



Rhodesian Sanctions Bill

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THE RHODESIAN SANCTIONS BILL

HEARING
BEFORE THE
SUBCOMMITTEES ON AFRICA
AND
INTERNATIONAL ORGANIZATION
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 1746

FEBRUARY 24, 1977

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THE RHODESIAN SANCTIONS BILL

THURSDAY, FEBRUARY 24, 1977

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEES ON AFRICA
AND ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittees met at 1:38 p.m. in room 2172, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. (chairman of the Subcommittee on Africa) presiding.

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

Ian Smith's rejection of a British Rhodesian settlement plan on January 24th, exactly 4 months after he agreed to majority rule, virtually assures the escalation of conflict in Zimbabwe.

The reimposition of full economic sanctions against Rhodesia not only would enable the United States to comply with its international legal obligations under the U.N. Charter, but also would provide a clear signal to the Smith regime that the United States is firmly committed to majority rule.

Passage of H.R. 1746, pending before the joint subcommittees, which would amend the U.N. Participation Act of 1945 to halt the importation of Rhodesian chrome, would repeal the so-called Byrd amendment passed by this Congress in August of 1971.

[The text of H.R. 1746 follows:]

[H.R. 1746, 95th Cong., 1st sess.]

A BILL To amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That section 5 of the United Nations Participation Act of 1945 (22 U.S.C. 287c) is amended—

(1) by adding at the end of subsection (a) the following new sentence: "Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law."; and

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

"(c) (1) During the period in which measures are applied against Southern Rhodesia under subsection (a) pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

"(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

"(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the

steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin; unless such release is authorized by the Secretary under paragraph (3) (B) or (C).

"(2) The Secretary shall prescribe regulations for carrying out this subsection.

"(3) (A) In carrying out this subsection, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpoena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

"(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on the date of enactment of this subsection.

"(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

"(4) As used in this subsection—

"(A) the term 'certificate of origin' means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

"(B) the term 'Secretary' means the Secretary of the Treasury."

Mr. Diggs. But just tightening of Rhodesian sanctions should not end here. The administration has the authority to put real teeth into the sanctions by modifying the definition of persons in the sanctions regulations issued pursuant to Executive Order 11419 dated the 24th of July 1968.

At present, only persons in the United States, corporations organized under the laws of the United States, and partnerships, associations, and corporations having their principal place of business within Southern Rhodesia, which are owned or controlled by persons who are residents or citizens of the United States, are covered by the regulations.

This definition ought to be expanded to include all foreign corporations and their subsidiaries owned or controlled by residents or citizens of the United States or by any partnership or association or corporation or other organization organized under the laws of, or having its principal place of business, in the United States.

Now, this provision would make such companies as Mobil Oil and its subsidiary in South Africa liable to upholding sanctions against Southern Rhodesia.

This is a nonpartisan issue. Both the new administration and its predecessor government have advocated the restoration of economic sanctions. Secretary Kissinger on the 27th of April, in his Lusaka statement, last year announced a 10-point program for Rhodesia which included repealing the Byrd amendment and indicated that the United States would use unrelenting economic pressure to force the Smith minority government to accept majority rule.

In testimony before the Senate Subcommittee on Africa, Secretary Vance, specifically stating that he was speaking for the President, said that "The Carter administration attaches the highest importance to repeal."

The principal objections raised by opponents of the Byrd repeal are no longer applicable, if indeed they ever were, as testimony before the Senate subcommittee on February 10 and 11 of this year and statements we will hear today will indicate.

I would like to recommend at this time that the statements of Secretary Vance¹ and Mr. Julius Katz, the Assistant Secretary for Economic and Business,² and Mr. E. F. Andrews, who is vice president of Allegheny Ludlum Industries, before the Clark subcommittee,³ be included in the record.

Without objection, it is so ordered.

Now, contrary to views expressed by the Byrd amendment supporters, our reliance upon Soviet chromium imports has not decreased despite Rhodesian supplies. As a matter of fact, last year Rhodesia accounted for only 5 percent of all U.S. chrome ore imports, while the Soviet Union furnished some 55 percent.

Moreover, technological innovations have made it possible to bring on stream lower grade chromium ores.

The economic case for repealing the Byrd amendment is clear and persuasive.

The moral justification we need not dwell on. Suffice it to say that majority rule and respect for human rights are all tied into this entire controversy.

Tightening sanctions is merely the first step we should be prepared to take, in my opinion, in order to bring about a rapid transition in that area.

The new administration and the new Congress have an opportunity to create mutually beneficial new relations with African States, and I submit that failure to do so will certainly result in an escalation of tensions and a wider war in Southern Africa.

So, to open our discussions here today on H.R. 1746, we are delighted to receive our former colleague, the Hon. Andrew Young, the U.S. Permanent Representative to the United Nations.

Mr. Ambassador, would you take the witness chair? Before hearing from you, I yield to the gentleman from Illinois, Mr. Derwinski.

MR. DERWINSKI. As I look over the schedule, there is a limited list of witnesses. Would the Chair enlighten me as to why we have only three witnesses on a bill of such major importance?

MR. DIGGS. Well, we have statements for the record here. I am going to ask Mr. Boettcher to indicate what statements have been made available. We have requested statements and testimony, and some people prefer to give statements and some others do not care to appear before the subcommittees.

Mr. Boettcher?

MR. BOETTCHER. A telegram was received, addressed to Chairman Diggs and to Chairman Fraser, from Mr. John Curley, chairman and president of Eastmeeth Corp., for insertion in the record. Would you care to read it?

MR. DIGGS. Without objection, we will—unless the gentleman wants these communications read?

¹ See app. 1.

² See app. 2.

³ This statement is identical to the statement which Mr. Andrews submitted to the joint subcommittees and may be found in the section entitled "Statements Submitted for the Record."

Mr. DERWINSKI. No.

Mr. DIGGS. Without objection, that telegram will be placed in the record.

Mr. BOETTCHER. From the American Bar Association, a letter to Chairman Zablocki, a statement submitted for the record from Mr. E. F. Andrews, vice president of Allegheny Ludlum Industries; and from Representative John H. Dent of Pennsylvania a memorandum addressed to the President explaining Mr. Dent's position on this legislation.

Mr. DIGGS. I do know for example, if the gentleman will yield further, that Mr. Dent was prepared to testify, but because of death in the family could not participate.

Let me ask if Dr. Challenor has any further report to make on any other witnesses.

Mrs. CHALLENGOR. Yes, Mr. Chairman. There will be written comments from the Department of Commerce, the Department of the Treasury, and the Department of Defense.

Mr. DIGGS. Any further questions from the gentleman from Illinois?

Mr. BUCHANAN. Will the gentleman yield?

Mr. DERWINSKI. Yes.

Mr. BUCHANAN. Mr. Chairman, I understand that Mr. E. F. Andrews was one of the chief witnesses against this legislation the last time it was up. Was he not scheduled to testify?

Mr. DIGGS. As far as I know, I am advised he was scheduled and notified us that he was unable to be here today and submitted a statement for the record which is available at your desk.

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. DIGGS. Any other questions?

Does the gentleman from Ohio care to make a statement?

Mr. WHALEN. I would like to maybe raise a question, Mr. Chairman. You indicated at the last hearing of this bill that the representative from Allegheny Ludlum spoke in opposition to the bill. The statement that he has submitted to the committee—is this still in opposition or is it in favor of the bill?

Mr. BOETTCHER. Mr. Whalen, the position of Mr. Andrews, as I understand it, is that he considers access to Rhodesian chrome no longer essential to the stainless steel industry.

Mr. WHALEN. And passage of this measure does not——

Mr. BOETTCHER. He does not recommend passage of the legislation. He simply states that access to Rhodesian chrome is no longer essential to the stainless steel industry.

Mr. WHALEN. To that extent, is it accurate to state that passage would in no way adversely affect his company?

Mr. BOETTCHER. That is the impression given by his testimony.

Mr. WHALEN. I have no further comments, Mr. Chairman, other than to echo your opening statement.

Mr. DIGGS. The gentleman from Illinois, Mr. Derwinski.

Mr. DERWINSKI. I want to cooperate in expediting these hearings so we can hear from Ambassador Young, but there was an organization called the Cast Iron Metals Federation who, by coincidence, were visiting Washington the other day. They took a position against repeal and evidently were not aware of the hearing. I would like to ask unanimous

consent to obtain their position statement and insert it in the record, if I may.

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

[The information follows:]

CAST METALS FEDERATION LEGISLATIVE POSITION PAPER, FEBRUARY 21-23, 1977

CRITICAL MATERIALS

Disruptions in raw material supplies cause continuing concern among U.S. foundries dependent upon their availability. Such disruptions are frequently caused by political events both domestically and internationally. There is some hope of controlling domestic disruptions. International disruptions pose more difficult solutions.

As regards the "shortage mentality" that led to multiple orders in excess of needs in recent years, the Cast Metals Federation has urged its membership to exercise restraint in its buying habits and also urged more realistic purchase agreements between foundries and their raw material suppliers.

Among the three most important raw materials for foundries are ferrous scrap, ferro-alloys and coke.

Ferrous scrap

As the basic raw material for the foundry industry ferrous scrap and its continuing availability is vital. In 1976 foundries operated at about 70 percent capacity. Foreign demand for this basic raw material was depressed last year. Complete economic recovery, however, can quickly paint another picture.

Doubt that the present comfortable, but costly, scrap supply situation will continue is caused by (1) preliminary studies revealing that domestic demand by mills and foundries is calculated to increase some 55.6 percent during the next ten years not accounting for any export drainage during that period and (2) furnace conversions to meet environmental control dictates will generate greater scrap demands (A. T. Kearney for the Bureau of Mines)

The 1972-1974 period of escalating ferrous scrap prices and shortages created (1) serious dislocations; (2) inferior scrap quality with attendant production problems in metallurgy, wasted energy and pollution-control equipment; and (3) scheduled delivery failures causing construction delays, further inflation and actual layoffs and slowdowns. These chain reactions to the drain of scrap metal into export remain all too fresh in our minds.

Dire predictions of future shortages by 1980—less than three years ahead—are alarming:

The ferrous scrap shortages suffered in 1973-74 will worsen by 1980 to a shortfall of between 6.5 and 11.3 million tons according to Philip E. Schneider of International Ventures Management.

Preliminary results of a study on scrap demand versus available supply being conducted by A. T. Kearney indicate that if foreign demand continues to average nine million tons annually then this level of export activity cannot continue to be supported if domestic demands are also to be met.

Formal monitoring urged

The Cast Metals Federation recommends and urges a more formalized program of ferrous scrap export monitoring which would, in effect, be consistent with the Department of Commerce early warning system on volatile materials and commodities. Current monitoring is informal.

We remain the world's only major industrial nation which does not closely monitor or actually limit ferrous scrap exports.

During normal times we do not favor export controls on ferrous scrap. But abnormal demand and availability can come to this important raw material very quickly. Our major concern is that we measure—through formal monitoring—the export market so that abnormal periods can be detected sufficiently early to avoid a repetition of the disastrous impact of shortage and inflation with the accompanying factors of production losses and unemployment.

Ferroalloys

Chromium based alloys are indispensable to foundries producing critically important high temperature defense and industry castings. Since chromium is

unique for its corrosion resistant and alloying qualities, its importance for defense and industrial applications will continue. There are few adequate substitutes.

The unpredictability of political developments in southern Africa—especially in Rhodesia—makes the chromium import picture uncertain. Pending legislation which would reimpose the embargo on Rhodesian chromium would curtail our supply of this vital material for such applications as environmental control equipment, power generation, transportation, food processing, petroleum production and home appliances.

CMF believes that the importance of chromium containing ores, for which the United States is import-dependent, makes it imperative to continue obtaining this material from all available sources including Rhodesia.

Mr. Driggs. Without objection, the record will remain open for 5 legislative days to receive any further testimony on this question.

Any further comments before we yield to the witness? Does the gentleman from Minnesota care to make any statement at this point?

Mr. FRASER. Mr. Chairman, I apologize for being late. Thank you for getting the meeting underway.

The Subcommittee on International Organizations is meeting jointly with the Subcommittee on Africa to hear testimony in consideration of H.R. 1746, the Rhodesian Sanctions Bill of 1977, which would amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

Passage of this legislation would grant congressional approval for the President to restore the United States to full compliance with United Nations economic sanctions against the white minority government in Rhodesia. Such action would negate the legislative effect of the so-called Byrd amendment of 1971, under which the United States has been trading with Rhodesia in violation of sanctions legally imposed by the United Nations Security Council with American support.

This issue is not new to this subcommittee. Today's hearing is, in fact, the seventh the subcommittee has held on Rhodesian sanctions since June of 1971. Throughout these 6 years a majority of its members has supported the sanctions and opposed the Byrd amendment, as demonstrated specifically on four different occasions when a vote was taken on legislation referred to the subcommittee. This position unfortunately was not upheld on the House floor.

The Rhodesian sanctions bill now has another opportunity in a situation featuring both old and new elements. As before, some 250,000 whites are excluding 6 million blacks from the political process, but now a bloody race war is escalating steadily. As before there were alternative sources of chrome and ferrochrome, but now the stainless steel industry has moved from its former position that access to Rhodesian chrome is vital.

As before, the Byrd amendment seriously undermines American credibility in black Africa, but now the U.S. Government indicates a rightful higher priority for relations with black African countries. As before, the Byrd amendment is a source of political and financial comfort for Ian Smith's racism. Its repeal will be a clear signal to Smith that the time has passed when he could count on the U.S. Congress for such comfort.

Despite repeated setbacks, efforts to rectify the mistake of the Byrd amendment have persisted through the work of churches, labor unions, citizens' political organizations, professional organizations and Mem-

bers of Congress and staff. Among my colleagues in the House, special tribute is due Representative John Buchanan of Alabama, former Representative Edward Biester of Pennsylvania, and our distinguished cochairman today, Representative Charles Diggs of Michigan. It is appropriate that the United Steelworkers of America and the U.S. Catholic Conference are represented among our witnesses—organizations consistently in the forefront for justice, morality, and law on this issue.

And it is especially appropriate that our first witness should be Ambassador Andrew Young, one of the leading supporters of the Rhodesian sanctions bill while a Member of the House, and now the U.S. Permanent Representative to the United Nations. For the month of March, Ambassador Young is to serve as president of the U.N. Security Council for the first time—a splendid time and opportunity for the United States to show clearly that the President and the Congress are united in support of majority rule in Rhodesia.

I am awaiting with interest to hear from the witness.

Mr. DIGGS. I yield to the gentleman, Mr. Ryan, from California.

Mr. RYAN. I would like to join those who welcome our new ambassador and former colleague. It is good to see you here, Andy.

I would like to comment on the remark made by my friend, Ed Derwinski, who referred to the Cast Iron Metals Federation. I attended their dinner that night myself and was surprised to hear them take the position that they did regarding Rhodesian chrome.

My point in argument with them was that, if they are truly concerned only about the continued supply of chrome for their own purposes and their own manufacturing—I asked them to consider what would happen if, and more likely when, the Government of Rhodesia drastically changes becomes black and native black and the position of the United States remains where it has been.

There is no reason to presume that the new government would not, with reasoning as they see it, consider cutting off the supply of chrome as a retaliatory measure to the U.S. industry.

It seems to me that it would be against the best interests of those industrialists in this country who argue from the purely pragmatic standpoint that they must have the chrome in order to continue manufacturing, not to consider the alternatives.

I think it is just as important for them in looking ahead, in contemplation of their own survival, to consider the change in the political structure—the probable change in the political structure of Rhodesia.

I am certain that Andy will have a few words to say about that particular possibility.

With that, I would like to welcome him again to the meeting.

Mr. DIGGS. I thank the gentleman. Mr. Ambassador, you have submitted a statement to the subcommittees. You may proceed in whichever way you wish.

**STATEMENT OF HON. ANDREW YOUNG, U.S. PERMANENT
REPRESENTATIVE TO THE UNITED NATIONS**

Ambassador YOUNG. Thank you very much, Chairman Diggs and Chairman Fraser, and to all of my colleagues who welcome me back to this committee.

It really is a pleasure to be here on my first official return to the House to testify on behalf of this amendment which was one of my concerns throughout my term in the House.

The President and the Secretary of State have both made very clear the fact that they understand the significance politically and internationally of the Byrd amendment, and essentially they are justifying, I think, the votes of this committee over the past years which were not upheld by the House at large in looking at the situation in Zimbabwe now.

Had we repealed the Byrd amendment on our first or even second try, we probably could have avoided significant bloodshed and potential disruption to that entire area.

We have also seen through the years increasingly militant governments come upon the scene, to the extent that, I think, if we don't repeal the Byrd amendment and move very rapidly toward majority rule in Zimbabwe, we will find ourselves facing chaos not only in Zimbabwe, but spilling over into Mozambique, Botswana, Zambia, and even into South Africa itself.

On my recent trip to Africa, the question that was asked by almost every one of the 17 heads of state that I met with was: What are you going to do about the Byrd amendment? And I think they have seen with interest and with a tremendous amount of hope and great expectations what the Carter administration says publicly, and yet they are still a little skeptical and they wonder whether or not the Congress will support those positions.

I don't want to be misunderstood, but there is a sense in which the repeal of the Byrd amendment is a kind of referendum on American racism. It is viewed that way by the heads of state of the black majority nations, and I think it is no secret that Ian Smith has felt that he could escalate the military situation to the point where there would be, in spite of the administration, support for his racist regime coming from the right wing of Vorster's South Africa and from a latent racism which he feels is present in the United States.

I think it is no secret that Smith's attempts to string out the struggle and conflict in Zimbabwe and to offer one evasion for majority rule after the other is an indication that he sees a potential for their support.

I would hope, therefore, that, given the increases in the technical capabilities of the American steel industry and the statements on the part of the administration that the import of Rhodesian chrome is no longer important for our strategic stockpile, that we have sufficient stocks on hand, that we would move as rapidly as possible toward the repeal of the Byrd amendment.

I must confess I have a great self-interest in this, for, by no choice of mine, I end up being the President of the Security Council for the month of March, and the Security Council will be perhaps entering into debate on the question of southern Africa.

It would be a great help if, very early in March, we could get this bill not only through this committee, but through the Rules Committee, and signed into law by the President of the United States.

I think it would be received around the world as an indication of the commitment of this Nation to move as rapidly as possible toward majority rule in southern Africa, and it would be an indication of the

commitment of this Nation to rational means of achieving change in the midst of potential chaos and bloodshed.

Thank you very much, Mr. Chairman.

Mr. Diggs. Thank you, Mr. Ambassador. I presume that you are aware of the statistics on the source of our chromium imports currently, which indicate that South Africa has now become a principal supplier. I wondered if this increased consumption of South Africa chrome poses any constraints on our Government taking firmer action against the Vorster government.

Ambassador YOUNG. I don't think so, Mr. Chairman. The President has made it very clear through the Secretary of State that we will not support an internal solution of Ian Smith and that there can be no compromise with South Africa on the question of Namibia and there can be no deals made with the Vorster government on American responses to the internal disturbances within South Africa.

I am pleased to report that, in a meeting with the President and the Secretary of State, I found myself being the moderate on South Africa. [Laughter.]

Mr. Diggs. That perhaps answers the next question. We understood—well, we know, that American officials have met with their British counterparts and with the South African Ambassador to the United States, who is really the Foreign Minister designate, to discuss next steps in southern Africa.

I wondered if you were in a position to share the outcome of these meetings as they relate to any further activities involving Rhodesia directly, or as it relates to Namibia or South Africa itself.

Ambassador YOUNG. Those meetings came about as a result of the meeting with Vorster and Smith and were initially of a reporting nature from the Government of South Africa to the State Department.

I was not in those meetings, but the reports that I received from those meetings indicate that they were simply of a reporting nature and exploring, as far as the United States was concerned, whether there was really any movement toward acceptance of majority rule on the part of Ian Smith.

I think the question has also been raised as to what the situation is with the Government of South Africa on the United Nations Resolution 385 in regard to Namibia.

But I think those meetings were, I think, deliberately kept on an exploratory level, and I have been assured and believe that there are no agreements being made and that positions of compromise, say, on Namibia because of support in Rhodesia are not in the offing at all.

In fact, it is the position of the Secretary of State, as I understand it, that anything that South Africa does must be done because it is in their own national interest, but South Africa is as much jeopardized by the expansion of military conflict as is Botswana and Mozambique, and there is no way to contain the military escalation of the situation in Zimbabwe on the national borders.

If there is the kind of escalation that is inevitable if majority rule does not come quickly, then South Africa is also endangered by that additional military escalation. So anything that South Africa does in Rhodesia or in Namibia would have to be done because they feel it is in their own interest and not because of any agreements that are made with this administration.

Mr. DIGGS. I thank the gentleman. Mr. Fraser?

Mr. FRASER. Thank you, Mr. Chairman. Mr. Chairman, I might note that the Congressional Black Caucus has submitted a statement. I think it might be appropriate to include that in the record.

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

Mr. FRASER. Mr. Ambassador, you mentioned that you will be the President of the U.N. Security Council in March.

Ambassador YOUNG. Yes. I am scared to death. [Laughter.]

Mr. FRASER. Well, I would like to underscore my own desire to see that that chairmanship is accompanied by a demonstration on the part of Congress that we share your views about the importance of coming into compliance with the actions of the Security Council.

It would seem to me that it would make a splendid opportunity for us to indicate that the United States was taking seriously majority rule in southern Africa.

I would like to perhaps ask you to respond to one question. If the Congress fails to repeal the Byrd amendment and in due course, as seems inevitable, majority rule will come to Rhodesia, are there risks that the United States may find a regime resentful of our role in continuing to violate sanctions during these recent years?

Ambassador YOUNG. Mr. Chairman, I really don't believe so, and I say that based on the history of Africa as I understand this, but, in spite of the rejection almost totally of governments in Mozambique and Angola, the present government in Angola, even though it is not recognized formally by our Government, has actually increased the supply of oil which it sells to Gulf Oil Co., a U.S. corporation, and I think there are two reasons for this.

I think one is that we are very fortunate that we as a nation are perhaps the prime market for the natural resources of southern Africa, and the other thing is that there has been demonstrated a remarkable level of forgiveness on the part of just about every government that I have witnessed coming into power, most of whom came to power without our help and some with distinct opposition from us, as perhaps is viewed by Angola and Mozambique, because they for years felt as though they were fighting against U.S.-supplied NATO weapons.

Nevertheless, their willingness to forgive and forget and establish relationships with the United States that are mutually beneficial has been just a remarkable phenomenon as far as I am concerned.

Mr. FRASER. So your argument in support of the Byrd amendment doesn't rest on the idea that we would perhaps risk an interruption of supply, but more on the grounds of attempting to facilitate a peaceful transfer of power and discharging our international obligations.

Ambassador YOUNG. It certainly does, and I think, when we had this bill on the floor before, the chairman brought a map which explained before the House that the border closing in Mozambique was imminent.

We were assured by the opposition to this that they would never be able to close the border to Mozambique, but the border is closed, and the military situation escalating now, I think, is a suicidal situation. All of the intelligence estimates that I have been privy to have said that the Smith government cannot last any more than 1 year, that the fact that he has had to call up people from 38 to 50 years old is such a drain on the Rhodesian economy that they could not sustain this struggle indefinitely.

But Smith is the kind of person who, while he cannot win, he can take a lot of people down with him, and I think repeal of this Byrd amendment is in the interest of seeing to it that Ian Smith goes down by himself, that a wholesome economy in Zimbabwe and the presence of those whites who want to stay, is possible and that the neighboring governments of Mozambique and Botswana and Zambia are not further jeopardized and disrupted by the chaos which inevitably spills over their borders.

I think it is frightening to realize what would happen in Africa if there was economic dislocation sufficient enough to disrupt not only the Rhodesian economy, but the Zambian economy, Botswana and Mozambique.

I think what we see in Africa is almost in power the last generation that was privileged or persecuted by American and British education, and their involvement in our educational system in the values of our society has been an important part of the development.

They are in fact, as the gentleman from Alabama knows, in large measure a product of Christian missionary primary and secondary education, as well as British and United States higher education.

The leadership which is emerging out of guerrilla warfare does not come with that kind of background at all necessarily, though some of them do, and I think we cannot be sure of what would emerge if we allowed chaos to pervade that area.

Mr. FRASER. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Whalen?

Mr. WHALEN. Thank you very much. Thank you, Mr. Chairman. There has been a combination of factors, as you know, Mr. Ambassador, that contributed to the defeat of efforts in the House in the past to repeal the Byrd amendment. Principal among these was the argument advanced by industry, as well as by labor, that this repeal of this amendment would cost jobs. Now we hear that there are technological developments that have made this argument moot.

I wonder if you could elaborate a little bit for the record as to what these are?

Ambassador YOUNG. Well, I understand from my colleague from Pennsylvania, Congressman Dent, that the technology has improved to the extent that it is no longer necessary to get the kind of high-grade ore that comes from Rhodesia, that the same products can be produced with a much lower grade ore which is available from other places.

So there will be no job loss as a result of appeal of this amendment.

Mr. WHALEN. Have importations from Rhodesia decreased in recent months?

Ambassador YOUNG. I am not sure of the details of that, but I think they have.

Mr. WHALEN. I think it is important, because this is always the argument that confronts us. I am wondering what your estimate is if we pass this measure and the President signs it—what effect will it have on the efforts to bring Smith to a point where he is willing to come to some kind of a settlement?

Ambassador YOUNG. I think it would have a significant effect, and I think a month ago I would have said that we could have moved—it would have almost been sufficient to bring Smith back to the Geneva negotiating table. I think a number of things that have happened since

then, namely the death of the British Foreign Secretary, Anthony Crosland, which might slow that process down a little bit.

So that not only do we have a new administration in Washington, still putting together its policies, but there would be something of a new administration in the United Kingdom that might slow down the process just a little bit.

I would hope though that we could find a way that very rapidly we could return to talks which could facilitate majority rule, and I think that the repeal of this amendment and its signing into law by the President of the United States would certainly hasten that day.

Mr. WHALEN. Do I understand you to suggest that this is a signal to the Rhodesian government that they cannot count on us for any kind of support in the event that hostilities, full-scale hostilities, erupt there?

Ambassador YOUNG. We have said that. The Secretary has cabled that effect, has made public those kinds of statements, but I think there is still a feeling that there could be mounted support in the Congress which might overrule this administration.

Mr. WHALEN. Are there any other things that the Congress or the administration could do that would further this impression?

Ambassador YOUNG. I think that our attempts to bring up the question of Namibia in the Security Council and involve the United States in taking a leadership position on moving toward majority rule in Namibia would be another indication of our intent.

I should say that my experience with the President when he was Governor of Georgia was one that led me to believe that he wants to move very forthrightly on this, that we did not have a single racial uprising or incident in the State of Georgia during the 4 years he was Governor. This was not because there wasn't a great deal of tension, but it was because as soon as tensions began he moved very quickly to resolve them. So, in 4 years, we didn't have a violent uprising or massive demonstration and we had reasonable and rational solutions to racial problems.

I think that that policy is the way he sees the U.S. involvement in southern Africa, that, if we do nothing, we are asking for trouble. If we move very quickly, some rather simple, rational acts on our part can bring about reasonable change.

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Derwinski?

Mr. DERWINSKI. Thank you, Mr. Chairman. Mr. Ambassador, I note you make reference to the relationship between possible legislative action and your role at the United Nations. Have you had the chance to become familiar with the reports that recently have been made to the U.N. committee on violations of the trade embargo on Rhodesia? They have been in news reports and I understand they were distributed to select diplomats at the U.N. Are you familiar with those reports at all?

Ambassador YOUNG. I am familiar with them, but I am familiar with them from the newspapers. I think you are speaking of the presence of the Russian violations of trade.

Mr. DERWINSKI. Russian, Bulgarian, Czech, East German, and others.

Ambassador YOUNG. Yes.

Mr. DERWINSKI. Would it be practical—the reason I raise this point is that I note in your prepared testimony you refer to the clear violation of our obligations and then you make the point that we are openly violating sanctions under the Byrd amendment.

Now, looking at it logically, since it has been an open secret for years that the Soviet bloc, Japan, and other countries, have been violating these sanctions in far greater degree than we have, but not openly, by virtue of an amendment, what political effect has this had on the representatives at the U.N. or their diplomatic effectiveness with the heads of state in Africa?

Ambassador YOUNG. I think that it is hard for me to speak about the U.N. because the President sent me away as soon as I got appointed and I have had only one or two meetings there.

But, from my previous experience, I think there is a feeling on the part of most African delegates that there is a level of racism and hypocrisy related to the Eastern European bloc which they are accustomed to. I think it is one of the reasons why the Soviet Union has never been able to stay in Africa any length of time.

I think, very frankly, the Soviet bloc has been used for weapons because there is no other place to turn, but I would say that these kinds of violations are one of the reasons why they are not trusted ultimately.

The other thing is that, in spite of our violations openly, we do have a record of some very solid assistance. Our AID missions have continued to do very good work throughout southern Africa. The U.N. development program, which is heavily supported by the United States, has aided companies that are even openly enemies of ours, and we have provided food, where people were hungry, to friend and foe alike.

So I would say that, in spite of the fact that we are publicly condemned much more frequently than the Soviet Union, it is not because we are disliked or hated; it is because they expect more of us and they know we are a lot better than them.

Mr. DERWINSKI. In an attempt to be logical and consistent in a policy, which I understand is the point that the President tries to stress, is it logical to contend that, if anyone objects to importing chrome from Rhodesia because of the internal policies of that country, would it be logical for that person to ask to have chrome shipments from South Africa embargoed because of that country's apartheid policy or, say, chrome shipments from Turkey embargoed because of its Cyprus policy or, say, shipments from the Soviet Union embargoed because of its clear violation of human rights? Are those things tied together in any way?

Ambassador YOUNG. I don't think they are because I think that sanctions, in order to be effective, have got to be very selective, and we are not making any moral judgment to the effect that we will only buy from people who are pure because we wouldn't buy anything, including from ourselves. [Laughter.]

We are saying that there are times when selective sanctions are in our national interest, and I would say that this is one of those times.

Mr. DERWINSKI. A year ago, this full committee reported out a bill and you will recall it was defeated on the floor of the House. Our colleagues, Mr. DuPont, Zablocki, and Broomfield, supported the bill, but they wrote additional views expressing their reservation. They made one point and I would like to quote from that report:

We believe that the initial action by the U.N. in imposing the sanctions was primarily motivated by the internal politics of the United Kingdom, which serves as a classic violation of Article II of the United Nations Charter, which states that the U.N. will not become involved in the internal affairs of a nation.

Now, given the President's position which you stated this afternoon, that we would not become involved in the internal activities within Rhodesia, could we not address the very basic question which is: "Was the U.N. acting properly when these sanctions were imposed?"

Ambassador YOUNG. Well, I am not sure that the President's position is that we would not become involved in the internal affairs of Rhodesia. I would think that what we are saying is that we would not be clandestinely involved, that an open and aboveboard pressure on Uganda about Idi Amin—I would certainly, you know, wholeheartedly endorse. An open and aboveboard pressure on South Africa or Rhodesia—I mean I would say that our involvement in the affairs of other nations is something that we have got to be very careful about and open about, and when we can do actions which we can put before what we call the court of world opinion as morally justifiable, I would hope that our country would be free to act to bring pressure against nations because of their internal affairs even.

It is the kind of subversive and clandestine actions that I think the President is rejecting.

Mr. DERWINSKI. As long as you mentioned Amin and the problems in Uganda, let me ask you this as frankly as I can. The issue in Rhodesia is that you have a white minority and the emphasis is on majority rule.

Is there any difference between the situation in Rhodesia, other than color of skin, when you look at the situation in Uganda where presumably Amin, a Muslim of a minority tribe, is engaged in persecution of Christians who are near a majority?

In other words, isn't that as deplorable in that sense as is the situation in Rhodesia?

Ambassador YOUNG. It certainly is and I have not hesitated to condemn that. In fact, you know, the actions of Idi Amin and Ian Smith are remarkably similar. I mean they are minority tribes that are persecuting and violating the rights of the majority.

Mr. DERWINSKI. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Rosenthal.

Mr. ROSENTHAL. Thank you, Mr. Chairman. Mr. Ambassador, let me join my colleagues in welcoming you to this committee. We are honored to have you here. We are very pleased with your performance and expect a great deal from you, which we know shall occur.

One other point occurred to me—and I don't know if it was talked about. What signals would passage of legislation to repeal the Byrd amendment send to the rest of Africa?

Ambassador YOUNG. I think it would be a testimony that the Nation has moved to the point where it supports majority rule and where it is going to have positive policies toward Africa and the so-called Third World in general.

I was asked about the Byrd amendment by the head of state of Nigeria, by the Foreign Minister of Kenya, the President of Somalia, everywhere.

Mr. ROSENTHAL. In other words, the passage of this amendment, looking at it purely pragmatically, would open up new opportunities

for us, not only in terms of political influence, but commercial opportunities, in the rest of Africa. Is that a fair statement?

Ambassador YOUNG. Well, I would say that one of the high points of my trip was the response I received from Nigeria that had rejected and had been rejected by previous administrations, and I think in response to what is already perceived to be the policies of this administration, they are anxious to have a new relationship.

I think the gentleman will remember that Nigeria during the oil embargo became our leading supplier of imported oil. They are now engaged in a \$50 billion development program. One of the questions that the head of state asked me was: "Why is it that we can't get American businessmen to come and help us develop our country?" They are not asking for aid; they are not asking for charity. They are asking for technical assistance that they can pay for.

So, one of the things that we suggested was moving toward a kind of joint economic development commission that would enable American business to share in Nigerian economic development. This was at their request and not ours.

I think we would see similar requests coming from other parts of Africa where we have had strained relationships and where it is not a question of charity, but it is a question of mutual assistance.

Mr. ROSENTHAL. And the passage of this legislation—Would that have any effect on our relationship with your colleagues at the United Nations?

Ambassador YOUNG. It certainly would. It would mean that I am not just a good guy who is up there, you know, as a kind of window dressing token, but that I really represent the policies of an administration that is supported by the Congress of the United States.

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman. Mr. Ambassador, is there any doubt in your mind that the repeal of the Byrd amendment is in the national interest of the United States?

Ambassador YOUNG. There is no doubt whatsoever in my mind, any way you want to look at the national interest. I think that this is consistent with our national interest.

Mr. BUCHANAN. There are leaders within Rhodesia or Zimbabwe who have demonstrated, I think, their desire, once justice has been achieved for the majority of the people and once majority rule is established, that the rights of all the people be protected in the way in which they are not protected by their minority government at present.

I share your frustration that we could not have done this thing 2 or 3 years ago, as some of us tried to accomplish, because it seems to me at that point that such leaders had an awfully good chance of ending up in prominent positions when the new government was established.

Do you think there is still some chance for something other than a revolutionary type result and a very radical government as an end result within Zimbabwe itself?

Ambassador YOUNG. Yes, I do, because I think that what I know—though I don't know them personally—what I know of even the revolutionaries in Zimbabwe indicates to me that, if the people who now make up the patriotic front—I think Joshua Nkomo was educated

by Presbyterian missionaries; Robert Mugabe is a practicing Roman Catholic, which is one of the things which makes the recent horrible incident of the death of the nuns, you know, highly unlikely as a planned strategy on anybody's part, certainly not the liberation movement's, for the missionary activities in Rhodesia, both Protestant and Roman Catholic, have been very supportive of the liberation movements, and that particular mission had been one of the places that had been giving treatment to the families of liberation members who were ill.

I would like to just refer to the situation in Mozambique where Samora Machel was everybody's militant and yet probably is the strongest voice of restraint in the present situation.

I had the occasion to meet with Augustine [Oneto] who is classed by our press as a Communist revolutionary. I found him to be, you know, a very quiet, poetic type of intellectual that was so soft spoken and so gentle that it was hard for me to imagine him leading a revolution.

What I am saying is that, though we have in our press now perceived of these people as revolutionaries and, therefore, somebody who might be difficult to deal with, it was only a decade ago that men like Kenneth Kaunda and Julius Nyerere were perceived of as revolutionaries who would be very hostile to the United States.

Mr. BUCHANAN. There has been a good deal of concern in at least some circles in our country about Russian footholds in Africa and about Russian influence and movement toward domination there.

Do I gather from what you are saying that you feel that the chances are very good if we give the kind of leadership which we can give as a country and make right those policies that have been wrong on our part of building on a substantial base of latent friendship for the United States, and do you feel that there is great chance, regardless of this, of Soviet domination on the continent of Africa?

Ambassador YOUNG. I don't think there is any chance right now of Soviet domination. In fact, I think the Soviets have had enough themselves. There have been specific moves on the part of the governments of Tanzania and Zambia and Mozambique. The presence of Tanzanian troops in Mozambique as military advisors was a deliberate attempt on the part of the Organization of African Unity not to leave a vacuum that might have to be filled by outside military advisors.

I was told by the head of state of Niberia, who supported the MPLA in Angola and opposed the former administration's position, that he viewed the Cuban presence in Angola as a blemish on African character and that Africans themselves should have been able to resolve that problem short of the kind of civil war that developed there.

So I think there is a commitment on the part of Africans not to allow a massive military presence by any outside force on the African soil, and they are now moving to see to it that that does not happen if they can possibly avoid it.

Mr. BUCHANAN. Mr. Chairman, I know we are short on time, but I wonder, Mr. Ambassador, if you can give us the administration's position on the amendment offered to the repeal of the Byrd amendment that was added in the U.S. Senate?

Ambassador YOUNG. No. I am afraid I cannot give you an administration position on that. I guess I could give you a personal position,

which would try to distinguish between in transit and things that are so-called on order and that sort of thing.

I think the amendment spells out—gives the power to the President to make the exemption, and I think I could assure you that this President would not use that as a loophole to continue by subterfuge the importation of Rhodesian chrome.

MR. BUCHANAN. So that whether the amendment is there or not has little significance in terms of the action of this President in terms of any kind of loophole?

Ambassador YOUNG. That would be my opinion.

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. DIGGS. Mrs. Collins.

Mrs. COLLINS. Mr. Ambassador, I have a series of questions regarding the effect of our embargo, if it indeed has an effect, on South Africa and our relations with them.

It is my understanding that South Africa runs a very close second when it comes down to the kinds of chrome that we have been getting from Rhodesia; my first question is: Would the repeal of the Byrd amendment somehow drive the U.S. buyer to South Africa as his source of this particular chrome?

Ambassador YOUNG. It might, but, as I said, in terms of change, right now the focal point of change is Zimbabwe and Namibia, and I think it is simply a matter of choice that tactically it is important that we have majority rule in those places immediately.

I understand that the President said that he was for majority rule in South Africa in his press conference yesterday, and that was not a slip. But I think realistically we are just beginning the kinds of external pressures that might bring about change in South Africa.

We might be coming back to this committee within 1 year or even 6 months about something pertaining to South Africa, but right now I think we would try to confine the repeal of the amendment pertaining to chrome from Rhodesia.

Mrs. COLLINS. OK. If we prohibit the purchase of chrome from Rhodesia, is it possible that the Rhodesian chrome will still come through South Africa?

Ambassador YOUNG. I think there is always that possibility. Yet, I think that we could make it very clear that, by so allowing that to happen, South African Government would be jeopardizing their continued relationships with us.

Mrs. COLLINS. Would the repeal of the Byrd amendment, as far as you know, be effective against processed ferrochrome as well as raw material chrome?

Ambassador YOUNG. Yes; it would.

Mrs. COLLINS. Let me ask you one other question regarding South Africa. Inasmuch as South African chrome deposits may take on a greater significance if, in fact, we start getting it from South Africa, once we will not be getting it from Rhodesia, wouldn't we kind of be jumping from the frying pan into the fire?

Ambassador YOUNG. No; because South Africa, while it is boiling, is not quite on fire yet. The fire is in Rhodesia, and we might be jumping from the fire into the frying pan. I mean I am not saying that the situation is any better. I am saying that tactically it is important to repeal the Byrd amendment now and that perhaps coming from the

administration some of the ideas that have been introduced by Chairman Diggs in terms of tax credits and selective buying campaigns or tax credits in regard to South Africa may be on the agenda in the near future.

Mrs. COLLINS. One final question. What impact do you think the embargo, reinstatement of the embargo, will have on the 95-percent black Rhodesian population?

Ambassador YOUNG. I don't think it will have any effect except to help them get toward majority rule a little more rapidly.

Mrs. COLLINS. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Solarz.

Mr. SOLARZ. Mr. Chairman, Mr. Ambassador, I would like to add my own voice to those of my colleagues on the committee in letting you know how delighted I was with your appointment. I think it is about time we had someone in a high place in the administration who had an active commitment to the implementation of our own most cherished ideals in the African continent.

I returned last July, as you may possibly recall, from a trip through southern Africa, and, on the basis of some of the conversations I had there, I would like to put a couple of questions to you.

First, would you more or less agree that our willingness to repeal the Byrd amendment is, in the eyes of the black African leaders, a litmus test of our commitment to majority rule in Zimbabwe?

Ambassador YOUNG. I think it is very clearly so.

Mr. SOLARZ. In terms of the impact which the repeal of the Byrd amendment would have on Rhodesia itself, would it be fair to say that the impact would be far more of a political than of an economic character?

Ambassador YOUNG. I think there is a sense in which it will be both. Rhodesia is so strung out now that every little bit hurts, and what I think we are doing is what—you know, what I said all across Africa, that people always ask me: "Would the United States assist in the armed struggle?" And I said that realistically I did not think so, but I said: "I think what we hope to do is mount diplomatic pressures and power that will be as effective as armed struggle."

Mr. SOLARZ. Let me speak very frankly. I strongly support the repeal of the Byrd amendment, but in conversations I had in Salisbury and elsewhere I pretty much came to the conclusion that from a purely economic point of view of sanctions, repeal had a relatively limited impact.

The Rhodesian economy has actually grown since the time when sanctions were first established, and, although that may not be an argument for not cooperating with sanctions, it seems to me to indicate the actual economic impact would be quite limited.

As I understand it, we now import about 5 percent of our chrome from Rhodesia. Do you know offhand what percentage of Rhodesia's chrome is exported to the United States?

Ambassador YOUNG. No; I really don't.

Mr. SOLARZ. The negotiations which recently fell apart in Geneva seemed to fall apart in the initial instance largely over the questions of the duration of the transition and who would have control of the Ministries of Law and Order and Defense.

It always seemed to me that a much more fundamental problem was never even reached in discussions, and it had to do with what was actually meant by "majority rule" itself. It strikes me that the parties involved have significantly differing definitions of "majority rule."

The whites seem to feel that "majority rule" is basically what they have at present, a system in which a government is elected by a majority of those who are eligible to vote, with eligibility being determined by a rather qualified franchise which, by definition, means that the great majority of Rhodesian people are unable to participate in the political process because they lack the necessary qualifications.

To the black leadership, on the other hand, I got the feeling that "majority rule" was the functional equivalent of "black rule." There were leaders of the liberation movement for whom the holding of elections as a way of establishing the legitimacy of a government by giving the majority through the ballot box the opportunity to determine who would lead them was far less important than the color of the leadership of the country itself.

I gather from our point of view, when we talk about "majority rule," we mean majority rule in the sense we have it here, in that the overwhelming majority of the people in the country are permitted to vote and whomever the majority of the electorate chooses becomes the government.

Would you give us the benefit of your own analysis of what is meant by "majority rule" by the parties to this conflict and what our operative definition is of "majority rule" in the Rhodesian context when the administration says it is committed to majority rule?

Ambassador YOUNG. I think your analysis is one that I would certainly agree with. It was a very good analysis. I think the administration's position is that so long as the parties that assemble at Geneva agree, then that is all right with us.

I don't think we have attempted to spell out what should be the internal solution. We have only determined that the forces that are in conflict, which right now seem to be black versus white—but I was informed by one of the participants that, for instance, the Patriotic Front, according to the British plan, would include in its 16 seats not only people from the liberation movements, but also some people from the moderate white community that are not represented by Ian Smith or people that they select and not those selected by Ian Smith or the British.

MR. SOLARZ. In your discussions with the front line presidents and with the liberation leaders, did you get any sense of the extent to which, to them, "majority rule" meant nothing more than black rule, or the extent to which they envisioned a kind of democratic system, not necessarily modeled along the lines of the one we have in the United States, but where the people would be given the opportunity to fully participate in the process?

Ambassador YOUNG. I think, of those that I talked to, that was the understanding, especially Julius Nyerere and Kenneth Kaunda and the Vice President of Botswana who was the other representative of front line nations.

I think there is a sense in which the Government of Mozambique, though I did not meet with them, has a feeling that the leadership

should come from the armed struggle and not necessarily be ratified by elections, because they were not ratified by election in their coming to power.

Mr. SOLARZ. You talked about Mozambique. I was surprised to hear you say that Machel was the most moderate of the front line presidents because publicly he is in favor—

Ambassador YOUNG. Well, except that he is the one who is really most concerned about immediate resumption of the talks and recently has been in the meetings of the front line nations, I understand, the strongest voice of mediation.

I think you can explain that very simply, that it is his country that is suffering.

Mr. SOLARZ. Let me ask you a hypothetical question. Suppose Mr. Smith moves in the direction of what is now known as the internal solution in which the Rhodesian blacks are given functional equality, in which a democratic system is established, as unlikely as this may be, and in which the great majority of the Zimbabwean people are in fact permitted to vote and to participate in the political process, but where this settlement is unacceptable to the Patriotic Front and, as a result of that, to the front line presidents as well.

Where do you see our role in such a situation and what do you think we ought to do if in fact Smith gives his country the substance of majority rule, but in a way in which it leads to its rejection by the front line presidents and the Patriotic Front?

Ambassador YOUNG. We have already said that it is our position that the so-called internal solution is unacceptable because it simply would not bring peace. It would bring, in fact, an escalation of bloodshed.

So it has been the U.S. position that any acceptable solution must involve all of the participants that were gathered in Geneva.

Mr. SOLARZ. So it would be fair to say that, if Smith moved in the direction of the internal solution, if that were unacceptable to the front line presidents and to the Patriotic Front, we would not at that point begin to lend the Smith regime our assistance in an effort to enable him to prop up his economy and the political system?

Ambassador YOUNG. I think we are already on record—the Secretary of State has already spoken to that effect and has sent messages through the appropriate channels that no internal solution is acceptable in Rhodesia and has even sent word to the Government of South Africa that only an internationally acceptable solution would be recognized by us in Namibia.

Mr. SOLARZ. One final question, if I may, Mr. Chairman. Mr. Ambassador, if I can draw your skill and talents as a former Member of the House who was noted for his ability as a legislative draftsman, I don't know if you have the legislation in front of you, but my distinguished friend for Alabama, I think, referred earlier to this potential loophole in the bill on page 3, line 8, under which the Secretary of State is given the right to release these embargoed shipments from custody under such circumstances as he deems appropriate.

I gather from your testimony that you find it most unlikely that such circumstances would develop, and I certainly would tend to agree that the Secretary of State appears to be deeply committed to the repeal of

the Byrd amendment. It is difficult to conceive what circumstances might lead him to make such a decision.

Nevertheless, I am a little bit concerned about the broadness of this clause. "Under such circumstances" could literally be anything under the Sun or the clouds. I wonder whether as a substitute for that sentence on line 8, "[u]nder such circumstances as he deems appropriate." it might not make more sense to substitute the words "if the national security of the United States requires it, the Secretary may release from customs" et cetera, et cetera. That seems to me to be a small, but significant, change.

Frankly, the only circumstances under which I think such a decision would be justified would be if the national security required it. That in and of itself is a pretty broad definition, and the Secretary would have substantial leeway. But I would certainly feel a little bit more comfortable if we somewhat more narrowly define the clause under which the Secretary could unilaterally waive the repeal of the Byrd amendment.

I would like to know whether such a change would be acceptable to you.

Ambassador YOUNG. Well, I think I would rather consult the Secretary and maybe talk to the gentleman privately, if you don't mind, on that.

Mr. SOLARZ. I have been trying to reach the gentleman in order to set up a meeting not only on this, but on another matter. I know he got back to me. We missed connections. But I am always delighted—

Ambassador YOUNG. I will be right up.

Mr. SOLARZ. OK. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Ryan.

Mr. RYAN. Mr. Ambassador, first of all, I would like to ask you whether you are looking up ahead to the vote on the floor, which I think will be the first really important vote this year.

Are you satisfied that the public is sufficiently aware of the importance of this vote to the national interest?

Ambassador YOUNG. I think so. I think that my analysis of the vote before was that we counted along traditional lines and we expected support from the administration that we didn't get, and some people who normally would support this kind of issue for completely non-foreign policy reasons did not.

Mr. RYAN. That is what I am getting at.

Ambassador YOUNG. I think that—Well, I place great stock in the position of our colleague from Pennsylvania, Congressman Dent, because I think that, you know, there is no better supporter of the Congressional Black Caucus on every other issue. You couldn't say that there was anything racial or conservative about his concern on that. He was basically concerned about a factory in his district.

I think his statement changes that not only for him, but for a number of his colleagues. I think my analysis on that vote is that the Black Caucus came head to head with the Italian Caucus, and we weren't prepared and we lost.

Mr. RYAN. That brings me to my second question. Again I refer to my friend and colleague's comment from the Cast Metals Federation, the foundry industry in this country being the major user of most of this chrome as fundamental to its industry. If you could talk to them,

what kind of advice would you give relative to their position and the tenuousness of their position, looking ahead, in the event that they make no effort or see no need to make a change in their present position—which is simply support of the Byrd amendment?

Ambassador YOUNG. Well, I would say that what is at jeopardy really here—if this session of Congress doesn't very quickly repeal the Byrd amendment, what is at jeopardy is the possible escalation of tension throughout southern Africa, and that would not only jeopardize the flow of chrome, but it would jeopardize our access to about 8 of the 13 minerals that our Nation needs to survive.

I think if we don't rapidly move to resolving the tension in Zimbabwe that we are going to see expansions of chaos and bloodshed all across that rich resource belt in Africa. It won't be a matter of governments not wanting to sell to us. It will be a matter of governments being not organized enough to deliver.

Right now our problem in Angola is not that the government won't—doesn't want us to have access to something, but they are fighting all along the railroad that delivers it. So copper from Zaire and Zambia can't come across Angola.

If we don't have some settlement of the violence in southern Africa, I think it is inevitable that it will spread, and that will jeopardize not only the access to chrome, but the access to all sorts of other vital minerals.

Mr. RYAN. So it is in the interest then of those same people who argue only for their self-interest that they reexamine their classical, traditional position because of the changes that are occurring.

Ambassador YOUNG. That is correct.

Mr. RYAN. I think that is a very significant argument to use on the floor. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman. I simply wish to commend the Ambassador on an auspicious beginning of a very tough and very important job. I came here only to gain the benefit of his comments on this sticky problem. I thank him and wish him very well. I have no questions.

Mr. DIGGS. Thank you, gentlemen. Thank you, Mr. Ambassador, for your enlightenment. Before you leave the witness chair, if you could identify your colleagues, for the record.

Ambassador YOUNG. From the Department of State, Steve Schwabel, and—

Mr. DIGGS. And his title?

Ambassador YOUNG. Deputy Legal Adviser, Department of State. And Dr. Anne Holloway, who is my special assistant at the Department of State.

Mr. DIGGS. I thank the gentleman for his contribution.

We would now like to have Father Rollins Lambert and John Sheehan to join together at the witness table for their presentations.

Father Rollins Lambert is the adviser for African affairs of the U.S. Catholic Conference; and John J. Sheehan is legislative director of the United Steelworkers of America.

Both these gentlemen have submitted statements to the joint subcommittees, and I am going to ask them to proceed as expeditiously as possible so we can get into questions. If they are in a position to sum-

marize their statements, I think it would help the deliberations of the joint subcommittees.

So may I call upon Father Lambert please.

STATEMENT OF REV. ROLLINS LAMBERT, ADVISER ON AFRICAN AFFAIRS, OFFICE OF INTERNATIONAL JUSTICE AND PEACE, U.S. CATHOLIC CONFERENCE

Father LAMBERT. Mr. Chairman and members of the subcommittees, I am Father Rollins Lambert. I am adviser for African affairs in the office of international justice and peace of the U.S. Catholic Conference, here in Washington. At my left is Mr. James Jennings, political adviser in the same office.

I am grateful for this opportunity to speak to the Subcommittee on International Organizations and the Subcommittee on Africa on the pending legislation affecting American imports of chrome ore and ferrochrome from Rhodesia.

In 1973 Archbishop Joseph Bernardin, president of the U.S. Catholic Conference, submitted testimony to the Congress calling for the repeal of the Byrd amendment. More recently, in 1976, the general secretary of the conference, Bishop James Rausch, wrote to Secretary Kissinger on African policy, and the U.S.C.C. committee on social development and world peace issued a statement on South Africa.

Both documents reiterated the urgency of prohibiting the purchase of these minerals from Rhodesia. That position has not changed, despite the escalation of violence in that country. The escalation, in fact, seems to us to underline the importance of any action which can contribute to a just peace in Rhodesia.

A state of civil war exists in Rhodesia. War means that acts of violence are committed by the participants. It also means frequently that innocent bystanders are injured or killed. This is true in any war, guerrilla or conventional.

In Rhodesia, as you well know, the war is between government security forces and police, on the one hand, and, on the other hand, insurgents who operate from bases in neighboring countries friendly to the movements fighting for majority rule.

The Rhodesian Catholic Commission on Justice and Peace is an official arm of the Rhodesian Catholic Bishops Conference. It has been deeply concerned about the war, its causes, its techniques, and its resolution.

To this end, the commission has issued several reports documenting incidents of arbitrary arrests and executions, as well as torture of prisoners by the government forces. These documents were not issued in an effort to condone violence by the guerrillas. Indeed, the commission has repeatedly expressed its condemnation of violence, a view which is consistent with the general teaching of the Catholic church.

The point of the commission's reports was to emphasize the man in the middle, a phrase which was the title of one of its reports. The man in the middle is the Rhodesian black villager caught in the cross-fire of the contending forces.

As one victim expressed it: "If we report to the police, the terrorists kill us; if we do not report, the police torture us. Even if we do

report to the police, we are beaten all the same, and accused of trying to lead the soldiers into a trap. We just do not know what to do.”

The commission's studies document :

Complainants of prolonged torture and brutal assaults by members of the security forces * * *. The Commission also received and investigated allegations of the deliberate bombing by the Rhodesian Air Force of civilian villages after the inhabitants had been removed to safety, and of the destruction of their houses, property, and crops.

It investigated conditions in the so-called protected villages and found “how radically they are at variance with the information officially disseminated by Government.”

Seventy thousand inhabitants of the tribal trust land, the territory designated for occupancy by blacks, were relocated into such villages in one recent rainy season, and that procedure has not been discontinued.¹

I don't intend to enumerate the cases investigated and reported by the commission. A copy of each report and several other documents listed in the appendix to my written testimony have been given to the committee staff.²

However, I do believe that the quintessence of the tragedy in Rhodesia is aptly stated in the introduction to the report, “The Man in the Middle.” The report opens with these observations:

The Commission cannot remain silent about these injustices which not only expose the true extent of the hardship and suffering endured by these innocent and defenseless people [the Rhodesian blacks], but also indicate the real nature of the armed struggle taking place in our midst, and the causes underlying it.

As long as such a state of affairs is allowed to continue, we need hardly wonder if the claims of Russian or Chinese Communists so near to our borders exercise a powerful attraction for the masses of Rhodesians who feel that they have nothing to lose.

The conditions created by the policies of the present Rhodesian administration are ideal for the growth of violence, for the complete failure of any efforts at detente, and for an ultimate take-over by a Marxist or Maoist ideology. . . .

And end to the present struggle will not be achieved through intensifying coercion, but by political leaders demonstrating in a positive way and making manifest their concern for the basic qualities of morality and even-handed justice. . . .

Violence to human life and property can only escalate, and will affect Rhodesians of all races on an increasing scale unless the underlying causes are seen clearly and those causes removed. . . .

The only workable remedy in human terms is reconciliation and dialogue between people who are free in mind and body and who acknowledge and guard those same freedoms for each other.

Those words were written by Donal Lamont, the Catholic bishop of Umtali, a diocese on the eastern frontier between Rhodesia and Mozambique. Last year, Bishop Lamont became himself “a man in the middle,” caught between the demands of the government and his own convictions about the nature of Christian ministry. As a result, he was sentenced to 10 years imprisonment at hard labor.

We heard today that that sentence has been reduced by the court to 4 years, with 3 years suspended sentence, and subsequently the

¹ The citations in this section are from “The Man in the Middle.”

² The reports are entitled: “The Man in the Middle,” “Civil War in Rhodesia,” “Civil War in Rhodesia, Bulletin No. 1,” published by the Rhodesian Catholic Commission for Justice and Peace; and “Racial Discrimination and Repression in Southern Rhodesia,” a legal study by the International Commission of Jurists, published by the ICJ and the Catholic Institute for International Relations, in London. They are retained in the subcommittee files. Other documents submitted are in the appendix. See apps. 3, 4, 5, and 6.

government announced that it is going to proceed to withdraw his Rhodesian citizenship and deport him.

It is in the light of this viewpoint that the recent murders of Catholic missionaries in Rhodesia must be understood. They were the tragic, unfortunate victims of a situation in which violence has become commonplace and indiscriminate. Not completely indiscriminate, however—and this adds to the tragedy.

It is white violence against blacks, black violence against both blacks and whites, but particularly against whites. That seems to be the inevitable conclusion from the fact that the white missionaries were separated from black Sisters who were present, and the latter were left unharmed.

The murder of the missionaries, who themselves had no political involvements, evoked exclamations of revulsion from Catholic leaders around the world. Among them were Pope Paul VI, Archbishop Chakaipa of Salisbury, Archbishop Bernardin and Bishop Rausch of the U.S. Catholic Conference.

One of the leaders of the patriotic front in Rhodesia, Robert Mugabe, disclaimed responsibility, saying: "We are not capable of such inhumanity."

Archbishop Chakaipa in Salisbury stated:

I condemn this evil, just as the Catholic bishops have repeatedly condemned all violent action against the innocent in the course of the struggle now being waged in this country. Those responsible for crimes like that make a mockery of whatever good ideals they claim to serve.

Father Isidore Chikore, a black Rhodesian priest who preached at the funeral mass of the murdered missionaries, did not absolve the murderers from responsibility, but went further into an explanation of the tragedy, in words that echo the position of Bishop Lamont. He said:

Those remotely responsible are the authorities who have refused to face the fact that the majority of the population does not enjoy equality under the law, nor equal opportunity in the civil, political, economic, and cultural life of the country, nor do they have an effective share in decisionmaking.

There have been great declarations of intent to achieve a new order of things where justice shall reign and the right of the individual be paramount, but in fact nothing has been done.

In last Sunday's interview on ABC's "Issues and Answers" program, Prime Minister Ian Smith spoke of legislation in the near future to improve the situation of the black majority in Rhodesia. He stated his willingness to resume negotiations for the transition to majority rule, but effectively dismissed the leaders of the patriotic front as tools of Soviet communism. He called the present effort in the United States to prohibit the import of Rhodesian minerals "unintelligent."

Promises of legislation and of discussion have proved inadequate and deceptive in the past, and, for that reason, it seems that it is not at all unintelligent for the Congress to close the exception to the general American boycott of Rhodesian exports.

Such a move would have several effects which seem highly desirable, even if they are, in reality, more symbolic than economically potent.

First, it would proclaim to the world that the United States is in full support of international efforts to cope with the Rhodesian situ-

ation which threatens international peace. It is clear that war already exists in Rhodesia itself. It is generally admitted that intervention by the Soviets, the People's Republic of China, or the Cubans would pose a new and very serious threat to international peace. The longer the Rhodesian crisis festers, the greater the possibility of such a development.

Second, complete adherence to the United Nations sanctions would be a symbol, especially to the African nations, as Ambassador Young pointed out earlier, of where the United States stands in the struggle for human rights.

It would disassociate the United States completely from the Smith regime by an action which would be far more meaningful than the verbal disclaimers which have marked United States/African policy in recent years.

We are not suggesting that this action alone will solve the problem and bring peace with justice to Rhodesia. The United States can and should pursue diplomatic negotiations, wherever feasible, to move the Rhodesian Government quickly into the transition it has promised and which conditions demand. Delay can only result in the future radicalization of the black majority and the consequence of racial hostility.

The crucial issues, in summary, are two: The United States should repudiate that government which, in the words of Bishop Lamont, "by its stubborn refusal to change, is largely responsible for the injustices which have provoked the present disorder."

And, second, as Archbishop Bernardin wrote in his 1973 testimony to the Congress:

The lack of support by the United States for the UN sanctions challenges not only some of the basic articles of the UN Charter but ultimately the viability of the United Nations itself. The crucial moral and legal issue is the failure of the United States to meet its international obligations.

Thank you, Mr. Chairman.

Mr. Diggs. Thank you, Father.

Mr. Sheehan, you may proceed.

**STATEMENT OF JOHN J. SHEEHAN, LEGISLATIVE DIRECTOR,
UNITED STEELWORKERS OF AMERICA**

Mr. SHEEHAN. Thank you, Mr. Chairman. My name is Jack Sheehan, legislative director of the United Steelworkers of America. We do have a longer text which we would like to submit for the record at this time. I do have a synopsis text which I shall read.

Mr. DIGGS. Without objection, the full statement will be placed in the record at the conclusion of your oral summary.

Mr. SHEEHAN. We appear before you this afternoon to express, Mr. Chairman, our continued support of the purposes of H.R. 1746, which would reestablish U.S. adherence to the United Nations embargo against Rhodesia, and provide an enforcement mechanism to see that imported steel mill products do not contain Rhodesian chrome. We urge its swiftest possible enactment.

I am sure that Mr. Whalen would not mind if I modify an earlier comment of his merely for the purpose of the record, when he indicated that objections in the past Congress which were very strong

against this bill had originated from both industry and labor sources. I want to indicate that the United Steelworkers of America has consistently supported the reimposition of this embargo since 1971, as has the AFL-CIO and the UAW. I say it only in the sense of a modification because there were many local union workers that were propositioned by their industries and their mill towns that their jobs were at stake, however, the union which represents them has constantly objected to that kind of harassment.

Mr. WALEN. If you would yield, Mr. Sheehan, I certainly agree with that modification and I certainly didn't mean to suggest that your national union or the AFL-CIO was opposed to repeal of the Byrd amendment as you have suggested. Much of the opposition came from local unions, I think largely persuaded by the management of the firms for which they worked. I apologize for any misconceptions I might have created.

Mr. SHEEHAN. Thank you. We have always rejected the argument that reimposition of the embargo would threaten jobs of our members and we continue to reject that argument.

The fact that we are now receiving very little chrome from Rhodesia, plus the fact that even the U.S. industry now says it can do without the Rhodesian source, should remove entirely the jobs issue.

The removal of that argument is particularly significant because the immediate issue before the committee is a rather simple one: Will the U.S. specialty steel industry and its workers, members of our union, suffer economic harm as a result of the reimposition of the U.N. embargo against Rhodesian ore and ferrochrome?

It is important to recognize or to emphasize the narrowness of the question because of the broad issues—the broad range of issues which have been raised in past debates, as a matter of fact, originated today.

For instance, in the past, the question has been posed in terms of the validity and efficacy of economic sanctions to achieve political objectives, of the commitment to a United States/African or United States/Rhodesian foreign policy in support of majority rule, and of the propriety in the United Nations recommending punitive action.

While these aspects of the issue are certainly germane to this committee, they are not applicable at all, I submit, Mr. Chairman, to this bill. They are broader aspects which, if they must be addressed at all, should be addressed in the broader context of our overall foreign policies and our overall commitment to the United Nations.

Unless and until those policies and those obligations are altered, we have the responsibility of fully carrying out the United Nations sanctions.

The only consideration which should even be contemplated as germane with respect to our adherence to a specific U.N. action such as the Rhodesian embargo, is whether or not circumstances unique to that action would cause undue harm to U.S. interests.

Policy arguments should not be interjected into this consideration. If the committee or the Congress wishes to review separately our overriding policies on the United Nations and/or Rhodesia, that is the time to bring up the policy arguments.

While the policy arguments have been loudly voiced throughout the debate on the Rhodesian embargo, I think it actually has been the fear

of economic harm to the U.S. specialty steel industry which has been the crucial determinant of how this Congress has acted in the past.

We are extremely pleased, therefore, that the U.S. specialty steel industry can now say, as our union has always said, that Rhodesian chrome is not necessary for our domestic production. The industry so stated this in a telegram that you have made some reference to, and in the statement from Mr. Andrews before the Senate Foreign Relations Committee.

The industry points out that specialty steelmaking technology does not require the relatively high grade of chrome found in Rhodesia and that there are adequate sources of suitable chrome elsewhere. And, I would like to inject at this point, Mr. Chairman, the reference here is to the specialty steel industry, which is the major consumer of chrome in this country.

Mr. Ryan brought up the cast metal industry as the major consumers of chrome. In looking at some statistics we have before us here at the table, they represent about 3 percent of the consumers of chrome in this country, and they never testified or voiced their opinion before. They are a very minor domestic consumer of chrome.

Throughout 1976, we received very little chrome from Rhodesia, and this has not caused any disruption in the domestic industry. In 1976, imports of Rhodesian chrome represented less than 10 percent of U.S. consumption of chrome for metallurgical needs. This is a composite figure which combines both chrome ore and the ferrochrome. It shows only a 10-percent dependency in 1976 upon Rhodesian chrome.

As for the chrome ore itself, only 5 percent of our needs were supplied by Rhodesia in 1976. Even more telling is the fact that we have not imported any Rhodesian ore since March of last year.

Even with regard to high carbon ferrochrome, which is the primary form in which the specialty steel industry uses chrome, Rhodesian imports were dramatically decreased last year. Even though overall U.S. consumption of high carbon ferrochrome in the United States from all sources was higher than last year, imports of that commodity from Rhodesia in 1976 fell 56 percent from last year's level. There was, in fact, only 1 month in 1976, namely the month of August, in which shipments of significant size reached the United States from Rhodesia.

The important story shown by the numbers is that Rhodesia is not now a major source and is not a reliable source of chrome for the U.S. market.

The United States did not experience supply disruptions during the years that we complied with the embargo. We are not experiencing disruptions now when Rhodesian shipments are down. And there is no reason to expect that a reimposition of the embargo would cause disruption in supply, particularly when the industry acknowledges that other supply sources are readily available.

While we have no apprehensions that there will be any supply problems under a renewed embargo, the U.S. specialty steel industry could possibly face unfair price competition on their products if other steel producing nations do not comply with the embargo. And I refer here, naturally, to the EEC and Japan, primarily.

Therefore it is essential that the enforcement mechanism established in section 2 of H.R. 1746 be enacted along with the reimposed em-

bargo. It requires that imports of chromium-bearing steel mill products, not fabricated goods, be accompanied by a certificate of origin specifying that the chrome contained in the steel did not come from Rhodesia. This is the same procedure that we have used effectively in the past for enforcing our embargoes against China and Cuba.

I might inject at this point, because of a comment that Mr. Solarz brought up with regard to this particular provision, that the section that he read from, where it indicated that "under such circumstances as he may deem appropriate," namely the Secretary, that this section applies only to the importation of specialty steel products, not to any other item. And, I think it is most appropriate that the Secretary have this kind of discretion so that this amendment does not become burdensome, and yet, at the same time, does provide the tool to keep out specialty steel products that may have had transshipment of chrome or ferrochrome from Rhodesia.

This provision has another important role besides the protection from unfair competition. It will place strong pressure on the rest of the industrial world to strictly adhere to the embargo.

By telling our trading partners that we fully expect them to uphold their share of the burden, we will be making the economic sanctions against Rhodesia more effective and, hopefully, shorten the need for their existence.

Now, Mr. Chairman, the other things that I have in this statement have been said many, many times. There is no need to say them again. I think we ought to get about the business of enacting the repeal of the Byrd amendment. Economically, there is no reason to prevent it from being enacted. We have heard today the foreign policy considerations that show that the legislation is necessary. The only concern that Congress has in the past elicited was: Was somebody being hurt in this country? We have said for a long time that they had not been. Now everybody is saying we are not being hurt. I think maybe you might quicken the process if I shorten my statement.

Thank you.

[Mr. Sheehan's prepared statement follows:]

PREPARED STATEMENT OF JOHN J. SHEEHAN, LEGISLATIVE DIRECTOR, UNITED
STEELWORKERS OF AMERICA

My name is John J. Sheehan, Legislative Director of the United Steelworkers of America.

Our union vigorously supports H.R. 1746, which would reestablish U.S. adherence to the United Nations embargo against Rhodesia and provide an enforcement mechanism to see to it that imported steel mill products do not contain Rhodesian chrome. We urge its swiftest possible enactment.

Throughout the history of the Byrd amendment, the United Steelworkers of America has denied the supposition that the UN embargo constituted any threat to the domestic specialty steel industry. Reliable alternate sources of chrome of quality suitable for domestic need have always been available to replace the amount of chrome we receive from Rhodesia. We are extremely pleased that the U.S. specialty steel industry itself is now also publicly stating that they do not need access to the Rhodesian chrome, and that reimposition of the embargo will not hurt the U.S. industry.

Ever since 1971, congressional efforts to reverse the moral and international relations damage caused by the Byrd amendment have been frustrated. Quick action now would be timely with respect to the current situation in Rhodesia. Just as importantly, quick action would provide tangible evidence of renewed national commitment to human rights and sensitivity to Third World needs as we begin the new era of a new Administration.

The Steelworkers Union has consistently and actively supported the repeal of the Byrd amendment ever since its enactment. We have done so despite the fact that one of the major arguments persistently used to justify its existence has been the allegation that access to Rhodesian chrome is necessary to preserve jobs of our members in the specialty steel industry.

The job loss argument has been a persuasive one to many. But it is a false argument. Steelworker jobs are not threatened by a reimposition of the full embargo on Rhodesian trade, and they never have been. We do not want the jobs of our members to be used as a screen for destroying the effectiveness of the embargo, thereby contributing to the repression of civil liberties for the majority of Rhodesians. We have done all that we could to show that there is no causal relationship between the Rhodesian sanctions and the domestic specialty steel job situation. The statistics for this past year should verify, without any doubt, the absence of any such relationship.

We are nearly experiencing a *de facto* embargo on Rhodesian chrome right now, and there is no impact on American jobs. The worsening situation in southern Africa has resulted in Rhodesian shipments being reduced dramatically. Shipments of Rhodesian high carbon ferrochrome to the U.S. were 56 percent lower in 1976 than in the previous year. Moreover, since March 1976, absolutely *no Rhodesian chrome ore* has been imported into the United States. No one has claimed that a single job in the U.S. has been lost or threatened by these shrinking Rhodesian shipments.

The near-embargo directly disproves what could be called the "source" argument; that is, that the temporary loss of Rhodesia as a supplier would leave us without any reliable, affordable source of chrome. The fact is that during this last year, other suppliers have filled our domestic needs, and no disruption has resulted.

The other argument which has been raised in association with the job loss threat could be distinguished as the "competitiveness" argument; that is, that other steel producing countries will continue to import Rhodesian chrome and thereby obtain a competitive advantage for their specialty steel mill products. The enforcement mechanism in H.R. 1748 directly prevents other countries from gaining an edge on us by surreptitiously violating the embargo.

RHODESIA AS A SOURCE OF CHROME

Chrome ore is the commodity which has always received the greatest amount of popular attention in the embargo issue. It has been convenient for the defenders of the Byrd amendment to say that without access to the Rhodesian ore, the U.S. will be forced into reliance on the Soviet Union for chrome ore.

What is not generally realized, though, is that the Soviet Union has long been our principal supplier, regardless of the embargo. In 4 out of the 5 years preceding the period in which we did adhere to the embargo, Russia was our largest source of ore—not Rhodesia.

Since the passage of the Byrd amendment, we continue to rely on Russia as our main source of ore. For instance, in 1976, 44% of our ore came from the Soviet Union, while only 5% came from Rhodesia.

Even more telling is the fact that, as stated previously, we have not imported any Rhodesian ore since March of last year.

Table I shows the percentages of imports by country of origin from 1963-1976.

TABLE I.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION

	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Percent by country:														
Rhodesia.....	37	37	37	24	22	-----	-----	-----	4	10	11	13	17	5
U.S.S.R.....	49	42	27	33	45	59	57	58	41	59	53	51	50	44
Turkey.....	10	6	19	20	16	27	14	19	27	9	22	17	15	24
South Africa.....	5	5	13	20	14	13	27	14	21	16	9	18	12	26
Other.....	0	4	4	2	2	1	2	9	7	6	5	1	6	-----
Total imports by gross weight (thousands of short tons).....														
	394	661	884	913	660	567	529	703	667	633	384	495	590	269

¹ January to November.

Source: Bureau of Mines, Mineral Industry Surveys.

The figures shown in Table I should dispel the myth that we have any great immediate need for the Rhodesian ore.

The crucial commodity, however, is not chrome ore, but the processed ferrochrome. When the chrome trade with Rhodesia resumed in the second half of 1971, the import figures quickly showed a pattern in which the Rhodesian exports were concentrated not in the ore, but in the higher valued ferrochrome. While this meant economic sense to the Rhodesian government, it meant severe trouble to an American ferroalloy industry which was already on very unstable ground due to growing imports.

Ironically, when Congress passed the Byrd amendment, it did so partly on the stated rationale that the action would save jobs of our members—yet the result actually was to place in greater jeopardy jobs of our members in the ferrochrome industry by providing another source of low-wage imports. It must also be noted that the repeal of the Byrd amendment (and hence the renewed embargo of Rhodesian ferrochrome) will not represent any long term advantages to the ferroalloy industry since resource rich nations in general are insisting upon a greater control of the processing of their resources prior to their exportation. Once again, we emphasize that the job loss arguments as related to the retention or repeal of the Byrd amendment is totally irrelevant.

Ferrochrome itself is broken down into two commodities, high carbon ferrochrome (h.c.) and low carbon ferrochrome (l.c.). Of these two, h.c. is by far the major commodity.

Because of technological advances in specialty steelmaking in recent years, demand for l.c. has plummeted, and Rhodesia has only minimally entered that market since the lifting of the embargo. (The figures in Table II lead to a somewhat misleading interpretation of the increase in Rhodesian imports of l.c. as a percentage of 1976 domestic consumption. This is accounted for by a very modest increase in the tonnage of Rhodesian l.c. coupled with a dramatic decrease in consumption of that type of ferrochrome. Even at that, Rhodesian l.c. amounted to only 12% of consumption in 1976).

High carbon ferrochrome is another story. There, Rhodesia has attempted to make a significant penetration of our market. In 1972, Rhodesian h.c. accounted for only 6% of our domestic consumption. The imports grew, however, so that in 1975, Rhodesian h.c. equaled 43% consumption.

In 1976, though, Rhodesian h.c. dropped to 15% of consumption. While total imports of h.c. from all sources decreased in 1976, the fall off was much greater for Rhodesian (56% less than 1975) than it was for all other sources (25% less than 1975). There was, in fact, only one month in 1976 (August) in which shipments of significant size reached the U.S. from Rhodesia. Table II provides a complete breakdown of chrome consumption and Rhodesian imports for the last 5 years.

TABLE II.—CHROME CONSUMPTION AND IMPORTS

[Short tons, gross weight]

	1972	1973	1974	1975	1976 ¹
Chrome ore (metallurgical):					
Domestic consumption.....	727,140	898,676	894,708	525,800	551,643
Total imports.....	632,610	383,877	494,902	590,233	269,069
Percent of consumption.....	87	43	55	112	49
Rhodesian imports.....	65,343	43,170	66,395	103,455	14,085
Percent of imports.....	10	11	13	17	5
Percent of consumption.....	9	5	7	20	2.5
High carbon ferrochrome:					
Domestic consumption.....	188,621	253,077	286,549	178,540	229,105
Total imports.....	73,077	112,198	116,158	257,567	169,511
Percent of consumption.....	39	44	40	144	74
Rhodesian imports.....	11,835	46,083	29,205	76,853	33,793
Percent of imports.....	16	41	25	30	20
Percent of consumption.....	6	18	10	43	15
Low carbon ferrochrome:					
Domestic consumption.....	121,193	144,454	172,479	80,003	67,302
Total imports.....	68,194	43,344	45,444	61,256	61,691
Percent of consumption.....	56	30	26	77	93
Rhodesian imports.....	3,578	4,668	4,959	5,237	8,194
Percent of imports.....	5	11	11	8	13
Percent of consumption.....	3	3	3	6	12

¹ January to November.

Source: U.S. Bureau of Mines, "Mineral Industry Surveys."

The important story shown by the numbers is that Rhodesia is not now a major, reliable source of chrome for the U.S. market. This includes high carbon ferrochrome which has been the main focus of Rhodesian exports.

Our relatively low and sporadic reliance upon Rhodesian chrome has not caused disruption in the U.S. specialty steel industry. Other sources have made up for the slack in Rhodesian shipments.

The same was true during the late 1960's when we did adhere to the embargo and Rhodesian supplies were totally shut off. In a recent comprehensive report prepared for the National Bureau of Standards,¹ it was found that during that period, "Expansion of imports from the Soviet Union, South Africa and Turkey made up for elimination of Rhodesian supplies." (p. 226) In all, according to the government study, "There was no discernable effect on consumption by U.S. firms." (p. 231)

Another way of placing the Rhodesian supply picture in focus is to examine the replacement capacity of our own stocks. This type of analysis was one of the main tasks of the NBS report. In a major finding of the report, it was determined that stocks equivalent to one year's consumption would suffice to meet the worst possible supply cut-back that could realistically occur; a cut-back that would be greater than our total Rhodesian imports. But the report also found that our stocks (private as well as government stocks in excess of strategic needs) actually total *four years* worth of consumption. In the words of the report, "It seems abundantly clear that current U.S. stocks are substantially larger than is required under almost any reasonable assessment of contingency risks." (p. 196)

In short the U.S. did not experience supply disruptions during the years that we complied with the embargo. We are not experiencing disruptions now when Rhodesian shipments are down. And there is no reason to expect that a reimposition of the embargo would cause disruptions in supply.

ENFORCEMENT MECHANISM

While we have no apprehensions that there will be any supply problems under a renewed embargo, the U.S. specialty steel industry could face unfair price competition on their products if other steel producing nations do not comply with the embargo. If other countries continue to obtain Rhodesian chrome (and the NBS study reasoned that indeed they were during the years we did apply the embargo) and if they obtain a competitive advantage as a result, the U.S. industry could be unfairly penalized due to our commitment to the sanctions.

H.R. 1746 contains a very important provision to prevent that penalty from occurring. It would require that imports of chromium-bearing steel mill products (not fabricated goods) be accompanied by a certificate of origin specifying that the chrome contained in the steel did not come from Rhodesia. Without such a certificate, the shipment would not be allowed through customs.

Even if a certificate has been filed, the Secretary of Treasury can block the shipment if he determines that the certificate does not adequately verify the source of the chrome. For instance, if there is evidence of Rhodesian chrome entering a particular country, chrome-bearing steel imports should not be allowed from that country unless the country can demonstrate that the Rhodesian chrome did not end up in the steel from that particular mill.

This enforcement provision has another important role besides the protection from unfair competition. It will place strong pressures on the rest of the industrial world to strictly adhere to the embargo. By telling our trading partners that we fully expect them to uphold their share of the burden, we will be making the economic sanctions against Rhodesia more effective and, hopefully, shortening the need for their existence.

The U.N. sanctions are, after all, a multilateral effort and we have every right—and indeed the responsibility—to seek multilateral compliance. Through

¹ "Policy Implications of Producer Country Supply Restrictions: The World Chromite Market" (NBS-GRC-ETIP 76-31), prepared by Charles River Associates for National Bureau of Standards, August 1976.

the enforcement mechanism the U.S. has a chance to take a very positive leadership role on Rhodesia after having been in a negative posture since 1971.

CONCLUSION

It is a tragedy that the Rhodesian embargo must still be a matter of debate in the United States. If previous efforts to re-establish the embargo had been successful, much of the violence in the current Rhodesian situation might well have been avoided.

Transition is inevitable in Rhodesia. A repressive regime representing only five percent of the population cannot stand forever. Rhodesia will become Zimbabwe.

That transition can occur in only one of two ways—by violent overthrow of an unbending minority government, or by constructive efforts to make the transition speedy and as peaceful as possible on the part of a minority government which is cognizant of its numbered days.

Now that the turbulence within Rhodesia has caused its chrome trade to approach a *de facto* embargo, it might be felt that our adherence to the U.N. embargo is largely academic, that it will be too little too late. That is far from the case, however.

The defiance of the U.N. sanctions by the United States has given not only financial, but also psychological aid to the minority regime, adding to its suicidal spirit of intransigence. Reimposition of the embargo will help erase the false confidence held by the regime that the United States stands ready to intervene irresponsibly on its behalf. Good-faith negotiations are much less likely to occur as long as the minority government sees any possibility of relief from the United States.

Strong arguments in favor of the embargo also can be made from the standpoint of our own national self-interest. We can manage without Rhodesian chrome at present since adequate alternative sources are available. But there is no question that in the long run the U.S. industry will need to have access to the Rhodesian chrome reserves which are, by far, the most plentiful in the world.

To this end, it is all the more important that we renew our adherence to the temporary embargo so that orderly transition and resumption of normal trade relations can take place as soon as possible. The advent of peaceful transition in Rhodesia, and an end to the embargo, can be greatly facilitated by H.R. 1746's enforcement mechanism accompanying the reimposition of the embargo.

The tragic, violent events which have occurred in Rhodesia recently are sure to escalate unless strong international pressure for settlement is felt by the minority regime. The U.S. has a moral commitment to the United Nations and to the people of Rhodesia. We urge speedy enactment of H.R. 1746 to help realize that commitment.

UNITED STEELWORKERS OF AMERICA,
February, 1977.

U.S. DEPENDENCE UPON RHODESIAN CHROME

In 1976, imports of Rhodesian chrome represented *less than 10% of U.S. consumption* of chrome for metallurgical needs.

Rhodesian chrome enters the U.S. primarily as metallurgical grade chrome ore, high carbon ferrochrome and low carbon ferrochrome. Ferrochrome is a refined product of chrome ore.

Approximately 2.5 tons of chrome ore (gross weight) goes into the making of each ton of ferrochrome (gross weight).¹ Through the use of this conversion factor it is possible to gain an overall picture of Rhodesian chrome imports for comparison to a similarly converted total of U.S. chrome consumption.

¹This equivalency ratio of 1:2.5 is the accepted GSA formula for converting ferrochrome (gross weight) to chrome ore (gross weight).

	Gross weight (short tons)	Multiplied by	Chrome ore equivalency
1976 imports from Rhodesia:¹			
Chrome ore (metallurgical grade).....	14, 085		14, 085
High-carbon ferrochrome.....	33, 793	2. 5	84, 483
Low-carbon ferrochrome.....	8, 194	2. 5	20, 485
Total.....			119, 053
1976 domestic consumption:			
Chrome ore (metallurgical grade).....	551, 643		551, 543
High-carbon ferrochrome.....	229, 105	2. 5	572, 763
Low-carbon ferrochrome.....	67, 302	2. 5	168, 255
Total.....			1, 292, 661

¹ January–November.

Note: Using the totals derived above, it can be seen that Rhodesian chrome imports for 1976 totaled only 9.2 percent of our domestic consumption:

$$\frac{\text{Imports } 119,053}{\text{Consumption } 1,292,661} = 9.2 \text{ percent}$$

Source: U.S. Bureau of Mines, "Mineral Industry Surveys," November 1976.

Mr. DIGGS. I thank the gentleman. I yield to Mr. Fraser.

Mr. FRASER. Thank you, Mr. Chairman. Let me first commend both of you, Father Lambert and Mr. Sheehan. Not only is your testimony important—I would like to comment on that in a moment—but symbolically your presence is enormously important.

I think, Father, your statement is especially helpful to the subcommittee in the light of events inside of Rhodesia, in Zimbabwe, the killing of the Sisters. This troubled many people very deeply, but I think your statement puts it into a realistic context, and we are enormously grateful for your statement on that and the insights which your statement brings.

Mr. Sheehan, I have a particular question. In the Senate they added an amendment which said that the President may exempt from such Executive order any shipment of chromium in any form which is in transit to the United States from the date of enactment of this sentence.

Ambassador Young indicated that the Department had no official position on this yet, but that in his opinion this administration would not use that authority in such a way as to create a loophole in the enforcement of the sanctions.

What is your view of that amendment?

Mr. SHEEHAN. Mr. Fraser, I would say that it is very much consistent with section 2 of the act which—or actually section (3) (B) of the act which also has a section in there that allows exemption of products in transit. That section refers particularly to the specialty steel products, but does allow them to enter if they are already in transit, even though they contain Rhodesian ferrochrome.

I would think it would be most appropriate under section (1) of the act that such a provision equally apply there.

Mr. FRASER. So that, if we adopted the amendment, we would exempt goods in transit, either chrome or ferrochrome, under section (1) or under section (2), specialty steel containing chromium?

Mr. SHEEHAN. That is correct. And, of course, I heard the comments earlier that, in your report, you would insist that this would not be an opportunity to enter into long-term arrangements after the

effective date of the embargo allowing chrome to be considered in transit merely because it has been on some sort of a contract demand.

I think we ought to be clear that we mean something that is more or less even now in transit or was made with expectation of transit within a very short period of time. We have to be very careful about that.

Mr. FRASER. So, in other words, your view would be that this language was not intended to extend to goods which may be on order, but rather goods which have already begun to move.

Mr. SHEEHAN. I think I would have you take a look at whether any new orders would be placed after this act or even after the date of the introduction of the act. Certainly, under no circumstances would you allow those goods to be considered in transit.

Now, whether there are long-term commitments made, I would not at this point want to comment. I, offhandedly, would want to say that you ought to shut them off too, but I think you ought to find out whether there has been substantial dependence on a long-term contract.

My initial impression would be that we ought to cut them off now because the industry has already testified that they no longer need the ore from Rhodesia, and our data indicates it is not coming in. The ferrochrome is not coming in anyhow.

Mr. FRASER. So that the administration should be expected to construe that rather strictly?

Mr. SHEEHAN. Rather strictly.

Mr. FRASER. That is essentially a transition provision, and you don't basically see any problem with it?

Mr. SHEEHAN. As a small transition.

Mr. FRASER. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman. I would like to join my colleagues in commending both the witnesses. Father, I think all of us have felt shock and grief over the fate of the Catholic missionaries who were murdered. I don't know how many martyrs the Christian church has had through the centuries, people who were victims of this kind of wanton violence for one reason or another, but it is certainly something that can be nothing but condemned, and I am sure we all share that feeling.

I too appreciate in the light of that fact your reaffirmation of the position of your church and the leadership you have given in this hearing and the understanding you have shown of the overall situation.

Also, Mr. Sheehan, I think there is confusion about which amendments we are talking about. You want the bill as it was introduced by former Congressman Young, the distinguished chairman, and Mr. Fraser and me, with the language that is in that bill before the committee. This, you feel, is language we need.

Mr. SHEEHAN. Yes.

Mr. BUCHANAN. Now, so far as the amendment added in the Senate Foreign Relations Committee, this is the amendment to which I earlier referred on which you commented a few minutes ago.

I, too, Mr. Sheehan, want to thank you for the very consistent position that the Steelworkers have had on this and on other issues where there were principles involved that did not necessarily pertain to bread-and-butter interests of steelworkers, but to right positions for our country.

I think you are to be commended for your leadership specifically in this long struggle in the matter of the passage of the repeal of the Byrd amendment.

I was interested in your comment about 3 percent, since the cast metals people have come out in opposition. Is that 3 percent of all imports of every kind? Is that ferrochrome? Chrome? Whatever?

Mr. SHEEHAN. Yes. Why I did, Mr. Buchanan, was to take a look at the mineral industry survey for the month of October, and it is only a monthly figure, mind you, but it indicates end use of chromium ferroalloys or ferrochrome. It indicates all the users of these products, and the cast iron industry has in that month utilized only about 3 percent of the supply. I would think that these are figures that are running consistently month by month.

We could get a yearend figure, but it has to be a very insignificant amount. I have not heard of them being a major consumer of ferrochrome in this country and indeed it is the specialty steel industry that is the major consumer.

Mr. BUCHANAN. Well, I note the latest Government figures I have before me, for January through November 1976, show our Government stocks for high-carbon ferrochrome of 403,000 which means an excess in stockpile of 167,000 and the total imports of 169,511, which would mean there is about a year's supply for all purposes of high-grade ferrochrome at that point in history in the stockpile. I note that only 33,793 or a relatively small percentage of that was from Rhodesia.

I gather you are saying that, from the point of view of the industries using this, the cast metals would be a tiny amount, so it would take years and years to use up, say, what is in the stockpile and imports from other sources.

Mr. SHEEHAN. That is correct, and I think that when the specialty steel industry and the Eastman Corp. indicated to you that there is no longer any need, in the short term, for Rhodesian ore, that it is indicative that the pressure is off, for whatever reasons, and for Congress to go ahead and do the business which needs to be done. I would just like to end my comment that when you indicated our consistency with regard to this position, I must say your own commitment, coming from Birmingham, Ala., a steel producing State, has also been a very intense one. You have not only been consistent, but you have survived. We are pleased to make that statement.

Mr. BUCHANAN. I thank you. You and I have shared this thing. There have been times when I have not only believed, but hoped and prayed that we were right. Otherwise, we would have a lion and a tiger and a grizzly bear by the tail all at once in our constituencies.

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Solarz.

Mr. SOLARZ. Thank you, Mr. Chairman. Mr. Sheehan, since you seem to be relatively familiar with the substance of the actual legislation, I have a couple of questions about it.

First, is it scientifically possible to test imported chrome in order to determine whether in fact the components of that chrome have originated in Rhodesia, assuming we are talking about shipments that have come from a third country? Can that be scientifically established?

Mr. SHEEHAN. Well, Mr. Congressman, there are two items that you have to be looking at in order to answer that statement. One is the ore

itself, and the other is ferrochrome. Ferrochrome is made from the ore. It is a process production. Now, in terms of the ore itself, which we got only 5 percent of from Rhodesia in 1976, it is possible to assay that ore and develop particular natural qualities which identify the country of origin. That can be done.

Now, in terms of the ferrochrome, again ferrochrome could possibly undergo that kind of chemical analysis. But the question that really is at stake here, and, which has always come up, is that the ferrochrome may wind up in steel producing nations in Europe and Japan. In those countries it may be involved in specialty steel mill products which are imported to the United States. That is why that second provision is in there; in the case of ferroalloy products no chemical analysis is possible. But, what does happen is that under the Treasury Department, protocol arrangements are established with the exporting company giving our customs officials—the Treasury officials—the right to insure that certain procedures are followed, and allow onsite inspections of steel mill facilities and shipments that are processed overseas.

That is where that part comes in.

Mr. SOLARZ. Under subsection (B) of subsection (1) on page 2 it says: "In the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin," which is, I suppose, designed to deal with the problem you talked about.

My question is: Are you satisfied that the Secretary, through whatever arrangements may be necessary, does in fact have the capacity to determine that such information is not accurate and that a particular item which we import from another country does not have Rhodesian ferrochrome in it?

Mr. SHEEHAN. As a matter of fact, we had rather extensive meetings with Treasury officials in the last Congress with regard to implementation of the certificate of origin. They have had similar experience with other items, and their procedure for implementing this, appears to be very adequate. Our subsequent discussions with them also indicate that they can and will be able to implement this provision.

Mr. SOLARZ. They would send inspectors to the facility itself where the item is manufactured in order to determine whether the facility or factory is importing ferrochrome from Rhodesia?

Mr. SHEEHAN. They actually sit down with the exporting country, because it is a country arrangement, and establish a protocol with the exporting country. The protocol gives them certain rights and establishes a procedure through which the specialty steel industry in the exporting country indicates that it is following the arrangement of that procedure.

Mr. SOLARZ. I am a little bit confused about the meaning of subsection (C) on page 3. Could you possibly explain?

Mr. SHEEHAN. "Under such circumstances"? I will read the section: "Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form."

Now, there are a number of considerations as to why this flexibility was put in there. First of all, there may be an allegation made that a shipment of steel from, let us say, an EEC country does contain ferrochrome from Rhodesia, and it has already arrived on our shore and the Secretary has it in a bonded warehouse. This provision would allow the Secretary to release any steel mill product from a bonded warehouse—keeping it under a bond—so that the importer may forfeit the money if subsequent investigation, which may take some time, finds that there has been a transshipment of chrome or ferrochrome from Rhodesia.

Secondly, we are concerned here that we will not have a protocol arrangement with some countries that import a very minimal amount of specialty steel products. Under these circumstances, it is relatively immaterial whether they are transshipping Rhodesian ferrochrome because the amount of specialty steel that they would be bringing in would be *de minimis*.

It gives the Secretary, under *de minimis* circumstances, waiving authority, and this makes the thing a little bit more manageable and less cumbersome.

Mr. SOLARZ. Both of these circumstances which you have described seem eminently reasonable. I certainly hope the Secretary ought to have authority to deal with them, but to what extent would the language in section (3), the “under such circumstance” clause, in effect give the Secretary, assuming he decided to, the ability to waive the entire repeal by simply permitting any shipment which came in, even, for argument’s sake, a shipment from Rhodesia itself, to come into the United States? I am not suggesting that the Secretary is about to do this, but I am suggesting that legislation should be tightly drawn.

Mr. SHEEHAN. Mr. Solarz, I would make two suggestions to that. Certainly it has already been expressed by Ambassador Young that the President does not intend to violate any flexibility that may be put into the law. You were talking mostly about the intransit amendment, but I would assume he is also making reference to this section here.

Second, the bond is required. Third, I guess it does come down finally to some kind of trust in the Government. Now, if they are going to go ahead and really abrogate the intent of the embargo by allowing this to come in, I guess the language does allow it to happen.

Mr. SOLARZ. Mr. Sheehan, wouldn’t it be possible—and I think I understand what you have just said—wouldn’t it be possible to draft that clause in such a way that the Secretary was given the flexibility to deal with the contingencies you have described without at the same time giving him a much broader jurisdiction, even though we are reasonably confident that he won’t abuse that?

Mr. SHEEHAN. The report language last year, when the bill came out of this committee, talked in terms of this section using the words “*de minimis*.” It limited the problems they may have with holding chrome in a bonded warehouse until the investigation was completed.

I would think that in the committee report you ought to work on that.

Mr. SOLARZ. Mr. Chairman, if I may just follow up on that observation, I would hope that we could deal with that admittedly ab-

stract, but potential, problem of definition by including language in the committee report which made it clear that the "under such circumstances" clause is designed to deal with some very specific, but limited, situations, rather than open up a broad grant of jurisdiction to the Secretary to waive the repeal of the Byrd amendment itself and let in Rhodesian chrome because of the language in this clause.

If that could be done, which I think would be a constructive addition to the committee report, then I would have no problems with this clause.

Mr. DIGGS. I share the gentleman's views and discussions thus far. Partly stimulated by the gentleman's intervention, I believe that appropriate language in the report could address the problem that the gentleman is seeking to resolve.

Mr. SOLARZ. The history of the last decade has shown us over and over again examples where legislation comes up here with the best of intentions which is subsequently interpreted to justify grants of authority that no one ever intended at the time.

Without in any way imputing that bad faith to the administration, I think our responsibility as legislators is to have our legislation saying what we want it to say and nothing more. I think hopefully we can deal with that through language in the committee report in this instance.

Mr. DIGGS. I thank the gentleman. Mr. Sheehan, it would be good if the record could indicate those products of strategic importance that use chromium ore or ferro alloys. Could you provide that?

Mr. SHEEHAN. I will provide an up-to-date one rather than the October one.

[The information requested follows:]

U.S. REPORTED CONSUMPTION, BY END USE, AND CONSUMER STOCKS OF CHROMIUM FERROALLOYS AND METAL IN NOVEMBER 1976

[Short tons, gross weight]

End use	Low-carbon ferro-chromium	High-carbon ferro-chromium	Ferro-chromium silicon	Other	Total
Steel:					
Carbon.....	99	198	114	15	426
Stainless and heat resisting.....	4,013	12,136	4,754	11	20,914
Full alloy.....	1,136	3,185	272	354	4,947
High-strength low-alloy and electric.....	123	601	158	143	1,025
Tool.....	92	371	8	-----	471
Cast irons.....	68	637	14	29	748
Superalloys.....	230	422	13	113	778
Alloys (exclude steels and superalloys):					
Welding and alloy hard-facing rods and materials.....	61	59	-----	19	139
Other alloys ¹	94	87	-----	227	408
Miscellaneous and unspecified.....	167	77	3	-----	247
Total.....	6,083	17,773	5,336	911	30,103
Total, year to date (revised).....	67,302	229,105	59,367	13,883	369,657
Chromium content.....	4,113	11,155	2,004	548	17,820
Chromium content, year to date (revised).....	46,234	144,233	21,813	8,968	221,248
Stocks Nov. 30, 1976.....	10,377	47,539	4,356	3,105	65,377

¹ Includes magnetic and nonferrous alloys.

² Includes 251 tons of chromium metal.

³ Includes 1,040 tons of chromium metal.

Mr. SOLARZ. Mr. Chairman, if you will yield? I don't necessarily have to ask this now, but I have one question I want to ask Reverend Lambert.

Mr. DIGGS. Would you defer for a moment?

Mr. SOLARZ. Yes.

Mr. DIGGS. Let me yield to the gentleman from Ohio, Mr. Whalen, at this point.

Mr. WHALEN. Thank you very much, Mr. Chairman. I think, Mr. Sheehan, you really touched on the one question that I was going to pose, and that is the ability of our Government to enforce the certificate of origin provision in the bill, and I think this is a question that arose the last time during House debate and I am certain it will be presented again by opponents of this measure, so I appreciate the insight that you have given.

Let me just also reiterate the observation made by Mr. Buchanan. I all along have been very pleased with the statesmanlike position which you and your national union have taken with respect to an issue which certainly may impact upon the jobs of your members at the local level. Again I apologize if I might have implied that the national union took a position other than you have taken in these past several years.

Father Lambert, I just have one question for you. Do you have any—does the Council have any other views with respect to actions that the Congress might take to minimize the hostile environment in which your constituents, your parishioners, find themselves in Rhodesia, and others, of course? Is there anything in addition to passage of this bill?

Father LAMBERT. The only thing I am prepared to address that is before the Congress, I believe, that bears on Rhodesia, is this bill. Since the United States doesn't have diplomatic relations with the country, there is not much we can do to negotiate with the assistance of the State Department, so all we can say is what we have said here, that the Byrd amendment, we think, is important, that the diplomatic efforts that the State Department or Ambassador Young are pursuing—that those certainly should be supported, and we hope they succeed quickly.

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Solarz.

Mr. SOLARZ. Thank you, Mr. Chairman. Father Lambert, what would be the position of the Catholic Conference if Prime Minister Smith, much to everybody's surprise and amazement, actually established what, by our criteria, would be majority rule in Rhodesia, eliminating all of the racial restrictions which now exist, giving the black people of Zimbabwe the same rights as white Rhodesians, but was unwilling to reach an agreement with the Patriotic Front, and the Patriotic Front, as a consequence, and the front line presidents rejected this internal solution for whatever the reasons, but where it appeared in fact that this was a meaningful form of majority rule, by which I mean a system was established where a clear majority of the Rhodesian people, most of whom were black, were permitted to select their own leaders and the discriminatory legislation was repealed.

What do you think if that happened, granted it is hypothetical? What do you think we should do?

Father LAMBERT. Well, Secretary Kissinger in his Lusaka speech said that African problems must have an African solution, and I think that Ambassador Young reiterated this same view, if not the same words, this afternoon.

We feel that the solution in Rhodesia is one that cannot be imposed by the United States or anyone outside of Rhodesia—certainly not on another continent. We would be quite happy with any peaceful solution in Rhodesia that was really acceptable, as Ambassador Young said, acceptable to the Rhodesian people.

I think we have to remember that the Patriotic Front is Rhodesian people too and, therefore, they cannot just be discounted.

There is another side to it. Your first supposition, should Mr. Smith do this—I think the first thing that would happen is that he would no longer be Prime Minister. He would quickly lose his job because he would not have the support of his party.

But the other side of that is that, even if he did have the support of the party, to have a paternalistic solution imposed upon the black people by decision of Smith and the white government is, I think, quite unacceptable to most of the black Rhodesians, and it is just another action of whites determining the conditions under which blacks are going to live in that country.

What really is called for is the black participation in the formation of a new Zimbabwe government, a new constitution that is going to be acceptable to the majority of the people and protect the rights of the minority, of course.

Does that answer your—

Mr. SOLARZ. Yes. I don't mean to suggest that, under those circumstances, we ought to embrace Ian Smith, because I don't think we ought to, but I do think it is a very troublesome philosophical and political question because I think most people here talk about majority rule—they mean not simply black rule, but also democratic rule. And, if in fact you had a functioning democratic system in Rhodesia, the justification for, say, repealing the Byrd amendment and of an identification to some extent with the liberation forces would have to change somewhat, since you would no longer be able to argue this was a completely oppressive regime.

So I think events would move dramatically from that point on.

Mr. DEES. I wish I could spend a little time, Father, in addition to joining my colleagues in commending you for your own personal position and the position of the church and inquire about the welfare of several other of your denominational brethren who are in circumstances of considerable concern to us. For instance, the Reverend Donald Lamont, the Bishop of Umtali, who has been sentenced to 10 years for allowing nationalist forces to use medical services in his mission; and then those two African Roman Catholic priests jailed by the Government for not reporting Zimbabwean nationalists near their mission in eastern Rhodesia. There have been all sorts of incidents that have gotten lost after the more dramatic events that unfortunately beset the seven.

I would like to just ask one question along those lines; namely, what the Catholic Conference in the United States is doing to support the church's effort in South Africa itself, and whether or not you have any new information you are able to share with us about the reaction

of the South African Government and any potential restrictions that they expect to impose upon the church.

Father LAMBERT. Well, the United States Catholic Conference has not issued a statement since the South African bishops announced their decision. A statement of support is in preparation.

As to special information, Mr. Diggs, we do not have any. I have been mainly using the traditional Washington sources, the Post, the Star, and the New York Times, and it seems that the present situation of the church there, as I have said, is that it will not retreat on this matter of integrating the schools, which is one of the crucial issues, but that it will hold, at the moment, negotiations with the Government.

I am hoping that, in connection with the other Christian denominations that run the schools in South Africa who also intend to desegregate, to violate the law or get the law changed—I hope that the joint effort that has been instituted there will produce a change in the law at least to allow these church-based schools to continue to exist.

It is small progress, but it is something. The main thing I am personally happy about is that the Catholic church in South Africa has finally decided it can no longer live with apartheid and is making some strong efforts to dismantle it wherever the Catholic church has influence.

Mr. DIGGS. Well, we want to thank both of you gentlemen for your very important contributions to our deliberations. Thank you very much.

Mr. SHEEHAN. Mr. Chairman, may I indicate that I am accompanied by Bob Hayden from our Washington staff.

Mr. DIGGS. Was the other gentleman identified?

Father LAMBERT. Yes; he was.

Mr. DIGGS. The Chair is now prepared on behalf of the Subcommittee on Africa to move H.R. 1746 to the full committee. That will take sequential action by the Subcommittee on International Organizations. These actions have to be taken separately.

[Whereupon, the Subcommittees on Africa and on International Organizations proceeded to separate markups of H.R. 1746.]

STATEMENTS SUBMITTED FOR THE RECORD

STATEMENT OF EASTMET CORP., BALTIMORE, MD.

Eastmet Corp. of Baltimore, Md., a producer of stainless steel, supports H.R. 1746, however, the repeal of the Byrd amendment and reimposition of the U.N. sanctions is not adequate in our view without the certification requirements provided in H.R. 1746.

There is ample evidence in the past of covert violations of the U.N. sanctions by foreign steel producers.

We believe this bill if enacted would curtail the flow of those foreign steel mill products manufactured with lower priced Rhodesian chrome, thereby placing U.S. producers on an equal footing with foreign competition. The bill as proposed would in our judgment be a positive force in strengthening international compliance with an enforcement of the sanctions.

We request that we be permitted to submit a further statement for purposes of the hearing records.

STATEMENT OF AMERICAN BAR ASSOCIATION, WASHINGTON, D.C.

Dear Congressman Zablocki: We understand that the House International Relations Subcommittee on Africa has scheduled a markup of H.R. 1746, a bill which authorizes the President to enforce United Nations economic sanctions against Rhodesia notwithstanding the provisions of any prior congressional enactment.

We would like to bring to your attention the enclosed resolution relating to this legislation which was adopted by the American Bar Association's House of Delegates in August, 1972. This resolution urges Congress to repeal legislation permitting importation of chrome and various materials from Rhodesia in order to restore United States compliance with the present United Nations embargo against Rhodesian imports.

The resolution is based on the belief that the United States has an international obligation under the Charter of the United Nations to comply with the decisions of the Security Council. In 1966 and again in 1968, the United States voted in favor of the Security Council's Resolutions imposing economic sanctions against Rhodesia. These sanctions were implemented in the United States by Executive Order No. 11,322 and No. 11,419.

By complying with the vote of the Security Council, the United States was acting in accordance with Article 2, Section 5, and Article 25 of the United Nations Charter. Article 2, Section 5 states that:

"All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action."

Article 25 states that:

"The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

The United States adhered to Security Council decisions until Congress enacted Section 503 of the Appropriations Authorizations—Military Procurement Act, 95 Stat. 423 (1972). This law, known as the "Byrd Amendment," violates United States obligations under the United Nations Charter. We believe it seriously damages United States international prestige and influence while tending to undermine the effectiveness of the United Nations.

H.R. 1746 would rectify this situation and implement the principles of the 1972 American Bar Association House of Delegates resolution. We therefore urge that the bill be approved by your Committee and passed by the House.

SANCTIONS AGAINST RHODESIA

Whereas the United States of America considers the rule of law to be the only alternative to the rule of force ;

Whereas the United States believes the good faith fulfillment of treaty obligations is central to the rule of law ;

Whereas all members of the United Nations have a solemn treaty commitment as parties to the Charter of the United Nations ;

Whereas article 25 of the Charter of the United Nations provides that "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter";

Whereas the Security Council of the United Nations has decided in accordance with the Charter to impose economic sanctions against Rhodesia prohibiting the import or export of goods from or to Rhodesia ;

Whereas the administration of President Nixon has strongly and unequivocally expressed its view that (a) the United States is legally obligated under the Charter to comply with said decision of the Security Council and (b) neither economic nor national security considerations are sufficiently compelling to compensate for the adverse foreign policy consequences of a failure so to comply ; and

Whereas the Congress of the United States over the objections of the Administration has approved legislation which has become law and requires the United States to permit the importation of chrome and various materials from Rhodesia ; therefore be it

Resolved, That the American Bar Association urge the Congress of the United States to repeal such legislation and thus permit the Administration to take all necessary steps to prohibit the importation of material from Rhodesia into the United States in conformity with its international obligations under the Charter of the United Nations.

Resolved further, That the President or his designee be authorized to appear before the appropriate committees of the Congress in support of such action.

STATEMENT OF E. F. ANDREWS, VICE PRESIDENT, ALLEGHENY LUDLUM INDUSTRIES, PITTSBURGH, PA.

Chairman Fraser, Chairman Diggs and Members of the Subcommittees: I sincerely appreciate this opportunity to submit this statement to discuss the important subject of United Nations sanctions against Rhodesia. I speak today on behalf of the Tool and Stainless Steel Industry Committee (TSSIC) and my company, Allegheny Ludlum Industries, which is a member of TSSIC.

1. Chrome is an essential ingredient in specialty steel.

Chromium is an essential ingredient in specialty steel. It is required in almost every alloy from iron castings to tool steel. By definition, stainless steel must contain at least 10.5 percent chromium; 12 percent is the practical minimum. Unlike nickel or molybdenum, there is no substitute for chromium in stainless.

Chromite must be refined before it is useful to specialty steel markets. Such refined chromium (ferrochrome) is of three basic types :

High carbon ferrochrome.—Generally 66–70 percent chromium and over 1 percent carbon.

Low carbon ferrochrome.—About 65 percent chromium but not more than 1 percent carbon.

Ferrochrome silicon.—33–36 percent chromium, 45–48 percent silicon, and not more than .05 percent carbon.

Of these, high and low carbon ferrochrome are the most important in the production of stainless steel. While low-carbon ferrochrome has been the traditional mainstay of the specialty steel industry, new refining techniques have enabled stainless steel makers to rely more heavily upon high carbon ferrochrome.

Chromium is essential to a modern technological society. The government recognized this in 1939 when it designated chromium as the first mineral to be stockpiled. Since chromium is unique in its corrosion-resistant and alloying qualities, its importance for defense and industrial applications is unlikely to diminish in the foreseeable future.

End-users for metallurgical grade chromium and ferrochrome range from jet engine blades to sterile hypodermic syringes; almost any application demanding corrosion resistance. Chrome is used in equipment relating to many needs, including environmental controls, power generation, transportation, food processing, chemical and petroleum production, and home appliances and equipment.

II. Chrome ore, from which ferrochrome is smelted, is available only from foreign sources.

No chromite ore has been mined in the United States since 1961. This country is totally dependent upon imports and the national stockpile as a source of supply. Without large government subsidies or revolutionary technological breakthroughs for processing low-grade domestic material, the United States will continue to be dependent upon foreign sources until at least the end of the century.

U.S. imports of metallurgical grade chromite have declined since 1970, the year before the Rhodesian sanctions were lifted.

The reason for declining ore imports is relatively simple: countries with chromite supplies are reluctant to sell ore if they can sell ferrochrome.

Many countries—including Rhodesia—which have reserves of chromite ore have developed primary refining facilities of their own; exporting semi-finished (ferrochrome) rather than raw materials. This follows the pattern of most developing countries which wish to control the exploitation of their own resources.

To this end, countries with large ore deposits have built gigantic ferrochrome facilities over the past five years. Rhodesia, which produced almost no ferrochrome in 1967, now has an industry almost double the size of the U.S. ferrochrome capacity. South Africa has added substantial ferrochrome capacity. All countries lacking supplies of ore are in a similar position. Japan, France, West Germany and Sweden—as well as the United States—are finding chrome ore an increasingly scarce commodity.

The trend is likely to accelerate in the future. Rhodesian, South African, Turkish and even Russian ferrochrome production is certain to increase further. Their chromite or exports are likely to continue to decline.

Ferrochrome is increasingly replacing raw ore as the strategic material. The decline of U.S. stocks of chromite parallels the constricted world availability of metallurgical grade ore.

Prior to the embargo, many U.S. ferrochrome producers relied heavily upon Rhodesia as a source for chromite ore. When sanctions were placed on the importation of Rhodesian raw materials, these producers were placed in an untenable position.

Without a guaranteed supply of ore, production of ferrochrome was on a day-to-day basis for several companies. At the same time, newly enacted pollution control laws required huge expenditures for new environmental protection equipment. Many companies were understandably reluctant to make the large capital outlays necessary for modernization of their plants without some assurance of a stable ore supply. Several simply closed their doors; others kept their facilities operating as long as possible, or shifted to other ferroalloy production.

III. The future of the U.S. ferrochrome industry is uncertain.

As noted above, ferrochrome is produced by the smelting of chrome ore. United States domestic production of ferrochrome declined steadily during the Rhodesian embargo. Three of six producers have left the business.

The economics of ferrochrome production are largely dependent upon low-cost electric power, environmental regulations and raw material availability. Although wage rates are a factor, they represent less than 10 percent of overall production costs. Due to its highly capital-intensive nature, ferrochrome is produced mostly in developed countries.

The reasons for the fall in U.S. production during the embargo—and recovery following the enactment of the Byrd Amendment—can be traced to these economic factors.

Declining U.S. production of ferrochrome has coincided with increasing domestic demand for the products. In 1968, domestic ferrochrome producers could have supplied approximately 95 percent of the U.S. steel industry's demand. By 1976 that figure had fallen more than 30 percent.

IV. Specialty steel industry position on the Byrd amendment.

The specialty steel industry of the United States continues to support the retention of the Byrd Amendment in that this industry believes 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. Historically, when major chrome sources have been eliminated, prices to the United States have moved dramatically higher.

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. Sizeable investments have been made in capital equipment to take advantage of new technological processes.

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.

If our access to Rhodesian chrome is cut off, our dependence on South Africa as a source of supply will increase. Should we lose access to both Rhodesian and South African chrome and ferrochrome, we would become substantially reliant upon the Soviet Union, as was the case prior to enactment of the Byrd Amendment in 1971. In fact, we would be in a considerably worse situation, since during the period of U.S. compliance with the embargo, we had access to some South African supplies. Thus, it becomes critically important that we continue to have access to chrome and ferrochrome from South Africa.

As experience has shown, repeal of the Byrd Amendment, without a concurrent ban on foreign steel and steel products containing Rhodesian chrome, will not prevent entry of specialty steels containing Rhodesian chrome into the United States from nations not observing the U.N. sanctions. If Congress should elect to restrict access to Rhodesian chrome, the specialty steel industry recommends that the legislation include a ban on imports of steel and steel products containing Rhodesian chrome. It would be senseless for the economic burden of compliance with the U.N. embargo to fall almost entirely on the United States. While we cannot force other nations to comply, we can and should ban their products containing Rhodesian chrome from our marketplace.

STATEMENT OF HON. JOHN H. DENT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Dear Mr. President: Pursuant to our conversation, I am submitting for your consideration three brief papers on minimum wage legislation, a permanent jobs program, and the Rhodesian chrome situation. These papers are merely outlines and are intended to give you a summary overview of the three issues.

I stand ready to further discuss these issues in detail, and to work with whomever you may designate. I was honored to have the opportunity to meet with you so early in your Administration and I applaud your responsiveness.

THE U.S. SPECIALTY STEEL INDUSTRY AND RHODESIAN CHROME

Introduction

Within the next few months an effort will be made in the Congress to repeal the Byrd Amendment which has permitted the continued importation into the United States of Rhodesian chrome, and other strategic raw materials, irrespective of the United Nations' economic sanctions imposed on Rhodesia. Since 1971, I have been one of the strongest Congressional supporters of the Byrd Amendment because I believed that it was necessary to protect the economic and strategic interests of the United States, the American specialty steel industry, and American workers.

Recently, I have been informed that due to technological innovations the United States is no longer dependent upon Rhodesian chrome. It is my understanding that the American specialty steel industry can now satisfactorily use lower-grade, non-Rhodesian chrome ore and ferrochrome which is available from other sources. Given this development, I have now concluded that there is no longer any immediate need for the Byrd Amendment and it should therefore be repealed.

What follows is a summary of the Rhodesian chrome issue and its relationship to the United Nations' sanctions, the Byrd Amendment, and the American specialty steel industry.

I. *Chromium*.—Chromium is the key ingredient of stainless steel and is essential to other specialty and tool steels. Stainless steels contain a minimum of 10.5% chromium with some grades requiring up to 30 percent. In such quantities, chromium contributes the basic corrosion resistance of stainless steels. Chromium in tool steels is necessary to improve cutting characteristics. In high temperature alloys, chromium prevents scaling in service.

Chromium is derived from chromite ore, none of which is commercially available in the United States. Chromite, a mineral containing chromium oxide and

iron oxide, is available in numerous compositions, the most important of which are:

- Refractory grade—at least 31% chromic oxide;
- Chemical grade—at least 40% chromic oxide; and
- Metallurgical grade—at least 46% chromic oxide and at least 3 to 1 chromium to iron ratio.

Until very recently, the metallurgical grade chromite was the most important for producing specialty steels.

Chromite ore cannot be used in its natural state but must first be smelted into an alloy called ferrochrome, which is the basic ingredient of stainless and other specialty steels. Thus, the stainless and specialty steel production process includes:

- (1) The mining of chromite ore;
- (2) The smelting of chromite ore into ferrochrome;
- (3) The addition of ferrochrome into steel to impart the desired percentage of chromium; and
- (4) The fabrication of specialty steel into products.

II. *Sources of Metallurgical Grade Chromite Ore:* Since the United States has no commercially available sources of metallurgical chromite ore, all such ore must be imported. According to the "Minerals Yearbook", the following countries contain the known world reserves of metallurgical grade chromite ore:

	<i>Percent</i>
Rhodesia	67.3
Republic of South Africa.....	22.4
U.S.S.R. and other Communist Countries.....	5.9
Turkey	2.0
Others	2.4

Until very recently, the two most important U.S. sources of metallurgical ore have been the U.S.S.R. and Rhodesia. In 1962, the U.S. began to import Soviet metallurgical grade chromite ore in substantial quantities. At that time, the American-based Aircro Company signed a long term contract with the Soviets, some 49 percent of all metallurgical chromite ore imported into the United States in 1975 came from the Soviet Union. This 49 percent represents a decrease from the 58% imported from the Soviet Union in 1972. U.S. imports of metallurgical chromite ore from Rhodesia, on the other hand, were 18% of our needs in 1975 compared to 10% in 1972.

As will be discussed more fully below, this import relationship between Soviet and Rhodesian chromite ore was critically important to the world price of chrome during the 1967-1971 period when—due to the U.N. sanctions—no Rhodesian chromite ore was being imported into the United States.

III. *The ferrochrome industry.*—Ferrochrome, or processed metallurgical grade chromite ore, is produced both domestically and is imported. In 1975, some 318,000 tons of ferrochrome were imported into the U.S., of which 61,000 tons were low-carbon ferrochrome. In that same year, the U.S. consumed 80,003 tons of low-carbon ferrochrome and 178,540 tons of high-carbon ferrochrome.

In 1975, the U.S. imported ferrochrome from the following countries:

	<i>Tons</i>
Rhodesia	77,000
Japan	67,000
South Africa	75,000
Yugoslavia	12,000
West Germany	2,000

NOTE.—The U.S.S.R. produces no ferrochrome for export; however, an export capacity can be expected in the near future.

IV. *Recent technological and business developments.*—Until recently, high-grade Rhodesian chromite ore and ferrochrome were essential to the American industry for several reasons:

1. Insufficient ore of the type needed for ferrochrome production was being mined in the non-communist world outside of Rhodesia;
2. There were not enough smelting furnaces in the non-communist world capable of economically producing ferrochrome from lower-grade ores;
3. Specialty steelmaking technology relied more heavily on low-carbon ferrochrome which is produced most economically from metallurgical grade chrome ores;
4. Some special types of specialty steel could not be produced with ferrochrome made from lower-grade ores because of its high iron content.

However, several developments have occurred recently to reduce American dependence on the high-grade Rhodesian chrome and ferrochrome including:

1. Technological improvements in the beneficiation and smelting of lower-grade chromite ore (particularly those ores found in South Africa's Transvaal region);
2. The development and use of the "argon-oxygen-degassing process" which enables specialty steel producers to use more high-carbon and less low-carbon ferrochrome.
3. Increased capital investments (particularly in the Republic of South Africa) in mining, ore beneficiation, and smelting capacity. This committed capacity in terms of chromium content will exceed that formerly exported by Rhodesia. Although the non-Rhodesian ore-based ferrochrome is more costly to produce and use, the increased capacity (in the Republic of South Africa and other noncommunist countries) for smelting high-carbon ferrochrome should satisfy the noncommunist world needs.

V. Impact of U.N. sanctions on Rhodesia.—In terms of the U.N. economic sanctions on Rhodesia and the relationship to the American specialty steel industry, the following observations should be made:

1. During the period of the U.S. embargo against Rhodesia, prior to the enactment of the Byrd Amendment (1967–1971), the Soviet Union was the major supplier of metallurgical grade chromite ore to the United States. The price of the Soviet ore during this period tripled.

2. During the period of the U.S. embargo (1967–1971), the United States, and to a lesser extent, the United Kingdom were the only two major countries to abide by the U.N. declaration. Other Western European countries, Japan, and even the U.S.S.R. continued to trade with Rhodesia and to buy Rhodesian chrome. Even today, many industrialized nations whose specialty steel industries compete with the American industry, do not comply with the U.N. sanctions against Rhodesia.

3. During the period of the U.S. embargo, the American ferrochrome industry moved from a position of satisfying some 95 percent of domestic ferrochrome demand to 65 percent of domestic demand. Today, due to increased ferrochrome production capacity in Rhodesia, South Africa, Japan, Yugoslavia and West Germany, the American ferrochrome industry only satisfies some 50 percent of domestic demand.

4. When the U.N. sanctions were first imposed, there were six major American ferrochrome producers; Union Carbide, Foote Mineral Co., Ohio Ferro Alloy, Chrome Mining and Smelting (all of whom got their ore from Rhodesia), Airco (whose ore comes from the Soviet Union) and Globe (whose ore comes from Turkey). Of these six American ferrochrome companies, only three remain in business today: Airco, Union Carbide and Globe.

VI. Conclusions.—The development of new technological processes by the American specialty steel industry have substantially reduced the need for high grade Rhodesian or Soviet chrome. The American industry has invested substantial funds in research and development, and has made large capital investments to protect against the uncertainties of Rhodesian chrome. Presently, it is possible to use lower-grade chromite ore for producing ferrochrome.

Since the American economic and strategic reliance on Rhodesian and Soviet chrome has now been overcome, I have concluded that there is no longer any immediate need for the Byrd Amendment, which, since 1972, has protected American economic and strategic interests. Now that the American industry and workers no longer need the economic protection of the Byrd Amendment, and since the existence of the Amendment might hamper American diplomatic initiatives in Africa, I believe that the Byrd Amendment should be repealed.

However, in repealing the Byrd Amendment the United States Government must insist that the rest of the world abide by the U.N. sanctions against Rhodesia. If the other signatories to the U.N. sanctions honor their commitments to embargo trade with Rhodesia, then the American specialty steel industry will not be at a competitive economic disadvantage. However, if U.S. access to Rhodesian chrome is denied as a result of repealing the Byrd Amendment, and other specialty steel producing nations continue to use Rhodesian chrome, then the price of American specialty steels will not be competitive. In such circumstances, the operating levels of the American specialty steel industry would continue to decline.

Thus, to protect the American industry and its workers, the Congress—in repealing the Byrd Amendment—must, at the same time, mandate that no steel may be imported into the United States than contains Rhodesian chrome.

STATEMENT OF HON. PABREN J. MITCHELL, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF MARYLAND, AS CHAIRMAN, CONGRESSIONAL BLACK CAUCUS

Mr. Chairman, Members of the Subcommittees: I am very pleased to have the opportunity to submit this statement concerning legislation to repeal the Byrd amendment and halt the importation of Rhodesian chrome. I am testifying not only as an individual Member of Congress, but also as Chairman of the Congressional Black Caucus. The Caucus strongly supports passage of legislation to repeal the Byrd amendment. The legal, economic political, and moral justifications are compelling as to the need for repeal of the Byrd amendment.

Legally, at the request of Great Britain following the illegal establishment of the Ian Smith government in 1965, the United Nations Security Council voted in 1966 to impose *mandatory* economic sanctions against the Smith government. The United States voted for the imposition of the sanctions as a means for the international community to bring about peaceful change toward majority rule in Rhodesia. However, with the passage of the Byrd amendment in 1971, this country broke a binding international agreement and became the only country to officially violate the United Nations-imposed economic sanctions against Rhodesia.

Economically, former supporters of the Byrd amendment, such as the specialty steel companies, now acknowledge that for economic and technological reasons, there is no need for this amendment to remain in force. Imports of Rhodesian high-carbon ferrochrome into the United States were 56 percent lower in 1976 than in 1975. Moreover, no Rhodesian chrome ore has entered the United States since March of last year. Contrary to arguments that importing Rhodesian chrome would reduce United States dependency on the Soviet Union, our major chrome supplier, 44 percent of all chrome imports in the United States in 1976 came from the Soviet Union, while Rhodesia accounted for only 5 percent.

Politically, United States noncompliance with mandatory economic sanctions against Rhodesia has had tragic effects. It has been a serious blow to the credibility of our relations with the overwhelming majority of African nations. Such lack of credibility has the potential of seriously harming us economically. In an age of growing international economic interdependence, our relations with the developing nations, who provide many of our vital raw materials, are crucial. Failure to repeal the Byrd amendment could eventually jeopardize our growing economic relations with Africa as a whole. Moreover, nations such as oil-rich Nigeria are far more important to our political and economic interests than is Rhodesia.

Morally, we can no longer continue to support a government whose legal, social, and economic systems are designed to facilitate the subjugation of a six million-person majority by a 270,000-person minority. For a nation founded on the principles of justice, equality, and the dignity of man to not only condone but also support such oppression is unconscionable.

There is widespread support for repeal of the Byrd amendment, support which has steadily grown since the passage of the Byrd amendment in 1971. Repeal of the Byrd amendment has been a priority item for the Congressional Black Caucus since 1971 and has been on every Caucus Legislative Agenda. We have vigorously pushed for passage of repeal legislation for the last six years.

At the grassroots level, many private individuals have given of their time and efforts in nationwide movements to repeal the Byrd amendment, as evidenced by the large amounts of mail and personal contacts you and your colleagues in the full House have received since the passage of the Byrd amendment. Organized labor has been a strong and active supporter of repeal legislation. Not only have the steelworkers and other parts of organized labor voiced their opposition to the Byrd amendment, but also longshoremen throughout the nation have refused to unload cargoes of Rhodesian chrome. In my home city of Baltimore, for example, longshoremen from Local 333 refused to unload cargoes of Rhodesian chrome on two occasions, on August 1, 1972 and on December 12, 1973. Furthermore, the specialty steel companies, which have heretofore opposed repeal of the Byrd amendment, have stated that they would no longer oppose such an action. Finally, at the highest levels of our government, President Carter, Secretary of State Vance, and United States Ambassador to the United Nations Andrew Young have all stated their full and active support for repeal of the Byrd amendment.

It is now widely recognized that Black majority rule in Rhodesia is inevitable. Such change will come either by armed struggle or peaceful negotiation. Our

goal is to avoid the horrors of further armed conflict in Rhodesia and to facilitate a peaceful transfer of power. In his recent fact-finding mission to Africa, Ambassador Young found that although Black African nations are committed to majority rule in Rhodesia, they are also committed to achieving that goal through peaceful means and are eager to work with the United States toward that end. Repeal of the Byrd amendment would signal to them and to the world community that we are also seriously committed to achieving majority rule in Rhodesia through peaceful means. For this reason, and the reasons I put forth earlier, the Congressional Black Caucus strongly urges you to report to the House legislation to repeal the Byrd amendment. Thank you.

STATEMENT OF LAWYERS STUDY GROUP, WASHINGTON, D.C.

The Lawyers Study Group strongly favors passage of H.R. 1746, a bill which is intended to repeal the Byrd Amendment to the extent that it permits the importation into the United States of Rhodesian chrome ore and ferrochrome.

The Lawyers Study Group is a public interest organization composed of approximately 70 Black attorneys, the majority of whom are engaged in private corporate practice in the major District of Columbia law firms. A brief historical summary of the events leading to the Rhodesian crisis will help explain our position.

The colonial rule of Southern Rhodesia commenced in the last 1800's under the the auspices of the British South Africa Company. In 1923, Rhodesia was formally annexed to the British Crown and a constitution was adopted, which restricted franchise to a small white minority and effectively excluded the vast majority of Africans from the colonial government.

Beginning at the end of World War II and continuing through the early 1960's, approximately 20 former British colonies in Africa and Asia—including Rhodesia's neighbors, Zambia and Malawi—were granted independence. The practice of the British government, at this time, was to grant independence conditioned upon constitutional guarantees for majority rule. From 1963 through 1965, British efforts to negotiate independence on such terms were rejected continually by the leaders of Rhodesia's minority white-controlled governing body. In November of 1965, a minority regime led by Ian Smith unilaterally declared Rhodesia independent. Thus, these rulers sought illegally to preserve control of Rhodesia in the hands of less than 200,000 Europeans to the detriment and exclusion of over 8,000,000 Africans.

In 1966, the United Nations Security Council, at the request of Great Britain and with the full support and affirmative vote of the United States, voted to impose for the first time in its history the mandatory economic sanctions contained in Chapter 7 of the United Nations Charter. Under Chapter 7, such action must be (and in fact was) predicated upon a Security Council determination that a threat to international peace and security exists. The enactment of Security Council Resolutions 232 (1966) and 253 (1968) constitutes the most serious effort on the part of the world community to date to employ international law and collective economic power to bring about the peaceful resolution of a continuing threat to world peace and security.

In accordance with its duty under the United Nations Charter and its authority under the United Nations Participation Act (22 U.S.C. § 287c), the United States, through Presidential Executive Orders 11322 (1967) and 11419 (1968) and the Treasury Department's Rhodesian Sanctions Regulations (31 C.F.R. 530), implemented comprehensive restrictions on the trade of any commodities or products with Rhodesia by any person or company subject to the jurisdiction of the United States. Among the imports prohibited was Rhodesian chrome.

In 1971, Congress enacted a new Section 10 to the Strategic and Critical Materials Stock Piling Act (the "Byrd Amendment"), 50 U.S.C. §§ 98-98h, which permits the importation of Rhodesian chrome and ferrochrome into the United States. Thus, the Byrd Amendment places the United States in violation of the unprecedented and mandatory international legal obligations which it actively helped to create.

The Lawyers Study Group, therefore, strongly supports passage of H.R. 1746 for the following reasons:

1. Enactment of the bill would bring the United States again into compliance with its international legal obligations.

2. Enactment of the bill would make clear to the racist and undemocratic Rhodesian regime and to the entire world that the United States will not provide moral, political or economic support to that regime.

3. Enactment of the bill would increase the credibility and goodwill of the United States with the independent African nations, which control many of the vital resources upon which the United States is now dependent and will be dependent in the future.

4. The United States steel industry no longer requires high grade chrome or ferrochrome, for which Rhodesia has been a major source.

5. Sufficient quantities of chrome ore and ferrochrome are presently stockpiled to meet the strategic needs of the United States for a number of years even if other sources are temporarily disrupted.

6. Enactment of H.R. 1746 would have no significant adverse effect on the economy of the United States.

It must be noted, however, that enactment of H.R. 1746, in and of itself, is not enough. The sanctions must be effectively administered and enforced by the United States Treasury Department.

We trust that you will give careful consideration to our position and that you will lend your full support to the passage of H.R. 1746 in a form that unconditionally prohibits the importation by the United States of Rhodesian chrome ore and ferrochrome, so long as the Security Council's mandatory economic sanctions are in effect.

STATEMENT OF THE AMERICAN COALITION, NEW YORK, N.Y.

We are a public interest group concerned with foreign policy and immigration. We wish to state for the printed record of your hearings on Rhodesian chrome that we are opposed to the repeal of the Byrd Amendment for three main reasons:

The first is moral. While we do not approve of the Ian Smith regime, we find that a moral standard that only singles out Rhodesia for sanctions is hypocritical. One has only to look at Uganda today, to see evidence of this fact. We also fail to see the moral superiority of South Africa and Russia over Rhodesia.

The second reason for our position is economic. Rhodesia contains 67% of the non-communist world's high-grade chrome reserves according to the U.S. Bureau of Mines. Since many of our trading competitors have cheated on the sanctions we fail to see why we should punish our economy by stopping the *open* importation of Rhodesian chrome. A recent U.S. report revealed that even the Soviet Union is cheating. It is relevant to note that chrome is difficult to trace in its natural form and *impossible* to trace when processed into ferrochromium or stainless steel.

Our third reason is legal. We object to the idea of an imperial Presidency and feel that Congress has a right to repudiate unwise Presidential commitments in the field of foreign policy. The Supreme Court upheld this right when the legality of the Byrd Amendment was challenged in court. Congress itself has shown its independence with the War Powers Act of 1973.

The President, in our opinion, does not make a final ultimate commitment for America when he authorizes his ambassador to vote in the Security Council. We believe that Congress has a right to be heard from, particularly on a major issue like sanctions or the U.S. vote in April 1974 to condemn specifically the Israeli bombing of Arab terrorist camps but *not* the mass murder at Kiryat Shimona by Arah guerrillas.

In conclusion we urge Congress to carefully consider these issues when voting on the Byrd Amendment this year. We believe that the case for keeping the Byrd Amendment still stands on its merits and hope that Congress will reach a similar conclusion.

APPENDIXES

APPENDIX 1

STATEMENT OF HON. CYRUS VANCE, SECRETARY OF STATE, BEFORE THE SUBCOMMITTEE ON AFRICAN AFFAIRS OF THE SENATE FOREIGN RE- LATIONS COMMITTEE, FEBRUARY 10, 1977

I am pleased to be with you today and to have this opportunity to comment on the Rhodesian Sanctions Bill.

The Administration fully supports this bill. We urge the Congress to pass it into law as rapidly as possible. To do so would, I firmly believe, strengthen the hand of the United States and others who are working to find a peaceful solution to the Rhodesian problem. Moreover, it would return the United States to conformity with its obligations under the United Nations Charter. American industry is not dependent on Rhodesian chrome and repeal will not harm our economy.

President Carter has on many occasions stated clearly and forcefully his commitment to human rights. That commitment, which I know you share, and which is expressed in the provisions of the United Nations Charter, will be a major factor as this Administration formulates its foreign, as well as its domestic, policies. We are guided by this commitment in our approach to all the problems of southern Africa. It requires our firm and clear opposition to racial injustice wherever it exists.

The world faces an explosive situation in southern Africa. Negotiations for a Rhodesian settlement have faltered, though our efforts to nurture them continue. Violence is intensifying. The Namibian dispute is not moving toward solution: indeed it adds to the danger that violence in southern Africa will spread. And in South Africa itself a system of institutionalized racial discrimination, which this Administration strongly opposes, feeds black unrest.

The Rhodesian situation is of greatest urgency, however, for there the extent of armed conflict is broadest and the threat of escalation most immediate. We view with deep concern the dangerous situation in Rhodesia that has arisen out of the attempt of the illegal, minority government to maintain itself in power. If the Rhodesian authorities, who represent less than 4% of the population, persist in this course, the inevitable outcome will be a bitter legacy for the future of all the inhabitants of that territory.

Intensified conflict in Rhodesia also entails serious adverse economic effects on countries in the region. Furthermore, the possibility of non-African forces interfering cannot be discounted.

We must continue to try to help head off a disaster in Rhodesia. We believe that change there is necessary. It is certainly inevitable. Our challenge is that it be both rapid, peaceful and orderly. This can only come through a negotiated settlement which leads quickly to a system of majority rule and respect for the rights and dignity of all, regardless of their race. In our effort to help achieve this goal we shall continue to confer with the British Government, African leaders, and the South African Government.

I have said recently that the Rhodesian authorities should understand clearly that under no circumstances can they count on any form of American assistance in their effort to prevent majority rule in Rhodesia or to enter into negotiations which exclude leaders of the nationalist movements.

I underscore that statement again today. But the key to peace lies in Mr. Ian Smith's hands, and repeal of the Byrd Amendment would do far more to persuade him to use it. It is essential that the Congress and the Executive Branch work together in this respect to present a unified American position.

Throughout the world community, people are watching to see what the United States decides to do. African and other leaders place considerable importance on the action Congress will take with regard to repeal of the Byrd Amendment—and, I might add, they want to know how deeply the Administration is committed to its repeal. Let no one be in doubt about the depth of our commitment.

In his talk with Ambassador Young last weekend, President Nyerere of Tanzania laid stress on repeal of the Byrd Amendment as part of an active role by the US in tightening United Nations economic sanctions against Rhodesia. Other African leaders have recently expressed the same sentiment to us.

Passage of the Byrd Amendment in 1971 put the United States in violation of its international obligations. The economic sanctions imposed by the UN Security Council in 1966 and 1968 were based on the Council's right to determine that a threat to the peace existed in the Rhodesian situation and to invoke enforcement measures, as it did, under Chapter VII of the UN Charter. A legal obligation for all member states was thus created. As a permanent Member of the Security Council the US could have vetoed the sanctions resolutions. It did not, but in fact supported and voted for the sanctions. As a matter of international law, we are committed, under article 25 of the Charter, to abide by them.

With the passage of the Byrd Amendment, the United States, whose record in enforcing sanctions had been as good or better than that of any nation, became one of a handful of nations which, as a matter of official policy, violates the sanctions. We thereby put ourselves at odds with the will of the international community in the only effort ever made by the UN to use mandatory economic sanctions. We have acted in violation of our own often proclaimed devotion to international law.

By repealing the Byrd Amendment we would remove this symbol of ambivalence in American policy toward Rhodesia and toward international law. We would return to adherence to our obligations under the United Nations Charter.

When the Byrd Amendment was passed, it was argued that, for strategic and economic reasons, the United States needed continued access to Rhodesian chrome. However, it should now be clear that access to Rhodesian chrome and other minerals is not an important element in US security or overall economic policy. We maintained a huge supply of chrome in our strategic stockpile, and the Defense Department's requirement for metallurgical-grade chromite was relatively small. Moreover, passage of the Byrd Amendment did not, as it was intended, make us less reliant on imports of Soviet chrome.

Many of those who supported the Byrd Amendment did so because of their understanding that the American steel industry depended on Rhodesian chrome for the production of American specialty steel. However, as one original supporter of the Amendment, Congressman John Dent, has said, "Due to recent technological innovations, the United States is no longer dependent on Rhodesian chrome." He added that consequently, and because "the existence of the Amendment might hamper American diplomatic initiatives," he will now reverse the position he has held since 1971, and support and vote for repeal of the Byrd Amendment.

It is my firm belief that repeal of the Byrd Amendment will serve the interests of the United States. It will in no way harm us strategically or economically. To the contrary, it will strengthen our position and add to our stature internationally. And it will assist us in reaching the goal we share with many others; a peaceful transition to majority rule and equal rights in Rhodesia. This goal will be difficult of attainment in any case. As long as the Byrd Amendment remains on the books, it will be even harder.

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 the Congress will give it the very full measure of support it deserves. We will work with you to this end. Thank you.

APPENDIX 2

STATEMENT OF JULIUS L. KATZ, ASSISTANT SECRETARY FOR ECONOMIC AND BUSINESS AFFAIRS, BEFORE THE SUBCOMMITTEE ON AFRICAN AFFAIRS, SENATE FOREIGN RELATIONS COMMITTEE, FEBRUARY 10, 1977

Mr. Chairman: I appreciate this opportunity to appear before your committee in support of S. 174, a bill to halt the importation of Rhodesian chrome, nickel and other ferro alloys. In this statement I intend to discuss the economic impact of the Byrd Amendment during the past four years and the economic consequences of the re-imposition of full sanctions against Rhodesia as proposed in this bill.

World resources of chrome

The U.S. Bureau of Mines estimates that total world resources of chromite amount to nearly 9 billion tons mostly occurring in the eastern hemisphere. While the U.S. has some resources of chromite in Montana, Oregon, California and Alaska, they are low grade and are not presently commercially exploitable on a significant scale.

Commercially exploitable reserves around the world are estimated at 1.9 billion tons and are located chiefly in South Africa, which alone has reserves of about 1.1 billion tons, Rhodesia, the U.S.S.R., Turkey and the Philippines. Preliminary estimates of world chromite production in 1976 are 8.9 million tons, of which South Africa produced 27 percent; Communist countries 35 percent, Turkey and Rhodesia about 8 percent each, and the Philippines less than 4 percent.

The uses and strategic nature of chrome

Chrome is used by three main branches of U.S. industry: the steel industry for production of stainless and alloy steels, the chemical industry for pigments, plating, and tanning, and the refractory industry for manufacture of refractory bricks. By far the largest user of chrome is the specialty steel industry, which in 1974 accounted for about 65 percent of U.S. consumption. Over half of all imports of chromite are converted by the ferroalloys industry into ferrochromium, an intermediate product, used by the specialty steel industry to make stainless and alloy steels. Stainless steels are vital to production of aircraft, machinery, processing equipment, autos and many other capital, strategic, and consumer goods requiring a high degree of corrosion resistance.

A number of different technologies have been developed to process chromite into ferrochrome, depending on the type of chromite ore being used. In addition, a relatively new technology called the Argon Oxygen Decarburization (AOD) process developed by industry in the late 1960s has been particularly successful in providing a higher yield of chromium derived from lower grades of chromite ore. It is estimated that the AOD technology is now used by 60 to 65 percent of world stainless steel producers. The significance of this development is that it permits increased use of chemical and refractory grade ores—chiefly found in South Africa, Brazil and other countries—which could replace Rhodesian and Russian material.

The U.S. supply-demand picture

Apart from recycled scrap, which in 1975 produced 10 percent of the total U.S. chrome demand, the U.S. is almost totally dependent on imports for its chrome requirements. The preliminary estimate of imports of chromite for 1976 stands at 1.2 million tons compared to 1.4 million in 1970 and 1.05 million in 1972, the year following enactment of the Byrd Amendment. For ferrochrome imports, the preliminary 1976 figure is 270,000 tons compared to 42,000 tons in 1970 and 150,000 tons in 1972. These figures indicate small declines in the volume of chromite ore imports but a sharply rising volume of imports of ferrochrome. Growing imports of ferrochrome in large part reflect the efforts of chromite

producing countries to ship the higher valued intermediate product, ferrochrome, rather than shipping chromite ore to the U.S. for conversion.

The U.S. and Rhodesia

I would now like to turn specifically to U.S. dependence on Rhodesia and the implications of removal of the Byrd Amendment. According to the U.S. Bureau of Mine's estimate, 64 percent of reserves of mineable chromite ore of all grades is located in South Africa and 32 percent in Rhodesia. For metallurgical grade chromite ore, the grade most used in the production of stainless and alloy steels, Rhodesia possesses 67 percent of known world reserves; South Africa 22 percent, the U.S.S.R. and other Communist countries 6 percent; and Turkey 2 percent. For the chemical grade ore, which via the AOD process is also now useable for specialty steelmaking, South Africa has the vast majority of the world's resources, well in excess of one billion tons.

The sources of U.S. imports by chromium content in 1976 were 3 percent from Rhodesia; 17 percent from the U.S.S.R.; 38 percent from South Africa; 17 percent from Turkey and 10 percent from the Philippines; and 15 percent from other countries. Imports of chromite ore from Rhodesia had constituted over 50 percent of our imports during the 1950s and early 1960s. With the imposition of the embargo, imports from Rhodesia stopped and then began again following passage of the Byrd Amendment. Rhodesian chromite ore, however, never really recovered its share of the U.S. market. The Rhodesian Government turned instead to production of ferrochrome, which was exported to the U.S. in ever increasing amounts beginning in 1972.

Imports of ferrochrome from all sources have increased dramatically in the last several years as U.S. importers decreased demand for unprocessed chromite in favor of increased imports of finished ferrochromium. In 1975, imports of ferrochromium alloys reached an all-time high of 319,000 short tons. By percentage of chromium content, U.S. imports in 1976 came from the following countries: Rhodesia 22 percent; South Africa 32 percent; Japan 17 percent; and others 29 percent.

Enactment of the Byrd Amendment in 1971 was opposed by the Nixon Administration and in subsequent years the previous Administration supported efforts to bring about its repeal.

It has been and remains our view that Rhodesia cannot be considered a reliable supplier. Transportation routes for export of raw materials from Rhodesia have been cut off one by one until the only remaining possibility is the South African route. Insurgent actions pose a growing threat to operation of the mines, which if forced to shut down for even a temporary period could require months to get back into service due to flooding and cave-ins.

The costs and benefits of repeal

Repeal of the Byrd Amendment and the consequent cutting-off of imports of Rhodesian chrome will require some degree of readjustment by the U.S. and is likely to have some effect on prices. However, our analysis indicates that dislocations should be relatively short term and can be largely overcome over a period of time.

The first consequence of stopping the inflow of chrome from Rhodesia will mean materials will need to be found elsewhere. The prospects for finding other sources of material are good. While most of our chrome ore will continue to come from our regular major suppliers, including South Africa, the U.S.S.R., and the Philippines, there are other smaller suppliers who could help fill the gap. These include: India, Finland, Brazil, Turkey and Albania. In addition, imports of greater quantities of lower grade ores are now useable due to the increasing use of the AOD process for production of steel. Finally, private stocks of chrome materials are large. The Bureau of Mines estimates 380,000 short tons are held in private stocks at the present time. This amount approximates six to nine months consumption.

In addition, the strategic and critical material stockpile contains the equivalent of 3.82 million tons of metallurgical chromite ores in the form of ores and ferro alloys. Of this, 3.59 million tons are reserved to meet the needs of national security. A release of any portion of these strategic reserves during peacetime is permitted under existing legislation when the President determines that the release "is required for the purposes of common defense". Therefore, such releases could be used to support defense related production requirements. The 0.23 million tons in excess of strategic needs could be made

available to U.S. industry if the necessary legislation were enacted by Congress.

Through the early 1960s prices of chromium remained fairly stable, took a jump in 1969-70 and followed a mixed course until 1975 when the representative price more than doubled, rising from \$65 to \$137 per long ton. This price has held on through 1976. The U.S.S.R. led off the rise in prices in 1972 when the UN imposed sanctions on Rhodesian imports and was quickly followed by the other producers. In effect the U.S.S.R. became the price leader.

Cutting off Rhodesian chrome could put some pressure on prices. For a number of reasons, however, we believe that upward pressures are not likely to continue. Current prices are well in excess of costs of production and producers who raise prices further risk further resort to substitution and economizing technologies and thus a long term decline in demand. As I have already explained, possibilities for utilization of lower grade material from countries other than Rhodesia made possible by the AOD technology will encourage production of Chemical and refractory grade ores to compete with Russian and Rhodesian metallurgical ores.

I have stressed a number of economic reasons in support of U.S. backing of the UN economic sanctions against Rhodesia and repeal of the Byrd Amendment. The basic economic reason, however, is that such a move is a rational economic step looking forward to a time when majority African rule in Rhodesia will come about. A rapid and peaceful transition in Rhodesia is in our long-term economic interests. Our current commerce with Rhodesia is perceived as an impediment to that transition.

Finally, our economic interests do not stop in Rhodesia. The U.S. carries on a thriving and growing economic relationship with the other nations of Black Africa both in trade and investment. By failing to repeal the Byrd Amendment we jeopardize this relationship. African countries are also an important source of supply for us for a whole range of strategic goods including petroleum, uranium, manganese, copper, cobalt and diamonds as well as the whole range of tropical products like coffee and cocoa. Our disregard of the UN sanctions have indeed placed American business at a disadvantage in its relationship with African countries in such areas as resource development, investment, and export opportunities.

I urge the Committee to report S. 174 favorably and I recommend quick passage of the bill.

Thank you, Mr. Chairman.

APPENDIX 3

STATEMENT SUBMITTED BY ARCHBISHOP JOSEPH L. BERNARDIN, ON BEHALF OF THE UNITED STATES CATHOLIC CONFERENCE, FALL 1973, ENTITLED "U.N. SANCTIONS AGAINST RHODESIA"

The current reexamination by the U.S. Congress of the U.N. sanctions of Rhodesia and relevant U.S. legislation involves two political issues which have serious moral implications. The first concerns human rights, and the second, international order. The purpose of this statement is to underscore the moral dimensions of these two issues raised by the Rhodesian question and to exhort the U.S. government to fulfill its moral obligations in this situation. The dominant moral theme that forms the basis of consideration here is that the "international order is rooted in the inalienable rights and dignity of the human being."¹

HUMAN RIGHTS IN RHODESIA

In our time, the human development of peoples has become a major consideration for many sectors of the world community. This phenomenon has received impetus from historic breakthroughs in global communications and human consciousness. "Now for the first time in human history, all people are convinced the benefits of culture ought to and actually can be extended to everyone . . . Persons and societies thirst for a full and free life worthy of man, one in which they can subject to their own welfare all that the modern world can offer them so abundantly."²

This eagerness for a fuller life is especially evident in the political sphere and more specifically among the peoples who, until recent years, were subject to colonial status. Ten years ago, Pope John XXIII, in his encyclical, *Pacem in Terris*, cited what he called one of the major characteristics of our age: "No one wants to feel subject to political power located outside his own country or ethnic group." The Pope suggested that this feeling for political independence was so strong that "there will soon no longer exist a world divided into peoples who rule others and peoples who are subject to other."³

The present domestic situation in Rhodesia, however, reveals how complex the process of self-determination can be when an entrenched powerful minority within a society assumes an intransigent position, protecting the status quo and resisting the emergence of the social and political consciousness of the majority of the indigenous people. The condition is further worsened by the presence of one of the most despicable legacies of the colonial era: racism.

This terrible blight frequently flared up between colonists and indigenous populations, and it continues to plague emerging nations and peoples with "heavy losses for justice and the risk of civil war." Attitudes of white supremacy can not fail to be the "cause of division and hatred within countries whenever individuals and families see the inviolable rights of the human person held in scorn, as they are unjustly subjected to a regime of discrimination because of their race or their color."⁴ Such is the lamentable condition of the vast majority of the inhabitants of Rhodesia.

The events in the past ten years in Rhodesia document the efforts of several hundred thousand whites to deny human rights to the five million blacks in Rhodesia by severely restricting their political, cultural, social and economic life. The vast majority of black Africans are virtually disenfranchised by the Rhodesian constitution which specifically prohibits the African majority from ever gaining a significant political role in their own country.

¹ Roman Synod, "Justice in the World," 1971.

² Second Vatican Council, "Church in the Modern World" (n. 9), 1965.

³ Pope John XXIII, "Pacem in Terris" (n. 43), 1963.

⁴ Pope Paul VI, "On the Development of Peoples" (n. 63), 1967.

Bishop Donal Lamont, president of the Rhodesian Catholic Bishops Conference, summed up the network of oppression and domination which surrounds the black Rhodesians: "It is simply breeding discontent and courting disaster to expect a whole people who outnumber those who govern by 20 to 1, to be happy with a condition of affairs which accords to them merely a marginal existence in the social, economic, political and cultural life of their country, and which because of their race, denies them the chance of integral development."

The rationale of white supremacy which marks the rule of the white authorities in Rhodesia is morally reprehensible since it violates the principle that all men and women are equal by reason of their shared humanity and inherent dignity.⁶ The Rhodesian Catholic Bishops Conference has repeatedly stated their "conscientious objection to laws which segregate people merely on the basis of race." Continued intransigence by the ruling class has provoked the bishops to say: "It will be extremely difficult for us to effectively counsel moderation to a people who have been so patient for so long under discriminatory laws."

It is therefore essential that efforts to support structural systems which promote civil strife and even place in jeopardy world peace must be consistently condemned. In addition, efforts to create a society in which all persons are treated as equal under the law should be commended and actively supported.

INTERNATIONAL ORDER

The second political issue with serious moral implications is that of the development of international community. The process of developing relationships among nations for the purpose of achieving world peace has reached an acute stage. Since World War II, the destructiveness of modern war-making capabilities has become so enormous that the notion that armed conflict is a valid option to resolve national differences is being questioned.⁶ Military force is not the only conventional source of power that has come under scrutiny: the sovereignty of individual nations has also been challenged. The consequences of these developments have prompted the search for new structures to promote and maintain world peace.

As Pope John XXIII observed: nations, acting as individual sovereignties, "are no longer able to face the task of finding an adequate solution to the problems of [promoting the universal common good and world peace]." ⁷ He added: "The moral order itself, therefore, demands that a form of public authority be established . . . with powers, structure and means . . . and in a position to act in an effective manner on a worldwide basis."⁸

The current Rhodesian situation, and in particular, the U.S. response to that situation, highlights both the need for worldwide authority and the ways in which individual nations, in an abuse of their sovereignty, can presently undermine the effectiveness of such a worldwide organization. It provides a focal point from which the interplay between resolving internal disputes and international order is evident.

When Rhodesia's white ruling group unilaterally seceded from the United Kingdom in 1965, Britain condemned the action as an "illegal assumption of independence," suspended the Smith government and brought the issue to the U.N. Security Council. The Security Council upheld that judgment when it called upon the U.N. member nations "not to recognize this illegal racist minority regime in Southern Rhodesia." Since that time, no nation has granted recognition to Rhodesia as an independent sovereign nation.

Further, in 1966, following unsuccessful attempts by United Kingdom and Rhodesian officials to negotiate their differences, the U.N. Security Council voted unanimously to impose mandatory sanctions on certain imports from Rhodesia. The United States voted in favor of the sanctions, although it had the legal right to veto the resolution. When the scope of the U.N. sanctions was broadened in 1968 to include all Rhodesian imports, again the resolution was approved by unanimous vote of the Security Council.

ECONOMIC SANCTIONS

Economic sanctions are a legal means of bringing pressure on those countries and territories which the wider community of nations deem have violated the

⁶ Pope John XXIII, *op. cit.* (n. 44).

⁶ Second Vatican Council, *op. cit.* (n. 80).

⁷ Pope John XXIII, *op. cit.* (nn. 132-135).

⁸ *Ibid.* (n. 137).

international legal order, jeopardizing the common good and therefore world peace. Such sanctions can adversely affect the domestic economy of the sanctioned country or territory, and their consequences can be damaging to the living standard of the people affected.

In Rhodesia, because the society is so markedly two-tiered, the white ruling minority affluent, the black majority with a "marginal existence," the detrimental effect of the sanctions tends to have impact precisely on that sector of society which is responsible for provoking the sanctions in the first place: the white ruling class, with a standard of living similar to Europeans and very vulnerable to economic sanctions.

In 1971, the U.S. Congress passed legislation, specifically the Byrd Amendment, which had the effect of allowing importation of Rhodesian chrome ore, in violation of the U.N. sanction. Each of the Security Council resolutions on the Rhodesian sanctions (which the U.S. had supported) explicitly stated that failure or refusal by any nation to implement the sanctions "shall constitute a violation of Article 25 of the U.N. Charter," which provides that: "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." In a recent opinion rendered by the International Court of Justice regarding Article 25, the Court stated: "when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for Member States to comply with the decision. . . . To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter." The U.S. government obligated itself to adhere to this international treaty when the Senate initially ratified the U.N. charter, and consistent with its obligation enacted Federal legislation imposing penalties upon American violators of the U.N. sanctions.

In recognition of its legal obligation to enforce the sanctions, and uphold its own laws in this regard, the United States had indicted and convicted several U.S. firms and their officers for violating the sanctions during the period from 1968 to 1971. For the Congress then to negate the U.N. sanctions, as it did in 1971, would seem to require an extremely important and persuasive justification. National security has been offered by some as that justification, but the evidence presented by respected authorities suggests that this reason is less than convincing.

Activities of private corporations during the U.S. legislative deliberations in 1971 suggest that Pope Paul's recent expression of concern about the possibility of a "new and abusive form of economic domination" was warranted.⁹ Private business interests in expanding their markets and increasing their profits seem to be taking precedence over more fundamental concerns such as human rights and international law.

It was on the very issue of enforcement of sanctions that the League of Nations faltered, since the determination for enforcement of approved sanctions was left to each member nation. In drafting the U.N. Charter, efforts were made to strengthen the delicate network of relationships between sovereign nations so as to develop greater justice in international affairs. Pope John XXIII recalled St. Augustine's observation about the dire results of the absence of justice in international relationships: "What are kingdoms without justice but bands of robbers?"¹⁰ The lack of support by the United States for the U.N. sanctions therefore challenges not only some of the basic articles of the U.N. Charter but ultimately the viability of the United Nations itself. The crucial moral and legal issue, then, is the failure of the United States to meet its international obligations.

RECOMMENDATION

We urge the Congress to repeal the Byrd Amendment and enforce the U.N. sanction of all Rhodesian imports, including chrome ore. The U.S. violation of these sanctions since 1971 has strengthened the position of the white ruling class in Rhodesia, has caused a serious loss in both the prestige and credibility of the United Nations, and has damaged the efforts of all member nations to build a United Nations' structure that may, as Pope John XXIII earnestly prayed, "become ever more equal to the magnitude and nobility of its task."¹¹

⁹ Pope Paul VI, "A Call to Action" (n. 44), 1971.

¹⁰ Pope John XXIII, *op. cit.* (n. 92).

¹¹ *Ibid.* (n. 145).

APPENDIX 4

STATEMENT OF THE COMMITTEE ON SOCIAL DEVELOPMENT AND WORLD PEACE ENTITLED

“SOUTHERN AFRICA: PEACE OR WAR?”—JULY 7, 1976

In 1967, Pope Paul VI wrote, in his encyclical letter on Africa :

The equality of all men is based, as is well known, on their common origin and density as members of the human family. . . . This equality demands an ever more explicit recognition in civil society of every human being's essential rights, even though this equality does not cancel but rather acknowledges and brings into harmony personal differences and the diversity of function in the community. Consequently, the aspirations of all men desiring to enjoy those rights which flow from their dignity as human persons, are wholly legitimate.

(Paul VI, *Ad Afros* par 19, Gremillion, p. 422-3).

American awareness of the African continent has been heightened in the past two years by several events: the independence of Mozambique and Angola, and especially the internal struggle in the latter nation, and the participation of the U.S.A., Cuba, and the U.S.S.R. in that struggle; the recent and initial visit of Secretary of State Henry Kissinger to Africa and his belated pronouncements of U.S. African policy.

Shortly before the Secretary's journey, Bishop James S. Rausch, General Secretary of the U.S. Catholic Conference, addressed an open letter to him in which several important suggestions were made regarding United States policy and actions in Africa. We fully endorse what Bishop Rausch said therein and make it our own.

In this statement we wish to speak especially about the Republic of South Africa (RSA), to address some of the urgent moral issues raised there, and to comment on the responsibility of the American people and their government in dealing with that nation. We address ourselves particularly to the RSA not unmindful of the urgency of achieving majority rule in Rhodesia and the independence of Namibia. Nevertheless, South Africa is clearly the most developed, most influential nation in the southern part of the African continent, and is the object of economic, political, and military interest on the part of the United States. The United States should conduct its foreign policy toward the RSA, and influence business activity there to change its racial policies, both to establish justice within that nation, and to avoid international conflict. Even more effective leverage would be achieved if the United States, as the leader of the western nations, could develop a coordinated policy with them regarding the RSA.

For Black Africans, “South Africa is an obsession,” said Bishop James D. Sangu, Chairman of the Tanzanian Catholic Bishops' Conference. He explained that assertion in these words:

“Its crude racialism is a continuous insult to black Africans. It not only keeps the races apart, as it claims, but it shouts from the rooftops the superiority of the White Race and the inferiority of the Black Race. As long as this situation continues, there is really little chance that the Black Africans will ever live in brotherhood with White Europeans.”

Secretary Kissinger himself described South Africa's apartheid system by which he said “racial discrimination has been institutionalized, enshrined in law, and made all-pervasive.” But Bishop Sangu maintains:

“Notwithstanding the half-hearted denunciation of racialism by the Western countries, South Africa feels strong because she is convinced of the backing she receives from the Western countries, and because of the strong economic ties she has with these countries. As Christians we must fight for justice for the oppressed, not for financial gain and economic interest.”

This analysis is borne out by the contrast between the Secretary's severe condemnation of Rhodesia and strenuous demands for internal reforms and, on the other

hand, his relatively mild strictures against South Africa. He seemed even to weaken the former U.S. position on South Africa's illegal occupation of Namibia. He did not call for majority rule in South Africa, as he did in Rhodesia, but for "a clear evolution toward equality of opportunity and basic human rights for all South Africans." The difference may seem to be merely a subtlety, but in light of Kissinger's former African policy, which included support for the white minority regimes, anything less than a forthright denunciation of apartheid and minority government is suspected of support and collusion.

Implicated here is not only the question of justice for black Rhodesians and South Africans, but world peace itself. The existence of the racist societies of the two nations (and Namibia, occupied and controlled by South Africa), since it is "an obsession" with black Africans, promises increased internal disorder, and activity of guerilla freedom-fighters. This, in turn, raises the possibility of external intervention by other African nations, by the superpowers, or others.

Such intervention would be translated either into racial terms—black against white—or ideological terms—communit against non-communist. Africa's black leaders of nations and liberation movements reject such a view. Many of them have benefitted from Christian education and are themselves Christians. Their vision is of multi-racial societies in which the human dignity of each person is respected. Their leaning toward the U.S.A. and the West, or toward the U.S.S.R. or China, is not so much an ideological stance as an expression of their need for assistance as they attempt to establish such societies, or to promote the development of the nations they represent.

South Africa, in contrast, plans to create bantustans, "independent nations" within its territory; all black persons will be assigned to one of these, on the basis of tribal ancestry, regardless of whether the person has even lived there. In South Africa, where most blacks must necessarily go to work, regardless of which bantustan he or she is technically a citizen, citizenship will be withdrawn, under the fiction that the individual is a citizen of the black nation. Racial segregation, in short, is so important that the nation will be dismembered to preserve it; economic superiority is so important that the territories assigned to blacks will comprise only 13% of the land, and are the least productive areas.

The only course of policy and action for Americans to take is one consistent with our national tradition of personal freedom and the Christian principle of universal love, directed especially to those who most need it. With such a policy, implemented by substantial and realistic action, the United States and the American people would win the admiration of the African people; considerations of economic and strategic interests would then fall into perspective, both for us and for them.

It is not enough to state such principles and policy; they must be translated into positive action. Hence, without attempting to draw up an exhaustive listing, we suggest the following:

1. that the U.S. raise for discussion in the U.N. Security Council the threat to world peace created by the Republic of South Africa by its internal policy of apartheid and its occupation of Namibia (South West Africa), with a view to imposing international economic sanctions against that nation until substantial changes have been made.

2. that the U.S. use every available means to restrict and discourage U.S. business and investment in the RSA, Namibia, and Rhodesia; particularly, that exceptions, licenses, or mitigations in favor of these nations not be granted.

3. that the U.S. recognize and enforce the decree of the U.N. Council for Namibia for the protection of the natural resources of Namibia against exploitation by South Africa during its illegal occupation of that territory. According to that decree, approved by the U.N. General Assembly in 1974, "any animal, mineral, or other natural resource produced in or emanating from the Territory of Namibia," taken without license granted by the Council for Namibia, may be seized, along with the vehicle or ship carrying it, "forfeited to the benefit of the Council, and held in trust by them for the benefit of the people of Namibia."

4. that the U.S. Congress give substance to Secretary Kissinger's promises by assisting those frontier nations which may experience hardship because of their compliance with the U.N. sanctions against Rhodesia.

We suggest these actions not for political, economic, or strategic reasons, but because they would give assurance to the government of South Africa, to its black citizens, and to the rest of the world, that the United States still believes that liberty and equality are unalienable rights of every person; and that recognition of these rights in practice in southern Africa will be conducive to peace and prosperity in that part of the world.

APPENDIX 5

AN OPEN LETTER TO THE RHODESIAN GOVERNMENT

Bishop Donal Lamont of Umtali has blamed the policies of the Rhodesian government for the escalating violence between black guerrillas and the Rhodesian army. In an Aug. 11 open letter to the government, Lamont, long an outspoken critic of the white-minority Rhodesian regime, said that "by its clearly racist and oppressive policies and by its stubborn refusal to change," the government "is largely responsible for the injustices which have provoked the present disorder and it must in that measure be considered guilty of whatever misery and bloodshed may follow." The dangers threatening Rhodesia "have their roots in the repressive legislation which you have enacted in an effort to maintain the power and privilege of the white minority, reckless of the rights of the rest of the population," the bishop charged. Only immediate modification of these policies, he continued, can help avert a "cruel war" which could engulf all of southern Africa. "It is up to you to give the lead. The fate of Rhodesia and its people is in your hands." The text of the bishop's letter follows.

Concern for world peace and for the well-being of Rhodesia and all its people compels me to take the unusual step of addressing myself to you, the members of the government, in this grave moment of the nation's history.

As a Catholic bishop I cannot be silent while civil discontent, racial tension and violence are so much in evidence and daily on the increase. There is serious danger of bloody confrontation between the races within Rhodesia itself, of the political involvement of other countries, and of the consequent escalation of the conflict throughout the whole of the subcontinent. Already along the full length of my diocese a state of war exists. Last night's bombardment of the city of Umtali brought home to everyone this hard reality.

Conscience compels me to state that your administration by its clearly racist and oppressive policies and by its stubborn refusal to change, is largely responsible for the injustices which have provoked the present disorder and it must in that measure be considered guilty of whatever misery or bloodshed may follow.

Far from your policies defending Christianity and Western civilization, as you claim, they mock the law of Christ and make communism attractive to the African people. God wills his world and its peoples to be ruled with justice. He desires that men should do to their fellowmen what they would like done to themselves. Such will is openly disregarded and deliberately frustrated by the manner in which you rule Rhodesia.

On whatever dubious grounds you may at one time have based your claim to rule, such argument no longer has any validity. You may rule with the consent of a small and selfish electorate, but you rule without the consent of the nation--which is the test of all legitimacy. All the legalistic quibbling in the world cannot alter that fact.

Neither can you deny that the world community of nations rejects your claim to legality. Your administration is an outcast from and stands condemned by the civilized world. Justification for this condemnation is set out with the most detailed, objective and incontrovertible clarity in the legal study recently published and distributed throughout the world by the International Commission of Jurists. This important document which you dare not neglect and cannot refute, supports my considered belief that the dangers which threaten Rhodesia have their roots in the repressive legislation which you have enacted in an effort to maintain the power and the privilege of the white minority, reckless of the rights of the rest of the population.

To summarize in its briefest form your abuse of power, I can do no better than to quote the words of Pope Paul VI when addressing the United Nations on the

subject of racial discrimination. The Pope said: "Within a country which belongs to each one, all should be equal before the law, find equal admittance to economic, cultural and social life, and benefit from a fair share of the nation's riches." In every single detail of that magisterial statement your administration fails. The non-European people of Rhodesia are by your law denied every one of these rights which are theirs as from nature.

No wonder the oppressed people, made marginal to society in their own country, have welcomed and continue to welcome those whom they call "freedom fighters" and whom you call "terrorists." This is readily understandable. It is understandable too that such a force should have arisen and that it should daily be on the increase. Your oppression has called it into existence and given the young men and women who belong to it an attractive cause to espouse. They feel themselves compelled in conscience to fight for the elimination of all the discrimination which has degraded their people and made them second-class citizens in the land of their birth.

While I say this I must make it absolutely clear that, as in the past, I deplore and denounce with all the power which I have to command, all acts of violence which may have been perpetrated by these or by any other individuals or groups. The church can never condone such violence, no more than it can turn a blind eye to its causes. At the same time I must repeat—no matter what the consequences for myself—that the institutional violence sanctioned by your administration and made respectable by acts of Parliament, is itself the root cause of most of the physical violence which Rhodesia has experienced during the past ten years.

Prescinding from the long-standing discrimination practiced against the non-white population of this country, and lest I should seem to speak in vague generalities, let me record here some of the grave injustices which your administration has introduced since it came to office. Oppressive legislation has been multiplied, even when publicly rejected by your own Senate Legal Committee. The African civilian population has been clearly made to feel that it is now the deliberate targets for what would normally be called "the forces of law and order." The army and police have been officially accorded excessive powers and guaranteed indemnity against the abuse of them. Approval has been granted for the bombing and destruction of villages, even though these should contain innocent people. Obstacles of all kinds have been placed in the way of those who seek either legal justice or compensation for death or brutal treatment or loss of property. The media of communication have been placed almost under the control of one political party, your own, and are manipulated constantly to suppress or to distort the truth.

Nor is this all: In a state which claims to be democratic, people are restricted or imprisoned without trial, tortured or tried *in camera*, put to death by secret hanging, and justification for all this barbarity is sought by you in the name of Christianity and of Western civilization and for what you call the "maintaining of Rhodesian standards." Surely this is the final absurdity!

In spite of their limited vision and of their consequent denial of integral development to all the people of Rhodesia, the efforts of previous governments had indeed brought many of the benefits of Christianity and of Western civilization to this country. You, however, by your total insensitivity to the rights of the human person and by your inability to read the signs of the times, have undone much of what had previously been accomplished. Yet you refuse to recognize your sorry condition and appear satisfied to continue your oppressive policies even though they should bring ruin to Rhodesia. Your reaction to the recent Quenet Report on Racial Discrimination is eloquent proof of this.

Over the years and as a matter of principle the Catholic Church has had to refuse to practice racial segregation in its schools and hospitals or to limit to the percentage laid down by your administration, the service of Christian charity which is commanded of it by the gospel. Today an equally important decision will have to be taken whenever or wherever the charity of the church is sought by those who are in conscience opposed to your regime. Have not those who honestly believe that the fight for the basic human rights of their people a justifiable claim on the church for the spiritual administration of the clergy? How can one counsel loyalty and obedience to your ordinances when to do so is tantamount to giving approval to the manifold injustices you inflict? To keep silence about one reign of oppression in order the better to combat what you alone consider to be another, is wholly unacceptable.

If intensification of racial hatred, widespread urban guerrilla activity, increased destruction of property and fearful loss of life are to be avoided; if the whole subcontinent of Africa is not to be engulfed in a cruel war, you must without delay change your present tragic course of action. To continue Pope Paul's remarks: "As long as the rights of all the peoples, among them the right of self-determination and independence, are not duly recognized and honored, there cannot be true and lasting peace, even though the abusive power of arms may for a time prevail over the reactions of those opposed. . . . All men must participate in the life of the nation. Power, responsibility and the decision making cannot be the monopoly of one group or race segment of the people." Undoubtedly this will involve for some the sacrifice of privileges based solely on race, but being a work of justice it should eliminate the sources of discontent and violence and bring about that peace that we all long for.

It is up to you to give the lead. The fate of Rhodesia and its people is in your hands.

APPENDIX 6

OPEN LETTER TO SECRETARY OF STATE HENRY KISSINGER, FROM REV. JAMES S. RAUSCH, GENERAL SECRETARY, UNITED STATES CATHOLIC CONFERENCE

UNITED STATES CATHOLIC CONFERENCE,
Washington, D.C., April 7, 1976.

HON. HENRY A. KISSINGER,
*Secretary of State, Department of State,
Washington, D.C.*

DEAR MR. SECRETARY: In view of recent events on the African continent, which threatens to become a battlefield on which great powers confront each other, I feel compelled to express to you my views on American policy vis-a-vis Africa. As you have frequently stated in your public remarks, the attitude assumed by the United States is of critical importance to the development of events in Africa, and to the prospect of global peace as well.

In my view, it would be a great mistake for us to view events of the African continent only in terms of a balance of power and influence against the U.S.S.R. It is certainly true that an essential element of communism is a compulsion to spread itself; both the U.S.S.R. and the Peoples Republic of China (P.R.C.) have been active in several African nations. Their motives have been, at least in part, competing with each other, and the establishing of their respective ideologies whenever and wherever the situation was suitable.

One lesson seems clear from the African experience: even when African nations speak of adopting a socialistic economic system, they are not proclaiming loyalty to the U.S.S.R. or to the P.R.C. Still less are they desirous of becoming satellites or clients of these or any other nations. The record of failure of both the Russians and the Chinese in this regard serves as a warning that the United States, likewise, will not be able to dominate African nations.

As we know, most of these nations have achieved their independence within the past twenty years, some of them only after struggle and bloodshed. None of them is anxious to give up that political independence; all are concerned to establish it more firmly by achieving economic independence and stability. To do this, they must overcome the handicaps resulting from a colonial economic system; they need cooperation and assistance from more prosperous nations. The urgency of these needs in nations suffering from hunger, poverty and illiteracy makes them willing to accept assistance on favorable terms from any quarter—communist, democratic, non-aligned. For the United States to be of assistance in attaining these objectives would be of lasting value to African nations, and to the United States itself, and a significant contribution to world peace.

This last point follows, I believe, because African nations should not be seen merely as beggars or beneficiaries; most of the continent is richly endowed with potential resources, the development of which will be of value to the United States and other industrial nations. One thinks particularly of minerals, whose presence in Africa is known, but whose utilization has scarcely begun.

All of this indicates that Americans should deal with African nations primarily in terms of African objectives and African needs, not as appendages to the superpowers' struggle. Inevitably the global balance of power and influence will affect certain decisions and tactics. Our African policy, however, should not regard these countries as pawns in a larger struggle.

Such a policy is of particular relevance where Southern Africa is concerned, and I feel that it is appropriate to address some specific aspects of the problems in that area. The selection of the Republic of South Africa and Rhodesia as targets for comments here does not imply that I am unaware of, or condone, gross violations of human rights and social justice elsewhere on the African continent.

Nevertheless, the paramount fact is that the two governments involved, the Republic of South Africa (R.S.A.) and Rhodesia, have been almost universally

condemned by other nations, including our own. This condemnation is based on moral grounds, not political concerns alone. Hence one finds unanimity among Communist and non-Communist alike in refusing to recognize the white settler government in Rhodesia. Hence, also, the universal demand that the R.S.A. remove itself from control of Namibia, which it has held in defiance of the United Nations and the World Court for nearly ten years. And, finally, in the R.S.A. itself, its policy of apartheid has evoked protests and reprobation from almost every other government in the world.

The second fundamental fact that we Americans are called to accept is the high priority given by African nations to the liberation of the black majorities in the R.S.A., Rhodesia, and Namibia. Only a few years ago, U.S. policymakers predicted stability for the white regimes in Southern Africa for the foreseeable future, despite the evident movement over several decades all over the continent for decolonization and liberation. Their foresight, which was the foundation of a "tilt" toward support of the minority regimes in U.S. policy, was shattered by the withdrawal last year of Portugal from Mozambique and Angola. Now the two governments of these countries, along with the governments of many other African nations, have proclaimed their intention to work toward majority governments in the three nations still under minority control.

Admittedly, acceptance by the United States of this priority and this goal is made difficult because of the intervention in Angola of money and military equipment from the U.S.S.R. and of fighting forces from Cuba. Americans do not view with favor either an expansion of the Russian sphere of influence, or any threat to European and American security which may be posed by Communist influence in Southern Africa. Nevertheless, these views which are supported by many informed Americans must not lull us into support, covert or open, of the regimes in the Republic of South Africa or Rhodesia. My reasons for drawing this conclusion are these:

1. Giving support would amount to connivance in, and approval of, the morally unjust and reprehensible systems which prevail in these countries. No amount of denials would outweigh the evidence provided by U.S. support. In the view of the African nations, the continued repression in Southern Africa is far more blameworthy than any intervention by the U.S.S.R. or Cuba.

2. The long-run future of U.S. relations with African nations may depend heavily on our present stance vis-a-vis the R.S.A. and Rhodesia. African leaders have stated this openly; it is our own mistake if we ignore the warnings.

3. The liberation movements are legitimate expressions of the peoples' desire for human rights, as was the movement toward American independence two hundred years ago. The United States has the possibility of regaining respect and leadership in the non-aligned nations, if it were to support efforts toward freedom; and, on the contrary, it loses respect and potential for leadership when it supports, even passively, oppressive regimes.

To be more specific, it would seem highly important that the Administration take the following measures immediately:

1. Urge the Congress to provide economic support to Zambia and Mozambique. Both are nations whose people stand to suffer severely for their refusal to do business with Rhodesia. Zambia is already regarded as a nation with a responsible government, friendly to the United States; assistance to Mozambique might be seen as an appropriate act in justice to implement the U.N. sanctions against Rhodesia, and would offer Mozambique's government an alternative to dependence on help from communist nations.

2. Give unequivocal assurance to the governments of Rhodesia and the Republic of South Africa that they can expect no U.S. assistance—military, economic, or even moral support—until the black majorities have been brought into full participation in the respective governments.

3. Urge the Congress to repeal the Byrd Amendment, which allows the importation of chrome ore from Rhodesia. Such importation puts the United States in violation of the economic sanctions against Rhodesia and, in the eyes of Africans, indicates insincerity in the statements our government may make about justice for black Rhodesians.

4. Use every available means to restrict and discourage U.S. business and investment in Rhodesia, Namibia, and the Republic of South Africa. Most especially, present restrictions on the Import-Export Bank regarding transactions involving South Africa should not be relaxed in any way.

5. Make clear to the governments of African nations, those existing now, and those who may come into being through changes in Southern Africa, that the

U.S. government and U.S. firms doing business there, will not engage in attempts to destabilize governments, to corrupt officials by bribery, or to interfere in the elective processes.

While it is clearly necessary that substantial movement toward majority government is immediately imperative, being already long overdue, it is also necessary that the rights of the white minority in Rhodesia, Namibia, and R.S.A. be respected. They, too, are citizens, and can be expected to make valuable contributions to the future development of just and prosperous societies in their respective countries. The United States government would do well to assure both black and white citizens of its support of such development, and to seek the support of other nations for them in the difficult but inevitable period of transition.

All of these steps together would proclaim to the world that the United States intends, in this bicentennial year, to put the weight of its influence on the side of freedom rather than repression in Southern Africa. They would indicate to other African nations that American indifference to, or neglect of, African aspirations, is at an end. They might also have the additional good effect of warning other nations where political oppression prevails, that the United States still has values which transcend political, military, and economic interests. Additionally, and perhaps of greater importance in the long run, African nations would have concrete evidence that the United States respects and supports them in their concerns for independence, development, and freedom.

Because of the public interest in these matters, I plan to make the substance of this letter public. I will be grateful to receive any comments you may care to make.

Sincerely yours,

Most Reverend JAMES S. RAUSCH,
General Secretary.