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POLICY SERIES

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GOVERNMENT

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Executive-Legislative Consultation on Foreign Policy

*Sanctions Against
Rhodesia*

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FOREWORD

This report on "Executive-Legislative Consultation on Foreign Policy: Sanctions Against Rhodesia," is the sixth of a series on congressional-executive relations in foreign policymaking which is being prepared by the Congressional Research Service for the House Foreign Affairs Committee.

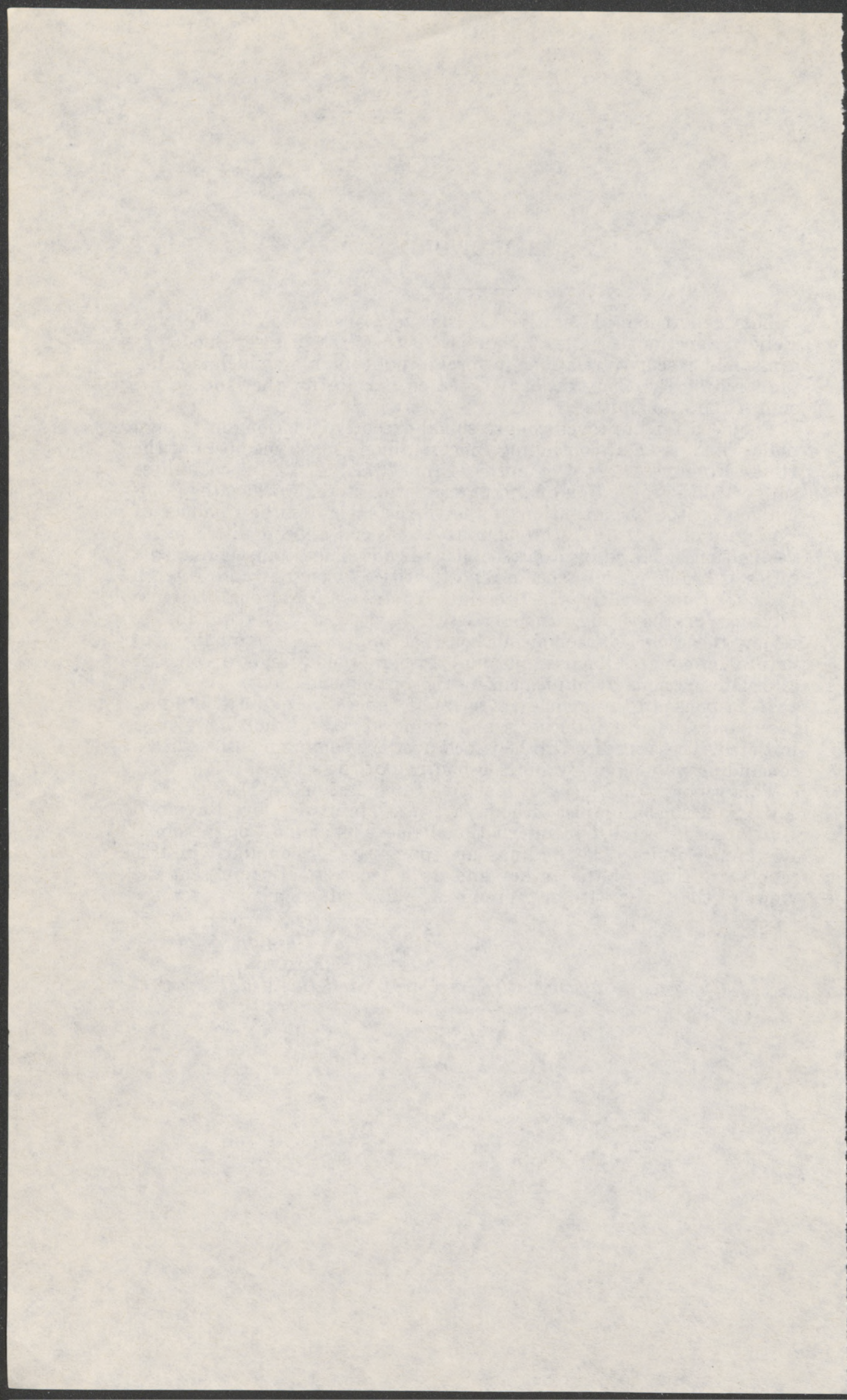
The need for improved congressional-executive relations in foreign policy is an issue of continuing concern among many members of the House Foreign Affairs Committee. From 1972 to 1975, the committee supported the formation of and participation in the work of the Commission on the Organization of the Government for the Conduct of Foreign Policy. In 1977, the committee's Special Subcommittee on Investigations, chaired by Representative Lee H. Hamilton, conducted a series of hearings and issued a report entitled "Congress and Foreign Policy." Subsequently, the Foreign Affairs and National Defense Division of the Congressional Research Service was requested to review the report's recommendations for improving the quality and nature of congressional input into foreign policy and to consider alternate methods of implementing the recommendations.

In response to this request, a series of functional and case studies, based on extensive interviews and roundtable workshops, has been initiated. These studies will be issued over the coming months, with a concluding volume analyzing the findings of the series.

This report, "Executive-Legislative Consultation on Foreign Policy: Sanctions Against Rhodesia," was prepared by Raymond W. Copson, specialist in international relations at the Congressional Research Service. The findings and observations contained in this report are those of the author and do not necessarily represent the views of the Committee on Foreign Affairs or its members.

CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs.

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.



LETTER OF SUBMITTAL

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., May 28, 1982.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East,
House of Representatives,
Washington, D.C.

DEAR SIRs: I am pleased to submit the report entitled "Executive-Legislative Consultation on Foreign Policy: Sanctions Against Rhodesia." The report is the sixth in a series being prepared at your request by the Foreign Affairs and National Defense Division.

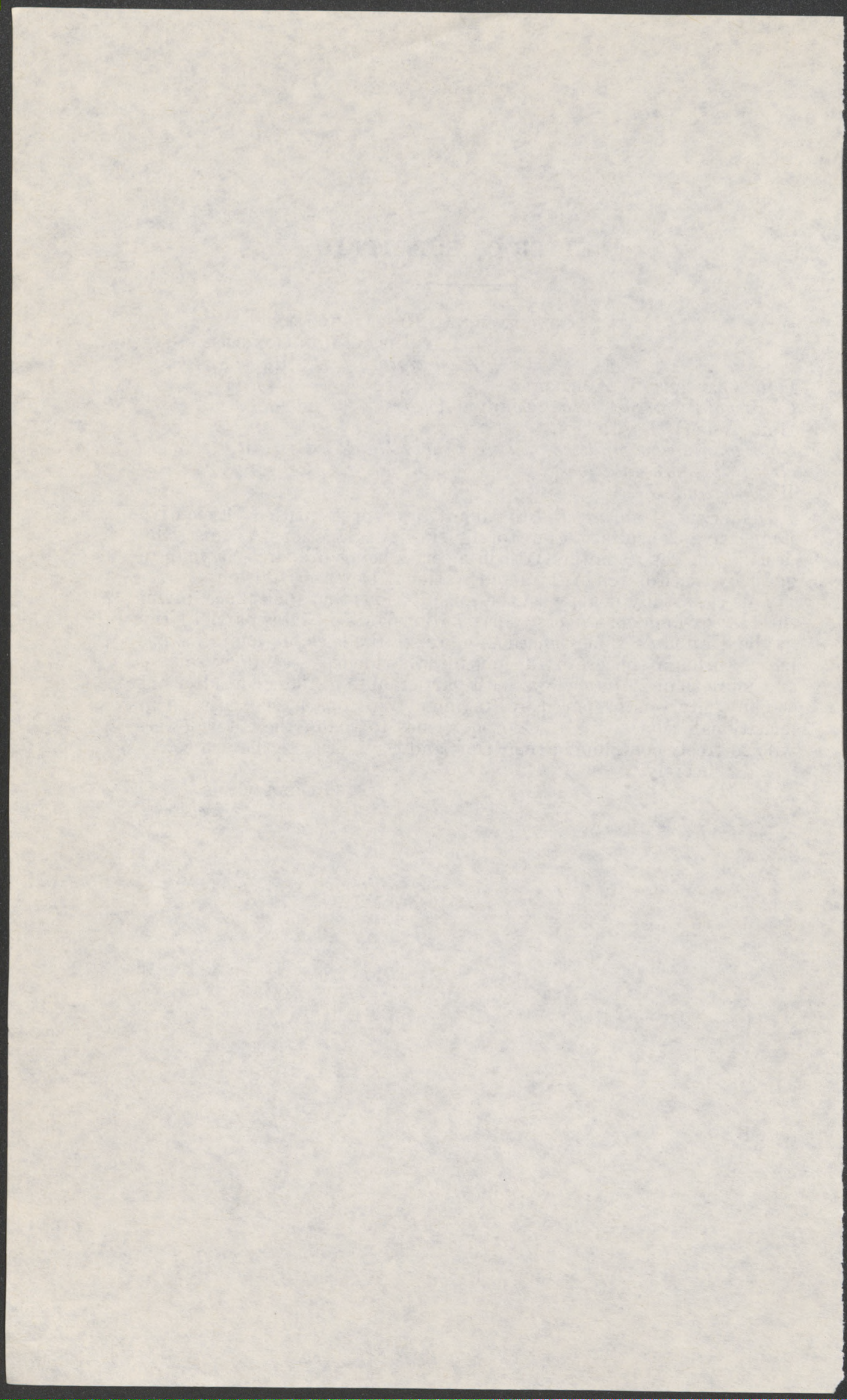
This case study deals with the consultations that took place during the 14-year-long controversy surrounding United States participation in the United Nations sanctions against Rhodesia. It has been prepared through the use of documentary evidence, secondary sources, and more than 25 interviews with participants in these consultations.

The study was prepared by Raymond W. Copson, specialist in international relations. Dr. Copson wishes to thank the interviewees, who so freely contributed their time and their ideas to the project.

Sincerely,

GILBERT GUDE,
Director.

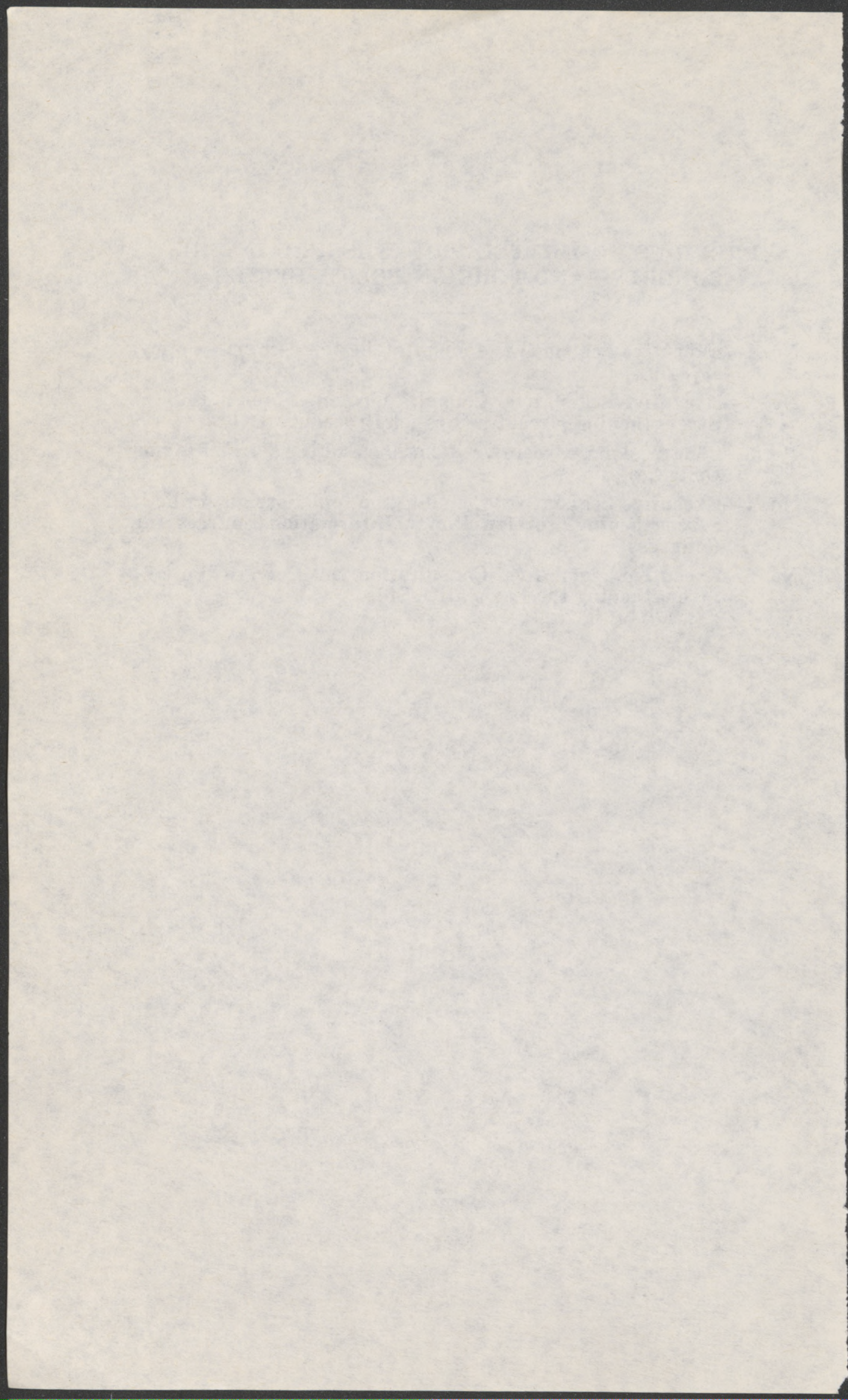
Enclosure.



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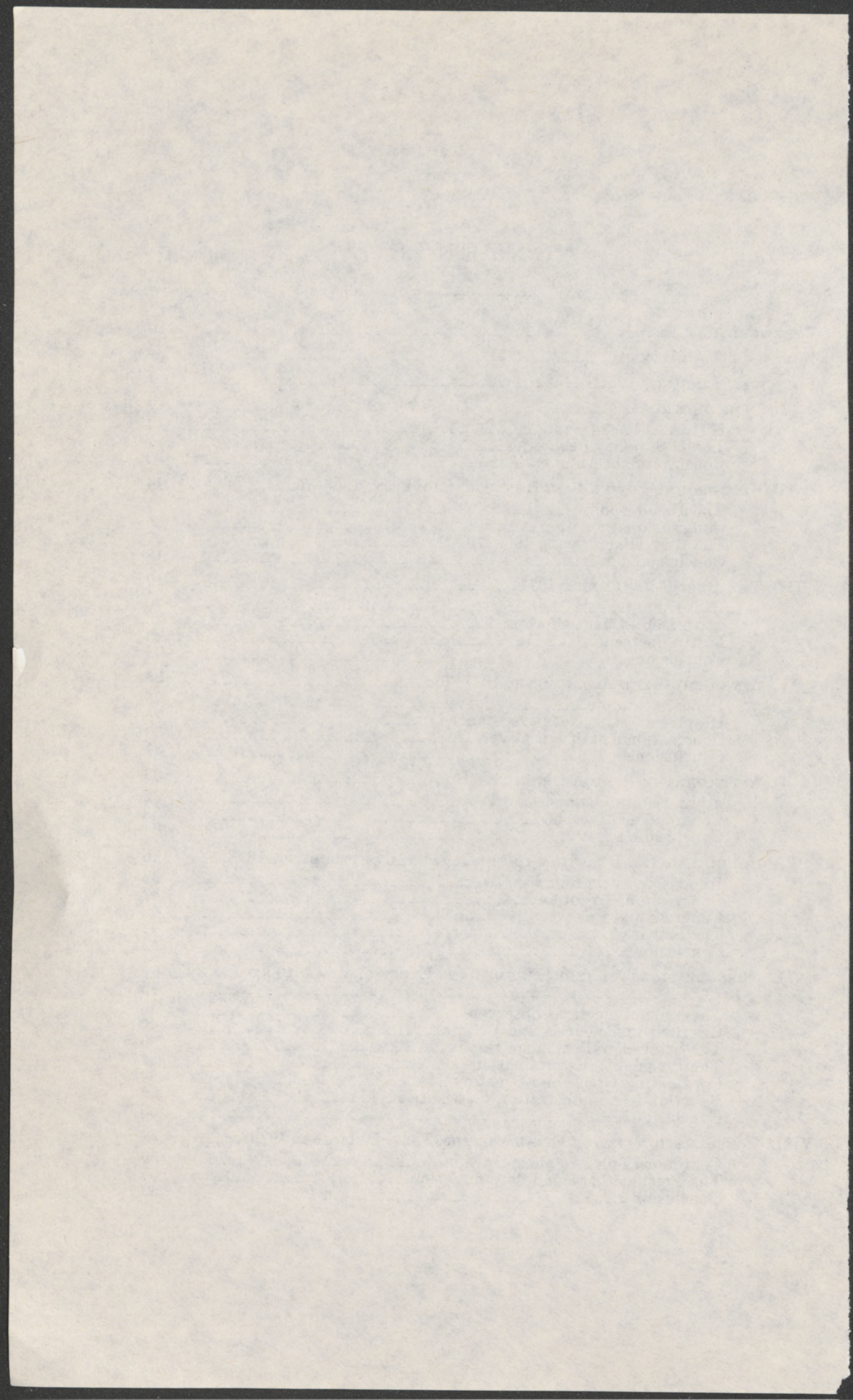
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(VII)



CONTENTS

	Page
FOREWORD.....	III
LETTER OF SUBMITTAL.....	v
PRINCIPAL FINDINGS.....	1
I. INTRODUCTION.....	4
Historical background.....	4
The U.S. policy debate.....	7
Consultations: An overview.....	9
II. BACKGROUND TO THE SANCTIONS CONTROVERSY, 1965-70.....	14
The U.S. response.....	14
Congressional reaction.....	15
The first Nixon years, 1969-70.....	17
Conclusion.....	18
III. THE BYRD AMENDMENT, 1971.....	19
Background.....	20
State Department efforts.....	20
Mutual perceptions.....	23
Conclusion.....	24
IV. AFTER THE BYRD AMENDMENT, 1971-76.....	25
Repeal attempts.....	25
Response of the executive branch.....	25
Congressional staff initiatives.....	30
Conclusion.....	31
V. ALTERING THE BYRD AMENDMENT, 1977.....	32
Administration support for repeal.....	32
Congressional factors.....	33
Conclusion.....	35
VI. CONGRESSIONAL REACTION TO THE INTERNAL SETTLEMENT, 1978.....	36
Rhodesian background.....	37
Congressional reaction.....	37
Congress and the executive branch.....	40
The Smith visit.....	43
Conclusion.....	45
VII. CONSULTATIONS ON THE RHODESIAN ELECTIONS, JANUARY-JUNE 1979.....	46
The issue of elections observers.....	46
Elections in Rhodesia and Britain.....	49
The Schweiker-DeConcini resolution.....	50
The President's determination.....	52
Contrasting House and Senate votes.....	54
Reaction to administration tactics.....	56
Conclusion.....	58
VIII. CONSULTATIONS IN THE FINAL MONTHS, JULY-DECEMBER 1979.....	59
Conferences on two authorizations.....	60
The President's second determination.....	65
Conclusion.....	69



PRINCIPAL FINDINGS

The 14-year-long controversy in the United States over the U.N.-imposed sanctions against Rhodesia was rarely at the forefront of the national policy debate, but it was the source of considerable strain in relations between Congress and the executive branch. Some in Congress strongly believed from the first that the U.S. policy of supporting the sanctions was gravely in error. They felt that the United States should befriend the Rhodesian regime and not oppose it. Another group was never satisfied that the executive was doing enough to bring a rapid end to white rule in Rhodesia. Members of this group consistently believed that the executive branch could have been much more rigorous in enforcing the sanctions and in resisting congressional attempts to terminate or modify the applicability of the sanctions resolutions to U.S. firms and individuals.

The executive branch, under successive administrations, regarded the Rhodesian problem as a sensitive foreign policy question, affecting U.S. relations with Britain, the United Nations, and the African states. Congress was not perceived by the executive as having a legitimate role to play in setting the policy. The initial policy decisions in 1965-68 that set the course of Rhodesia policy through 1979 were made entirely in the executive branch. Congress was kept informed of policy decisions on Rhodesia, but it was not asked, either in that period or subsequently, to assist in the framing of policy options with respect to Rhodesia or to participate in the choice among options.

The interactions that took place between Congress and the executive branch on the Rhodesian sanctions thus lacked the primary characteristic of what most observers would term good consultations—early congressional involvement in key policy decisions. The executive branch, instead, used consultations, in the broad sense of discussions and exchanges of views, as a tactic to defend a policy it was itself making with minimal congressional involvement. These consultations took three principal forms: Persuasion campaigns intended to generate congressional support for Rhodesia policy and to deflect legislative attempts to alter the sanctions; strategy sessions held with congressional supporters of the sanctions in order to coordinate efforts to defeat repeal attempts; and bargaining sessions held with opponents of the sanctions in the hope of minimizing any congressionally imposed policy changes. In addition, the executive sometimes used its discussions on the sanctions with Members of Congress and their staffs as a means of gathering intelligence on congressional attitudes prior to major sanctions-related votes.

Consultations, even in these limited senses, were sporadic and were undertaken only when the executive branch perceived that congressional initiatives might force an end to U.S. participation in the sanctions. The sporadic character of these interactions meant that the effectiveness of consultations as an intelligence technique was limited.

The Department of State was surprised by the strength of congressional antisanctions forces in 1971, when the Byrd amendment, imposing a partial lifting of the sanctions, was enacted, and again in 1978, following the internal settlement in Rhodesia.

Some observers have speculated that the limited consultations the executive was willing to permit could have been conducted with greater effect. They argue that a long-term, prosanctions congressional relations program on the part of the executive branch would have promoted congressional support for the sanctions, reduced the need for last-minute persuasive efforts in a crisis atmosphere, and enhanced executive understanding of congressional views. Such a program, however, would have required the executive to devote more resources to the Rhodesian issue than it was willing to make available. Nor is it clear that many Members of Congress would have been willing to devote the time needed to participate in such a program. Some might have regarded it as unwarranted executive branch "lobbying."

The desire for greater congressional involvement in Rhodesian policy was not universal in the legislative branch. Particularly during the early stages of the controversy, many Members—perhaps a majority—regarded the issue as a minor one, remote from U.S. concerns. The executive's monopoly on Rhodesia policymaking was thus initially resented only by those few Members who were ready to take firm positions on the sanctions. As sentiment in favor of lifting the sanctions mounted, an increasing number of Senators and Representatives were irritated by the absence of consultations on policy decisions and by the executive's apparent use of the consultations that did take place as a tactical device for evading congressional involvement in policymaking. Congressional supporters of the sanctions, for their part, were unhappy with what they perceived as the executive's failure to make full use of consultations as a tool for generating congressional support for the sanctions policy.

A number of obstacles stood in the way of establishing a consultative relationship that would have been more cordial and cooperative. Of first importance, as already mentioned, was the executive's conviction that the making of Rhodesia policy was rightfully an executive responsibility and should have been kept within the executive branch. It was this conviction that caused the executive to resist any suggestion that Congress be allowed a genuine role in the making of the critical decisions on sanctions policy.

Limitations on the resources of the State Department were a factor in restricting the executive's ability to maintain a continuous consultative relationship with Congress on the sanctions. Except for moments of intensive campaigning in support of the sanctions, only one or two individuals at the Department were assigned to congressional liaison on Rhodesia. Moreover, until the Carter administration came into office, the sanctions against Rhodesia were given a low priority among other executive branch concerns. The highest ranking officials, as a result, rarely became involved in congressional relations on Rhodesia, further hampering efforts to win support for the executive's position.

Consultations between Congress and the executive were hampered by the reciprocal negative images often held by individuals in one branch with respect to the other. Congressional opponents of the sanctions were seen by some in the executive as insensitive to a delicate

diplomatic situation for the United States in sub-Saharan black Africa and at the United Nations. Congressional staff were sometimes perceived as impetuous and inexperienced. Rhodesia was important for them, some in the executive branch felt, primarily for the personal and political gains that could be gotten from the issue. Many in Congress, on the other hand, saw executive branch personnel as arrogant in their refusal to consult with Congress on the critical Rhodesia policy decisions and as foolish in their failure to recognize the power of Congress to alter the course of policy. Some who held this view perceived representatives of the State Department in particular as unjustifiably obstinate and as unresponsive to reasoned congressional criticism.

The consultative relationship was damaged when the two branches suspected one another of bias on the issue. The effectiveness of State Department advocacy of full U.S. adherence to the sanctions during the Nixon administration was undermined by a congressional perception, despite official denials, that the White House did not fully support the Department's efforts. Some individual or individuals within the White House, many congressional supporters of the sanctions believed, had covertly let it be known that the White House did not oppose passage of the 1971 Byrd amendment, which allowed the importation of critical and strategic materials from Rhodesia. The effectiveness of the Carter administration, which narrowly succeeded in defending the sanctions against congressional repeal attempts, was reduced because many in Congress suspected it of a tilt in favor of the Patriotic Front guerrilla movement in Rhodesia. Some members of the Carter State Department came to see the Senate as determined to lift the sanctions regardless of any consequences that might ensue. As a result, discussions with the Senate were reduced to a minimum for a time while efforts to avoid a congressionally imposed end to the sanctions were concentrated on the House.

A willingness in each branch to modify negative perceptions of the other could have contributed to a more cordial relationship. But it may be that such perceptions can hardly be avoided in an open political system marked by party and institutional rivalries, especially when the issue in question is one which, like the Rhodesian sanctions, gives rise to strong views and opinions. In short, while it is possible that the atmosphere for consultations could have been improved, a significant measure of acrimony in congressional-executive relations on the sanctions issue seems to have been almost inevitable.

The experience of the Rhodesian sanctions debate suggests that Congress is not likely to be fully satisfied that there has been adequate consultation unless it is brought in on the framing of policy options and on the choice among options. The policymaking prerogative, however, will be closely guarded by the executive branch. In the Rhodesian case, concessions to congressional attempts to play a role in policymaking were made reluctantly, and usually only when the executive saw minor concessions as necessary in order to preserve an overall line of policy. If Congress had been given a major role in the making of Rhodesia policy, however, not every Member of Congress would have been satisfied with the outcome. Objections would no doubt still have been heard from those who felt that the policy choices made after consultations were incorrect.

I. INTRODUCTION

The U.N.-imposed economic sanctions against Rhodesia were a source of strain in relations between Congress and the executive branch for 14 years, spanning four administrations and eight Congresses. In retrospect, it may seem remarkable that what was, at least at the outset, partly an African issue and partly a British colonial question should have become the source of so much discord. In fact, Rhodesia was rarely at the forefront of the national policy debate, and for many Americans it was always a remote concern.

Other Americans, however, including many Members of Congress, came to see Rhodesia as highly significant in itself and as a symbol of larger political and moral questions. For some, Rhodesia was a critically important source of chromium, essential to the U.S. steel industry, and a bastion against disorder or communism in strategic southern Africa. The U.N. sanctions against Rhodesia, for this group, were an unwarranted attempt by the world body to dictate U.S. policy and to interfere with the ability of the United States to defend important national interests. Supporters of the sanctions, in contrast, saw Rhodesia as a test of the U.S. commitment to human rights and morality in world affairs—a test that, if failed, could jeopardize the U.S. position elsewhere in Africa and in the emerging Third World at large. Failure to abide by the sanctions, from this perspective, would amount to a dereliction of U.S. legal and moral responsibilities to the world community.

Rhodesia thus found a place among the issues on the national political agenda, as successive administrations advocated support for the U.N. sanctions. To varying degrees, each administration was sensitive to the diplomatic and political costs that a U.S. decision to ignore the sanctions could entail. For the Carter administration, support for the sanctions was an important part of its hallmark human rights policy. This executive branch advocacy of the sanctions was inevitably opposed by those in Congress who felt the sanctions were a mistake. Nor was the executive immune to criticism from those on the other side of the debate, who advocated strong U.S. opposition to the Rhodesian regime. The Nixon administration, which many in this group suspected of being less than sincere in its support for the sanctions, was condemned in particularly strong terms. But other administrations were also criticized for alleged failures to enforce the sanctions rigorously or to defend them adequately against congressional repeal attempts.

HISTORICAL BACKGROUND

The immediate cause of the Rhodesia controversy was the Unilateral Declaration of Independence (UDI) issued by the white settler regime in Southern Rhodesia, as the self-governing colony was then known, on November 11, 1965. Britain, as it brought its colonial role in Africa to an end, had insisted that the Rhodesian Government rapidly ame-

liorate the political status of Rhodesian blacks and guarantee that unimpeded progress would be made toward majority rule. Rhodesia's population, which totaled 5 million in a 1969 census,¹ was more than 95 percent black.

In response to UDI, Britain imposed its own economic sanctions against Rhodesia, but it was unwilling to intervene militarily. Instead, the Labor Party government of Prime Minister Harold Wilson brought the Rhodesian question before the United Nations. On November 20, 1965, the U.N. Security Council adopted a resolution stating its determination that a continuation of UDI would constitute a threat to international peace and security and calling upon U.N. members to institute a voluntary embargo on the shipment of petroleum and petroleum products to Rhodesia.² The resolution was adopted by a vote of 10 to 0, with 1 abstention (France).³ The U.S. representative, Ambassador Arthur Goldberg, strongly condemned UDI during the debate⁴ and voted in favor of the resolution.

After a long delay in which attempts were made by Britain to work out a negotiated solution to the crisis, mandatory sanctions were finally imposed in December 1966. At that time, the Council concluded that the situation in Rhodesia was a threat to international peace and security, giving it the power to take binding action under chapter VII of the United Nations Charter.⁵ Armed with this power, the Council, by a vote of 11 to 0 and 4 abstentions, prohibited the importation from Rhodesia of a wide range of goods, including Rhodesia's principal exports. The sale to Rhodesia of arms, ammunition, petroleum, and petroleum products was also banned.⁶ Again, the United States voted in favor of the resolution. With the controversy still unresolved, the Security Council passed an additional resolution in May 1968 which imposed a complete ban on trade with Rhodesia except for the export of medical supplies and educational materials.⁷ This resolution was passed by a unanimous vote, with the United States in favor.

President Johnson issued Executive orders⁸ to make the mandatory United Nations resolutions binding on U.S. firms and individuals. In issuing these orders, the President acted under the authority of the United Nations Participation Act of 1945.⁹

Guerrilla opposition to the Rhodesian regime began as early as 1966, but it was not until the end of 1972 that a large-scale guerrilla war was launched. By that time, the armed forces of the Zimbabwe

¹ Rasmussen, R. Kent. *Historical Dictionary of Rhodesia/Zimbabwe*. Metuchen, N.J., Scarecrow Press [1979], p. 251.

² United Nations Security Council Resolution 217 (1965). United Nations. Office of Public Information. *Yearbook of the United Nations*, 1965, New York, 1967, p. 127.

³ Ibid.

⁴ Ibid., p. 126.

⁵ According to art. 39 of the Charter, "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 41 provides, "The Security Council may decide what measures not involving the use of 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 * * *" Art. 42 deals with the use of force by the Council.

⁶ United Nations Security Council Resolution 232 of Dec. 16, 1966. *Yearbook of the United Nations*, 1966, New York, 1968, pp. 116-117.

⁷ U.N. Security Council Resolution 253 of May 29, 1968. *Yearbook of the United Nations*, 1968, New York, 1971, pp. 152-154.

⁸ Executive Orders 11322 of Jan. 5, 1967 and 11419 of July 19, 1968.

⁹ Public Law 79-264, sec. 5. This section provides that " * * * 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 * * *, the President may * * * prohibit, in whole or in part, economic relations * * *."

African National Union (ZANU) were able to operate from areas in neighboring Mozambique that had been taken over by Mozambican revolutionaries rebelling against Portuguese rule. Mozambique became independent in June 1975, strengthening ZANU's position. Meanwhile, attacks were also being mounted in Rhodesia by guerrillas of the Zimbabwe African People's Union (ZAPU), based primarily in Zambia.

Major British attempts to reach a negotiated settlement leading to eventual majority rule in Rhodesia failed in 1966, 1968, and 1972. In 1976, Secretary of State Kissinger launched a peace initiative that resulted in the October convening of a peace conference in Geneva. This conference became deadlocked over the timetable for the transition to majority rule and over the makeup of the transitional regime. It was never reconvened after adjourning in December.

Prior to the Geneva talks, Robert Mugabe, leader of ZANU, and his rival, ZAPU leader Joshua Nkomo, formed an uneasy alliance which they called the Patriotic Front. Mugabe, a former teacher, had been imprisoned for many years by the Rhodesian authorities before being released in 1974. He had declared himself a Marxist, but his relations with the Soviet Union were never close. ZANU was not a Marxist-Leninist party. Nkomo, a former railway union official, had spent a decade in Rhodesian prisons. ZAPU received support from the Soviet Union, although Nkomo was not a Marxist. Soviet tacticians had evidently judged him to be the likely victor in any contest for the leadership of an independent Zimbabwe. An ethnic division also separated the two movements, although each counted representatives of Rhodesia's major African ethnic groups among its members. The Ndebele people, representing about 20 percent of the population, tended to support ZAPU, while the diverse Shona peoples, with roughly 75 percent of the population, were more favorable toward ZANU.

Early in 1977, British diplomats and officials of the new administration of President Carter began to work out a set of peace proposals that were made public on September 1. Under the "Anglo-American plan," as these proposals were known, the white regime was to turn over all power to an interim transitional government headed by a British resident commissioner. A United Nations force was to be present as the transitional government conducted free elections and arranged a peaceful transition to independence in 1978. But both the Patriotic Front and the government of Rhodesian Prime Minister Ian Smith set preconditions that made the convening of a peace conference on the Anglo-American plan seem quite unlikely.

Smith, meanwhile, had long been at work on a program of major constitutional change in Rhodesia which, he apparently expected, would respond to international pressures for majority rule and lead some countries to lift the sanctions. He had evidently come to hope that this could be achieved without any British or United Nations supervisory role, and without the participation of the Patriotic Front.

On March 3, 1978, Smith and three African leaders within Rhodesia signed what became known as the Salisbury agreement or internal settlement. The agreement provided strong guarantees for white interests, but it also called for new elections that were certain to bring a black Prime Minister into office. The Patriotic Front rejected the agreement, seeing it as little more than a mask for continued white

domination of the country's economy and political system. The United African National Congress (UANC), headed by Methodist Bishop Abel Muzorewa, was victorious in the elections held under the internal settlement in April 1979. Muzorewa became Prime Minister of Zimbabwe Rhodesia, as the country had been renamed, on May 31.

Prospects for a resolution of the Rhodesian crisis at this point seemed remote. Muzorewa was expected to try to hold onto his office in an effort to establish his legitimacy as a national leader and to discredit the guerrillas for prolonging the war. Observers anticipated that the Patriotic Front, for its part, would escalate the level of fighting, possibly seeking greater Soviet support and calling on Cuban advisers or troops for assistance. The May 1979 British election, however, which brought the Conservative Party government of Prime Minister Thatcher into office, led to a dramatic reversal in the situation.

The Thatcher government had initially been expected to terminate British sanctions against Rhodesia and recognize the Muzorewa government. But the arguments of British Foreign Office professionals, British businessmen with interests in Africa, and U.S. officials evidently convinced Thatcher that these actions would have serious negative consequences for Britain's economic and political position in the world. Thus the conservative government launched a new campaign to find a negotiated solution in Rhodesia. Such a solution, it was hoped, would receive wide international recognition and allow the sanctions to be lifted without controversy.

British efforts bore fruit in the convening of a peace conference in London, at Lancaster House, in September 1979. The negotiations at this conference were long and difficult, but by the end of December they had resulted in an agreement on a new constitution, a cease-fire, and a transitional regime under a British governor. Under the agreement, white influence in government was to be reduced, although whites, among other guarantees, were granted 20 seats in the 100-member assembly and assured that the pensions of white civil servants would be protected.

The British governor, Lord Soames, had arrived in Rhodesia on December 12. However, last minute disputes delayed the signing of the Lancaster House agreement until December 21. The U.N. Security Council lifted the sanctions that same day. Elections were held in Rhodesia under British supervision in February 1980, and Robert Mugabe, defeating both Nkomo and Muzorewa, was chosen Prime Minister. He became the leader of an independent Zimbabwe on April 17.

THE U.S. POLICY DEBATE

The course of the long U.S. debate over the sanctions against Rhodesia is best understood in terms of several distinct time periods.

1965-70—MOUNTING DEBATE

During this period, the United States condemned UDI and supported the U.N. sanctions against the white regime. This policy at first attracted little opposition, but a growing number of critics came to argue that Rhodesia was being treated unfairly. They maintained that Smith's government represented the best hope for stability in southern Africa or that its policies were at least no more unjust than

those of many regimes with which the United States had normal relations. An increasingly influential argument was the contention that imports of chromium from Rhodesia were essential to the U.S. steel industry.

U.S. support for the sanctions was defended on a number of grounds. Some argued that U.S. obligations under the U.N. Charter obligated the United States to carry out the decisions of the Security Council. Moreover, many maintained, the U.S. commitment to democratic freedoms and civil liberties required that the United States oppose UDI. Domestic and international political considerations, in this view, also militated against any appearance of U.S. support for a white supremacist government.

Some of the strongest critics of the Smith regime felt that the United States was not acting rigorously enough to enforce the sanctions against U.S. firms and individuals. A few also argued that the United States should have gone beyond the sanctions in an effort to bring an end to UDI, perhaps by encouraging Britain to intervene militarily.

1971—PASSAGE OF THE BYRD AMENDMENT

The Byrd amendment, named for its sponsor, Senator Harry F. Byrd, Jr., of Virginia, brought a suspension of enforcement of the sanctions with respect to imports of critical and strategic materials from Rhodesia. Passage of the amendment appeared to reflect the growing strength of the critics of the sanctions. Supporters of the sanctions argued, however, that the amendment was enacted because of successful parliamentary maneuvering on the part of its backers and because the Nixon administration failed to mount an effective campaign against it. Some suspected the Nixon White House of covertly supporting the amendment.

1971-76—ATTEMPTS TO REPEAL THE BYRD AMENDMENT

Opponents repeatedly attempted, without success, to repeal the Byrd amendment during this period. The executive branch supported their efforts, but many in Congress criticized this support as inadequate.

1977—REPEAL OF THE BYRD AMENDMENT WITH RESPECT TO RHODESIA

In March 1977, shortly after the Carter administration came into office, Congress modified the Byrd amendment to end its applicability to Rhodesia. The new administration enjoyed good relations with the congressional backers of this modification and strongly supported their efforts. Opponents of the sanctions saw repeal of the Byrd amendment as a fundamental error.

1978—REACTION TO THE INTERNAL SETTLEMENT

The Salisbury agreement strengthened the critics of the Carter policy on Rhodesia and led to renewal of congressional attempts to repeal or modify the sanctions. Advocates of repeal argued that the Smith regime had made all the concessions to majority rule that could

reasonably be expected. The prospect of a black Prime Minister coming into office under the settlement, in their view, removed any justification for continuing with the sanctions. Supporters of maintaining the sanctions believed that the internal settlement was a subterfuge for continuing white domination of Rhodesia. They also feared that unilateral U.S. removal of the sanctions would lead to a damaging reaction against the United States in Africa and at the United Nations. Some took what they perceived as a middle-ground position and urged that the United States retain the sanctions for the time being but not condemn the internal settlement. They believed the parties to the agreement should be given time to demonstrate whether or not they could achieve true majority rule in Rhodesia.

JANUARY-JUNE 1979—THE RHODESIAN ELECTIONS

The debate on Rhodesia in early 1979 centered on the issue of sending U.S. observers to the elections held under the internal settlement. The Carter administration refused to send observers on the grounds that doing so might be interpreted as a form of recognition of the Rhodesian Government. The Senate passed a resolution to send congressional observers, but a congressional-observer motion died in the House Committee on Foreign Affairs.

The apparently high turnout in the Rhodesian voting led to new attempts in Congress to force an end to the sanctions. The executive branch and congressional supporters of the sanctions successfully resisted these attempts.

JULY-DECEMBER 1979—THE LANCASTER HOUSE NEGOTIATIONS

With Bishop Muzorewa, a black Prime Minister, in office in Zimbabwe Rhodesia, many in Congress argued that there was no longer any rationale whatsoever for maintaining the sanctions in force. Supporters of the sanctions maintained that repealing the sanctions would disrupt the progress that was being made toward a negotiated settlement. The administration made some concessions on Rhodesia policy to its Senate critics during this period, but was never compelled to lift the sanctions. Some in Congress felt that the administration was too responsive to these critics; however, when President Carter finally removed the sanctions on December 16, after the arrival of a British governor in Rhodesia. They believed that the President should have waited until a final agreement had been reached at Lancaster House. This event, as noted above, took place on December 21.

CONSULTATIONS: AN OVERVIEW

The sanctions issue, throughout most of its history, was marked by disagreement, mutual lack of confidence, and at times by ill feeling and antagonism between the Congress and the executive branch. Indeed, the Rhodesian sanctions issue helped shape reciprocal negative attitudes that are inimical to congressional-executive cooperation on foreign policy generally. There was a period of harmony between the congressional supporters of sanctions and the Carter administration in the first months after President Carter took office. But that period was exceptional.

In the executive branch, many of those who were active on the Rhodesia issue came to feel that the pattern of congressional involvement in this controversy exemplified a tendency for Congress to intervene hastily and on the basis of inadequate or incorrect information in matters that are the constitutional responsibility of the executive branch. For congressional critics of the sanctions, the history of consultations on Rhodesia demonstrated the determination of the executive branch to ignore legitimate congressional concerns over important moral, political, and security interests of the United States—despite the foreign policy role granted Congress by the Constitution. From their perspective, the executive was willing to consult in any fashion only when congressional opposition to its policies had grown strong enough to force it to do so. Nor were the congressional supporters of sanctions satisfied with the consultations that took place. For them, the sanctions debate provided repeated examples of the inability or unwillingness of a sometimes fumbling or even duplicitous executive branch to make effective use of consultations as an instrument of persuasion in defense of a policy that was morally valid, in accord with international law, and important to the United States in furthering good relations with the nations of the Third World.

Interaction between Congress and the executive branch on the sanctions did, of course, take place, but by and large the interaction was not of a sort likely to promote genuine cooperation between the two branches in foreign policy. No administration consulted with Congress before the critical policy decisions on Rhodesia had been made within the executive branch. Congress was never asked to contribute to the discussion of what the policy options were nor to offer guidance in the choices among options. Instead, the executive branch always viewed consultations as a tactic for generating congressional support, when needed, for policy decisions already taken and for preventing congressional actions that might disrupt the implementation of these decisions.

When the sanctions issue first emerged in the midsixties, congressional interest in Rhodesia was limited, and the executive branch, as a result, saw little need for consultation. Thus the basic decisions that set the course of Rhodesia policy for years to come were taken with little reference to Congress. Later, when congressional opposition to the sanctions had mounted, the executive branch saw that consultations were necessary—not because of any acknowledgment of a role for Congress in the making of Rhodesia policy, but because Congress was a potential source of difficulty for the executive in carrying out its policy decisions. Consultation thus took the form primarily of episodic persuasion campaigns when executive branch decisions or developments in Rhodesia itself seemed likely to provoke congressional reactions that would force a change in policy. In the last years of the controversy, congressional opposition to the sanctions had grown strong enough to compel the executive branch to bargain with its critics, so that consultations at times became bargaining sessions. The executive also held meetings with its supporters in order to plan and coordinate tactics for stalling or deflecting the antisanctions campaign. These bargaining and strategy sessions, which on occasion were almost feverish in their intensity, were an executive branch tactic intended to keep concessions to an essential minimum while maintaining the basic line of policy.

This damage-control approach of the executive branch to consultations with Congress on Rhodesia policy was inevitably resented by opponents of the sanctions. According to many of these opponents, the executive was unwilling to enter into good-faith, authentic discussions of the issues—discussions, they maintain, that might have led to a mutual accommodation. Complaints from this group about the lack of consultation, however, were often discounted by the executive branch as politically inspired. From the executive perspective, opponents of the sanctions were not interested in accommodation, but rather sought either to alter the course of policy altogether or to use the Rhodesian issue for partisan political gain. Thus, it was argued, there was little point in expending executive resources to consult with the opposition.

Some congressional advocates of the sanctions felt that the executive, in taking this approach, consistently failed to mount the long-term, well-planned, and adequately staffed congressional relations program needed, in their view, to fully inform Congress of the complex moral and political considerations that made the sanctions necessary. From this perspective, the executive branch unnecessarily placed itself in a weak and defensive posture on the Rhodesian question, resulting in a congressionally imposed partial suspension of the sanctions between 1971 and 1977 and in concessions forced on the executive in 1978 and 1979.

Should Congress, through consultations prior to executive branch decisions have been brought into the making of Rhodesia policy? Those who believe that the executive's policy on the sanctions was incorrect tend to answer this question in the affirmative, while many supporters of the sanctions feel that the executive was right in trying to minimize congressional involvement in the Rhodesian issue. Some may argue that the executive ignored the constitutional role of Congress in the making of Rhodesia policy, but others contend that policymaking on this issue was well within the constitutionally granted prerogatives of the executive. Many maintain that the constituency-based legislative branch is more sensitive to the attitudes and opinions of the American people and must be consulted if any policy is to have broad national support. But others suggest that most Americans were indifferent to the Rhodesian issue and that those who were outspoken often represented narrow economic or ideological interests. In such a situation, according to their argument, policymaking should be confined to the executive branch, which, they contend, is less vulnerable to interest group influence and more capable of dispassionate evaluation.

The issues in this debate extend well beyond the confines of the present case study. But it can be said here that the debate seems largely beside the point with respect to the Rhodesian sanctions issue. Simply put, the executive saw no reason whatsoever to open Rhodesia policymaking to Congress. Members of the executive branch felt that on this foreign policy issue, as on others, they had the knowledge, the experience, and the constitutional responsibility for making policy decisions. Many saw Congress as largely ill-informed and likely to make mistakes if it became deeply involved in the policy process. While many in Congress believed that the legislative branch should have been consulted prior to the formulation of Rhodesia policy, the fact is that Congress was able to influence policy only after that policy

had been made—and then only when it was able to impose its will on the executive.

A number of other hindrances to consultation on Rhodesia policy can be identified. One highly significant factor throughout the history of the controversy was the presence in Congress of a number of committed Members on each side of the issue for whom the Rhodesian sanctions were a matter of high principle. On one side were the strongest opponents of the sanctions, who believed that the white Rhodesian Government of Ian Smith and its successors, headed by Bishop Muzorewa, deserved U.S. support rather than condemnation. The anti-Communist stance of the Rhodesian Government was influential with these Members, as was the presence in Rhodesia of the world's second-largest deposits of chromium, a critical material with important applications in the defense sector. On the other side were Members who saw the Smith regime as fundamentally motivated by the desire to dominate, oppress, and exploit Rhodesia's black African majority, and who viewed the Muzorewa government as one that remained essentially under white control. Even if it had consulted widely in advance, no administration could have devised a policy toward the Rhodesian sanctions that would have been satisfactory to both sides. Strains in executive branch relations with some Members were inevitable no matter how much consultation occurred.

The strains between Congress and the executive branch on the Rhodesian issue were reinforced by longstanding institutional attitudes that worked against a more cooperative relationship. In Congress, where many felt that the legislative branch had been too long ignored, or relegated to only a minor role, in the making of foreign policy, there was an institutional sensitivity that was easily irritated by the executive's approach to consultations on Rhodesia. The executive, in this view, had arrogantly excluded Congress from foreign policy decisions in the past and was following the same course on the Rhodesian sanctions. In the executive branch, there was a belief that some opponents of the sanctions were hostile to the State Department and the professional Foreign Service, and were unlikely to enter into a cordial consultative relationship. Members of Congress who took an interest in Rhodesia, some in the executive felt, did so primarily for partisan political gain or out of misguided conviction. There was little to be gained, it was felt, by consulting with such Members.

Another hindrance to consultations was the fact that there were a number of other pressing issues on the foreign policy agenda in the years between 1965 and 1979. These issues tended to distract the executive branch and leave the Rhodesian issue with a distinctly low priority for most of the period. During these 14 years, the war in Vietnam escalated and came to an end; major strategic arms limitation agreements were negotiated with the Soviet Union; and two wars were fought in the Middle East, with serious consequences for the entire international system. A host of other issues, such as the Panama Canal Treaty and the Turkish invasion of Cyprus, also intervened. All of these foreign policy problems occupied the attention of top policymakers, and since many of them also resulted in executive branch difficulties in its dealings with Congress, they took up much of the time of those in the executive who were responsible for congressional relations.

The distractions posed by other issues were particularly significant because of the limited congressional relations manpower available at the State Department. For most of the period when Rhodesia policy was an issue, only one or two people were regularly assigned to handling the congressional relations aspect of the problem, and Rhodesia was only one of their responsibilities. Additional staff could have been assigned to the issue—and this did happen on occasion when crises in the Department's relations with Congress on Rhodesia occurred. But resources at the State Department were limited. Adequate staffing for a major, long-term congressional relations effort on the Rhodesian sanctions was not available given the importance of other priorities. Congress too had other priorities to attend to, so that even if such a program had been undertaken, difficulties would have been encountered in persuading Members to focus on what for many was a marginal issue in a remote part of the world.

The obstacles to a cooperative congressional-executive working relationship on Rhodesia, in short, were substantial. It is easy to say, as some critics do, that the executive branch could have devoted more attention to congressional concerns on the Rhodesian question; consulted more often with Members of Congress and their staffs; been more forthcoming with information and with explanations of policy decisions; and adopted a more thick-skinned attitude toward the criticisms of those Members who had strong views on Rhodesia. Clearly, if these things had been done, executive relations with many Members would have been much improved. When the Carter administration, in 1979, did launch an active congressional relations campaign in order to prevent the passage of legislation that would have ended the sanctions, it achieved compromises which preserved its own objectives and satisfied many of its congressional critics. Members of Congress reflecting a variety of positions on the sanctions felt that for once they had been brought into the Rhodesia policymaking process.

Other Members, however, continued to criticize Carter policy, and some complained that the pro-sanctions campaign was an unfair attempt to influence congressional decisionmaking—again suggesting that no approach to consultations could have satisfied all Members or resulted in a completely cordial and cooperative relationship. In any event, the adoption of intensive consultations as a permanent strategy by the executive would have required changes both in executive branch attitudes toward Congress and in the priority given to the Rhodesian issue. Such changes were never very likely. Thus, in retrospect, there was a certain inevitability about the strains that occurred in congressional-executive relations with respect to the Rhodesian sanctions. Comparable strains could occur again on issues that are of low- to middle-range priority for the executive but which are of major interest, for moral or other reasons, to at least some Members of Congress.

II. BACKGROUND TO THE SANCTIONS CONTROVERSY, 1965-70

The white Rhodesian Government's unilateral declaration of independence (UDI) on November 11, 1965, set the stage for the emergence of the sanctions against Rhodesia as a policy issue for the United States. The British Labour Government of Harold Wilson enjoyed only a narrow parliamentary majority at the time, and under pressure from its Conservative opponents, decided not to intervene militarily to put an end to UDI. Instead, after announcing certain limited economic measures against Rhodesia, Britain brought the issue to the United Nations Security Council. While many Third World nations saw this action as an evasion by Britain of its responsibilities, the Security Council decided that it would become involved in the Rhodesian question, and what had been an issue in British relations with a colonial territory became an international issue. Thus, the mandatory economic sanctions, detailed above, were imposed.

THE U.S. RESPONSE

The administration of President Lyndon Johnson faced a number of constraints in framing a response to UDI. U.S. military involvement in Vietnam and the Dominican Republic had provoked considerable domestic criticism, including congressional criticism, that militated against entanglement in still another Third World crisis. On the other hand, domestic political considerations made it difficult to ignore the interests of Rhodesia's black African majority. Internationally, the attitude of the newly independent states of black Africa generated pressure for a strong U.S. response to UDI, but doubts about the support such a policy might attract from the Western European allies of the United States worked against such a response.

The course chosen by the Johnson administration—strong condemnation of UDI and support for economic sanctions against Rhodesia—reflected the impact of these constraints. According to one authority on U.S. policy toward Rhodesia during this period, there had been some support at working levels in the executive branch for discussions with Britain on possible British military intervention. But the view among senior policymakers was that such intervention would run the risk of creating a major new international crisis at a time that was not at all propitious from the administration's point of view.¹ Thus, Britain was to be encouraged to seek a negotiated solution to the crisis, but discouraged from using force—which the Wilson government was reluctant to consider in any case—while diplomatic and economic pressures were brought to bear against the Smith regime.

¹ Lake, Anthony. *The "Tar Baby" Option. American Policy Toward Southern Rhodesia.* New York, Columbia University Press [1976], pp. 83-85.

Consultations with Congress did not play a significant role in the formulation of Rhodesia policy during this period. Congress was seen by policymakers as one of the constraining factors barring the use of force in Rhodesia, so that it did exert a passive influence on the executive's assessment of the overall situation. But it was not actively recruited into the decisionmaking process. Executive branch policymakers perceived Congress as not deeply interested in the Rhodesian situation; as reluctant to become involved in the issue; and as unlikely to interfere in whatever decisions the executive might make. Thus the executive saw little reason to solicit congressional opinion on Rhodesia.

Congressional leaders were kept informed of policy decisions on Rhodesia in the course of their normal contacts with administration officials, and the issue of Rhodesia was discussed in hearings on foreign assistance authorizations and appropriations. Moreover, there were some in the Africa Bureau at the State Department at this time who believed that Africa was likely to be of growing importance to the United States. As a result, they were trying to expand their contacts with Members of Congress and to increase general congressional awareness of the continent. Information on the Rhodesian situation and on Rhodesia policy was provided as a part of their efforts. But policy was formed entirely through discussions within the executive branch, influenced to some degree by discussions going on between the executive branch and British officials.²

CONGRESSIONAL REACTION

The administration's estimate of the reaction of Congress to its Rhodesia policy in this early period seems to have been entirely correct. There was no widespread congressional demand to play a part in the making of policy on a complex issue that was remote from traditional American concerns. Instead, the large majority in Congress were content to let the administration make its own decisions on Rhodesia as long as those decisions did not involve the possible use of force. If the Smith regime had rapidly capitulated to the sanctions and reached an early compromise with Britain, as many both in Congress and the executive branch expected it would be forced to do, the Rhodesian issue would never have become a major source of stress in the legislative-executive relationship—despite the administration's early monopolization of Rhodesia policymaking.

But the Rhodesian issue was not one that would disappear quickly. The Smith regime was tenacious, and proved itself highly resourceful, with the help of covert violators of the sanctions, in resisting international pressures. Moreover, from the earliest stages of UDI, there were a few in Congress who spoke up for the Rhodesian Government and roundly criticized the executive branch for its Rhodesian policies. As the Rhodesian situation dragged on, their views became influential with a larger group in Congress, laying the basis for the controversies of later years.

The attack from Congress on the Johnson administration's Rhodesia policy in these early days occasionally reflected racial concerns current within the United States. One Member, speaking of Rhodesia,

² For a discussion of early policymaking, see *ibid.*, pp. 80–103.

argued, "There can be no denying that the U.S. policy is based, in the main, on racism in reverse and a determination that, no matter what he wants, the Negro shall have it."³ Such remarks, which were not heard at a later stage of the debate, helped to shape negative attitudes within the executive branch on the ability of Congress to play a constructive role on the Rhodesian issue.

A number of other issues, which were to be raised again and again in subsequent years, were first brought up in Congress at this time. Senator James Eastland, in a major speech on Rhodesia on March 22, 1966, was one of those who argued that the President had exceeded his powers in imposing sanctions against Rhodesia because the power to regulate foreign commerce belonged to Congress under article I, section 8, of the Constitution.⁴ The Senator noted that Congress had enacted legislation in 1965 against the boycott of companies trading with Israel and maintained that this decision had placed the United States on record against restrictive trade practices and boycotts. He joined with several other Members in asking why the United States penalized a country that was willing to support U.S. policy in Vietnam at a time when even Britain had refused to back the United States by cutting its trade links with North Vietnam.

Senator Strom Thurmond was among the first to be critical of the interruption of chromium imports from Rhodesia, arguing that "the Johnson administration's needless policy * * * means that we must rely more and more upon the Soviet Union for a technological lifeline," a situation Thurmond termed a "grand absurdity."⁵ Several Members of Congress argued that the United States was pursuing a hypocritical policy toward Rhodesia, opposing the Smith regime as undemocratic while maintaining cordial diplomatic relations with a number of oppressive African regimes, some of which were military regimes that had come to power by force.

Many of the remarks made in Congress at this time reflected a strongly negative attitude toward the executive branch, and toward the State Department in particular. Representative H. R. Gross of Iowa was perhaps the most outspoken in his criticisms, calling President Johnson's decision to participate in the sanctions "infamous,"⁶ "outrageous,"⁷ and part of a "disgraceful so-called foreign policy" being imposed on the United States by the President and his "State Department lackeys."⁸ "How much longer will Congress spinelessly permit itself to be trampled upon by the President and his stooges in the State Department?" he asked in February 1966.⁹ The Department was repeatedly criticized as being unresponsive and elitist—Senator Eastland described it as an organization that "fancies itself above reproach."¹⁰ In Senator Eastland's words, "Our State Department experts on African affairs have shown themselves disinclined to listen to anything that might alter the course to which we have been committed."¹¹

³ Statement by Representative Joe D. Waggoner, Jr., Congressional Record, vol. 112, Apr. 5, 1966: 7717.

⁴ Congressional Record, vol. 112, Mar. 22, 1966: 6501-6502.

⁵ Congressional Record, vol. 113, Nov. 11, 1967: 33649.

⁶ Congressional Record, vol. 113, Sept. 28, 1967: 27171.

⁷ Congressional Record, vol. 113, Feb. 17, 1966: 3316.

⁸ Congressional Record, vol. 113, Sept. 28, 1967: 27171.

⁹ Congressional Record, vol. 112, Feb. 17, 1966: 3316.

¹⁰ Congressional Record, vol. 112, July 25, 1966: 16930.

¹¹ Congressional Record, vol. 112, Mar. 22, 1966: 6505.

In retrospect, some in the executive branch concede that it might have been wise to undertake more active consultations at this early stage in an effort to assuage the resentment that was building up against executive branch policy. But, they note, the tone of the remarks being made about the administration and the State Department, together with the dim prospects for changing any minds among the most outspoken opponents of the sanctions, strongly discouraged the launching of such an effort.

Meanwhile, on the other side of the issue, another congressional group had coalesced in support of U.S. pressure for a rapid end to UDI and the installation of a Rhodesian Government representative of the country's majority. This group strongly favored the sanctions, and several of its members introduced resolutions in support of administration policy. But there was some worry within this group over the firmness of U.S. policy and doubt over the willingness of the administration to take decisive action. Representative Donald Fraser, Democrat of Minnesota, was prominent among this group, and he made his position clear as early as October 1965, when UDI began to appear inevitable: "My fervent hope is that the United States will act with its full resources to back up all measures taken by the British, including the use of force."¹² By 1968, when it was clear that force was not going to be used and that UDI might well be prolonged, the dissatisfaction of this group mounted. Senator Edward Brooke of Massachusetts reflected their discontent when, after undertaking a study mission to several African countries, he argued, "Our economic sanctions have had no impact at all; and we have done too little to persuade the British to increase pressure on the rebel government."¹³

THE FIRST NIXON YEARS, 1969-70

In the first 2 years of the Nixon administration, U.S. policy toward Rhodesia did not visibly alter, and the basic division in Congress between the strong critics and the strong defenders of the sanctions remained. But those who supported the sanctions doubted the new administration's commitment to sanctions enforcement, and this concern led to the first of many hearings on Rhodesia policy before the House Africa Subcommittee.¹⁴ Chairman Charles Diggs of Michigan was particularly concerned at these hearings about continuing U.S. tourism in Rhodesia, U.S. investment there, and the presence of a U.S. consulate in Salisbury, the Rhodesian capital.

The Assistant Secretary of State for African Affairs, David E. Newsom, told Diggs during the hearings that a review of Africa policy was underway within the administration and that the question of the consulate was being dealt with as a part of this review.¹⁵ Other sources indicate that this review was the subject of considerable debate within the executive branch, involving much disagreement between the White House and the State Department,¹⁶ but Newsom made it quite clear that the review was not one that involved the Congress: "The decision, Mr. Chairman, is in the executive branch."¹⁷

¹² Congressional Record, vol. 111, Oct. 22, 1965: 28477.

¹³ Congressional Record, vol. 114, Apr. 29, 1968: 10848.

¹⁴ U.S. Congress, House, Committee on Foreign Affairs, Subcommittee on Africa, Rhodesia and United States Foreign Policy. Hearings, 91st Cong., 1st sess. Oct. 17, 31; Nov. 7, and 19, 1969. Washington, U.S. Government Printing Office, 1969.

¹⁵ Ibid., p. 15.

¹⁶ Lake, Anthony. "Tar Baby" Option, pp. 123-157.

¹⁷ Rhodesia and United States Foreign Policy, p. 14.

The decision to close the consulate, announced on March 9, 1970, was evidently taken not in response to pressure from Congress, which in any case was not very great, but because Britain had asked that the step be taken. The congressional opponents of the sanctions reacted strongly, Senator Eastland commenting:

Not only does this closing represent a significant step backward in the effort to bring the rule of reason and law into our foreign policy, but it is absolutely preposterous in the context of international law * * *. Once again we are dancing to the tune of Whitehall's Pied Piper in a game of follow-the-leader diplomacy.¹⁸

Eastland introduced a resolution calling on the U.S. Government to "immediately cease its inhumane, imprudent, and economically and militarily disastrous policy of economic sanctions against Rhodesia."¹⁹

But other executive branch actions in 1970 caused concern among the congressional supporters of a firm policy against UDI. On March 17, 1970, the United States exercised its first veto at the United Nations Security Council, defeating, with Britain, an African-sponsored resolution that would have extended the sanctions to cover Portugal and South Africa, alleged violators of the sanctions; condemned Britain for refusing to use force to end UDI; and called for the severance of all communications and transport links with Rhodesia. Later in the year, on September 18, the Treasury Department announced that Union Carbide would be licensed to import Rhodesian chrome it had paid for before the U.S. sanctions went into effect.

Many observers have seen these actions as reflections of the conclusions of the policy review mentioned in Assistant Secretary Newsom's testimony before the House Africa Subcommittee. In their view, the Nixon administration had decided on a southern Africa policy that would subtly ease the pressures on the white regimes in the area while, in the interest of retaining good relations with African governments elsewhere on the continent, maintaining outward opposition to UDI as well as to apartheid in South Africa. But whatever the final verdict of historians on this alleged policy shift may be, it is clear that major decisions on U.S. policy were continuing to be made without consulting Congress.

CONCLUSION

Congress was consulted in the early stages of the Rhodesia crisis only in the sense that it was provided, through normal channels of communication, with information on decisions taken by the executive. While the large majority in Congress was not deeply concerned about the Rhodesian situation at this time, these limited consultations meant that the executive was initiating a policy that was strongly opposed by a small but determined group in Congress, while failing to build a basis of support for that policy among other Members. Thus the stage was set for mounting congressional dissatisfaction with the sanctions as the Rhodesian crisis was prolonged.

¹⁸ Congressional Record, vol. 116, Mar. 10, 1970: 6565.

¹⁹ S. Res. 367, *ibid.*, p. 6576.

III. THE BYRD AMENDMENT, 1971

The enactment of section 503 of the Armed Forces Appropriation Authorization of 1971 (Public Law 92-156), known as the Byrd amendment after its Senate sponsor, Senator Harry F. Byrd, Jr., of Virginia, marked the opening of an entirely new chapter in congressional-executive relations on Rhodesia policy. Congress, which had been perceived by the executive branch as largely indifferent to the Rhodesia issue, despite the presence of strong critics and supporters of the sanctions in both Houses, had now taken action that compelled the executive branch, contrary to its expressed will, to end U.S. participation in the sanctions with respect to imports of critical and strategic materials. The amendment prohibited the President, as of January 1, 1972, from banning the importation of any critical or strategic material from any non-Communist country as long as the importation of such materials from Communist countries was not also prohibited. It made no reference to Rhodesia, but supporters of the provision were clear in stating that its purpose was to allow the resumption of chromium imports from that country.

The Nixon administration went on record against the amendment, but efforts to secure its defeat were unsuccessful for a number of reasons. The executive branch, acting on its preconceptions of congressional opinion on the Rhodesian issue, was evidently late in recognizing that the Byrd amendment might pass—and, as a result, late in moving against it. Available evidence indicates that defeat of the amendment was given a very low priority by the administration, so that even when the possibility of passage was perceived, the issue received little attention from high-level policymakers. Instead, the campaign against the amendment was assigned to middle-level State Department personnel, who, while hard working, had limited influence on Capitol Hill. Those involved in the campaign faced a congressional attitude that was unsympathetic to causes associated with Africa and the Third World as a result of insistent and at times strident Third World criticism of U.S. policy in Vietnam and elsewhere. Under the circumstances, it was difficult for the executive branch to counter the arguments of those who favored the Byrd amendment in the interest of enhancing national security. But perhaps the most damaging obstacle faced by those in the executive branch who worked to maintain the sanctions was the widespread perception in Congress that the White House either did not stand behind the State Department in opposing the amendment or at best was halfhearted in backing the State Department position. Consequently, State Department personnel who did engage in consultations with Congress in an effort to defeat the amendment were greeted with considerable skepticism.

BACKGROUND

The interruption of U.S. chromium imports from Rhodesia had become a matter of increasing concern to opponents of the sanctions in 1969 and 1970. The core of their argument was that continued U.S. participation in the sanctions against Rhodesia was making the United States dependent on the Soviet Union, the principal alternative supplier at the time, for a material that was essential in the making of hardened steels with vital military and industrial applications. This was an influential argument with Members of Congress who had not previously taken a strong interest in Rhodesian matters, and the State Department evidently failed to perceive the degree to which it had strengthened the opponents of the sanctions.

Bills that would have had the same effect as the Byrd amendment had been introduced before, and hearings had been held on them in the House Foreign Affairs and Senate Foreign Relations Committees. None had been reported to the floor, strengthening the executive branch in its conviction that there was no serious congressional threat to the sanctions. Senator Byrd of Virginia, however, was able to circumvent these committees. He succeeded in having his provision attached to the Armed Forces authorization bill when it was before the Senate Armed Services Committee, of which he was a member.

A motion by Senator Gale McGee and Senator Edward Brooke to delete the Byrd amendment failed on the Senate floor on September 23. A provision authored by Senator J. William Fulbright, which would have allowed the President to waive the terms of the amendment if the national interest or a treaty obligation required him to do so, passed the Senate on September 30. But supporters of the Fulbright provision were outmaneuvered on routine procedural motions after the vote and failed to prevent a reconsideration. Upon reconsideration, on October 6, the Fulbright modification was defeated. In the House, a motion by Representative Donald Fraser to delete the Byrd amendment failed on November 10, by a vote of 251 to 100. An attempt by Senator Jacob Javits to recommit the conference report on the bill on the grounds that the amendment raised "a matter of basic principle in international law"¹ failed on November 11, and President Nixon signed the authorization containing the amendment into law on November 17.

STATE DEPARTMENT EFFORTS

The Department of State was late in realizing just how strong the antisanktions forces, bolstered by argument that chromium from Rhodesia was vital to the national security, had become. In May 1971, the Department did conduct counts of its supporters in the House Foreign Affairs and Senate Foreign Relations Committees, and began to become aware of the possibility that antisanktions legislation might reach the floor of one or both Houses of Congress. Support for the sanctions proved to be strong enough in these committees to prevent this from happening. The Department failed to anticipate that another route to the floor for antisanktions legislation—the route discovered by Senator Byrd through the Armed Services Committee—might be found. Thus the Department was placed in the position of

¹ Congressional Record, vol. 117, Nov. 11, 1971: 40802.

mounting a last-ditch defense against a suddenly looming threat. Perhaps if the Department had worked more closely with the Congress on the Rhodesian issue in the past, it would have been more aware of the growing opposition to its policy.

The resources brought to bear by the State Department on the sanctions issue in 1971 were limited because of the low priority Rhodesian matters had been assigned in the executive branch. The administration faced a major congressional effort at the time to compel an end to U.S. military involvement in Southeast Asia, and resisting this effort consumed the largest proportion of the resources devoted to congressional relations. Thus only one staffer in the Department's congressional relations office was assigned to dealing with Rhodesia, and Rhodesia was only one among several of his responsibilities.

The low priority given the sanctions issue was also reflected in the use of officials at the Assistant Secretary level or lower in testifying at hearings and in making responses to congressional inquiries. A May 14, 1971, response to a request for comments on the antisanctions bills made weeks earlier by Representative Thomas Morgan, chairman of the House Foreign Affairs Committee, came not from the Secretary of State but from the Assistant Secretary for Congressional Relations.² The Assistant Secretary for Africa testified at the Senate hearings on an antisanctions bill,³ while at House hearings on several antisanctions proposals⁴ the highest ranking State Department officials were three office directors. These officials were up against persuasive metals industry witnesses who favored a resumption of chromium imports. Among these witnesses were the chairman of the board of the Foote Mineral Co., the president of a division of Union Carbide, and vice presidents from Colt Industries and Allegheny Ludlum Steel.

In September, with passage of the Byrd amendment a real possibility, a representative of the State Department's Congressional Relations Office visited staffers in most Senate offices, carrying "talking points"—a list of arguments—against the amendment. The purpose of these visits was both to persuade and to gather information on the positions of individual Senators. In some instances, the undecided Senators who were identified were later contacted by the Assistant Secretary for Africa or by the Assistant Secretary for Congressional Relations. But the effort remained a modest one.

Another difficulty faced by the State Department was the national security aspect of the case against its position. The most difficult argument to challenge, without appearing to be weak in defending vital U.S. interests, was the contention that the refusal to import chromium from Rhodesia was making the United States dependent on the Soviet Union. Some observers of executive branch performance during the period suggest that the State Department was not doing enough to develop a case, relying on technical data, against the national security argument. Instead, some believe, the Department concentrated too much on arguing the damage that would be done to the

² U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. Economic Sanctions Against Rhodesia. Hearings, 92d Cong., 1st sess. June 17 and 22, 1971. Washington, U.S. Government Printing Office, 1971, pp. 7-8.

³ U.S. Congress. Senate. Committee on Foreign Relations. U.N. Sanctions Against Rhodesia—Chrome. Hearings, 92d Cong., 1st sess. July 7 and 8, 1971. Washington, U.S. Government Printing Office, 1971.

⁴ U.S. Congress. House. Committee on Foreign Affairs. Economic Sanctions Against Rhodesia. June 7 and 22, 1971.

United States at the United Nations and in the Third World. This concentration tended to confront Members of Congress with what was perceived as a choice between national security on the one hand and interests that were of less critical importance on the other.

To be identified with a cause championed by the United Nations and Third World countries was particularly harmful for the State Department at the time, because of the reaction that was setting in against Third World criticism of U.S. foreign policy, particularly in Vietnam. While there was opposition in Congress to U.S. involvement in Southeast Asia and to other aspects of U.S. foreign policy, many Members resented criticism directed against the United States from abroad, especially from nations that were in many cases recipients of U.S. foreign aid. The period at the very end of the debate on the Byrd amendment, in late October and early November, was perhaps the least propitious time for any cause identified with the United Nations. On October 25, the U.N. General Assembly had decided to admit the People's Republic of China as a member and expel Taiwan in a vote that was followed by jubilant celebrations in the Assembly aisles. These celebrations, which had a distinct anti-U.S. tone, were condemned by President Nixon and precipitated a congressional drive to reduce U.S. funding for the United Nations.

It is not entirely fair, however, to allege that the State Department ignored the national security arguments in making its case in support of the sanctions. When the Assistant Secretary of State for Congressional Relations responded to Representative Morgan's inquiry on May 14, he did deal entirely with treaty obligations of the United States under the U.N. Charter and with the President's power to implement the sanctions under the United Nations Participation Act.⁵ A June 17 letter to Representative Morgan, however, confronted the chromium argument in the last 4 of its 16 substantive paragraphs. These paragraphs maintained that adequate supplies of chromium were available in industrial inventories and from alternative sources of supply, as well as from drawdowns of the strategic stockpile.⁶ Mention of stockpile drawdowns, however, was alarming to some Members because it seemed to confirm their view that the interruption of Rhodesian imports could damage U.S. strategic interests. In any event, representatives of the Department pursued these arguments in their contacts with Congress. Nonetheless, it may be that they did not give them sufficient emphasis in view of the strength of the challenge that was faced.

One version of the national security argument that was a particular threat to the State Department's case was the allegation that the Soviet Union was itself acquiring Rhodesian chromium and reshipping it to the United States. This charge was raised at the House hearings on sanctions-lifting proposals by a witness from Colt Industries. He testified that a test made in February at the company's Crucible Steel subsidiary found the titanium content of recently imported Soviet ore comparable to the titanium content of Rhodesian ore. While the witness acknowledged that this finding amounted only to "circumstantial evidence,"⁷ many Members of Congress came to accept alleged Soviet reexport of Rhodesian chrome ore as an established

⁵ *Ibid.*, pp. 7-8.

⁶ *Ibid.*, pp. 5-7.

⁷ *Ibid.*, p. 93.

fact and continued to do so for years to come. Prior to the passage of the Byrd amendment, the State Department circulated the results of a test by the U.S. Geological Survey which tended to refute the allegation, but suspicion of the executive branch on the Rhodesian issue had grown so strong that some Members regarded the Geological Survey test as a tactical device, not to be trusted.

The State Department effort to maintain the sanctions was also hampered by the general feeling in Congress at the time that the President had gone too far in usurping the powers of Congress in foreign policy. This feeling created a predisposition in favor of limiting the authority of the executive branch and enhanced the position of those opponents of the sanctions who saw enforcement as an unconstitutional usurpation by the executive of the power of Congress to regulate foreign commerce. When Senator Fulbright attempted in October to have a Presidential waiver provision attached to the Byrd amendment, his position was undercut by the argument that a waiver would help the President to retain the broad authority in foreign policy that Fulbright himself had so often sought to limit.

All of these difficulties facing the State Department in making its case to the Congress were coupled with a more fundamental problem: The widely perceived lack of White House support for the State Department's position. The available evidence strongly indicates that the effort to maintain full compliance with the U.N. sanctions was almost entirely an effort undertaken by the Department, with the support of some other executive branch agencies, and that the White House did not make phone calls, send letters, or dispatch representatives to Congress on behalf of the sanctions. Various explanations of the absence of White House activity are possible, and it may be that the issue was simply not seen as important enough to warrant White House involvement.

But alternative, less benign explanations of the White House attitude on the sanctions were common in Congress and in the State Department at the time. Many believed that the White House was not opposed, or at least not strongly opposed, to the Byrd amendment either because some members of the Nixon administration were against any restrictions on trade as a general principle or because they were quietly sympathetic to Rhodesia and UDI. Critics of executive branch performance on the Byrd amendment even suspect that someone at the White House made calls to Members of Congress to confirm the administration's nonopposition to the passage of the Byrd amendment. Evidence to substantiate this charge has not come to light, but the fact that the charge was made is indicative of the perceived divergence between the White House and the State Department on the sanctions issue. Clearly the gravity of the State Department's arguments against the Byrd amendment was reduced by the perception that the White House did not stand behind the Department's lobbying effort.

MUTUAL PERCEPTIONS

Many of the participants in the debate on Rhodesia in the Congress and the executive branch continued to hold rather negative images of one another's performance and capabilities in this period, hamper-

ing the development of an effective working relationship. Representative Gross characterized the response of one State Department witness to his allegation that the sanctions were inequitable as "a real good State Department answer to a question that, as far as I am concerned, is unanswerable."⁸ Representative Fraser continued to question the sincerity of the executive branch in implementing the sanctions, asking one State Department witness if the U.S. enforcement effort hadn't been "fairly modest and minimal."⁹ Meanwhile, some in the Department held views of Congress that were far from flattering. There was a tendency in the Department to regard the passage of the Byrd amendment less as a genuine exercise of congressional judgment than as a fluke resulting largely from successful parliamentary maneuvering on the part of Senator Byrd of Virginia. Some also saw the Congress as victimized by a large-scale lobbying campaign mounted by the metals industry and as stubbornly refusing to listen to reasoned arguments presented by the Department of State. Nor were the congressional supporters of the sanctions regarded with any particular admiration in the Department. Rather, they were seen as ineffective and insufficiently astute, blundering into the trap set for them by opponents of the sanctions.

CONCLUSION

During the period of debate on the Byrd amendment, which reopened U.S. imports of critical and strategic materials from Rhodesia, consultation took the form of a State Department campaign against passage of the amendment. This campaign was ineffective for a number of reasons, notably the low priority given to the issue by the executive branch and the perception that the White House did not fully support the State Department's position. Negative attitudes toward the Department continued to be held by many in Congress while the debate was underway, and passage of the amendment enhanced negative images of the Congress at the Department.

⁸ *Ibid.*, p. 18.

⁹ *Ibid.*, p. 37.

IV. AFTER THE BYRD AMENDMENT, 1971-76

Consultations in the sense of give-and-take discussions that might have given Congress a voice in the formation of Rhodesia policy did not take place during the remainder of the Nixon administration or during the Ford administration. Nor was there consultation in the form of a wide informational effort intended to build congressional support for administration policy. Several attempts were made to repeal the Byrd amendment in this period, however, and representatives of both the Nixon and the Ford administrations supported these efforts through public statements, testimony before congressional committees, letters to Members, and other means.

Congressional backers of full U.S. participation in the U.N. sanctions generally viewed executive branch efforts in support of their repeal campaign as inadequate at best, and some thought that the executive was insincere or even hypocritical in saying that it favored repeal. Relations between this group and the executive branch on the sanctions issue were thus highly strained. Supporters of the Byrd amendment, on the other hand, with their principal objective achieved, became noticeably less critical of the executive. Nonetheless, the Department of State did come in for occasional negative remarks because of its work on behalf of repeal.

REPEAL ATTEMPTS

Efforts to repeal the Byrd amendment—all of them unsuccessful—began not long after the amendment's passage. In April 1972, Senator McGee succeeded in attaching an amendment of repeal to the Department of State authorization bill, but on May 31 this provision was deleted by a 40-to-36 floor vote on a motion by Senator Harry F. Byrd, Jr., himself. In June, a similar provision authored by Representative Fraser was deleted from the development assistance authorization bill in the House. A bill to repeal the Byrd amendment sponsored by Senators Humphrey and McGee passed the Senate on December 18, 1973, but supporters of the repeal movement in the House, uncertain of their strength, did not bring it to the House floor. In 1975, a bill¹ that would have amended the U.N. Participation Act to end applicability of the Byrd amendment to Rhodesia was defeated in the House.

RESPONSE OF THE EXECUTIVE BRANCH

The Nixon and Ford administrations placed themselves on record in support of repealing the Byrd amendment, and high administration officials became much more active on the issue than had been the case in 1971. To the annoyance of some in Congress, this support for repeal was often couched in terms that placed responsibility for the existence of the amendment squarely on the legislative branch. Thus

¹ This bill, H.R. 1287, was defeated by a vote of 187 to 209 on Sept. 25.

Secretary of State Rogers, in a report on foreign policy issued in 1972, wrote:

U.N. sanctions, adopted in response to Southern Rhodesia's unilateral declaration, remain in effect. The United States' firm and effective support of the U.N. measures is qualified only by the recent congressional adoption of the Byrd Amendment, which in effect freed chrome ore from the U.S. application of sanctions. The Administration made clear its opposition to that amendment.²

President Nixon wrote in a similar vein, attributing the Byrd amendment to "the decline in congressional support for the United Nations."³

In support of the repeal campaign, Acting Secretary of State John M. Irwin II, at the request of Senator McGee, wrote in May 1972 that the administration was "increasingly concerned about the serious effects of the existing legislation upon U.S. foreign policy interests" and argued that the Byrd amendment had damaged the United States in Africa and at the United Nations.⁴ Irwin also maintained that there was no chromium shortage in the United States, so that the amendment was not necessitated by national security considerations. The President's national security adviser, Henry Kissinger, testified at the Senate hearings on his nomination as Secretary of State that: "The administration will support the repeal of the Byrd amendment,"⁵ and once in office he reiterated this position in a letter to Representatives Diggs and Fraser.⁶

Support for repeal of the Byrd amendment was present at lower levels also, with the Assistant Secretaries for Africa and for Congressional Relations testifying, writing letters, and on occasion meeting privately with Members of Congress on the issue. A State Department press officer said the executive branch supported the McGee repeal attempt, because repeal would help the United States "live up to its international obligations."⁷ U.N. Ambassador John Scali, in congressional testimony in September 1973, spoke strongly in favor of repeal, placing his argument in terms of U.S. support for the United Nations and noting also that U.S. imports of ferrochrome, a semifinished product, from Rhodesia under the Byrd amendment were damaging U.S. manufacturers of the material.⁸ This point was to assume a critical role at a later stage in the sanctions debate. Meanwhile, the Congressional Relations office at the State Department was providing speech-writing services to congressional supporters of repeal and encouraging the U.S. academic community to send letters favoring repeal to Members.

² U.S. Department of State. *U.S. Foreign Policy in 1971, A Report of the Secretary of State*. Washington, 1972, p. 188.

³ U.S. President. *U.S. Foreign Policy for the 1970's, the Emerging Structure for Peace. A Report to the Congress by Richard Nixon*. Washington, Feb. 9, 1972, p. 191.

⁴ Congressional Record, vol. 118, May 30, 1972: 19196-19197.

⁵ U.S. Congress. Senate. Committee on Foreign Relations. *Nomination of Henry A. Kissinger. Hearings*, 93d Cong., 1st sess. Sept. 7, 10, 11, and 14, 1973. Washington, U.S. Government Printing Office, 1973, p. 48.

⁶ U.S. Congress. House. Committee on Foreign Affairs. Subcommittees on Africa and on International Organizations and Movements. *The Repeal of the Rhodesian Chrome Amendment. Hearings*, 93d Cong., 1st sess. Oct. 5 and 17, 1973. Washington, U.S. Government Printing Office, 1974, p. 99.

⁷ Press briefing, May 23, 1972.

⁸ U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on African Affairs. *Importation of Rhodesian Chrome. Hearing*, 93d Cong., 1st sess. Sept. 6, 1973. Washington, U.S. Government Printing Office, 1973, pp. 11-16.

Despite these activities on behalf of repealing the Byrd amendment, congressional backers of the repeal movement continued to distrust the executive branch. They regarded its efforts as half-hearted, insufficiently energetic, and possibly insincere. Executive branch contacts with Congress on Rhodesia policy were thus treated with considerable skepticism—a skepticism that was reinforced by party differences separating the primarily Democratic supporters of repeal from the Republican Nixon and Ford administrations.

Passage of the Byrd amendment itself had left a legacy of suspicion in the minds of many supporters of repeal, and they regarded the executive branch as primarily responsible for that event. Representative Benjamin S. Rosenthal, in June 1972, criticized Ambassador William Schaufele, then-senior adviser to the U.S. Permanent Representative to the United Nations, for failing to recommend that President Nixon veto the defense authorization containing the amendment:

It seems to me that you failed personally, that you failed in your responsibility * * *. [O]f all the places that I expect to fight for the integrity of the U.S. role in the U.N., I would expect your mission to make that recommendation. If you did not, then it is pretty sad.⁹

Representative Diggs charged that President Nixon had “tacitly supported”¹⁰ passage of the Byrd amendment, and condemned the: hypocrisy shown by the Administration during the hard fight we made in Congress against the Byrd Amendment to the Military Procurement Bill * * *. The Administration, while emitting soft noises of adherence to the sanctions, utterly failed to convey the cues to Congress which sophisticated people look for to determine the seriousness of the Administration’s interest in defeating a particular measure.¹¹

Several incidents tended to confirm supporters of repeal in their conviction that the executive branch was not fully committed to their campaign. At a White House press conference on May 19, 1972, spokesman Jerry Warren seemed evasive on just what the White House position was:

Q. Does the White House have a position on Senator McGee’s amendment to repeal the Byrd amendment on Rhodesian chrome?

Mr. WARREN. The White House feels it is appropriate for the Senate to seek conformity between our domestic laws and our international treaty obligations.

Q. What does that mean, Jerry?

Mr. WARREN. That means that the Senate has before it the issue, and so the Senate should work it out.

Q. But does that mean the White House thinks it should be repealed?

Mr. WARREN. The Congress enacted the Byrd amendment. And the Congress is now reviewing the legislation to seek conformity with the United States international obligations. So it is up to the Congress.

Q. Are you advocating the repeal of the Byrd amendment?

Mr. WARREN. We are advocating conformity between our domestic laws and our international treaty obligations.

Q. What are our international treaty obligations in this respect?

Mr. WARREN. I think you know as well as I do in this respect. It has to do with the United Nations. For details on that, you can get it from State.

⁹ U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. *Sanctions as an Instrumentality of the United Nations—Rhodesia as a Case Study*. Hearings, 92d Cong., 2d sess. June 13, 15, and 19, 1972. Washington, U.S. Government Printing Office, 1972, p. 12.

¹⁰ U.S. Congress. House. Committee on Foreign Affairs. Subcommittees on Africa and on International Organizations and Movements. *Future Direction of U.S. Policy Toward Southern Rhodesia*. Hearings, 93d Cong., 1st sess. Feb. 21, 22; Mar. 15, 1973. Washington, U.S. Government Printing Office, 1973, p. 1.

¹¹ Diggs, Charles. *My Resignation from the United Nations Delegation*, *Black Scholar*, February 1972: 4.

Another such incident took place on November 26, 1972, when Clark MacGregor, who had served as counsel for congressional relations to President Nixon and who had resigned as director of the Committee for the Reelection of the President on November 8, visited Rhodesia. In a televised appearance, MacGregor described Rhodesia's failure to achieve international recognition as "unnatural." He added:

In a free society such as ours, unnatural situations which are unpopular tend to be subject to change. So I am sure change will come—for the better. I can't predict how or when, but I rather expect it will be sooner than most people realize.¹²

The State Department quickly pointed out that MacGregor had traveled to Rhodesia as a private citizen and insisted that the United States was not on the verge of recognizing Rhodesia.¹³ But MacGregor's comments nonetheless added to the impression that sympathy for the sanctions at the White House was indeed not very great. They also suggested that a major policy shift on Rhodesia might soon be made—without any consultation with Congress.

Still a third incident that damaged the administration's reputation among supporters of repeal was the controversy surrounding NSSM 39, an acronym referring to a directive issued in April 1969 by National Security Adviser Kissinger for an interdepartmental review of Africa policy. Both the directive and what appeared to be a draft of the review were leaked to the press in 1972¹⁴ and became the subject of a long-running debate carried on in the press, academic journals, and books. Option 2 of the alleged review took as its premise that "The whites are here to stay and the only way that constructive change can come about is to work through them." The review went on to suggest, as one "operational example" useful in implementing option 2, that the sanctions against Rhodesia be gradually relaxed.¹⁵ Donald B. Easum, who had held several high Africa-related posts in the State Department, wrote in 1975 that option 2 was just one of six broad options discussed in the review. While the review had led to some limited decisions, according to Easum, none of the broad options had ever been adopted.¹⁶ But outside the State Department, many doubted this contention, maintaining that Nixon administration policy on Rhodesia and on other African issues showed that option 2 had indeed been chosen. Whatever the case may be, the leaking of NSSM 39 helped to convince some in Congress that a new Africa policy had been launched without consultation; that a relaxation of sanctions against Rhodesia was a part of this new policy; and that executive branch statements of support for repeal of the Byrd amendment were designed to mask the administration's real intentions.

Meanwhile, the impression that the State Department position on the Byrd amendment differed from the White House position continued to tarnish State Department lobbying efforts. In 1973, Representative Ogden Reid noted an "apparent dichotomy"¹⁷ between the

¹² New York Times. Nov. 28, 1972.

¹³ Ibid.

¹⁴ Easum, Donald B. *United States Policy Toward South Africa*. Issue (African Studies Association), vol. 5, fall 1975: p. 70.

¹⁵ El-Khawas, Mohamed and Barry Cohen. *The Kissinger Study of Southern Africa*. National Security Study Memorandum 39. Westport, Conn., Lawrence Hill and Co. [1976], pp. 105, 107.

¹⁶ Easum, Donald B. *United States Policy Toward South Africa*, p. 71.

¹⁷ U.S. Congress. House. Committee on Foreign Affairs. *Future Direction of U.S. Policy Toward Southern Rhodesia*, p. 12.

Department and the White House, while Representative Fraser regretted that:

Testimony * * * 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.¹⁸

Senator McGee made it clear that he was angered by White House performance during consideration of his repeal amendment in 1972. Critical of the "sphinx-like attitude"¹⁹ of the White House toward the Byrd amendment in 1971, McGee said that he had been encouraged by official statements in favor of repeal, as well as by private assurances given him by the White House, that full support would be forthcoming for his repeal effort. McGee wrote, "It was my belief that at this point the administration was fully committed to utilizing whatever means it had at its disposal to see a successful reversal of last fall's vote." But, McGee went on, it soon became

quite apparent that the handling of the Rhodesian chrome ore question on the part of the Administration was no different than it was last October. This time I personally appealed to the White House for assistance. I asked that they make only five or six telephone calls to marginal Senators on the Administration's side of the aisle—several of whom had already told me "a call from the Administration would be necessary to change my vote." As it turned out, the White House would have had to make only two calls to turn the tide in our favor.

But not one call was made. The Administration had put its rhetoric behind my bill and the United Nations, but it did not lift the telephone even once to back up that rhetoric.²⁰

One final issue that increased distrust of the executive branch centered on the executive's interpretation of the Byrd amendment to apply to materials other than chromium produced in Rhodesia. During the debate on the Byrd amendment, it was widely understood in Congress that the proposed provision applied only to Rhodesian chrome. Once in force, however, the amendment—which did refer broadly to critical and strategic materials and not just to chromium—was interpreted to apply to U.S. imports of other materials from Rhodesia, such as nickel and asbestos, that happened to be on the U.S. list of critical and strategic materials. These materials were readily available elsewhere, so that the national security argument evidently did not apply. Consequently, opponents of the Byrd amendment felt that Congress had been misled when the amendment was under debate both by the advocates of the amendment and by an executive branch that ought to have pointed out its full implications. Senator Byrd, however, had clearly stated that the language of his legislation applied "to only one commodity, chrome ore,"²¹ and had reiterated his interpretation in a meeting with the Assistant Secretary for Congressional Relations and U.N. Ambassador George Bush in March 1972. Thus some felt that the blame for applying the amendment to other materials lay primarily with the executive branch. Given the language of the amendment, the executive may have had no choice but to admit

¹⁸ Ibid., p. 59.

¹⁹ McGee, Gale W. *The U.S. Congress and the Rhodesian Chrome Issue*. Issue (African Studies Association), vol. 2, summer 1972: 5.

²⁰ Ibid., pp. 6–7.

²¹ U.S. Congress. Senate. Committee on Foreign Relations. *U.N. Sanctions against Rhodesia—Chrome*, p. 3.

other materials. But by doing so—and without consultation—it added another issue to the list of grievances held by the supporters of repeal.

Supporters of the Byrd amendment remained critical of executive branch policy in the period after the passage of the amendment because of executive backing—however inadequate it may have been—for repeal. Their criticism was directed largely at the State Department. The U.S. Ambassador to the United Nations, John Scali, came in for some harsh comments when he said in 1973 that the Byrd amendment placed the United States in “open violation of international law.” Senator Harry Byrd remarked that Scali must have “been affected by the rarefied atmosphere of the penthouse apartment he has in the Waldorf Towers * * *,” adding that Scali should have felt an obligation to support the laws duly enacted by Congress.²² But with the advocates of repeal meeting with so little success, there was no need for supporters of the amendment to be as outspoken as they once had been.

CONGRESSIONAL STAFF INITIATIVES

Senate staff working for Members opposed to the Byrd amendment, disappointed with executive branch efforts, were active in organizing their own consultative network, exchanging information, and planning strategy. A former staffer for one leading Senate opponent recalls that he spent 7 months working almost exclusively on the issue prior to the passage of the 1973 repeal bill. An informal staff working group was organized and weekly meetings were held to discuss plans and progress. State Department representatives usually attended these meetings, but congressional staff who participated recall that they played a marginal, primarily informational role.

One staffer believes that this staff initiative was significant over the long term, even though it failed in its immediate goal, because it resulted in a marshalling of the technical data that, in his view, the State Department had been weak in providing. The working group called on the Bureau of Mines, the Congressional Research Service, and other organizations to provide it with information which, from the working group's perspective, tended to show that the United States was less dependent on Rhodesian chrome than supporters of the Byrd amendment maintained. Consequently, it is argued, the group laid the groundwork for the eventual repeal of the amendment.

At the State Department, however, there was another view of the efforts of congressional staff. Representatives of the Department felt that they were playing a much more important role—writing speeches, drafting legislation, and planning tactics. From their perspective, congressional staffers, while working on behalf of a worthy cause, were not particularly effective in their efforts. Rather, staff were perceived as young and inexperienced, and as holding an exaggerated estimate of their own importance—an estimate that sometimes required State Department representatives to engage in a certain amount of flattery in order to avoid damaging staff egos.

Whether or not either of these perspectives is valid, it is interesting that an observable element of mutual disdain arose between congressional and State Department personnel who were working on behalf of the same cause. Perhaps this is inevitable under a system of separa-

²² Congressional Record, vol. 119, June 8, 1973 : 18903.

tion of powers, which can create pressures on individuals in one institution to place the blame for policy problems on other institutions. Career considerations could also have been a factor, with individuals in both branches possibly positioning themselves to claim credit if the repeal campaign had succeeded. It is interesting that rivalries also existed between House and Senate staffers favoring repeal in this period. There was a tendency on the part of House staffers to criticize Senate staff for not mounting a more effective campaign against the Byrd amendment in the first place. Senate staff, on the other hand, tended to be critical of House staff for not establishing the sort of anti-Byrd amendment working group that existed in the Senate.

CONCLUSION

Executive branch statements, testimony, and other forms of support given to efforts to repeal the Byrd amendment during the Nixon and Ford administrations failed to convince congressional advocates of repeal that the executive stood behind their efforts. Instead, repeated congressional criticisms were directed against executive branch performance on the sanctions issue, and these criticisms were echoed in negative attitudes held toward Congress within the executive. Under these circumstances, the limited consultations that took place were distrusted and had little or no effect on congressional opinion.

V. ALTERING THE BYRD AMENDMENT, 1977

The Carter administration came into office in January 1977, with an overall political orientation that gave it a good reception among congressional advocates of repealing the Byrd amendment. Taking a strong stance in favor of repeal in its first days, the new administration was much better able to work with this congressional group than either the Nixon or Ford administrations had been. Consultations between the executive and the congressional repeal advocates proved more effective as the feelings of distrust and betrayal that had marked earlier years disappeared.

Many who were active in the Congress at the time, however, believe it would be inaccurate to attribute the modification ending the Byrd amendment's application to Rhodesia—a modification that was signed into law on March 18, 1977—solely to executive branch efforts. They point to the fact that the legislation making this change passed the Congress within weeks of the inauguration. An administration acting alone, they argue, would hardly have had time to win such a major victory in Congress. From this perspective, the congressional efforts that had been underway for several years had finally built a persuasive case for repeal and this, combined perhaps with a certain change in the national mood reflected in the election of President Carter, were the decisive factors in the victory of the repeal campaign.¹

Wherever the credit for the 1977 legislative victory of the anti-Byrd amendment forces should lie, it is clear that, as in previous administrations, no broad consultations on the overall Rhodesian situation, its significance, and the policy options open to the United States, took place. Rather, the new administration had a certain Rhodesia policy in mind—one involving support for the U.N. sanctions and pressure on the Smith regime to come to a negotiated settlement with its opponents—when it came into office. From the first, it regarded consultations with Congress as a means of maximizing its freedom to implement this policy. Thus, on the Rhodesian sanctions issue, the Carter administration became the ally of one group in Congress and the opponent of another.

ADMINISTRATION SUPPORT FOR REPEAL

President Carter's political orientation placed his administration in a good position from the outset to enjoy favorable relations with congressional advocates of repealing the Byrd amendment. The administration's rapport with this group was strengthened early on by specific actions intended to cement relations with black Members of Congress. Six members of the Congressional Black Caucus, for example, had met with the President-elect in Plains, Ga., in December 1976,

¹ The modification of the Byrd amendment cannot be attributed to the results of the 1976 congressional elections. The party composition of Congress was essentially unchanged. One of the leading advocates of repeal, Senator McGee, was defeated.

on the occasion of Representative Andrew Young's appointment as U.S. Ambassador to the United Nations.

The Ambassador-designate had himself been an outspoken congressional advocate of repeal. It was Young himself, just before he joined the administration, who introduced the House bill to exempt the sanctions against Rhodesia from the Byrd amendment.² On February 24, Ambassador Young returned to testify as an administration witness on behalf of his own bill, arguing that rapid passage would do much to enhance the United States position in Africa and help him in his work at the U.N.³

The new administration, in addition to enjoying an improved reception among the congressional supporters of repeal, brought its highest level officials into the repeal campaign. Secretary of State Cyrus Vance headed the campaign, and he took a strong public stance in favor of repeal as part of the administration's advocacy of human rights.⁴ Vance made it clear in Senate testimony that he had the full backing of the President:

The Carter Administration attaches the highest importance to repeal. In testifying today on behalf of the Administration, I speak for the President, who strongly supports this initiative. We welcome your bill and hope that Congress will give it the very full measures of support it deserves. We will work with you toward this end.⁵

While the Nixon and Ford administrations had also gone on record in favor of repeal, this statement gave a significantly higher priority to the issue. Vance's appearance at a congressional hearing on the sanctions was itself significant and contrasted with Secretary Kissinger's delegation of this responsibility to subordinates.

High-level followup, once the bill restoring sanctions was passed, helped the administration to maintain its good relations, for a time, with congressional supporters of the sanctions. President Carter himself took note of congressional action on the amendment in a major speech to the U.N. General Assembly in New York and telephoned those who had worked for repeal to express his personal thanks. Congressional leaders of the repeal campaign were invited to the White House for the signing ceremony. In short, the passage of the legislation modifying the Byrd amendment marked a high point in congressional-executive cooperation and good feelings on the sanctions issue.

CONGRESSIONAL FACTORS

While it is true that the Carter administration worked harder for repeal of the Byrd amendment than its predecessors, the executive branch was by no means solely responsible for passage of the legislation ending the amendment's application to Rhodesia. Some of those who were active in the repeal campaign in Congress argue, indeed, that their efforts had far more to do with passage than any adminis-

² H.R. 1746. The proposed bill stated that "Any Executive order which * * * applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law."

³ U.S. Congress. House. Committee on International Relations. Subcommittees on Africa and on International Organizations. The Rhodesian Sanctions Bill. Hearing, 95th Cong., 1st sess. Feb. 24, 1977. Washington, U.S. Government Printing Office, 1977, pp. 7-22.

⁴ New York Times, Feb. 1, 1977.

⁵ U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on African Affairs. Rhodesian Sanctions. Hearings, 95th Cong., 1st sess. Feb. 9 and 10, 1977. Washington, U.S. Government Printing Office, 1977, p. 58.

tration efforts. Those who hold this view often resent what they see as a tendency for repeal to be remembered as an achievement of the Carter administration rather than as an achievement of the 95th Congress.

Congressional staff involved in the repeal effort recall that they had carefully developed technical arguments over the years that in their view tended to refute the national security case in support of the amendment. These arguments, they claim, cut the ground from under the Byrd amendment, and the Carter administration—rather than persuading a reluctant Congress to modify the amendment—simply benefited from a fruition of a painstaking congressional effort that was on the verge of success in any case. Some maintain that the executive branch still failed to take up the technical arguments. Rather, the administration was seen as placing its case primarily in terms of human rights and support for the United Nations—repeating, some believe, earlier executive failures to address the principal concern of Congress with respect to Rhodesian chrome.

Particularly decisive in the vote to modify the Byrd amendment, from this perspective, was the congressional testimony of E. F. Andrews of Allegheny Ludlum Steel, who reluctantly conceded that technical changes had reduced U.S. dependence on Rhodesian chrome. Andrews was well-known and respected on Capitol Hill as a persuasive spokesman for the metals industry and as a convincing opponent of restrictions on chromium imports. In his 1977 testimony, Andrews remained opposed to sanctions in principle, arguing:

it is hazardous and undesirable policy for the United States to restrict access to strategic raw materials, such as chrome, which are essential to this nation yet are available only from abroad.⁶

But he went on to acknowledge:

At the same time, we should point out that the economic situation has changed since the Byrd Amendment was adopted in 1971.

A significant portion of the specialty steel industry has spent substantial sums to research and develop technological innovations permitting the use of lower-quality ferrochrome smelted from ore currently available from sources other than Rhodesia * * *.

In addition, substantial smelting capacity for high-carbon ferrochrome has been added outside Rhodesia, particularly in South Africa. Thus, our economic reliance upon Rhodesian chrome is less than when the Byrd Amendment was adopted in 1971.⁷

Another important witness was an official of the United Steelworkers of America, who argued that a reimposition of the sanctions would not endanger the jobs of members of his union. Indeed, this official maintained, the Byrd amendment has actually jeopardized jobs in the U.S. ferrochrome processing industry, which produces a semifinished product from chromite ore for use by steel manufacturers, because Rhodesia had taken advantage of the amendment to sell its own ferrochrome in the United States.⁸

Congressional supporters of repeal argue that it was through their efforts that this and other information crucial to the repeal effort was brought to light, capping their own longstanding informational campaign and making it possible for Members of Congress to vote to alter

⁶ U.S. Congress. Senate. Committee on Foreign Relations. *Rhodesian Sanctions*, p. 16.

⁷ *Ibid.*

⁸ *Ibid.*, pp. 5–6.

the Byrd amendment without fear of jeopardizing essential national interests. Participants in the staff effort point out that the arguments they had developed were made not only in formal testimony but also in memorandums and congressional staff studies circulated widely on the Hill. Thus, from their point of view, the executive branch lagged behind congressional staff both in discovering the kinds of arguments that would be persuasive to Congress and in making sure that these arguments found the proper audience.

CONCLUSION

Consultations were an important factor in the modification of the Byrd amendment in 1977, but it is not clear that they were the decisive factor. In retrospect, it seems quite likely that the efforts both of the executive branch and of the congressional supporters of repeal made significant contributions to the passage of the legislation restoring sanctions. It may also be, as some have suggested, that the election of President Carter, rather than any special executive branch action, created a certain mood or atmosphere in Congress—pundits might call it a “honeymoon effect”—that made the Democratic Party majorities in both Houses of Congress more receptive to repeal.

VI. CONGRESSIONAL REACTION TO THE INTERNAL SETTLEMENT, 1978

The year 1978 was marked by rapid political change in Rhodesia. This change swiftly dissolved the rapport the Carter administration had enjoyed with Congress on the sanctions issue.

The "internal settlement" or "Salisbury agreement" was signed in the Rhodesian capital on March 3, 1978. Under the agreement, the Smith regime came to terms with three black political leaders on a new constitution and elections certain to bring a black Prime Minister into office. This development convinced many in Congress that the time had come to end U.S. participation in the U.N. sanctions. But others were just as certain that the settlement, containing significant protections for white wealth and power, amounted to a formula for continuing white rule, if in a superficially more acceptable guise. Their concern was that the agreement would not persuade the Patriotic Front guerrillas to lay down their arms and thus could not end the escalating civil war. The Carter administration held the latter view, and continued to advocate full U.S. adherence to the U.N. sanctions until an internationally recognized negotiated settlement to the Rhodesian conflict could be found.

The executive branch actively consulted with Congress during this period for the purpose of persuading it to allow the sanctions to remain in force. But mounting opposition to the sanctions policy meant that the executive no longer received the warm congressional reception it had enjoyed in 1977. As a result, the administration reluctantly made some concessions to its congressional critics, including permission for a visit to the United States by Ian Smith. Some consultations took the form of bargaining sessions with the opposition, intended to minimize damage to the administration's established line of policy.

The controversy surrounding the internal settlement led to a renewal of distrust and criticism of the executive branch in Congress. Few Members had words of praise for the administration's performance. Many Members and staff were convinced that the administration was covertly sympathetic to the Patriotic Front guerrillas and was using a variety of tactics, including abuse of the consultative process, to prevent Congress from lifting the sanctions. In this perspective, congressional action to compel an end to the sanctions was fully justified. Another group supported the administration position but felt that executive branch efforts on behalf of the sanctions were inept and reflected excessive fear of the congressional opposition. They argued that the executive had failed to make full use of the means it had available for defending the sanctions.

Members of the executive branch, not surprisingly, have an entirely different view of their performance in 1978. They saw it as their role to buy time from Congress—time in which the shortcomings of the internal settlement would become apparent to all concerned. In their

view, consultations with Congress on the substance of policy were not necessary because the executive branch, with superior capabilities in the foreign policy field—and in the exercise of its constitutional responsibilities in foreign affairs—had determined what that policy should be. But there was a need, from the executive perspective, to prevent Congress from interfering with the successful implementation of Rhodesia policy, and consultations were useful for this purpose. Within the executive branch, many take some pride in the failure of efforts in Congress to compel an end to the sanctions in 1978, even though the congressional-executive relationship was strained by the tactics employed. Nonetheless, some former members of the Carter administration remain resentful of what they view as unjustified congressional meddling in the policymaking process in the wake of the internal settlement.

RHODESIAN BACKGROUND

Congressional sentiment in favor of lifting the sanctions against Rhodesia began to mount once again with the signing in Salisbury of the March 3, 1978, internal settlement. This agreement established an interim administration in Rhodesia in which Ian Smith temporarily remained Prime Minister while assuming a position of formal equality with three African leaders in an interim Executive Council. Smith's comembers on the Council included Bishop Abel Muzorewa, head of the United African National Congress (UANC). The UANC was a political party which enjoyed considerable popular support. Other members were the Reverend Ndabaningi Sithole, leader of a wing of the Zimbabwe African National Union (ZANU) that had split from the guerrilla faction of the party; and Chief Jeremiah Chirau, a spokesman for traditional tribal interests.

The Salisbury agreement called for a new constitution which would create a 100-member parliament, with 28 seats reserved for whites. Other provisions assured that there would be constitutional guarantees of continued pervasive white influence in the civil service, judiciary, police, and military. Nonetheless, it was clear that the elections to be held under the constitution would install a black majority in Parliament and a black Prime Minister. These elections were initially expected to be held in late 1978, but were later postponed until April 1979.

Robert Mugabe's external wing of ZANU, together with Joshua Nkomo's Zimbabwe African People's Union (ZAPU), rejected the internal settlement as a sellout to white interests.¹ Allied together in the Patriotic Front, the two guerrilla leaders vowed to continue their armed struggle against the Salisbury authorities.

CONGRESSIONAL REACTION

Many in Congress believed that the internal settlement in Rhodesia would bring only superficial change. Stressing the influence that whites would continue to enjoy under the proposed constitution, they argued that the reforms in Rhodesia were insufficient to justify any change in U.S. policy on the sanctions. A Senate Foreign Relations

¹ Africa Research Bulletin (London), March 1978 : 4791.

Committee staff study, released in June 1978, maintained that the settlement would neither end white rule nor promote majority rule on the basis of one-man-one-vote.² Instead, according to the study, the settlement—

offers a formula for at least 10 years of qualified multiracial rule in which there would exist a black majority in Parliament, but a central white power block with the ability to prevent fundamental change altering the political and economic structure of the Rhodesian society.³

If the United States were to support the settlement, in this view, it would appear to be backing white interests in Rhodesia. This could lead to diplomatic isolation for the United States in Africa, according to the study, which noted that not one African state had indicated that it would accept the settlement. The study also asserted that the settlement could further polarize the situation within Rhodesia and lead the Zimbabwe guerrillas to seek increased assistance from the Soviet Union and Cuba. These two countries would then be in a position to make significant gains in Africa, the study maintained, because they would be able to portray themselves as champions of African liberation.⁴

A growing number in Congress, however, believed that the internal settlement had fundamentally altered the situation in Rhodesia and could require a change in U.S. policy. The settlement itself was enough to convince some that the time had come for the United States to lift the sanctions. In their view, Smith, in agreeing to the four-member executive council, had already admitted blacks into the highest political positions in the country. Moreover, he had accepted terms that would soon bring an elected black government into office. To demand more, it was argued, would be unreasonable, and U.S. insistence on maintaining the sanctions would amount to unwarranted interference in the internal affairs of another country. Critics of the administration noted that countries with far less representative institutions enjoyed full relations with the United States. There was no valid reason, they maintained, for refusing to enter into ties with a country that remained fundamentally pro-Western and was waging a war against guerrillas backed by Communist nations.

Another group in Congress took the view that the internal settlement should be treated with caution, but felt that the United States ought to take cognizance of the accord as a step forward. A U.S. acknowledgment that progress had been made in Rhodesia would, it was argued, hold open the possibility of ending sanctions once the agreement had been fully implemented, or if minor modifications in the direction of greater democracy were made.

Both of these groups were annoyed by statements on the part of U.N. Ambassador Young, which seemed to foreclose the possibility of working with the internal regime. Young insisted that the guerrilla movements would have to be included in any settlement if a "black on black civil war"⁵ were to be avoided. This contention aroused criticism among Members of Congress who saw it as part of an ad-

² U.S. Congress. Senate. Committee on Foreign Relations. *A Rhodesian Settlement? Analysis of an Agreement Signed by Ian Smith of Rhodesia, the Reverend Ndabaningi Sithole, Bishop Abel Muzorewa, and Senator Jeremiah Chirau on Mar. 3, 1978.* A staff report (committee print). Washington, U.S. Government Printing Office, 1978.

³ *Ibid.*, p. 8.

⁴ *Ibid.*, pp. 8-9.

⁵ *New York Times*, Feb. 16, 1978.

ministration effort to force Marxist-backed movements onto the Salisbury regime. Senator Clifford Case introduced a resolution on March 9 stating that the internal settlement should have "the serious and impartial consideration of the U.S. Government," and that the President "should instruct the U.S. Ambassador to the United Nations to lend his efforts toward insuring that the agreement is so considered * * *."⁶ A resolution sponsored by Senator Robert Dole described the agreement as meriting "strong endorsement and the support of the American people and the U.S. Government." This resolution would have had the President instruct Young to work toward winning international acceptance of the Salisbury agreement.⁷

The executive branch, which strongly favored maintaining the sanctions, was jolted on June 28, when an amendment sponsored by Senator Jesse Helms to lift the sanctions during fiscal 1979, was tabled by a margin of just 6 votes.⁸ An alternative, nonbinding amendment by Senator Case was accepted without objection. According to this amendment, it was the sense of the Congress that:

the agreement reached by the Government of Rhodesia and representatives of Rhodesia's black majority population regarding elections and majority rule by the end of 1978, should be given serious, impartial, and good faith consideration by all parties and should not be rejected out of hand.⁹

Clearly the Senate was dissatisfied with administration policy on the sanctions.

Another Helms-sponsored effort to lift the sanctions was turned back on July 26. On that same day, however, the Senate accepted a Rhodesia-related amendment sponsored by Senators Case and Javits to the security assistance authorization bill. Under this amendment, the President was to lift the sanctions by December 31, 1978, if he determined that the Rhodesian Government had committed itself to negotiations in good faith and had installed a freely elected government.¹⁰

Meanwhile, opposition to the sanctions was increasing in the House. That body passed an amendment to the same bill, by a vote of 229 to 180, to require the President to lift the sanctions by December 31 unless he determined that a freely elected government had not been installed.¹¹ In the House-Senate conference, a position close to the Senate version was finally adopted. This provision, which continued to be known as the Case-Javits amendment, was to prove of considerable importance in subsequent congressional-executive relations on the sanctions issue. It read:

Sec. 27. In furtherance of the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines that—

(1) the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

⁶ S. Con. Res. 70. For full text, see Congressional Record, vol. 124, Mar. 9, 1978: S3362-S3363.

⁷ S. Con. Res. 69. Congressional Record, vol. 124, Mar. 7, 1978: S3150.

⁸ The proposed amendment was to the State Department authorization bill. Congressional Record, vol. 124, June 28, 1978: S9976-S9989. In U.S. legislative terminology, "tabling" is a synonym for the indefinite postponement of action on a motion.

⁹ Ibid., S10033-S10034.

¹⁰ For text, see Congressional Record, vol. 124, July 26, 1978: S11782.

¹¹ For text, see Congressional Record, vol. 124, Aug. 2, 1978: H7730. The vote is recorded on p. H7732.

(2) a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally-recognized observers.¹²

The conference report specified that the President was to issue a determination if the conditions set forth in the amendment were fulfilled.¹³ He could not postpone lifting the sanctions by refusing to make a determination. Some have argued that this amendment was not a significant restraint on executive branch authority because it left the final decision on lifting sanctions to the President. But the requirement that the President make a determination at least meant that the executive could not choose to ignore the developments taking place in Rhodesia under the internal settlement.

CONGRESS AND THE EXECUTIVE BRANCH

With mounting congressional opposition to the sanctions, relations between Congress and the executive on the sanctions deteriorated sharply. From the administration's point of view, no settlement in Rhodesia could succeed in ending the violence unless the Patriotic Front was a party to the agreement. As long as the violence continued, from this perspective, there was a danger of an escalation that might draw in Cuban and South African troops. Lifting the sanctions, in the administration view, would risk encouraging the Salisbury regime to go ahead with its plans rather than seek a compromise with the guerrilla forces. Thus the Executive sought to minimize congressional involvement on the issue, while continuing to search for alternatives to the Salisbury agreement.

The administration was concerned about more than just Rhodesia in opposing restrictions on its authority to set sanctions policy. In May, following the invasion of Zaire's Shaba Province by Zairian dissidents based in Angola, the President had complained that a variety of restrictions in the foreign assistance legislation had tied his hands in responding to foreign crises. Carter had announced that a review of all such restrictions would be undertaken, adding "we must resist further restrictions being attached to legislation now before the Congress."¹⁴ Resistance to congressionally imposed limits on sanctions policy was thus part of a larger executive branch campaign on behalf of Presidential freedom of action in foreign relations.

Opposition to congressional involvement in Rhodesia policy was also important to the administration because the renewed sanctions controversy was taking place within the context of mounting criticism of the President's handling of foreign affairs generally. The Shaba crisis was interpreted by some as part of a major Soviet-Cuban-backed offensive in Africa. Already, it was argued, Somali armed forces in Ethiopia's Ogaden region had been routed, in February and March, by Cuban and Ethiopian troops, possibly advised by Soviet military personnel. Many believed that the administration should have done more to support Somalia in this crisis. Now, critics argued, the administration's refusal to lift the sanctions showed that it continued to be weak

¹² U.S. Congress. House. International Security Assistance Act of 1978; Conference Report To Accompany S. 3075. Washington. U.S. Government Printing Office, 1978. (95th Cong., 2d sess., Report 95-1546), p. 17.

¹³ Ibid., p. 30.

¹⁴ Congressional Quarterly Weekly Report, vol. 37, June 3, 1978: 1422.

in supporting anti-Marxist forces in Africa. In the face of this attack, it became important to the administration on political grounds to resist sanctions-lifting legislation that would be interpreted as a victory for the President's critics.

The perception that the administration was "soft" in responding to this perceived Soviet threat in Africa was a particularly significant factor in relations with Congress on Rhodesia policy in the summer of 1978. Indeed, the executive branch had a difficult time in convincing many Members that it had not become sympathetic to the Patriotic Front. Senator Javits himself said, during the debate on the Case-Javits amendment:

From the declarations of the various officials of our Government, including Andrew Young * * * I felt a "tilt" toward the guerrillas. I would not sponsor this amendment unless I were confident—and I am—that this tilt is corrected by the amendment and that the United States is truly put in the position to be the honest mediator, the honest broker, and that its actions are conditioned upon the factors established in this amendment.¹⁵

This view of the administration was generous compared to that held by Senator Orrin Hatch, who accused Young of "support for the Communist-backed Patriotic Front" and added that "his statements appear to be the policy of the administration."¹⁶ Senator Byrd of Virginia maintained that the State Department position on Rhodesia amounted to an attempt to force the Rhodesian Government to accept "Marxist-oriented terrorist guerrillas."¹⁷ According to Representative William Dickinson—

For some strange reason beyond my comprehension, our Rhodesia policy, engineered by U.N. Ambassador Andrew Young and endorsed by President Carter, is apparently dedicated to a course that will result in the establishment in Rhodesia of a Communist dictatorship.¹⁸

But despite these criticisms, the executive branch was determined to maintain course on Rhodesia. The administration recognized its failure to anticipate the near passage of the Helms-sponsored attempt to lift the sanctions in June as a significant breakdown in executive branch understanding of sentiment on Capitol Hill. Now a hastily constructed campaign was launched to preserve the sanctions. With action on the security assistance authorization pending, 100 Senate staff aides were asked to a meeting on Rhodesia in the White House family theater on the afternoon of July 20. The size of the meeting was unusual. Those who deal with congressional relations in the executive branch are aware that informal contacts with smaller groups or with individuals are likely to be more persuasive. But the situation was seen as an urgent one, not allowing sufficient time for such contacts.

Though attendance was good, the event was not a success. The day was a hot one, and confusion at the White House over admission of the large group meant that many staffers were forced to wait outside for a time. The principal speaker, Anthony Lake, who was head of the State Department's policy planning staff, was late in arriving, increasing the irritation of the audience. The question period, according to reports, was dominated by a congressional staff member who was strongly opposed to administration policy, and one aide recalls that

¹⁵ Congressional Record, vol. 124, July 26, 1978: S11792.

¹⁶ Congressional Record, vol. 124, Feb. 20, 1978: S1931.

¹⁷ Congressional Record, vol. 124, Apr. 20, 1978: S5994.

¹⁸ Congressional Record, vol. 124, Apr. 4, 1978: H2447.

the session turned into a shouting match. Thus it is no surprise that the large meeting was not again used as a mechanism for influencing congressional views on Rhodesia.

More private contacts were subsequently undertaken at higher levels, as national security adviser Brzezinski met with several Senators to try to convince them that U.S. national security interests had been taken into account in the making of Rhodesia policy.¹⁹ President Carter raised the issue in the course of meetings, including breakfast meetings, with Members of the Senate. White House press secretary Jody Powell issued a statement taking note of President Carter's concern over the impending Senate vote on the sanctions. He reaffirmed that repeal would "erode what chances there are for a peaceful settlement in Rhodesia" and "promote chaos and increased bloodshed."²⁰ Meanwhile, State Department contacts with congressional staff were intensified. Whether these efforts changed any minds in Congress is doubtful, but they may have been effective in buying time for the executive while it sought an alternative to the internal settlement. Senator Helms was concerned by the increased pace of the executive campaign and charged that the administration had "pulled out all of the stops"²¹ in an effort to defeat his amendment.

In any event, the administration soon found that its critics had mounted a strong counter campaign. The head of the Rhodesian Information Office in Washington, Ken Towsey, had by this time acquired considerable credibility and made many friends among Members of Congress and their staffs. His low-key but persistent efforts made him a formidable opponent. Bishop Muzorewa himself arrived in Washington on July 16, at the invitation of Senator Helms,²² to mixed reviews from Senate staff. Some were impressed by the mild-mannered Bishop in his clerical garb, but others maintained that Muzorewa was not persuasive enough to change many minds and that he spent too much time in the company of those who already believed in his cause.

Perhaps the most significant obstacle faced by the administration in its campaign to maintain the sanctions, however, was the fact that many Members of both the House and the Senate had thought deeply about the Rhodesian situation and strongly believed that the administration position was wrong. Senator S. I. Hayakawa had made a trip to Rhodesia and other African countries in May and June 1978, and had published a report on his findings.²³ Other Senators had commissioned staff studies of the problem and made lengthy floor speeches questioning State Department judgment and expertise on the issue. Those who held such well-developed views on Rhodesia were not likely to be dissuaded by a last-minute executive branch campaign.

Even while attempting to persuade Congress to maintain the sanctions, executive branch personnel remained convinced that Congress should not be involved in foreign policy decisions at this level of detail. They noted that policy on the Rhodesian issue involved other considerations: The interpretation of the U.N. Charter and of an agree-

¹⁹ Deutsch, Richard. "Rhodesia's Scramble for Senate Votes." *Africa Report*, vol. 23, September/October 1978: 42.

²⁰ *Ibid.*

²¹ *Congressional Record*, vol. 124, July 26, 1978: S11785.

²² *New York Times*, July 17, 1978.

²³ Hayakawa, S. I. "Rhodesia: Report to Congress on a Visit to Southeast Africa," Washington, Aug. 1, 1978.

ment signed among foreigners in an African capital; an assessment of the best method for dealing with Soviet and Cuban involvement in Africa; and calculations with respect to the impact of Rhodesian policy on U.S. relations with the African states. Any congressional action, even the Case-Javits amendment, was from this perspective likely to restrict essential executive prerogatives. The efforts of Case and Javits were not welcomed by some at the State Department who saw the two Senators as injecting themselves into a situation they ought to have left alone. It would have been better, from this point of view, for the two Senators simply to have supported the administration rather than to have spearheaded a compromise with opponents of the sanctions.

As the Department grew increasingly aware of congressional opposition to the sanctions policy, however, the Case-Javits initiative became more and more attractive to policymakers trying to prevent early congressional action to repeal the sanctions. High-level representatives of the Department, reportedly including Deputy Secretary of State Warren Christopher, met with the authors of the proposal to discuss its wording. At the end of July, executive branch representatives let it be generally known in conversations with Members of Congress and staff that the Case-Javits amendment was acceptable as an alternative to compulsory legislation. Information gathered through consultations had convinced the executive that this was a necessary tactical decision.

The amendment turned out to be a useful tactical device. Sponsored by two Republican Senators, it was not identified with President Carter or his administration. Thus it appeared to be an independent alternative to Senator Helms' position in favor of compulsory sanctions-lifting legislation. An amendment along the lines of the Case-Javits proposal, but sponsored by Democrats, many believe, would have failed because it would have been seen as supporting President Carter's policy. Failure would have opened the way for passage of an amendment to nullify the sanctions altogether.

THE SMITH VISIT

Congressional-executive relations on the sanctions issue were strained once again, in September and October 1978, after Senator Hayakawa and 26 other Senators issued an invitation to the Rhodesian Government to send a delegation to Washington. The Senators who issued this invitation believed that the case in favor of the internal settlement had not been given a fair hearing in the United States and expected the visit to give the Salisbury regime much-needed publicity. In the State Department, however, there was concern that such a visit—particularly a visit by a delegation that included Ian Smith—would place the United States in violation of the 1968 U.N. sanctions resolution which required member states to prevent the entry of Rhodesian residents who have “furthered or encouraged * * * the unlawful actions of the illegal regime * * *.”²⁵ Smith was a symbol of the white-led secession, and there was concern at the Department that his visit would do much harm to the United States at the United Nations and in Africa. Thus, when Smith and Sithole went to South Africa on

²⁵ U.N. Security Council Resolution 253 (1968).

September 20 and applied for U.S. visas, a top-level State Department review was launched.

This review added to a damaging image of indecision in the executive branch, and the eventual decision to admit Smith was highly displeasing to congressional advocates of U.S. adherence to the sanctions. President Carter told a breakfast meeting with newsmen just after Smith and Sithole applied that "my guess is that the State Department would approve the visas on a tourist basis."²⁶ The subsequent delay, while the State Department review was underway, made it appear as if there might be a White House-State Department split on the issue. Some suspected that the apparent indecision of the executive branch, and of the White House in particular, presaged a weakening of U.S. opposition to the sanctions.

Meanwhile, Senator Hayakawa was holding conversations on the course of the State Department deliberations with Richard Moose, Assistant Secretary of State for African Affairs, and Under Secretary David Newsom, but he did not accept their assurances that a decision was being made as quickly as possible.²⁷ Instead, Hayakawa held a press conference, together with five other Senators, intended to increase pressure on the administration. "What we are witnessing is an incredible display of spinelessness and pusillanimity," Senator Hayakawa told reporters.²⁸ He expressed his concern over the possibility that the State Department was not consulting in good faith but rather was using the visa application review as a delaying tactic intended to keep Smith out of Washington until after Congress had adjourned on October 14. Senator Howard Baker called State Department conduct "unconscionable," adding that the administration felt no compunction "in allowing admission to members of the Communist Party or members of the PLO," or for that matter to Patriotic Front leader Joshua Nkomo, who had also been allowed to visit the United States during the Carter administration.²⁹ The mention of Nkomo's visit, which was taken up by other Members also, touched a particularly raw nerve at the time because Nkomo had just openly taken responsibility for the September 4 downing of a Rhodesian airliner. Meanwhile, the public statements of Senators in favor of the Smith visit were being backed up by repeated telephone inquiries to the Department from Senate staffers asking when the decision would be made.

Faced with this strong Senate support for the visit, the State Department finally agreed to issue the visas on October 4, after a 2-week review. Smith and Sithole arrived on October 7, to be followed by the other two members of the Rhodesian Executive Council. Senator Hayakawa praised the Department for deciding to allow the visits, as did Senator Helms, who according to one press report had threatened to block a number of State Department appointments and promotions if the visa request had been refused.³⁰ Representative Cardiss Collins, however, was critical, saying that the administration had been

²⁶ Washington Post, Oct. 2, 1978. See also the remarks of Representative Hagedorn, Congressional Record, vol. 124, Oct. 2, 1978: H11720.

²⁷ Washington Post, Oct. 2, 1978.

²⁸ Associated Press Report by Richard Pyle, Oct. 3, 1978.

²⁹ Congressional Record, vol. 124, Oct. 2, 1978: S16807.

³⁰ Washington Post, Oct. 5, 1978.

"ill-advised" "to grant a visitor's visa to Ian Smith and his cohorts in the renegade government * * *." ³¹

During his visit, Smith made numerous public appearances and won a qualified endorsement of the internal settlement from former Secretary of State Kissinger,³² but the visit seemed not to win many new supporters in Congress. Smith's statement of willingness to attend an all-parties peace conference, made in a meeting with members of the Senate Foreign Relations Committee, reduced the ambiguity that had surrounded his government's position on the issue. But any gains he may have made were vitiated by the October 19 launching of a series of large-scale Rhodesian air raids into Zambia.

CONCLUSION

Consultations between Congress and the executive branch after the 1978 signing of the internal settlement in Rhodesia were marked by a renewal of the poor communication and occasional acrimony characteristic of earlier years. The executive branch initially failed to anticipate the growth of antisanctions sentiment in the Senate, indicating that it was not making effective use of consultations as an information-gathering technique. Later, under the impact of congressional pressure against the sanctions, the executive was forced to seek improved communications. As a result, it realized that some concessions would have to be made to congressional critics if the overall line of policy was to be maintained. The executive finally acceded to the Case-Javits amendment, requiring a determination on the fairness of the Rhodesian elections. Moreover, following a test of wills with the Senate opposition to the sanctions, it agreed to permit a visit by the white Rhodesian leader, Ian Smith.

The effectiveness of consultations as a persuasive technique in this period is difficult to assess. An administration attempt to influence a large group of congressional staff in an open meeting was an apparent failure. But individual contacts on the part of the President and other high officials with Members of Congress—as well as lower-level contacts with staff—may have helped the executive to buy time.

It may be that consultations could have been conducted on a more amicable and cooperative basis by both the legislative and executive branches. But the climate for improving consultations was made unfavorable by the nature of the Rhodesian controversy. The administration was determined to follow a particular policy on Rhodesia and did not believe that Congress had a legitimate role in shaping that policy. Many Members of Congress, on the other hand, were firmly opposed to that policy. They were not likely to be swayed from their convictions by any administration efforts. In these circumstances, considerable strain in the congressional-executive relationship was almost inevitable.

³¹ Congressional Record, vol. 124, Oct. 5, 1978 : H11773.

³² "I'm not saying we should support the internal settlement," Kissinger said. "I'm saying we should give his approach an opportunity." Washington Post, Oct. 13, 1978.

VII. CONSULTATIONS ON THE RHODESIAN ELECTIONS, JANUARY-JUNE 1979

The basic pattern of congressional-executive consultations on the sanctions against Rhodesia during the period immediately before and after the April 1979 Rhodesian elections remained as it had been in 1978. The executive branch continued its persuasion campaign and occasionally made bargains in order to maintain the sanctions in the face of strong, highly critical congressional opposition. The first indications of a possible negotiated settlement in Rhodesia, coming some weeks after the election of a new British Government in May, lent new vigor to the administration effort, which was intensively focused on the House during this period. The evident strength of the Senate opposition had convinced the executive branch that little could be done in that body to prevent compulsory legislation to end the sanctions. But in the House, where the chairman of the Africa Subcommittee, Stephen Solarz, was very much in favor of the sanctions and where the Congressional Black Caucus was strong and active, the executive found that its efforts to defend the sanctions were better received.

The executive branch was largely satisfied with its efforts because the sanctions remained in force despite stiff congressional opposition. Congressional opinion of executive branch performance, however, was not high in either the House or the Senate. In the Senate, opponents of the sanctions felt more and more that their views were being ignored, while supporters of the sanctions felt abandoned by the State Department in their efforts to prevent the passage of compulsory antisandictions legislation. In the House, those who were working actively to prevent the passage of similar legislation felt that the executive branch could have given them stronger support. Moreover, they continued to be wary of executive branch concessions to congressional opponents of the sanctions. House supporters of the sanctions believed that their forces were strong enough to make any concessions unnecessary.¹

THE ISSUE OF ELECTIONS OBSERVERS

The outlook for administration policy toward Rhodesia at the beginning of 1979 was decidedly bleak. The guerrilla war seemed to be intensifying and there appeared to be no prospect of a negotiated settlement in the near future. If the Rhodesian elections, which had been postponed until April 1979, actually took place, it seemed probable that the new Rhodesian Government would want time to try to build up its popularity and legitimacy, and would be unlikely to risk its

¹For a review of congressional-executive relations on the sanctions during 1979 from the point of view of two key House staffers, see Weissman, Stephen R. and Johnnie Carson, *Sanctions Against Rhodesia*, in Spanier, John and Joseph Noguee (eds.), *Congress, the Presidency and Foreign Policy*, New York, Pergamon Press, 1981, pp. 132-160. Hereafter referred to as *Economic Sanctions Against Rhodesia*. Carson and Weissman were on the staff of the House Africa Subcommittee at this time.

position in negotiations that might end in allowing the guerrillas a role in government. The guerrillas themselves remained opposed to compromise with the Salisbury authorities. Meanwhile, a successful election in Rhodesia—one conducted with apparent fairness and with no substantial disruptions—seemed certain to increase congressional opposition to the sanctions.

Senators McGovern and Hayakawa surprised many who had followed the debate on Rhodesia policy by jointly introducing, on March 1, a proposed concurrent resolution² to send a team of congressionally sponsored nongovernmental observers to the Rhodesian elections. The two had long been at odds on Rhodesia policy, but they now agreed that an impartial report on the voting should be available when it came time for President Carter to make his determination on the fairness of the election under the Case-Javits resolution. That such a proposal could be made in the Senate—and passed, as it was on March 28—was itself testimony to a bipartisan loss of confidence in the executive branch on this issue.

Senator McGovern's support for the observer proposal must be understood against the background of discouraging prospects that confronted supporters of the sanctions. McGovern thought it unlikely that a fair election could be held in Rhodesia,³ and he expected that a thorough, impartial elections report might help to deflect congressional efforts to lift the sanctions, if, as expected, the President determined that the elections did not meet the standards of Case-Javits. The unmistakable implication of the proposal from the McGovern viewpoint was that the State Department would be unable, given its past performance, to inform the Senate adequately on the nature of the Rhodesian voting or to be as persuasive in support of the administration's position as it ought to be. From the perspective of Senator Hayakawa, who saw no hope of negotiations involving the Patriotic Front,⁴ the internal settlement, despite its shortcomings, represented a possible step toward peace. Consequently, the elections to be held under the settlement deserved a much more careful evaluation than the executive branch, in his view, was likely to give them. The clear implication of Hayakawa's position was the expectation that the Department of State could not be trusted to make a fair and impartial judgment on the Rhodesian voting.

Bruised by the near-passage of compulsory antisanctions legislation and the Smith visit episode in 1978, the executive branch seemed unwilling for the moment to become involved in another clash with the Senate. There was concern in the State Department that the repeated conflicts with Congress over the Rhodesian sanctions were damaging the administration on other issues, and there was a desire to appear impartial and above the fray on the McGovern-Hayakawa proposal. In any event, State Department officials did not question the right of Congress to gather information through an observer mission if it chose to do so. The Department would have preferred that Congress not send observers for a number of reasons, including the possibility that such a step would encourage the Rhodesian authorities to anticipate eventual U.S. recognition. But it was not willing to engage in a major confrontation to defeat the observer proposal.

² S. Con. Res. 8.

³ Congressional Record, vol. 125, Mar. 1, 1979: S1976.

⁴ Ibid., p. S1977.

Executive branch attempts to convey its position, however, seemed to offend all sides in Congress. The two key administration witnesses at Senate hearings on the proposal led many to believe that they opposed the McGovern-Hayakawa plan. Assistant Secretary Moose's testimony dwelt at some length on a variety of Rhodesia-related matters not directly relevant to the issue of whether or not Congress should send observers. He concluded, however, by giving reasons for the administration's decision not to send its own observers, and noted that the forthcoming elections in Rhodesia were widely regarded as inherently illegal and unrepresentative. Thus he left an impression of opposition to the observer proposal, displeasing its supporters, despite his statement, in response to a question, that "we certainly recognize the right of Congress to inform itself in whatever way it sees fit * * *."⁵ The testimony of U.N. Ambassador Young at this hearing also left many who heard it with a general impression of opposition. But when the McGovern-Hayakawa resolution went into markup on March 14, Deputy Assistant Secretary Robert Keeley made a point of correcting this impression, saying that while the administration had decided not to send observers of its own it was "neutral with regard to congressional action."⁶ To Senate critics of the observer concept, this statement made it seem that the administration was unwilling to stand up for its true beliefs.

In the House, where Representative William Carney had introduced a resolution nearly identical to the McGovern-Hayakawa proposal,⁷ the chairman of the Africa Subcommittee, Representative Solarz, was strongly opposed to the observer mission and impatient with the administration's unwillingness to campaign against it. Thus Solarz and his staff took on the task themselves. They organized a subcommittee reception for African ambassadors in order to convince subcommittee members that African opinion was firmly against the internal settlement and against the sending of congressional observers. Moreover, the subcommittee's hearings on the observer proposal were set up in such a way as to perform the educative function that the executive branch was perceived as failing to meet. Thus the first day of the hearings⁸ was devoted to the historical background of the Rhodesian situation; the second dealt with the internal settlement as well as with the aims and objectives of the Patriotic Front; and the final 2 days, during which testimony from 10 witnesses was heard, took up the observer question.

Subcommittee members, in these hearings, raised a number of concerns about the proposal, including African opposition to the observers; the possibility that an observer team might focus on the mechanics of the voting rather than on the fairness or unfairness of the constitution under which the elections were being held; and the danger, despite an explicit disclaimer in the resolution itself, that the appointment of observers would be interpreted as a form of recognition of the internal

⁵ U.S. Congress. Senate. Committee on Foreign Relations. Rhodesia. Hearings. 96th Cong., 1st sess. Mar. 5 and 7, 1979. Washington, U.S. Government Printing Office, 1979, p. 122.

⁶ U.S. Congress. Senate. Impartial Observers of the Forthcoming Election in Rhodesia; Report to Accompany S. Con. Res. 8. Washington, U.S. Government Printing Office, 1979. (96th Cong., 1st sess. Senate. Rept. No. 96-41), p. 5.

⁷ H. Con. Res. 76, introduced on Mar. 15, 1979.

⁸ U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Africa. United States Policy Toward Rhodesia. Hearings. 96th Cong., 1st sess. Mar. 22, 27, and 29; Apr. 2, 1979. Washington, U.S. Government Printing Office, 1979, 245 pages.

settlement. But clearly the overriding concern was a tactical one—the risk that the team might make a favorable report, putting great pressure on the Carter administration to recognize the regime and lift the sanctions. As Representative Solarz remarked to Senator McGovern, who was a witness:

* * * it seems to me [that] nobody can be sure what conclusion the observers will come to, and I am not sure that we would want to support a resolution which, in effect, gives franchise for American policy to a group of private citizens, in the sense that, I think you would agree, if such a commission were established, whatever conclusions they reach will become politically binding on the administration.⁹

From this point of view, the administration was simply naive in not lobbying against the observers proposal. Under prodding, the administration did come a little closer to explicit opposition, as Secretary Vance wrote:

In passing the Case-Javits amendment last year, the Congress has expressed its will with respect to the situation in Rhodesia. The President will faithfully make the required determination at the appropriate time on whether the conditions of that amendment have been fulfilled. In the meantime, we would strongly urge the Congress to take no action that would have the effect of preempting the President's determination.¹⁰

But a statement in such general terms could not satisfy those who sought a stronger stand from the executive branch. In any event, the opponents of sending observers prevailed in the House, as Members of the House Africa Subcommittee unanimously voted down the proposal after their hearings. Attempts to revive the observer mission on the House floor were unsuccessful.

ELECTIONS IN RHODESIA AND BRITAIN

The debate over sanctions against Rhodesia in 1979 was profoundly affected by two elections: the Rhodesian voting, which concluded on April 21, and the May 4 British election which brought the Conservative Government of Prime Minister Margaret Thatcher into office. Rhodesian authorities announced on April 22 that more than 1.8 million voters, representing 64 percent of the electorate, had cast their ballots. This estimate was questioned by critics, who argued that the lack of an up-to-date census in Rhodesia, together with population movements resulting from the civil war, made it impossible to determine the number of eligible voters.

Bishop Abel Muzorewa's UANC received 67 percent of the vote that was cast. Under the new Rhodesian constitution, which guaranteed the white minority 28 seats in the 100-member parliament, Muzorewa's victory entitled the UANC to a bare majority of 51 seats. The Muzorewa government took office at midnight on May 31, when the country assumed the name of Zimbabwe Rhodesia. The Patriotic Front guerrilla movements, for their part, had rejected the internal settlement and refused to take part in the April election. They vowed instead to continue the war.¹¹

The Rhodesian voting resulted in congressional demands for a favorable Presidential determination under the Case-Javits resolution. This grave new threat to the Carter sanctions policy was made

⁹ Ibid., p. 141.

¹⁰ Congressional Record, vol. 125, Apr. 9, 1979: H2089.

¹¹ Africa Research Bulletin (London), May 1979: 5281.

more urgent by the Thatcher victory in Britain. Mrs. Thatcher, during her election campaign, had pledged to end Britain's participation in the sanctions, and in the immediate aftermath of her coming to power it seemed likely that she would take this action quickly. If she had done so, many in Congress who had been unwilling to compel the administration to lift sanctions might have concluded that there was no longer any reason for the United States to insist on a stance that had been rejected by the responsible colonial authority.

Upon reconsideration, the Thatcher government evidently determined that potential negative reaction in the Commonwealth and elsewhere in the Third World, as well as possible retaliation against British business interests in Africa, argued against an immediate end to the sanctions. U.S. officials, including Secretary Vance, who paid an early visit to Prime Minister Thatcher, seem to have played a prominent role in this British decision. On May 22, Lord Carrington, the Foreign Secretary, confirmed that Britain would not immediately lift sanctions but would seek a solution that would give the country legal independence with the widest possible international recognition.

With the announcement of the new British policy, a possible settlement of the Rhodesian controversy through British-sponsored negotiations came into view. For the Carter administration, this possibility held out the hope of a Rhodesian solution that would end the sanctions controversy at home while protecting U.S. interests in Africa and at the United Nations. Consequently, after a period of very limited consultations immediately following the Rhodesian and British elections, the executive branch campaign against sanctions-lifting legislation acquired new vigor and direction. For many congressional opponents of the sanctions, however, the Carrington policy was a mistake, which would probably founder upon guerrilla unwillingness to negotiate with Muzorewa or, if negotiations took place and were successful, result in a Marxist-oriented government coming to power. From this perspective, the United States should have terminated its participation in the sanctions immediately after the election, regardless of whatever action Britain took.

THE SCHWEIKER-DECONCINI RESOLUTION

In the Senate, dissatisfaction with the administration's Rhodesia policy was very strong in the aftermath of the Rhodesian voting. Indeed, many favored action that would lift the sanctions without waiting for a Presidential determination under Case-Javits. Opponents of the sanctions were strengthened by a number of positive reports on the Rhodesian election. One of these, published by the influential Freedom House, called it "a significant advance toward multiracial and majority rule," as well as "a useful and encouraging step toward the establishment of a free society in Zimbabwe Rhodesia."¹² While other reports were more critical of the election and cited defects both in the Rhodesian constitution and in the mechanics of the voting process, opponents of the sanctions stressed the favorable reports and argued that they required an immediate end to the sanctions under the terms of Case-Javits. The fact that the President did

¹² Freedom House. Report on the Freedom House Mission to Observe the Common Roll Election in Zimbabwe Rhodesia—April 1979. New York, Freedom House [May 10, 1979].

not issue an immediate determination under the resolution was seen by these critics as evidence of stalling on the administration's part and as a breach of faith with Congress.

Senator Hayakawa felt that he had been rebuffed in efforts to open a dialog on the Rhodesian voting with the executive branch. Noting that he had initiated an hour-long conversation on Rhodesia with Assistant Secretary Moose just after the voting took place, the Senator complained that the executive branch had shown no subsequent interest in his offer to consult on "finding a mutually satisfactory solution."¹³ Nor was Senator Hayakawa satisfied with a May 7 meeting involving Secretary Vance and himself, together with three other Senators.

Mr. President, at that time Secretary Vance did not consult with us, he did not ask our opinions on anything. He told us what the administration had already decided, which was that they were going to make no decision for another month.¹⁴

Whether there was a basis at this time for any sort of agreement between Senator Hayakawa and the administration on Rhodesia is of course open to question—and was doubted by the administration at the time—but the view that the executive branch was failing to exert itself in responding to the Senate was held by many on both sides of the issue. Supporters of the administration's position believed that the executive could have been much more active and forthcoming in providing information that would explain its policy to the Senate.

Administration reticence during this period could be explained by the possibility that a decision on the content of a Presidential determination had genuinely not been reached. The decisions of the new British Government on its own course with respect to Rhodesia would surely have a major impact on the development of the Rhodesian situation. Until those decisions were made, the executive branch may have been unwilling to commit itself on future U.S. policy. An alternative view held by some critics is that the executive was delaying only in order to give the appearance of serious deliberations prior to making a negative determination. In any event, whether as a result of indecision or as a policy tactic, there was little in the way of consultation with Congress in the weeks following the Rhodesian vote.

Instead of the active consultations many in Congress would have wished, the administration sent majority leader Robert C. Byrd a brief, formal communication placing the primary burden of defeating the antisanctions effort on his shoulders:

THE WHITE HOUSE,
Washington, D.C., May 4, 1970.

HON. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

TO SENATOR BOB BYRD: I understand that amendments may be offered on the floor which would either lift the existing sanctions against Rhodesia or call on me to do so.

I am committed under Section 27 (Case-Javits Amendment) of the International Security Assistance Act of 1978 to making a determination with regard to the continued enforcement of sanctions against Rhodesia. * * *

My determination will be based on a personal and thorough review of the law and all relevant information. It will be made with a faithful regard for the law and will be carefully based on the evidence.

¹³ Congressional Record, vol. 125, May 15, 1979: S5890.

¹⁴ Ibid.

Pending my determination, I urge you not to support any initiative that would preempt existing law or prejudge the issue at stake.

Thank you for your support.

Sincerely,

JIMMY CARTER.¹⁵

Senator Robert Byrd stemmed the antisanctions campaign only in part. He had planned to back a resolution that would simply have required the President to make his determination under Case-Javits within 14 days of the installation of a new government in Rhodesia.¹⁶ Backers of this resolution argued that it would have given the President adequate time to make the important decision required of him. But support in the Senate for another Helms-sponsored amendment lifting the sanctions was strong enough to convince Byrd that a compromise was necessary.

This compromise led to the attachment of a resolution sponsored by Senators Richard Schweiker and Dennis DeConcini to the State Department authorization bill (S. 586). The resolution stated the sense of the Congress that the requirements of the Case-Javits amendment with regard to the fairness of the elections had been met and that the President should so determine, thereby ending enforcement of the sanctions. On May 15, this resolution passed by an overwhelming majority,¹⁷ receiving wide support from administration supporters who saw it as the only way of preventing the passage of compulsory legislation.

Whether the administration should have been more active in trying to prevent the passage of Schweiker-DeConcini was a source of much controversy among supporters of the sanctions. Within the executive branch, some argued that since the resolution was not binding, it was no more significant than previous Senate-passed resolutions on Rhodesia. From their perspective, it would have been unrealistic to hope for a more favorable result in the Senate. With passage of a non-binding resolution, they maintained, the administration had once again succeeded in buying time—even if the resolution's rhetoric did not favor keeping the sanctions in force.

Others saw passage of the resolution as nearly disastrous for the administration because of its timing. With the installation of a new Rhodesian Government near, and the President's determination on the sanctions pending, there was every likelihood of new compulsory sanctions-lifting legislation coming before the Senate over the next few weeks. Thus, it was argued, the administration should have exerted every effort to avert passage of a resolution that put a large majority of the Senate on record as approving the Rhodesian elections and favoring an end to sanctions. Those who had voted for the resolution, according to this view, might find it politically difficult to appear to change their minds in a matter of weeks and oppose compulsory language.

THE PRESIDENT'S DETERMINATION

Until June 7, 1979, when President Carter made his determination under the Case-Javits resolution, many critics had found the administration's resistance to congressional pressure for an end to the sanc-

¹⁵ Congressional Record, vol. 125, May 15, 1979 : S5859.

¹⁶ Ibid., p. S5908.

¹⁷ For votes on the resolution, see *ibid.*, pp. S5909-S5910.

tions weak and vacillating. But the determination, coming in the wake of the clarification of British policy, marked the beginning of a much more active executive effort to maintain the sanctions—an effort that concentrated on the House. The tone of this new campaign was set by the wording of the President's determination itself, which conceded little to Senate critics. Carter said quite firmly:

First, I am absolutely convinced that the best interests of the United States would not be served by lifting the sanctions.

Secondly, I am equally convinced that the best interests of the people of Zimbabwe Rhodesia would not be served by the lifting of the sanctions.

Finally, it's clear to me that although there has been some very encouraging progress made in that country, that the action taken has not been sufficient to satisfy the provision of the United States law described in the so-called Case-Javits amendment.¹⁸

The President placed particular stress on the Zimbabwe Rhodesian constitution which, he said, gave the white minority "vastly disproportionate numbers of votes in the country's Parliament." He also noted that the British Government had been closely consulted in the making of his decision.

Members of the House Foreign Affairs and Senate Foreign Relations Committees, including both supporters and critics of the administration, were assembled at the White House to hear the President's announcement. They also attended a private meeting with President Carter and Secretary of State Vance before the public statement was issued. Clearly, the executive recognized that Congress had to be persuaded to acquiesce in the President's policy if that policy was to survive.

The private session at the White House, however, was strictly an instance of informing Congress of what the administration had decided to do rather than one of consulting on what should be done. Evidently, some dissent was expressed at the meeting, since it lasted 35 minutes longer than scheduled.¹⁹ During the meeting, the President reportedly tried to sweeten his message for congressional critics by praising Bishop Muzorewa for his fight for Zimbabwe's freedom and saying that if he had been voting, he would have voted for the bishop.²⁰

Congressional concerns were also taken into account in the President's public statement which acknowledged that the election appeared "to have been conducted in a reasonably fair way under the circumstances." Secretary Vance's announcement that the administration would keep the sanctions question under review, making a monthly report to Congress and sending a monitor—not a Presidential envoy or diplomatic representative—to Rhodesia to keep track of progress in that country, was also directed at Congress. But these minor accommodations could hardly assuage congressional critics, and it was clear that the President's determination was going to require a strong defense.

¹⁸ U.S. Office of the Federal Register. Weekly Compilation of Presidential Documents, vol. 15, June 11, 1979: 1013.

¹⁹ New York Times, June 8, 1979.

²⁰ See the statement of Senator McGovern in U.S. Congress. Senate. Committee on Foreign Relations. Trade Sanctions Against Rhodesia. Hearing, 96th Cong., 1st sess. June 12, 1979. Washington, U.S. Government Printing Office, 1979, p. 18.

Senator Schweiker opened the attack, calling the President's announcement "a slap in the face to the U.S. Senate."²¹ Nor was support for the administration strong in the Senate Foreign Relations Committee. There, Senator Javits questioned the assertive phrasing of the determination, suggesting that the President could have said "for the time being," or "at this time" in refusing to lift the sanctions.²² Senator Church was concerned that the administration, in making its determination, seemed to have no strategy for defeating or deflecting a provision in the military procurement bill, then pending in the Senate, that would compel an end to the sanctions.²³ But by now it was clear, as many had suspected earlier, that the administration had virtually given up on attempting to influence the Senate on Rhodesia. The President himself had said on June 7, "I recognize, to be perfectly frank with you, that I do not have a majority of support in the U.S. Senate."

Nor was the President confident of the House, where he said "at the present time * * * we would have difficulty in this position prevailing." But the Executive had decided to fight the issue in the House, and indeed the tone of his statement seemed designed in part to rally House supporters of the sanctions. Representative Solarz, a leader of this group, was encouraged, and said that there was "more than a fighting chance" of sustaining the President's position if the administration actively lobbied in its support.²⁴

CONTRASTING HOUSE AND SENATE VOTES

The Senate finally did vote to repeal the sanctions against Rhodesia on June 12, just 5 days after the President issued his determination. Senator Harry F. Byrd, Jr. had succeeded in attaching a provision prohibiting the President from banning the importation of critical and strategic materials from Rhodesia or any other "trade in lawful goods" in section 802 of the Department of Defense procurement authorization.²⁵ This amendment was added while the bill was still in the Senate Armed Services Committee. Senator Byrd of Virginia pointed directly to the Schweiker-DeConcini resolution in urging the Senate to retain his language when the bill went to the floor:

The Senate on May 15 said sanctions should be lifted and urged the President to lift the sanctions. Is the Senate going to march up the hill on May 15, get to the top of the hill, and when the President huffs and puffs, the huffing and puffing blow the Senate down from the crest of the hill to the bottom? I do not think so.

This is a responsible body. It took positive action on May 15. It urged the President to lift the sanctions. The President refused to comply.²⁶

Senator Helms also condemned the President for failing to respect the Senate vote:

Is not the strong expression of more than three-fourths of the U.S. Senate good enough for President Carter?

²¹ Washington Post, June 8, 1979.

²³ U.S. Congress. Senate. Committee on Foreign Relations. Trade Sanctions Against Rhodesia, p. 15.

²³ Ibid., pp. 12-14.

²⁴ New York Times, June 8, 1979.

²⁵ New York Times, June 8, 1979.

²⁶ S. 428.

I should think so, but, obviously, it is not. So once again, the President finds himself in a dilemma. Ignore the Congress, pursue a bankrupt policy, and face the possibility of legislative override of that policy—or “nonpolicy,” as I have heard it described recently.²⁷

Efforts to modify Senator Byrd's provision and make it nonbinding failed, and the Defense authorization passed with the compulsory language included.

The executive branch fared far better in the House, where a substantial prosanctions campaign was mounted. Assistant Secretary Moose and his deputies undertook personal visits and made phone calls to Members of the House in an effort to secure their backing, and the sanctions issue was raised at breakfast meetings and other sessions that brought high administration officials together with Members of Congress. Union officials and black political organizations were contacted and asked to write Members of Congress in support of the sanctions—although the staff who dealt with these letters generally recognized them as administration-inspired and apparently gave them little weight. But the campaign, particularly the personal campaign, had its effect. Members and staff felt that for once they were being brought into the policymaking picture and that their views counted for something with the executive branch. Moreover, the campaign helped to focus the attention of some Members on the sanctions issue, persuading them that it was an important matter, not only for the administration but also to the Nation. Thus the consultation that was taking place—even though it was consultation in the form of persuasion rather than a genuine give and take on sanctions policy—made many Members and staff more receptive to the administration point of view.

The first real gain for the administration came on June 28, with the passage of a Solarz-sponsored bill, H.R. 4439, which acknowledged the Rhodesian voting as a “significant step toward multiracial democracy,” but left the final decision on lifting the sanctions up to the President. The President was required only to report to Congress by October 15, 1979, if he determined that lifting the sanctions would not be in the national interest. The key vote on this bill came on an amendment by Representative William S. Broomfield that would have required an end to the sanctions by December 31. This amendment was defeated by a vote of 147 to 242. Most of those opponents of the sanctions who voted for it went on to vote in favor of H.R. 4439, which passed by a vote of 350 to 47, in the belief that the Solarz bill, with its favorable statement on the Rhodesian elections and its deadline for a new Presidential determination, was preferable to no bill at all. Thus the House and the Senate were placed at odds on the issue of compulsory legislation to lift the sanctions, and the administration was given hope for eventually prevailing or at least of achieving significant new delays before compulsory legislation was enacted.

What explained the administration's success in the House? More effective administration consultations, in the form of a persuasion campaign, were certainly a major factor, but there were other factors. The efforts of Representative Solarz and his staff, in particular, were extremely important to the prosanctions effort. Some congressional

²⁷ Congressional Record, vol. 125, June 12, 1979: S7384.

staffers would argue, indeed, that Solarz understood House attitudes on Rhodesia far better than the administration and thus played the key role in preventing repeal. Solarz had organized a Rhodesia strategy group, including staff from the African subcommittee and the offices of the Congressional Black Caucus; members of the congressional Ad Hoc Monitoring Group on Southern Africa; and representatives of church, labor, and civil rights groups as well as observers from the State Department's Congressional Relations Office.²⁸ Among other activities, this group kept a list of undecided members and encouraged others who supported the sanctions to write "Dear Colleague" letters in an effort to pick up these "swing votes." Solarz was also an effective bargainer, and he won the support of Representative Paul Findley, a critic of sanctions as a policy instrument, in exchange for moving the December 15 deadline in the original Solarz bill up to October 15.²⁹ Representative Findley was receptive to this compromise because he did not believe that a bill favoring immediate repeal could succeed in the House.

Another important factor in the House vote on H.R. 4439 was the impact of British policy. By June 28 it was apparent that Britain was planning a major peace initiative to be launched at the Commonwealth Conference scheduled to meet in Lusaka, Zambia, at the beginning of August. Many in the House were reluctant to take a step that might disrupt the British initiative. Finally, the simple fact that the President had made a clear determination was probably persuasive with some Members. Rhodesian sanctions were still not a high-priority issue for a large number in Congress, so that a significant group remained willing to let the executive take the lead.

REACTION TO ADMINISTRATION TACTICS

While the administration had again achieved its objective of winning more time, its House-centered approach left many in the Senate highly dissatisfied. Senate staffers working for leading opponents of the sanctions acknowledge that they were able to telephone key administration policymakers to register complaints and express opinions. But policymakers, according to these staffers, only infrequently contacted them. Thus, in the Senate, it again seemed that the executive branch was making major decisions on Rhodesia without consulting those who held strong views—even if opposing views—on the issue.

Senator Hayakawa dressed down Assistant Secretary Moose at a July hearing on just this point:

The last time I saw you, Mr. Moose, was 3 days after the completion of the Rhodesian elections, from April 17 to April 21. I saw you on Tuesday, April 24, if I remember correctly. At that time, I said I had some thoughts on what American policy should be. I was hoping to avoid a confrontation between the administration and myself and those of us who believe that the elections were all right, but I have not seen you or heard from you since then.

You told me you were going to talk to the President and to Mr. Vance and to other colleagues in the State Department, and that you wanted my consultation and my input on the final decision, but I have not heard from you since. Now, I would like to tell you some of the things I have thought since that time.³⁰

²⁸ For further details, see Weissman and Carson, *Economic Sanctions Against Rhodesia*.

²⁹ Congressional Record, vol. 125, June 28, 1979: H5373.

³⁰ U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on African Affairs. Recent Developments in Rhodesia. Hearing, 96th Cong., 1st sess. July 23, 1979. Washington, U.S. Government Printing Office, 1979, p. 11.

Staffers in Senate offices that had not taken a leading role on Rhodesia resented what they perceived as State Department neglect at this time. While these staffers were not actively involved in the legislative battles being waged over the sanctions, they were responsible for keeping their Senators informed on the issues and for making recommendations on the positions that should be taken. Some felt that the State Department could have given them much more information to help them in meeting these responsibilities. Some had also heard reports that the administration regarded the Senate as headstrong and unwilling to listen to reason on Rhodesia policy, and these reports annoyed them. At least one believed that the executive branch was playing an "insiders' game" with members and staff of the Senate Foreign Relations Committee and had no interest in staff outside a privileged inner circle. This view was roundly rejected within the committee, however, where there was also considerable dissatisfaction with the administration's treatment of the Senate. Committee staff who supported the sanctions believed that the Senate would not have been unresponsive to a more strenuous State Department effort. In their view, the administration position on sanctions policy was reasonable and valid, and would have been understood by the Senate if only the full complexities of the issue had been adequately presented.

In the House, dissatisfaction with the executive's level of activity did not set in until after H.R. 4439 had passed. At that point, administration efforts to explain its Rhodesia policy diminished noticeably, and this left some with a feeling of letdown—a sense that they had suddenly been dropped by an administration that had used them to achieve its immediate purpose, but which had no interest in a permanent consultative relationship.

Within the State Department, there was a strong feeling that these congressional criticisms were unjustified, primarily because limited State Department resources made it necessary to observe certain economies in consultations. On a day-to-day basis, there were only two individuals—one in the Africa Bureau and one in the Congressional Relations Office—charged with congressional liaison on the sanctions. Other officials, who had a number of concerns in addition to Rhodesian sanctions, might be called in at critical moments, as when H.R. 4439 was pending before the House. But it was hardly possible, from the State Department perspective, to give Senate and House Members and staff the full attention many might have wished. This was a time of intensive executive branch persuasion efforts on behalf of the SALT II agreement and in support of full House funding for the implementation of the Panama Canal Treaty. These issues stretched Department resources even more thinly than might otherwise have been the case. Since it was clear that Senate opposition to the sanctions was much stronger than House opposition, it only made good sense, State Department defenders argue, to concentrate limited resources on the House. Once the campaign was won, there was little justification for continuing to tie up personnel to maintain consultation activity at the level it had achieved when H.R. 4439 was still under consideration.

CONCLUSION

The period surrounding the elections held under the Rhodesian internal settlement confronted the administration with several serious congressional challenges to its sanctions policy. Consultations were used as a tactic to deflect these challenges with some success. The persuasion campaign mounted in the House after the President issued his negative determination on the Rhodesian elections was particularly effective. Other factors, however, including active efforts by some House Members and staff as well as British progress toward a negotiated settlement, were also important in preventing the passage of compulsory sanctions-lifting legislation.

Administration consultation efforts met considerable criticism in Congress. Many supporters of the sanctions found administration neutrality on the issue of sending elections observers to Rhodesia a naive approach that endangered the sanctions policy. They also questioned whether the State Department could not have done more to prevent Senate passage of legislation favorable to the internal settlement. Critics of the sanctions felt themselves ignored as the administration went through its deliberations on the elections prior to issuing the required determination under Case-Javits. Dissatisfaction with consultations was particularly high in the Senate, which received comparatively little attention from an executive branch that was concentrating its efforts on the House. But in the House also there were those who felt that the State Department was not giving its fullest effort to consultations on Rhodesia, particularly after the passage of H.R. 4439.

The executive branch could never have completely satisfied its congressional critics because, whether it lifted or maintained the sanctions, some would have opposed its decision on policy grounds. Congressional criticism might have been reduced by a more active consultation effort, but such an effort would have required the commitment of greater resources than were readily available. In view of the limited personnel at its disposal, and the demands imposed by other issues, the executive branch did not consider more active consultations worthwhile.

VIII. CONSULTATIONS IN THE FINAL MONTHS, JULY TO DECEMBER 1979

By July of 1979, new negotiations on a settlement of the Rhodesian conflict had begun to seem a real possibility. Prime Minister Thatcher's August 3 announcement, made at the Commonwealth Conference in Zambia, that Britain would soon issue proposals for a new constitution and call for a cease-fire intensified the hopes that had been raised. The constitutional conference finally convened at Lancaster House in London on September 10, and despite many moments of near-breakdown, it resulted both in a settlement and in an end to the sanctions before the year was out.

Throughout this period, the administration sought to maintain U.S. sanctions in force in the belief that any modification in policy would damage the prospects for a negotiated settlement. Lifting the sanctions would make the Muzorewa government less willing to compromise, the executive branch reasoned, and render the Patriotic Front intransigent toward Western peace proposals. Moreover, the African nations, nearly all of whom remained strongly opposed to the internal settlement, might be made hostile toward the peace process. This view was shared by congressional supporters of the sanctions. Congressional critics, however, felt that by agreeing to enter into negotiations, the Muzorewa government had erased the last shred of doubt about its fulfillment of the terms of the Case-Javits resolution and that as a result the sanctions should be lifted without further delay.

Congressional-executive consultations during this period did not involve large-scale prosanctions persuasion campaigns. Many in the executive branch recognized that the tactics of recent months, which in some measure were confrontational tactics, had angered influential Members of the Senate. This realization created a desire to try to work out a more amicable basis of relations. Moreover, the major legislative threats to the sanctions policy no longer came from possible floor action but rather from bills that were before committees, including House-Senate conference committees. For the executive branch, this appeared to lessen the need for contacts with a large number of Members.

Thus the executive, in consulting with Congress, emphasized contacts with individual Members or with small groups. Strategy discussions were held with leaders of the House movement to maintain the sanctions, and bargaining sessions, intended to buy additional time, were conducted with leading Senate opponents. Particular attention was paid to influencing the House-Senate conference on the Defense Department authorization bill. The Senate version of this bill contained the compulsory sanctions-lifting language initially attached by Senator Byrd of Virginia. An intensive round of bargaining with the Senate Foreign Relations Committee took place in November and

December, as the Lancaster House talks were in their final days. For one last time, the Carter administration narrowly averted a strong congressional effort to compel an end to the sanctions.

Consultations during the second half of 1979 were successful, from the administration's point of view, in that Congress did not force the President to end the sanctions. Moreover, the compromises on Rhodesia policy that were struck with Senate critics as the negotiations neared their end may have repaired some of the damage that had been done to administration-Senate relations. To a limited degree, critics could feel that they were playing a role in the making of Rhodesia policy. Many critics continued to argue, however, that their views were not being adequately taken into account. Many supporters of the sanctions at this time believed that the administration should have dealt much more firmly with its critics and that too many concessions were made. The President's decision to lift the sanctions before the final Lancaster House agreement had been signed was a particular source of complaint.

CONFERENCES ON TWO AUTHORIZATIONS

After the passage of H.R. 4439, the critical scene of action shifted to the forthcoming House-Senate conference on the Department of Defense authorization bill. This conference provided supporters of the sanctions with an opportunity to delete the Senate-passed language requiring an end to the sanctions. The administration recognized that the fight to achieve this deletion would be a difficult one. The conferees would be the members of the Armed Services Committees of both houses, and these committees included some of the strongest congressional critics of the sanctions.

Much less attention was given by the executive branch to the conference on the State Department authorization bill, where the administration's policy seemed unlikely to suffer any major new setbacks. At stake in this conference was the Senate-sponsored, nonbinding "sense of the Congress" language on lifting the sanctions. The conferees were members of the House Foreign Affairs and Senate Foreign Relations Committees, which were more sensitive, in the majority, to the administration point of view on the sanctions than were the Armed Services Committees.

The State Department authorization conference, in addition, came at a time—July 1979—when the executive branch seemed to be trying to mend fences with its Senate critics, returning for a moment to the "above the fray" stance it had taken on the issue of elections observers. It was at this time that Bishop Muzorewa visited the United States again and met with both the President and the Secretary of State—without, however, achieving his goal of U.S. recognition.

For all of these reasons, the executive branch remained very much in the background during the State Department authorization conference, and left the defense of its position primarily to the House conferees. On the surface, the result was highly unfavorable to the administration. The language of H.R. 4439, with the reporting deadline now moved to November 15, was adopted in place of the Senate provision, but a new provision was added mandating a legislative veto that could be exercised in the event the President decided to maintain the sanctions. Specifically, the bill, reflecting another Javits-arranged

compromise—this one between Representative Solarz and Senator Helms—stated that the sanctions would be terminated if both Houses of Congress, acting under expedited procedures, adopted a resolution of disapproval within 30 days of receiving a Presidential determination that maintained the sanctions.¹ But this provision was less damaging than it seemed. Under expedited procedures in the House, in contrast to the Senate, legislation can still be bottled up in committee.² A proposed resolution of disapproval would almost certainly have been sent to the House Foreign Affairs Committee and on to the Africa Subcommittee, where sentiment in favor of the sanctions remained strong. Thus, as a result of this obscure but potentially significant parliamentary point, the administration could probably have relied on its backers in the House to prevent the passage of compulsory sanctions-lifting legislation through the legislative veto.

Nonetheless, the executive branch was strongly disappointed in the Rhodesia language of the bill as it emerged from conference. There was new concern, in view of the veto language that had been agreed upon, that administration support in the House was perhaps not as strong as had been thought. Some feared that if a resolution of disapproval were actually proposed, opponents of the sanctions might find a way of circumventing the Africa Subcommittee or of bringing pressure to bear that would force it to report such a resolution to the floor. Many in the executive felt, in short, that once again an unnecessary and potentially damaging legislative compromise had been engineered by Senator Javits.

President Carter himself criticized the legislative veto provision in the authorization as unconstitutional,³ but he nonetheless signed the bill into law on August 15. By that date, peace talks on Rhodesia seemed certain, following the decision of the Commonwealth Conference to support Britain's decision to summon a constitutional conference. Thus the extended timeframe offered by the Rhodesia provision in the bill held out some hope that a congressional imposed end to the sanctions could be held off until after a settlement had been achieved.

On September 10, the Rhodesian constitutional conference convened at Lancaster House in London. The conference was attended by the Muzorewa government and both factions of the Patriotic Front guerrilla forces, so that the prospects for a peaceful, internationally-recognized settlement seemed brighter than they had been for many years. While the talks appeared to be nearing a breakdown at several points in succeeding months, the Carter administration remained hopeful of a settlement and anxious to avoid actions that might disrupt the talks. In the administration view, lifting the sanctions while the talks were underway ran the risk of reducing Muzorewa's incentives to negotiate

¹ Public Law 96-60, sec. 408. See also U.S. Congress. House. Authorizing Appropriations for Fiscal Years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting. Conference Report to Accompany H.R. 3363. Washington, U.S. Government Printing Office, 1979 (96th Cong., 1st sess. Report. No. 96-399), pp. 12, 25-26.

² Expedited procedures in the House are spelled out in the Arms Export Control Act (Public Law 90-629, as amended), sec. 36(b). This provision was specifically cited in Public Law 96-60, sec. 408. It requires that a motion be treated as "highly privileged" only after it has been reported to the floor by the appropriate committee. Expedited procedures in the Senate are specified in the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329), sec. 601(b). This provision, which was also cited in Public Law 96-60, sec. 408, permits the Senate to vote to discharge an expedited measure from committee after 10 calendar days.

³ U.S. Office of the Federal Register. Weekly Compilation of Presidential Documents, vol. 15, Oct. 20, 1979: 1434.

and of angering the Patriotic Front so severely that it would withdraw from the talks. Moreover, it was argued, repeal during this sensitive period could lead to major diplomatic setbacks for the United States in black Africa. Consequently, the executive branch mounted a strong effort, in cooperation with its House supporters, to delete the sanctions-lifting provision from the Defense Department authorization.

Prospects for the administration did not appear very bright at the outset of the conference. Of the 10 Senate conferees, 7 had voted on June 12 to table a proposal sponsored by Senator Paul Tsongas that would have turned the mandatory language in the authorization into a nonbinding "sense of the Congress" statement. Eight of the 13 House conferees had been among the minority in favor of tabling H.R. 4429 on June 28.

Administration strategy revolved around maintaining close contact, through high-level officials, with Representative Melvin Price and Senator John Stennis, chairmen of the Armed Services committees in their respective bodies, in order to keep them informed of developments at Lancaster House and to assure that they were made fully aware of what the administration saw as the importance of their deliberations to the successful outcome of the London negotiations. Lower ranking State Department personnel, at the same time, kept in touch with key House and Senate staffers involved in the conference through telephone calls and personal visits. This helped to create an impression that State was dealing fairly and openly on the issue. The principal arguments made by the Department were that the situation in Rhodesia had changed markedly since the Defense authorization bill had passed the Senate on June 12, and that the House and Senate had agreed to more recent legislation in the State Department authorization bill that fully met congressional concerns with respect to Rhodesia. This bill had now been signed into law by the President. Thus, Congress, according to the executive branch, should wait at least until the November 15 deadline in that law had expired before taking action that could have serious international consequences.

If the sanctions-lifting provision was to be removed, clearly the initiative had to come from the House conferees. The Senate conferees came into the conference to defend a bill with antisansctions language in it. They were hardly in a position to work for the deletion of this language. What had to occur before the administration's objective could be achieved was a demand on the part of the House conferees for a removal of the antisansctions provision. Representative Price met repeatedly with his conferees in an effort to get them to agree to such a demand, but he made little headway at first. Consequently, the opening of the conference was delayed.

The administration campaign was closely coordinated with the staff of the House Africa Subcommittee and with Representative Solarz, who wrote to each of the House conferees, making arguments against the sanctions-lifting provision. The House vote on H.R. 4439 now served a very useful purpose for the prosansctions forces. It enabled them to argue that the House had already spoken decisively on Rhodesian sanctions, and might well, if a bill containing language contrary to its wishes were reported out of conference, vote to recommit, thus delaying passage of an important defense measure until after the

next fiscal year had begun. Some might question whether the House vote on H.R. 4439 truly reflected overwhelming House sentiment in favor of maintaining the sanctions, but it was now being interpreted in this way. The argument based on that vote was cited repeatedly by Representative Price in his meetings with the House conferees.

But the most critical event in the campaign came in a meeting President Carter held at the White House with Representative Price and Senator Stennis. Two issues were discussed at this meeting: the Rhodesian sanctions question and the authorization in the bill for a new nuclear-powered aircraft carrier. The President had been opposed to spending for the new carrier and had vetoed the previous year's authorization because it had included funding for such a vessel.

Exactly what took place in this private conversation is not, of course, publicly known. According to some reports, the President indicated that he would definitely veto the authorization bill if it contained the Rhodesia provision, but had not yet decided what he would do if it contained only the authorization for the nuclear carrier. From this, some conferees concluded that cooperation with the President on Rhodesia might be met with Presidential reciprocity on the carrier. Clearly the bill was certain to be vetoed if it contained both the Rhodesia language and the carrier authorization, but if only the carrier authorization were retained the bill stood a chance of winning the President's approval. It is probably too strong to say, as some press accounts did afterward, that the President had traded a nuclear carrier to Congress in order to maintain his position on Rhodesia. But there was an element of bargaining in this instance that involved consultation between Congress and the executive branch at the highest level.

This consultation was successful for the administration because it finally persuaded the House conferees, by a margin of just one vote, to insist on a modification of the Senate position. An agreement on the terms of the modification was finally reached, and the mandatory Senate language was replaced by language simply stating that "the United States should have unlimited access to strategic and critical materials" and that "every effort should be made to remove artificial impediments against the importation of such materials into the United States."⁴ Senator Helms contemplated raising a point of order when the conference report came to the Senate floor on the grounds that the Senate conferees had exceeded their authority in agreeing to drop the Rhodesia provision.⁵ Instead of insisting on a point of order, however, Senator Helms reached an agreement with Senator Stennis on recommitting the bill to conference. Again, State Department personnel swung into action, taking a quick survey to ascertain the predispositions of the conference committee members, and urging them to support the administration. When the recommittal session met, representatives of the executive branch were still at work outside the door, talking to conferees as they went into the meeting. The meeting was brief, resulting only in the addition of the words "from Zimbabwe Rhodesia" to the final clause of the agreed-upon language. Senator

⁴ U.S. Congress, Senate, Department of Defense Authorization Act, Fiscal Year 1980. Conference Report to Accompany S. 428. Washington, U.S. Government Printing Office, 1980 (96th Cong., 1st sess. Report No. 96-371), p. 18.

⁵ Congressional Record, vol. 125, Oct. 23, 1979: S14922.

Byrd of Virginia was willing to support the bill with the new phrase included, but added:

there are certain individuals, whom I believe to be extremists, in the State Department, who seem determined to force upon the new government in Rhodesia the Marist-Leninist terrorist guerrillas * * *.⁶

Senator Helms also agreed to support the modified bill, saying it marked the third time that Congress had gone on record in support of lifting the sanctions.⁷ But the Patriotic Front, at Lancaster House, had by this time accepted British proposals for a new constitution in Rhodesia, and it seemed more and more likely that the administration's goal of maintaining the sanctions until a negotiated settlement had been reached would be achieved.

The administration and its congressional supporters considered their success in the conference on the Defense authorization to be a great victory. They were perhaps more satisfied with one another in the aftermath of this success than they had been before or would be subsequently. Many participants in the effort, from both the House and the executive branch, fondly recall attending a party at the home of Representative Solarz to celebrate the outcome.

But an incident during this period struck a sour note in congressional-executive relations, which further alienated the Carter administration from its Senate critics. The incident first became public on September 19, when reports appeared of British complaints against the activities of two aides to Senators Helms. The aides were alleged to have interfered with the Lancaster House talks by assuring negotiators for the Muzorewa government that Congress would soon compel the President to lift the sanctions. The New York Times reported that Secretary Vance had telephoned Senator Church, chairman of the Foreign Relations Committee, to relay the complaint.⁸ Church reportedly asked Senator Javits, ranking Republican on the committee, to take the matter up with Senator Helms.

Senator Helms took the Senate floor on September 20 to say that he had himself contacted a top aide to Lord Carrington, the British Foreign Secretary, and had been assured that no such complaint had been issued.⁹ State Department spokesman Hodding Carter then acknowledged that the Department "did not receive a formal complaint" about the aides, but implied that a complaint had been received in some less-than-formal manner. Officials suggested that Britain was not admitting the complaint in order to avoid a public confrontation with Senator Helms.¹⁰

The Wall Street Journal, meanwhile, editorialized on its own suspicion that the State Department had created the incident specifically to embarrass Senator Helms and to discredit backers of the Rhodesia provision in the Defense Department authorization before the bill went into conference.¹¹ Senator Baker, the minority leader, rose to the

⁶ Congressional Record, vol. 125, Oct. 24, 1979: S15077.

⁷ Ibid.

⁸ New York Times, Sept. 20, 1979.

⁹ Congressional Record, vol. 125, Sept. 20, 1979: S13078-S13079.

¹⁰ Washington Post, Sept. 21, 1979.

¹¹ Wall Street Journal, Sept. 24, 1979.

defense of Senator Helms on the Senate floor, placing the dispute in a context that was hardly flattering to the executive branch:

Mr. Helms has—quite rightly, I think—defended his decision to send observers to the conference on the need to get firsthand information, undiluted by State Department perspectives, about what is happening there. The distinguished Senator is not the only Member of this body who has expressed skepticism about the objectivity of State Department information on Rhodesia, as well as on other topics.¹²

Baker went on to criticize Secretary Vance for becoming involved in a “trivial” affair and made a point of emphasizing that the Senate had substantial responsibilities in the field of foreign affairs. According to the Senator, “both Members of this body and their staffs have the right to firsthand observation of the situation in any critical area.”¹³

The end result of this controversy was an intensification of the negative images many participants in the sanctions debate held of one another. On the executive side, many remained convinced that the Helms staff had interfered in an unprecedented way in the foreign policy process and had nearly broken up a peace conference that was a major achievement of United States and British diplomacy. Many congressional critics of the sanctions, on the other hand, believed that Senator Helms and his staff had been the victims of a manufactured leak that constituted a highly improper assault on senatorial prerogatives.

THE PRESIDENT'S SECOND DETERMINATION

The final round in the long history of congressional-executive interactions on the Rhodesia sanctions issue opened with President Carter's announcement on November 14—the last possible day under the Rhodesia provision of the State Department authorization—of his intention to maintain the sanctions in force. The President noted that while encouraging progress had been made at Lancaster House, the serious differences that remained had brought the negotiations to a critical stage. According to the President, the danger was clear:

A termination of sanctions at this stage could lead all the parties to harden their positions and would jeopardize the chances for a successful settlement for Zimbabwe-Rhodesia.¹⁴

But, the President added, the United States would be prepared to lift the sanctions when a British Governor had arrived in Salisbury and progress toward impartial elections had begun.

When the State Department personnel dealing with congressional relations learned of the President's decision, they knew they had a difficult struggle on their hands. A resolution of disapproval was certain to be introduced in the Senate, and the general expectation was that it would receive wide backing. Nor was the Department confident that it could rely on its allies in the House to prevent passage

¹² Congressional Record, vol. 125, Sept. 27, 1979: S13532.

¹³ Ibid.

¹⁴ U.S. Office of the Federal Register. Weekly Compilation of Presidential Documents, vol. 14, Nov. 19, 1979: 2120.

of a congressional veto bill. Supporters of the sanctions had experienced a very close call on the Defense Department authorization, and the executive branch was not anxious for another battle in which the outcome would be so uncertain. Many in the House had grown weary of the issue and, in view of the likely end of the conflict as a result of the Lancaster House negotiations, could see little reason to delay any longer. Whether sufficient support could be roused for yet another round of the sanctions battle was thus very much in question.

The struggle began on the day of the President's announcement, as Senator Helms introduced Senate Concurrent Resolution 51—a resolution of disapproval. Accusing the State Department of a 3-year “tilt toward terrorism,” the Senator argued that in contrast to the Patriotic Front, the Muzorewa delegation had been highly cooperative at Lancaster House. Lifting the sanctions was a necessary step, he argued, in order to show U.S. support for Muzorewa's conduct and to “put the pressure on the Communist-backed guerrillas to come to terms.”¹⁵ Senator Hayakawa introduced a bill (S. Con. Res. 52) identical to the Helms bill on November 15, and the same bill was introduced in the House.¹⁶

The State Department recognized that its strongest argument was the risk that congressional action might pose for the nearly completed peace talks at Lancaster House. This argument was played to the full by Department representatives. They freely dispensed information to Members of Congress about the progress being made at the talks and about British plans for bringing the conference to an early and successful conclusion. By the time this final debate was underway, both sides at Lancaster House had agreed to British proposals on the constitution and on arrangements for a transition period under British authority. Only the terms of a cease-fire remained to be settled. Thus many in Congress were sensitive to the State Department point of view and wary of taking any action that might make Congress seem responsible for a last-minute breakdown in the negotiations.

Critical for the administration in this final round, however, were consultations leading to a bargain with its Senate opposition. The Department was by now well aware that the Rhodesian issue had damaged its overall relationship with the Senate, and particularly its relationship with critics on the Foreign Relations Committee. This damage was complicating executive-branch initiatives on other issues, and the approach of election year 1980 made criticism of the President in the Senate particularly worrisome. These political factors, combined with the sensitive stage that had been reached at Lancaster House, resulted in a new administration effort to achieve an accommodation with the Senate.

Two State Department representatives, together with a member of the National Security Council staff, were assigned to try to reach some sort of compromise. The compromise they envisaged was one which would assure opponents that the sanctions would be lifted at the earliest possible moment, but at the same time would permit the sanctions to remain in force while the Lancaster House talks were in the final stage. They hoped that such a compromise would prevent a resolution disapproving the President's November 14 determination from coming to a vote on the Senate floor.

¹⁵ *Ibid.*, p. S16636.

¹⁶ H. Con. Res. 213, sponsored by Representative Derwinski.

Persistent negotiations with Members of the Senate and staff finally led to a three-part solution. First, it was agreed that the Committee would report Senate Concurrent Resolution 51, the resolution of disapproval, to the full Senate without a recommendation. The resolution would thus remain available for action in the event that the London talks stalled or broke down. Second, the committee was to introduce its own original bill, S. 2076, to require the President to lift the sanctions upon the earlier of two dates: the date on which a British Governor had arrived and assumed his duties, or January 31, 1980. The President could still decide not to lift the sanctions when either of these dates arrived, but his decision would be subject to a veto by Congress acting under expedited procedures. This provision was acceptable to Senator Helms because it was backed by the third element of the compromise—a letter drafted by State Department aides after a discussion with the Senator and a member of his staff. The letter, signed by Secretary Vance, read:

I have discussed this matter with the President and wish to assure you, on his behalf, that when the British Governor arrives in Salisbury to implement an agreed Lancaster House settlement and the electoral process begins, the President will take prompt action to lift sanctions. This will be done no later than one month after the Governor's arrival.¹⁷

Senator Helms had been concerned, however, that the talks might collapse and the sanctions continue indefinitely. This might occur, he argued, even if the breakdown was the fault of the Patriotic Front. In response to this concern, the Secretary offered an additional assurance:

If an agreed settlement is not reached at the conference, we will consult with the respective committees of the Senate and the House regarding the course of action which best serves the national interest.¹⁸

Thus Congress was offered, albeit in a hypothetical circumstance, a role in the making of Rhodesia policy that it had never before enjoyed.

As a result of this carefully constructed compromise, S. 2076 passed the Senate by a vote of 90 to 0, bringing considerable relief to the State Department. Not only had the sanctions been preserved, but the Department had also engaged in constructive, give and take bargaining with the Foreign Relations Committee and in particular with Senator Helms. As a result, it was hoped that some of the antagonism that had built up toward the Department would be dissipated.

Administration supporters in the House, however, were not entirely happy with the compromise that had been worked out with the Senate. Some members of the Foreign Affairs Committee, in particular, were worried that too much had been conceded to Senate critics. They were concerned that a British Governor might arrive in Rhodesia and have difficulty establishing his authority or take actions that would have the effect of postponing the elections. In such circumstances, the administration might find itself in the position of having to lift sanctions when other countries, especially African countries, were not ready to do so, setting the stage for major diplomatic difficulties. There was also some fear that the compromise might require the United States to lift its sanctions before the U.N. Security Council had formally repealed the sanctions resolutions. This might place the United States in violation of international law, it was argued, and result in criticism at the

¹⁷ Congressional Record, vol. 125, Dec. 6, 1979: S17905.

¹⁸ *Ibid.*

United Nations.¹⁹ Nor were supporters of the sanctions pleased at being asked by the executive branch, as they were, to take quick action on a measure that was intended primarily to satisfy Senator Helms and other longstanding critics of sanctions.²⁰ Nonetheless, S. 2076 was reported to the House floor, preserving the tripartite compromise.

The full House, as it happened, did not need to vote on the bill, which was overtaken by events. The newly appointed British Governor arrived in Salisbury on December 12, and resumed British responsibility for the territory before a final agreement had been reached at Lancaster House on a cease-fire. His arrival led directly to the lifting of U.S. sanctions, announced by President Carter on December 16. But the removal of the sanctions, so long an issue in congressional-executive relations, did not quite end the strains between the two branches, as some House Members and staff complained that the President had acted too hastily and without consultation.

Those who complained felt that they had struggled long and hard for the administration, working day in and day out to assure that the sanctions remained in force until the Lancaster House talks had ended. Now they suddenly discovered that the sanctions had been lifted by the President himself, and lifted without any solicitation of the opinions of the administration's best friends in Congress. A particular source of chagrin was the U.N. General Assembly vote on December 18, by a vote of 107 to 16, with 21 abstentions, condemning the U.S. action and calling it a violation of the U.N. Charter. This vote seemed to confirm the views of those in Congress who had argued against ending the sanctions before the Lancaster House talks had concluded.

Defenders of the President's decision, however, note that he was under a number of pressures for swift action. With the British Governor in place in Rhodesia, sanctions against Rhodesia could be seen as sanctions against Britain, complicating relations with a major ally. Britain, indeed, evidently took this view and was reportedly pressing Washington to remove the sanctions immediately. Moreover, it has been suggested that Britain, which kept the U.S. Government closely informed on the progress of the Rhodesian negotiations, may have given the President reason to believe that ending the sanctions at this point would finally push the Patriotic Front into agreeing to a cease-fire. With the sanctions no longer in force, the Front may have been expected to reason, any breakdown in the talks would work to the advantage of the Muzorewa regime. The President may also have thought it important, with the arrival of the British Governor, to appear responsive to the agreement worked out with Senator Helms.

In any event, criticism of the President from the supporters of the sanctions was short-lived, as the Lancaster talks did swiftly come to a conclusion. A full agreement, covering the terms of the constitution, the transition period, and the cease-fire was signed on December 21, 1979. The United Nations Security Council voted to repeal the sanctions on that same day.

¹⁹ See on these points, U.S. Congress. House. Committee on Foreign Affairs. Subcommittees on Africa and on International Organizations. *Rhodesian Sanctions: Should the United States Lift Them?* Hearing and markup. 96th Cong., 1st sess. on S. 2076. Dec. 5 and 11, 1979. Washington, U.S. Government Printing Office, 1980.

²⁰ See the remarks of Representative Diggs in *ibid.*, p. 52.

CONCLUSION

In the second half of 1979, the executive branch achieved its goal of keeping the sanctions in force—if not until the conclusion of the Lancaster House talks, at least until those talks were nearly finished. This goal was achieved through close consultations intended to influence the House-Senate conference on the Defense Department authorization bill and through intensive bargaining with the Senate opposition. Consultations took place under what was perceived in the executive branch as a strong threat of compulsory sanctions-lifting legislation. The legislative veto provision in the State Department authorization was a particularly significant goad to consultations. Relations with the Senate may have been improved as a result of consultations in November and December, but House supporters were left with the feeling that they had not been adequately consulted on the final decision to lift the sanctions.



