrome ore value.

Mr. FRASER. Mr. Lawrence, has nickel been an import from the Soviet Union or any other Communist country in the past?

Mr. LAWRENCE. We have received it from time to time from Russia, but not in large quantities. The majority of our nickel comes from Canada and New Caledonia. Formerly we used to have large nickel deposits in Cuba, but we no longer receive any from there.

Mr. FRASER. Under the wording of the Byrd amendment then despite the fact that the Communist countries were not an important source of nickel, since we do not embargo nickel from them, we are therefore obliged to open our markets to Rhodesian-produced nickel?

Mr. LAWRENCE. That is true.

Mr. FRASER. That was an unintended result. Can you add anything to that, Mr. Hennessy?

Mr. HENNESSY. No. I think your interpretation is correct that unless there is a positive prohibition on the import of a strategic material from a Communist country, then the President in effect must allow its importation from Rhodesia.

Mr. FRASER. So, it looks like we have actually opened up the whole barn door here.

Mr. LOCKWOOD. That is correct.

Mr. FRASER. Both in terms of ferrochrome and nickel and other products never under discussion?

Mr. LOCKWOOD. That is correct. It is the nose of the camel under the tent, and there is a lot of stuff nobody was talking about.

Mr. DIGGS. Is that Hennessy's interpretation too?

Mr. HENNESSY. We are interpreting literally what the Byrd amendment says. There is a legal case pending on certain parts of the Byrd amendment. At the present time, the Customs Bureau has been allowing importation of these.

They are within the regulations. They are on the strategic list which is felt to be completely consistent with the Byrd amendment as it now stands.

Mr. FRASER. Then it is fair to say the Treasury Department opened the door as far as possible in the Byrd amendment.

Mr. HENNESSY. It is not up to the Department to determine what are critical materials. We are mainly an instrument in this case, a policeman, to make sure the things that come in are the things which the OEP puts out.

That is under the Critical Materials Stockpile Act. As Mr. Lawrence explained how things get on this list, it does not involve the Treasury Department. It is a group of State and other agencies that get involved in that.

Mr. FRASER. What is the lawsuit pending?

Mr. HENNESSY. I am not fully conversant with it. I believe Chairman Diggs is one of the plantiffs. I believe that is going to the Supreme Court. I think it is questioning the legality of the amendment itself in the face of the U.N. resolution article 41.

Mr. FRASER. Mr. Ambassador, we had a witness yesterday, Fulton Lewis III, who characterized as "a lie" the finding of the Security Council that the situation in Rhodesia was a threat to world peace. Could we have your comment on that?

Mr. YOST. Well, in general the Security Council and particularly the United States and Great Britain, as permanent members, have been very conservative in their interpretation of what constitutes a threat to the peace.

They have often objected to and opposed claims by other member states that certain situations which did not involve large-scale fighting or immediate conflict was a threat to the peace.

But, in this case, both of those two countries, without any hesitation, joined the rest of the Council in judging that this was a situation which constituted, if not immediately, over a longer run, a threat to the peace and security of that part of Africa.

I personally think that one must look ahead, that the Security Council is not justified in waiting until major hostilities begin before it acts. This is a case in which the foreseeable threat seemed so serious that, as

I said in my statement, Britain itself took the initiative in urging the Security Council to impose economic sanctions which, of course, involved a declaration that there was a threat to the peace.

So, I would certainly think that was the judgment of our own Government at the time, a judgment of all other members of the Security Council, and certainly the vast majority of the member states in the United Nations.

Mr. FRASER. I should add that Mr. Bingham, who had to leave, was particularly anxious that you have a chance to comment on that point. Mr. Gross.

Mr. GROSS. Thank you, Mr. Chairman.

Mr. Lockwood, I note that you are the director of the Washington office on Africa. I know the positions held by your colleagues sitting at the witness table, but what is this office?

Mr. LOCKWOOD. The office attempts to monitor national policy and to be responsible to what is going on on Capitol Hill in respect to issues that are of concern particularly with regard to southern Africa, issues like sanctions against Rhodesia, the Fair Employment Practices Act, things of this kind.

We are responsive to and responsible to a steering committee, six representatives at the present time.

Mr. GROSS. Six representatives of what?

Mr. LOCKWOOD. Five are church organizations, the Episcopal Church——

Mr. GROSS. This is an office of the Episcopal Church?

Mr. LOCKWOOD. No, it is not. I am saying it is funded and sponsored by five or six Protestant denominations and the American Committee on Africa. We receive funds from the Episcopal Church, the United Presbyterian Church, the Methodist Church, the United Church of Christ, Board of World Ministries; the Disciples of Christ gives us some assistance as well.

We try to be responsible to that constituency and try to inform them about the issues and help them to make up their minds in regard to what they should be doing in terms of communicating with Congress about various bills, et cetera, that come up. We do information service, as we have today, and have done some research.

Mr. GROSS. I happen to be a Presbyterian. Is the Presbyterian Church supporting this office with funds from the Presbyterian Church?

Mr. LOCKWOOD Yes. You could consult with Josiah Beeman who is the representative of the Presbyterian Church here in Washington.

Mr. GROSS. I was afraid that would be your answer. Are you really advocating an antilitter bill as stated in your opening presentation?

Mr. LOCKWOOD. That was simply an attention-getter. I am serious about the fact that we tend not to look at what people say when they say they want a piece of legislation because they expect certain consequences to flow from that legislation. What I am saying is that we should look at those consequences very seriously and see if something didn't happen that cast a different light on the rationale and purpose for which that legislation was passed.

Mr. GROSS. You know what that suggested antilitter bill would encompass, don't you? The Congressional Record would go out in your antilitter bill, wouldn't it?

Mr. LOCKWOOD. I would say "Amen" to a lot of that.

Mr. GROSS. Would you say "Amen" to getting rid of some of the propaganda the Presbyterian Church has been putting out?

Mr. LOCKWOOD. I am not an expert on the Presbyterian Church.

Mr. GROSS. I only mention the Presbyterian Church because I am a member. I don't know how long I will be a member.

What do the Russians pay by way of mining for chrome ore; do you know?

Mr. LOCKWOOD. I think the question is whether it is forced labor or not.

Mr. GROSS. Is it forced labor in Russia?

Mr. LOCKWOOD. We could make an investigation into that. I don't know.

Mr. GROSS. Have you ever stopped to ask yourself the question of whether it is forced labor in Russia?

Mr. LOCKWOOD. I don't believe it is.

Mr. GROSS. What if you didn't want to mine chrome ore in Russia after you were assigned the job? Do you have any idea of what would happen?

Mr. LOCKWOOD. Mr. Gross, it would be speculation on my part to claim that I know the answer to your question. I assume you do.

Mr. GROSS. No, I don't know. You are the witness. You are telling us about the situation in Rhodesia, and comparing it, the end product, with the mining of ore in Russia and the price of ore from Russia.

Mr. LOCKWOOD. Mr. Gross, I do not support the importation of goods made by forced labor.

Mr. GROSS. Then you would exclude a lot of goods presently coming into the United States, wouldn't you?

Mr. LOCKWOOD. There is an international convention against the importation of goods made by forced labor which the Congress of the United States, in its wisdom, has incorporated into its legislation.

Mr. GROSS. I am not aware of any labor in Russia that is not forced labor. Are you?

Mr. LOCKWOOD. I am not an expert on the subject of labor in Russia. I am saying I am against the importation of goods made by forced labor.

Mr. GROSS. Maybe Mr. Yost can answer that question, with his vast experience. I am sorry I was not here to hear you give your statement, Mr. Yost, but you seem to lean heavily on the right of self-determination, or do you?

Mr. YOST. Yes, I do.

Mr. GROSS. What kind of self-determination do they have in Russia?

Mr. YOST. Well, sir, I am not, certainly, here to defend the Soviet Union or their practices. I think my point was that in this particular case, we have an action by the United Nations which is binding and mandatory on all members of the United Nations who signed the charter. This happens to relate to Rhodesia.

I think we should be bound by our treaty obligations in this case. If the United Nations should take similar action with regard to the Soviet Union or any Communist country——

Mr. GROSS. You know the United Nations Charter has been breached so many times that no one can find an adding machine or a computer with enough digits on it to take care of the situation.

That is an exaggeration, but you know the United Nations Charter has been breached many, many, many times, and they have not lived up to their obligations in many other ways. You know that.

Mr. YOST. The laws of the United States are violated every day, but I try to be a law-abiding citizen, and I think our country should.

Mr. GROSS. Thank you, Mr. Chairman.

Mr. FRASER. Chairman Diggs.

Mr. DIGGS. Mr. Hennessy, I understand that Union Carbide might be reinvesting its profits resulting from the Byrd amendment, and so on, to expand its Rhodesian operations. Do you have any information about this?

Mr. HENNESSY. I do not, Mr. Chairman. I am sure that information could be obtained.[1]

Mr. DIGGS. Do you know anything about a report that Union Carbide is expanding its ferrochrome plant in Rhodesia with all the latest automation equipment, et cetera?

Mr. HENNESSY. I do not. They would be prohibited from investing from the United States and sending goods or remitting funds for that, but I don't know specifically.

Mr. DIGGS. You have the responsibility for insuring that relevant sanctions and regulations are observed?

Mr. HENNESSY. In regard to the importation of goods under the Byrd amendment, yes, sir.

Mr. DIGGS. How do you scrutinize the operations of Union Carbide or Foote Mineral or any other American organization inside Rhodesia to assure their compliance?

Mr. HENNESSY. Our mandate extends to the fact that they cannot provide funds from the United States or import goods in. I think quite clearly we are interested in making sure that they do not violate any aspects of the U.N. resolution which are under our control.

So I think it is well for us to be aware of any of the activities that are going on there, but unless they result in exports to the United States or remittances or goods from this country being sent in there, I am not sure that would fall within our particular legislative mandate.[1]

Mr. DIGGS. Well, by what means do you obtain information on possible violations of sanctions?

Mr. HENNESSY. Well, at the time of importation, importers must have licenses and must file a report with the Treasury Department when they are importing goods from Rhodesia. At the time the customs are cleared, it is checked to see whether those goods are, in fact, on the strategic list. If they are, they are permitted to come in under the terms of the Byrd amendment. If they are not, they would not be.

There is a recent case where Avis, which I believe had an operation there, wished to send a sign in. We were informed of that and we prohibited that.

When things cross our borders, we have published regulations which we assume people are keeping. They cannot make remittances or send goods or services without those going through this process. I assume that these are effective.

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[1] See appendix 1, p. 149, for Mr. Hennessy's letter of March 15, 1973, in clarification.

Mr. DIGGS. Are you aware of a report from the Institute of Strategic Studies, to be exact September 2, 1971—that is a United Kingdom institution—indicating that Lockheed had exported to Rhodesia seven light planes for the air force built by an Italian firm by the name of Aermacchi?

Mr. HENNESSY. No, I am not aware of that report.[2]

Mr. DIGGS. Well, I command it to your attention and would like to know what action the Department might contemplate. Are there any investigations going on at present with respect to any violations, suspected or reported?

Mr. HENNESSY. Not at this time. We would certainly investigate, and if there is reason to believe that there are violations, then the decision would have to be made. If it is a clear violation, there would be prosecution, as with any violation of a regulation of the Treasury.

Mr. DIGGS. What about the prior notification of cargoes of Rhodesian commodities? Why is there no provision for prior notification? There was nothing in the Byrd amendment authorizing Treasury to give up this responsibility. On those occasions when these cargoes had been found out about through other sources, Treasury pleads ignorance of it all.

Mr. HENNESSY. I am not sure I understand the question, Mr. Chairman. To the best of our knowledge, there has been no importation since the article 41 came into effect through the issuance of the Executive order. Even subsequently amended by the Byrd amendment, there has been no importation of materials or goods from Rhodesia which are not on that strategic list, so I am not sure I understand.

Mr. DIGGS. I do not have time to go through all of the questions I have, and I will be submitting them and ask unanimous consent to submit these questions so that the witness can answer all the questions that I have, Mr. Chairman.

Mr. FRASER. Without objection, it is so ordered.

[Mr. Diggs' questions and Treasury replies follow:]

RESPONSES BY DEPARTMENT OF TREASURY TO QUESTIONS SUBMITTED BY HON. CHARLES C. DIGGS, JR.

Dear Mr. Chairman, your letter of March 12, 1973, requests answers to 31 questions enclosed with your letter. That letter crossed in the mail with my letter of March 15, 1973 to you. The latter letter (copy enclosed for your ready reference) elaborated on my testimony at the joint subcommittee hearings, and answered a substantial number of your present questions. For the sake of brevity, I will refer to the information set forth in that letter, wherever appropriate, in lieu of repeating the same material here.

Question 1. Have you given any thought to the prohibition in the United Nations sanctions resolution against the building up of the financial or economic resources of southern Rhodesia? What steps have been taken to comply with this prohibition?

If Treasury is not the concerned agency, which agency is charged with this responsibility?

Answer. Financial and economic resources are built up in several ways: Through internally generated capital; through visible and invisible exports; through imports of capital; and, through imports of goods and services on current account.

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[2] See appendix 1, p. 149, for Mr. Hennessy's letter of March 15, 1973, in clarification.

To the extent the capital is generated internally, external sanctions do not have any direct impact. The remaining sources of build-up of resources cited above are all external in nature, and can be affected by external actions such as economic sanctions.

The United States has taken the following steps to comply with the prohibition of the U.N. sanctions affecting the build-up of Rhodesian financial or economic resources:

(*a*) Prohibits unlicensed imports from Rhodesia (Treasury);

(*b*) Prohibits unlicensed current and capital transfers to Rhodesia (Treasury);

(*c*) Prohibits unlicensed exports to Rhodesia from third countries (Treasury);

(*d*) Prohibits unlicensed exports from United States to Rhodesia (Commerce); and,

(*e*) Prohibits unlicensed transport of goods to and from Rhodesia and U.S. aircraft flying to Rhodesia (Transportation).

Question 2. In which Rhodesian subsidiaries of U.S. companies have operations been expanded?

Question 3. What steps are taken to prevent U.S. companies with subsidiaries there from expanding their operations out of retained earnings?

Question 4. I understand that Union Carbide Corp. is reinvesting profits resulting from the Byrd amendment to expand its Rhodesian operations. What is your understanding on this?

Question 5. Could you confirm or deny the report that Union Carbide is expanding its ferrochrome plant in Rhodesia to produce more sophisticated chrome alloys, with all the latest automation equipment?

Question 6. How do you scrutinize the operations of Union Carbide inside Rhodesia to insure that it is observing the relevant sanctions regulations?

Question 7. Can Foote Mineral Co., under the sanctions regulations, set up a plant in southern Rhodesia to process chrome ore for export to the United States?

Answers 2–7. See numbered paragraphs (1) and (2) of my letter of March 15, 1973. The parent U.S. companies are prohibited from being involved in any expansion of the operations of the Rhodesian subsidiaries. As stated in the letter of March 15, the United States has no control over the activities of the mandated Rhodesian subsidiaries, and they could conceivably expand or reinvest under directives from the Rhodesian authorities out of retained earnings. They could not obtain capital from the parents.

We have no information as to whether any expansion has occurred. We would point out that if questions 5 and 7 about expansion of the activities of the subsidiaries of Union Carbide and Foote Mineral are not hypothetical but relate to actual events, the machinery and other equipment was not licensed for export from the United States. It is implicit from this that any violation of the U.N. sanctions by the supply of machinery would have occurred in some other member country.

Question 8. What is your reaction to the fact that the importation of ferrochrome from Rhodesia under the Byrd amendment is throwing Americans out of work in the United States? How would you compare this with the exaggerated concern expressed about American workers in the stainless steel industry meeting unfair competition from Japan?

Answer. We have laws to deal with unfair competition from foreign sources, such as the antidumping laws. We also have provisions in the Trade Adjustment Act to deal with the problems of American workers and American business who may be unemployed or otherwise seriously affected as a result of foreign imports. I would say, therefore, that we are in general equipped to cope with unfair competition and unemployment due to imports. So far as Rhodesian ferrochrome is concerned, the Treasury's role is to administer a law passed by Congress. I would, therefore, not wish to compare the effects of that statute with the assistance provided by the other laws mentioned above.

Question 9. This committee was informed by the executive branch before the final passage of the Byrd amendment that only chrome would be affected. Why are we now finding that nickel, asbestos, and beryllium are allowed in, contrary to the understanding conveyed to Congress?

Answer. The legislative history of the Byrd amendment discloses that as initially introduced it applied to any strategic and critical material and not just to chrome (S. 1404 and H.R. 5445). The major argument of its supporters was that the United States should not be dependent on Communist sources for strategic materials. Since chrome was the only Rhodesian strategic material which we were then importing principally from the U.S.S.R., it was the obvious illustration to be adduced in the debate pro and con, and in testimony.

The Treasury is bound by the law as enacted, and must admit all commodities eligible for admission under its text.

Question 10. Why is there no provision for prior notification of cargoes of Rhodesian commodities? There was nothing in the Byrd amendment to authorize Treasury to give up responsibility for supervision of imports from Southern Rhodesia.

Answer. See numbered paragraph (4) of my letter of March 15, 1973.

Question 11. By what means do you normally obtain information on possible violations of sanctions?

Answer. See numbered paragraph (1) of my letter of March 15, 1973.

Question 12. What kind of investigations are proceeding at present?

Answer. (1) An investigation is pending of a possible purchase of Rhodesian steel; (2) An investigation is being conducted into the importation of elephants from Mozambique suspected of being of Rhodesian origin; (3) An alert has been placed at customs ports to watch for the possible import of certain other wild animals known to have been exported recently from Mozambique for an unknown country; (4) Animal hides imported by an American who purchased them while in Rhodesia have been seized; (5) We are looking into a vague press report that unidentified "U.S. interests" purchased unspecified Rhodesian goods for shipment to unspecified destination; and (6) We are investigating the supplying of $250 worth of advertising materials to a franchise in Rhodesia.

To place this answer in perspective, it should be remembered that the principal Rhodesian commodities of interest to American importers are covered by the Byrd amendment. Moreover, all other Rhodesian commodities are available from other sources. Consequently, the possible gains to be derived from sanctions violations would be far outweighed by the serious risks involved. For this reason, there is relatively little incentive to violate, so far as imports are concerned.

Question 13. What action has been taken against Lockheed for the export to Rhodesia of seven Lockheed light planes for the air force, built by the Italian firm Aermacchi? (Institute of Strategic Studies, September 2, 1971.)

Answer. See numbered paragraph (3) of my letter of March 15, 1973.

Question 14. What is the role of South Africa and Portugal in sanctions evasions by U.S. nationals?

Answer. There have been very few sanctions evasions by U.S. nationals. In one early case, the Portuguese colony of Mozambique issued false documents of origin covering imports of Rhodesian iron ore. The American importer pleaded guilty to criminal charges. In a recent case, Americans pleaded guilty to violations of Commerce and Treasury regulations by exporting U.S. origin goods to Mozambique for Rhodesia. In that case, there were false documents and false representations from South African intermediaries.

It would not be appropriate to comment on the facts of those cases presently under investigation. I would note, however, that a principal technique which is frequently followed in connection with evasions of import embargoes is to furnish false documents of origin. As a matter of general policy FAC does not regard Chamber of Commerce certificates, et cetera, from most countries as acceptable proof of origin of suspect commodities.

So far as the role these two countries may play with regard to U.S. exports, the Department of Commerce would be the competent agency to inform you in this respect.

Question 15. What steps are you taking to check U.S. business transactions in or with South Africa, that might be a cover for sanctions evasions?

Question 16. What steps are you taking to check transactions in or with Portugal and its colonies?

Answer 15 and 16. With respect to imports, see the answer to (12) above. With respect to exports, the Commerce Department is the competent agency. With respect to financial transactions, we rely mainly on the banking system to preclude remittances to South Africa or Mozambique destined for Rhodesia. Additionally, information from the sources cited in my letter of March 15, 1973, is received (and investigated when appropriate) with respect to possible transactions with Rhodesia through South Africa or Portugal and its colonies.

Question 17. In connection with the New York accounts of the illegal regime, which banks are involved?

Answer. Barclay's Bank and the Standard Bank Ltd.

Question 18. If allowing the regime the use of these accounts is a quid pro quo for their allowing church donations to reach their destination, why did you fail to respond to the regime's prolonged refusal to allow Methodist Church funds to go through?

Answer. Church donations are licensed for humanitarian, medical, and educational purposes. We understand that the Rhodesian regime has not interfered with legitimate remittances of these types. There was thus no occasion for any action on our part. The case to which you refer involved transfers allegedly ultimately destined for African political organizations.

Question 19. What is your attitude to urgent Zambian requests for assistance in tightening sanctions against Rhodesia, in light of our earlier efforts, in 1966 and 1967, to assist Zambia? In particular, what emergency procedures and considerations were applied then that could be used in the present urgent case?

Answer. This question could best be answered by the Department of State. It is my understanding that they are replying to your parallel inquiry to that Department.

Question 20. What are the specific procedures that an importer has to take when arranging the importation of material which is of southern Rhodesian origin?

Question 21. What procedures are taken by customs when a cargo is of Southern Rhodesian origin?

Question 22. What measures are taken to check whether the material being imported is in fact the one claimed, and is in fact covered by the Byrd amendment?

Answer 20–22. The import procedure involves the filing with customs at the time of entry of various documents, the most important of which is the Customs Entry. This form requires a statement as to the country of origin of the material being imported. If it is a critical and strategic material of Rhodesian origin, the importer must also file with customs at that time the statement required by § 530.517 of the Treasury's Rhodesian Sanctions Regulations, with a duplicate copy to be mailed directly to FAC.

If customs is uncertain as to whether the commodity is in fact eligible for entry § 530.517, customs will contact FAC for a ruling. If, on the other hand, the commodity clearly is not eligible under § 530.517, customs will detain it until either an FAC license is presented or other authorization for release is given by FAC. Such licenses or authorizations are not normally granted, except for minor cases involving imports of publications, news material, and household effects of immigrants or of Americans who formerly resided in Rhodesia and are now returning to resume residence in the United States.

Question 23. Is any Rhodesian chrome being processed in South Africa for export to the United States?

Answer. Yes.

Question 24. If Rhodesian commodities imported into the United States are processed elsewhere, what procedures are used?

Answer. Apart from chrome ore processed into ferrochrome in South Africa, we are not aware of any such cases. Most Rhodesian exports of interest to American importers would normally be imported in the same form as exported from Rhodesia. There would be no economic reason to process them in a third country.

Question 25. Please supply a complete statement defining the scope of U.S. Government violations of specific paragraphs and subparagraphs of the Executive order establishing sanctions, and of United Nations resolutions relating to sanctions.

Answer. The U.S. Government has not violated the Executive orders establishing sanctions. The original Executive orders were amended pro tanto by congressional passage of the Byrd amendment and the President's decision to implement it.