WITHDRAWAL SHEET
Ronald Reagan Library

Collection: Baker, Howard H. Jr.: Files
OA/Box: Box 4
File Folder: South Africa

Archivist: kdb
FOIA ID: F1997-066/6, D. Cohen
Date: 08/10/2004

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. note	Ken D. to HHB re attached memo, 1p [Item is still under review under the provisions of EO 13233]	6/24/87	
2. memo	Michael Armacost to H. Baker re state and local South Africa measures, 2p R 2/26/08 NLRLF97-066/6 #168	6/23/87	~~B1~~
3. memo	Melyyn Levitsky to Frank Carlucci re same topic as item 2, 2p R " " #169	6/18/87	~~B1~~
~~4. letter~~	~~George Shultz to Edwin Meese re South Africa, 2p~~ R 3/17/06 F97-066/6 #170	~~5/28/87~~	~~B1~~
~~5. letter~~	~~Shultz to Meese, 1p~~ R " " #171	~~4/8/87~~	~~B1~~
~~6. letter~~	~~Shultz to Meese, 3p~~ R " " #172	~~2/19/87~~	~~B1~~
~~7. memo (3863)~~	~~Herman Cohen and Paul Schott Stevens to Carlucci re local anti-apartheid statutes, 4p~~ R 2/2/12 F97-066/6 #173	~~5/21/87~~	~~B1~~
~~8. memo~~	~~H. Cohen to Carlucci re proposed trip to South Africa [w/notations], 3p~~ R 5/24/11 F97-066/6 #174	~~6/13/87~~	~~B1~~

RESTRICTIONS

B-1 National security classified information [(b)(1) of the FOIA].
B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
B-3 Release would violate a Federal statute [(b)(3) of the FOIA].
B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].
B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA]
B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].
B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].
B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].
B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].
B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

C Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

HHB 6-24-87

We should strongly recommend against federal participation in challenging these measures -- the Baltimore case, e.g.. Political fireston could be immense. State won't like this position but domestically State's position would [redacted] wound us severely.

Suggest you tell Carlucci.

Ken D.

CONFIDENTIAL

United States Department of State

Under Secretary of State
for Political Affairs

Washington, D.C. 20520

June 23, 1987

MEMORANDUM FOR HOWARD BAKER

Subject: State and Local South Africa Measures

On May 5, Colin Powell chaired a PRG on the subject of federal participation in lawsuits challenging the constitutionality of state and local South Africa measures. Evidence shows that these measures have been a major factor behind the growing exodus of US firms from South Africa.

The consensus of the PRG was that, without federal participation in such challenges, the effect of these measures and other similar laws targeted at other countries will be the erosion of the federal government's constitutional authority and ability to conduct a coherent foreign policy and the undermining of our reputation as a reliable partner in international trade and investment. The Attorney General, however, believes such federal involvement would be politically unwise, and, I understand, has recommended to the President that Justice stay out of a current court case in Baltimore, while reserving the option to intervene at the appeals stage.

The Secretary has written to the Attorney General on several occasions concerning this issue, most recently on May 27, to express the State Department's position (attached). The Congress specifically considered and rejected language in the Anti-Apartheid Act that would have approved the enforcement of such state and local measures. The importance of asserting the federal preemptive effect of the Act was reaffirmed by the President (on May 7, 1987) in NSDD 273 on US Policy toward South Africa.

On June 18, a Levitsky-Carlucci Memorandum was sent to the NSC reiterating the State Department's views and asking for a prompt decision as to federal government participation in challenging these measures. A prompt decision is required because the only challenge to a state or local South Africa law is now in the closing phases of trial in Baltimore. The Baltimore case presents an excellent opportunity for the federal government to make its position known (without

initiating a lawsuit on our own). The State Department and the Justice Department have been asked several times by the Baltimore plaintiffs for the federal government's views on the constitutionality of Baltimore's divestment law or, at the very least, for our assessment of the impact of the law on the conduct of US foreign policy.

MA

Michael H. Armacost

CONFIDENTIAL

United States Department of State

Washington, D.C. 20520

June 18, 1987

MEMORANDUM FOR MR. FRANK L. CARLUCCI
THE WHITE HOUSE

Subject: State and Local South Africa Measures

United States interests argue strongly in favor of challenging state and local measures which seek to affect the conduct of our foreign policy. Measures have been adopted thus far by various states and localities dealing with arms control, Central America, immigration, the Soviet Union, and Northern Ireland. By far the largest number of state and local measures, however, concern South Africa. If such measures remain unchallenged, they will lead to the erosion of the federal government's constitutional authority and ability to conduct a coherent foreign policy and undermine our reputation as a reliable partner in international trade and investment.

This is particularly true with respect to the many state and local divestment, procurement, and other measures against U.S. firms doing business in South Africa. These state and local measures penalize even those U.S. businesses that comply fully with existing federal sanctions against South Africa. These measures run directly contrary to our policy of encouraging U.S. firms to remain in South Africa and to work to promote social and economic change in that country. This policy was recently reaffirmed by the President in NSDD-273 on U.S. policy toward South Africa.

Solid evidence shows that state and local South Africa measures have been the major force behind the growing exodus of U.S. firms from South Africa. Approximately one-third of the 307 U.S. firms in South Africa in 1985 have now departed. The economic effect of these departures has been to cut the value of U.S. direct investment by more than 50 percent in the last two years.

We believe that these South Africa-related state and local measures cannot be justified under the Constitution. These measures directly intrude upon the successful conduct of foreign affairs by the federal government. They clearly interfere with the flow of foreign commerce. Finally, enforcement of many of these measures appears to be preempted by federal law, particularly the Comprehensive Anti-Apartheid Act of 1986. The President recognized the need for the federal government to assert its constitutional prerogative in this area in NSDD-273, in which he pledged that the Executive Branch would actively pursue enforcement of the federal preemption provisions of the Comprehensive Anti-Apartheid Act.

There is only one private lawsuit currently being heard to challenge the constitutionality of a state or local South Africa measure. That challenge is taking place in Baltimore, where a group of beneficiaries of the city's public pension funds are seeking to have Baltimore's divestment ordinance declared unconstitutional.

This case presents an excellent opportunity for the federal government to make its position known. Federal participation in the Baltimore case need not be accomplished through direct federal intervention as a party. Our involvement could be limited, for example, to the filing of an amicus brief or other statement of Administration views (such as a letter) in support of the case presented by the Baltimore plaintiffs or on a particular issue such as the impact of the ordinance on U.S. foreign policy.

If we are to act in the Baltimore case, however, it must be done quickly. A hearing has already been held on the main constitutional issues in the case. The case will go to trial of June 22 on two related contract issues. It is thus imperative that the Justice Department make a decision as soon as possible on whether to take any action in the case.

Inaction by the federal government at this point will help to drive remaining U.S. firms out of South Africa, especially in light of Reverend Sullivan's recent call for disinvestment. Inaction will also seriously damage our credibility with the U.S. business community. Many leading businessmen have already expressed disappointment at the Administration's apparent lack of enthusiasm for challenging such state and local measures in the courts and believe that the federal government is not supporting them in their effort to remain in South Africa, as the President has encouraged them to do.

We would appreciate your prompt attention to this matter. As you are aware, a PRG was held on May 5 specifically to address the issue of federal participation in lawsuits challenging the constitutionality of state and local South Africa measures. We believe that it is now time for the Administration to decide whether federal action would be appropriate to challenge these measures.

Melvyn Levitsky
Executive Secretary

THE SECRETARY OF STATE

WASHINGTON

May 28, 1987

Dear Ed:

I believe you are aware that on May 5 the NSC convened a Policy Review Group on the question of federal intervention in lawsuits challenging state and local South Africa measures. I understand that all of the participants in the PRG agreed that such intervention is legally justifiable and would be supportive of Administration policy.

As you know, we feel that U.S. interests argue strongly in favor of challenging state and local measures which seek to affect the conduct of our foreign policy, whatever the foreign country involved. If these measures remain unchallenged, state and local authorities will be able to erode the federal government's constitutional authority and ability to conduct a coherent foreign policy.

This is particularly true with regard to the many state and local measures on South Africa, which penalize even those U.S. businesses that comply fully with existing federal sanctions against South Africa. These measures run directly contrary to our policy of encouraging U.S. firms to remain in South Africa and to work to promote social and economic change in that country.

I do not believe that federal intervention in lawsuits challenging these South Africa measures would be politically harmful. The Congress specifically considered and rejected language in the Comprehensive Anti-Apartheid Act of 1986 and other legislation that would have approved the enforcement of such state and local measures. Further, attitudes may be changing, even among the strongest opponents of apartheid in this country, on the wisdom of forcing U.S. firms to disinvest from South Africa.

The Honorable
Edwin Meese III,
Attorney General

In any event, we should be able to stress that any federal involvement in legal challenges to state and local South Africa measures is part of a general policy of opposition to unconstitutional actions by states and localities to direct the conduct of U.S. foreign relations. In this respect, our focus need not only be on South Africa measures: we could, for example, intervene in a coordinated manner against similar state and local actions directed against Northern Ireland.

Federal participation in challenges to these South Africa measures need not always be accomplished through direct federal initiation of lawsuits. Our involvement could be limited, for example, to encouraging the initiation of lawsuits by private plaintiffs and to indicating the willingness of the federal government to support these challenges through the filing of amicus briefs.

The only private legal challenge currently taking place is being heard in Baltimore, where a private plaintiff is seeking to have that city's divestment ordinance declared unconstitutional. I understand that if we are to intervene in the Baltimore suit or provide other assistance to the Baltimore plaintiffs, it must be done quickly. I therefore believe that the issue should be presented to the President for his consideration as soon as possible.

I look forward to hearing from you soon.

Sincerely yours,

George

George P. Shultz

THE SECRETARY OF STATE

WASHINGTON

April 8, 1987

Dear Ed:

Thank you for your recent response to my letter concerning state and local divestment and other punitive measures against U.S. firms doing business in South Africa. I am glad that you agree that these measures deserve the immediate, coordinated attention of the Executive Branch. I was particularly pleased to hear recently from Judge Sofaer that Deputy Attorney General Burns has now reported to you on this subject.

United States foreign policy interests argue strongly in favor of intervening in lawsuits challenging the constitutionality of state and local measures which attempt to affect the conduct of our foreign policy, regardless of the foreign country involved. This is particularly true with regard to many state and local South Africa measures, which penalize even those U.S. firms that comply with fair employment standards and other restrictions now required under federal law. These state and local measures run directly contrary to our foreign policy interest in encouraging U.S. firms to remain in South Africa and to use their influence to promote change in that country.

I would like once more to affirm my belief that the federal government should take action immediately against such state and local measures. I understand that our departments have not yet sorted out which categories of cases are suitable candidates for federal intervention. The case currently being heard in Baltimore challenging that city's divestment measure presents a timely opportunity for the federal government to make its constitutional position known. I strongly suggest that, as a first step, the federal government move promptly to intervene in that case, while we work out any differences on other types of cases appropriate for federal intervention.

I look forward to hearing from you soon.

Sincerely yours,

George P. Shultz

The Honorable
Edwin Meese III,
Attorney General.

Office of the Attorney General
Washington, D. C. 20530

24 March 1987

Dear George:

Thank you for your recent letter explaining your views on state and local divestment laws aimed at corporations and financial institutions doing business in South Africa. I fully agree that these laws deserve the immediate, coordinated attention of the Executive Branch.

Since receiving your letter, our Department has been reviewing this matter and has obtained a variety of views. My Deputy, Arnie Burns, has been heading up this project, and he is working closely with the relevant components of the Justice Department to formulate a Departmental position on the constitutional and other issues. Also, I recently heard from Mac Baldrige on this issue.

Richard Willard, Assistant Attorney General for the Civil Division, is our Department's point of contact on these issues. I know that he has been working closely with Judge Sofaer. We will continue to work together with the State Department to complete this project and reach a total Executive Branch determination on this matter.

With kindest regards,

Sincerely,

Edwin Meese III

The Honorable George P. Shultz
Secretary of State
2201 C Street, N.W.
Washington, D.C 20520

THE SECRETARY OF STATE
WASHINGTON

February 19, 1987

Dear Ed:

At least twenty states and eighty muncipalities have adopted divestment, procurement, and other punitive measures against U.S. firms doing business in South Africa. Several state and local jurisdictions have also recently adopted other measures affecting foreign affairs, including measures dealing with arms control, Central America, immigration, the Soviet Union, and Northern Ireland.

These measures are of great concern to me and to the long-term interests of this nation in speaking with one voice in foreign affairs. They frequently frustrate the achievement of important foreign policy objectives. This is particularly true with respect to South Africa. It remains the consistent policy of the Administration to encourage U.S. firms to use their influence to promote change in South Africa and to maintain an active presence in that country. By encouraging the withdrawal of U.S. firms, state and local divestment and procurement measures directly conflict with a crucial aspect of this Administration's policy toward South Africa.

The Department of State believes that these state and local measures relating to South Africa cannot be justified under the Constitution. These measures directly intrude upon the successful conduct of foreign affairs by the federal government. They clearly interfere with the flow of foreign commerce. Finally, enforcement of many of these measures appears to be preempted by federal law, particularly the Comprehensive Anti-Apartheid Act of 1986.

The Honorable
Edwin Meese III,
Attorney General.

We do not accept the proposition that state and local governments have a legitimate role in enacting legislation designed to influence or punish the conduct of U.S. persons overseas or for the purpose of affecting foreign affairs or foreign commerce. These matters are reserved for the federal government under the Constitution.

We have refrained from making our conclusions public because of a desire to ensure that the Executive Branch is united on this issue. Our public comments have instead been limited to the statement that such state and local measures raise serious issues under the Constitution. Because of our concern for a coordinated Executive position, we first asked for the assistance of the Justice Department in the spring of 1985.

There have been a number of exchanges since then, but Justice has yet to respond to our requests for its evaluation of the constitutionality of these state and local measures and its judgment as to what action by the U.S. Government would be appropriate. I have enclosed a copy of correspondence on this matter between the Deputy Secretary of State and the Deputy Attorney General and between the Department's Legal Adviser and the Assistant Attorney General for the Civil Division.

The inability to develop a coordinated view over a period of nearly two years has been a source of disappointment to me. When state and local measures relating to South Africa were discussed in the Congress during consideration of the Comprehensive Anti-Apartheid Act, Congressional leaders expressed frustration that the Executive Branch had not spoken on the issue. Nonetheless, they were able to make significant contributions in this area by repeatedly defeating measures that would have permitted state and local action in the field of foreign policy.

Because of the significance of this issue for the Administration's successful conduct of foreign relations, I believe it is extremely important that the Justice Department provide its definitive views at this time on the constitutionality of these state and local measures. These measures have been a major force behind the growing exodus of U.S. firms from South Africa. Several leading businessmen have expressed disappointment at the Administration's lack of enthusiasm for challenging such measures in the courts and believe that the federal government is not supporting them in their effort to remain in South Africa as the President has encouraged them to do.

We believe that the Justice Department should initiate legal actions to challenge such state and local measures on constitutional grounds and support private challenges to such measures. Significant challenges could be made in New Jersey, California, and New York City (where a procurement ban is scheduled to enter into force on March 1). Moreover, it has recently come to our attention that a lawsuit has been filed in a Maryland state court challenging the constitutionality of Baltimore's divestment ordinance, in part on Supremacy and Commerce Clause grounds. We believe that this case presents an immediate opportunity for the U.S. Government to make its constitutional position known.

I would appreciate your prompt attention to this matter. Judge Sofaer would welcome the opportunity to discuss these issues further with those in Justice who will have responsibility for this matter and to provide our substantive views in greater detail. We look forward to hearing from you soon.

Sincerely yours,

George P. Shultz

NATIONAL SECURITY COUNCIL
WASHINGTON D.C. 20506

~~CONFIDENTIAL~~ 3863

May 21, 1987

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS SIGNED

SUBJECT: Local Anti-Apartheid Statutes

Attached are draft memoranda to Mr. Carlucci and the President, which I am sending informally for your views. I would appreciate your thoughts about these drafts, and about how or whether this matter might be coordinated with Frank Donatelli, Ken Cribb or Ken Duberstein prior to being pursued with Mr. Carlucci.

Alison Rosenberg concurs.

RECOMMENDATION

That you approve the attached memoranda.

Attachments

Tab I Memorandum to Mr. Carlucci

Tab II Memorandum to the President

~~CONFIDENTIAL~~
Declassify on: OADR

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 21, 1987

ACTION

MEMORANDUM FOR FRANK C. CARLUCCI

FROM: HERMAN J. COHEN
for
PAUL SCHOTT STEVENS SIGNED

SUBJECT: Local Anti-Apartheid Statutes

The PRG met on May 14, 1987, to consider the disagreement between the State and Justice Departments regarding the Administration's response to local statutes affecting both the substance and conduct of our foreign policy. Because of the political ramifications of the question, it was the PRG's recommendation that presidential guidance be obtained on the course Justice and State should follow.

At present, 22 states, 82 cities, and 16 counties have anti-apartheid laws; an additional 14 states and localities are considering such legislation. These laws and bills are more stringent than the Comprehensive Anti-Apartheid Act (the "Act") passed by Congress last year. Typically, they bar public employee pension funds from investing in securities of companies doing business in or with South Africa or restrict bidding on public works projects only to companies that do not do business there. Last year, Justice opined that the Department of Transportation could not disburse federal highway construction funds to localities with such regulations because they violate the requirement of open, competitive bidding. On March 25, 1987, you urged that OMB's Office of Federal Procurement Policy consider taking action to correct the anti-competitive impact of these state and local laws on federally funded procurements. (Tab II)

The Act acknowledged the existence of such local laws, and established a ninety-day grace period in which localities could, without penalty, conform their laws to the Act, and in which the federal government could not force changes in local laws. That ninety-day period has expired. The local laws at issue are inconsistent with the Act and with other federal laws. These statutes have an important economic as well as constitutional and political impact. According to our Embassy in South Africa and the Investor Resource Responsibility Center, a substantial number of American firms have withdrawn from South Africa as a result of state and local anti-apartheid laws, as opposed to the risks of doing business there or any restrictions imposed by the Act.

For example, 142 American firms now retain direct investment in South Africa in contrast to 267 firms a year ago, and 320 firms in 1984. In the case of pension funds, the impact of divestment is great, and corresponds to the economic influence of the funds. The Administration encourages investment in South Africa on the ground that it improves the lot of Black South Africans, and puts pressure on the government to reform its employment practices.

The State Department regards such statutes as unconstitutional infringements on the exclusive federal authority over foreign policy and foreign commerce. State notes that localities have passed statutes addressing relations with the Soviet Union and Great Britain (because of Northern Ireland) as well as South Africa. To preserve federal prerogatives in foreign policy and commerce, to give clear guidance to the corporate community, and to prevent the "Balkanization" of our foreign relations, State recommends that the government intervene in a lawsuit in Baltimore in which the local pension fund is challenging an anti-apartheid law requiring divestment, and generally act affirmatively against similar laws, whatever their content. In the case of South Africa, such actions would be fully consistent with, and provide important support for, Administration policy.

Contrary to earlier indications of its position, Justice now generally agrees with State's legal and foreign policy analysis. However, Justice has declined to take action against the statutes without presidential direction because of the political environment. Intervention likely would be seen to be in favor of South Africa, if not racism itself, rather than in defense of the constitutional order. Criticism of the action could be severe, and could stimulate renewed congressional interest in stronger anti-apartheid legislation.

Commerce shares Justice's concern about the political consequences of legal action against the offending laws, although it also expresses concern about the economic impact on American firms of such laws.

As a result, the first issue for the President's decision, as reflected in the memorandum at Tab I, is whether to direct the State and Justice Departments to take appropriate legal action against local anti-apartheid laws, to affirm that foreign policy and commerce is exclusively a federal matter under the Constitution, and to do so where we can anticipate strong criticism of the action notwithstanding the importance of the constitutional principles Justice and State would defend.

We recommend that the President authorize appropriate legal action against such laws in order to support our South Africa policy and prevent erosion of federal prerogatives in matters of foreign policy and commerce. Appropriate legal action could take a number of forms. With regard to the Baltimore case, the Administration could respond to a request by the plaintiff for a statement of policy towards South Africa and of views on the constitutional question; it could intervene prior to the June 22 date for trial of local law issues; or it could await a decision in the case and the likely appeal such a decision will provoke. Plaintiff already has raised the constitutional issue of concern to the State Department, and the court may find the arguments persuasive. We recommend a positive response to a request for a statement of the Administration's South Africa policy and constitutional views.

A closely associated issue is whether OMB's Office of Federal Procurement Policy (OFPP) should notify heads of federal procuring departments and agencies of the existence of such state/local anti-apartheid laws in order that responsible federal officials take steps to ensure that federal funding provided to state/local governments is not awarded by them on a basis inconsistent with federal law. OFPP's notification would direct federal procurement officials to consult with the Department of Justice as to whether application of such anti-apartheid provisions to disqualify firms from state/local contracts is inconsistent with federal law. Like legal action by Justice, administrative action by OFPP could engender fresh criticism of our South Africa policy and pressure for stronger economic sanctions.

We recommend that the President authorize the issuance of such notification by OFPP.

Alison Fortier opposes legal and administrative action against local anti-apartheid laws on the grounds that it might exacerbate already difficult relations with Congress, and jeopardize other of the President's programs and policies.

RECOMMENDATIONS

That you sign the memorandum to the President at Tab I.

Approve_____ Disapprove_____

Attachments

Tab I - Memorandum for the President

Tab II - Your memorandum to Mr. Miller

~~SECRET~~

SECRET

4513

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 13, 1987

Howard Baker
For your background.
I haven't seen G.S.
memo.

INFORMATION

MEMORANDUM FOR FRANK C. CARLUCCI

FROM: HERMAN J. COHEN

SUBJECT: Should the Secretary of State Travel to Southern Africa

Secretary's Plan

As you are aware, the Secretary of State is proposing to travel to southern Africa for about two weeks beginning July 12 to 15. The scenario calls for a stop in Kinshasa because Mobutu was miffed that he was not included in last January's trip. There would be a major speech on democracy in Africa during a Botswana stop. Stops would also be made in Zambia, Zimbabwe, and Mozambique. There would be a one-day no-overnight stop in Capetown for talks with white and black leaders. Shultz would like to be able to invite the English speaking chiefs of state, as well as Chissano of Mozambique, to call at the Oval Office as a group in connection with the Commonwealth Conference in Vancouver in October.

Background

The Secretary had firm plans to go to southern Africa in October, 1986. Those were cancelled because of the Reykjavik summit. He then made a trip to Africa in January, 1987. Southern Africa was not included at that time because of the run-up to the South African elections. He went instead to some of the more friendly countries like Kenya, Cameroon, Senegal, Liberia, Nigeria, and the Ivory Coast.

A trip to southern Africa in July is being strongly recommended by Assistant Secretary Crocker. He foresees major assaults on our policy from both the left and the right in Congress. He does not want a repeat of last summer's experience where the ball was grabbed by the Congress and the executive branch had to play catch-up on sanctions. He wants the Administration to set the agenda and everyone else to react to it. He feels a trip by the Secretary with a major speech would transform the Administration from a passive to an active mode.

~~SECRET~~

Declassify on: OADR

SECRET

The Pros and Cons of a Southern African Trip

A. What can the Secretary hope to accomplish on such a trip?

-- In his speech and conversations he would be able to articulate a vision of what the USG would like to see happen in South Africa. Such a vision was supposed to be in a Venice declaration which Mrs. Thatcher vetoed. This would bring us to a new stage of policy beyond the anti-apartheid and anti-sanctions rhetoric, both of which have become stale.

-- Visits to the Front Line States would demonstrate support for the countries that are under intense South African military and economic pressure. We would be showing solidarity with them and enhance our image throughout Africa, as well as within the Black American community.

-- In South Africa he could meet with Black leaders and assure them of our continuing intense interest and desire to be helpful. He can also assure President Botha that we want to be helpful as South Africa grapples with reform and power sharing.

B. What are the negative aspects of such a trip?

-- The situation in the region will not change as a result of the Secretary's visit. He will not be in a position to negotiate anything concrete.

-- He would do things which would intensify conservative animosity in the U.S. These would include a visit to Mozambique, and a probable second meeting with Tambo of the ANC in Lusaka. Mugabe of Zimbabwe might beat him about the head over the Contras as president of the Non-Aligned Movement.

-- Depending on what happens in the FY-87 supplemental, he may have to inform his hosts that our aid programs for southern Africa will be a lot less than announced by Peter McPherson in February.

-- Although there are a number of South African related issues starting to stir on the Hill and among anti-apartheid activists, the issue remains relatively quiescent for the time being. Shultz visiting southern Africa might stimulate more attention than we want.

Conclusions

From a foreign policy point of view, the trip would probably result in a net plus for U.S./African relations, with our anti-apartheid credentials enhanced. From a domestic U.S. standpoint, there are possible risks which must be considered. However, it would be naive, in my opinion, to think the South African issue will remain quiescent. It will become noisier and noisier as the year goes on. The key question, therefore, is what image does the Administration want to project on South Africa for the remainder of the President's term? The way it is currently shaping up, Shultz' trip would tend to make that image several notches more militantly anti-apartheid than it is today. If the process ends with the President receiving the Front Line leaders in the White House and making appropriate supportive remarks, we could see a quantum change of image.