

CHARLES E. BENNETT, FLA., CHAIRMAN
LEE H. M. MILTON, IND.
RICHARDSON PREYER, N.C.
JOHN P. MURTHA, PA.
LOUIS STOKES, OHIO
NICK JOE RAHALL II, W. VA.

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

FLOYD D. SPENCE, S.C.
HAROLD C. HOLLENBECK, N.J.
ROBERT L. LIVINGSTON, LA.
WILLIAM M. THOMAS, CALIF.
F. JAMES SENSENBRENNER, JR., WIS.
RICHARD S. CHENEY, WYO.

JOHN M. SWANNER, STAFF DIRECTOR

REPORT AND RECOMMENDATION

Concerning the Staff's Study

of

Alleged Misconduct

by

Members and Employees of the House of Representatives

involving the Republic of South Africa

ADOPTED MAY 14, 1980

A. Raymond Randolph, Jr.
Special Counsel

Robert A. Bermingham
Chief Investigator

Beverley C. Lumpkin
William J. McDonnell
John J. Moriarty
Richard J. Powers
Investigators

H 742-2

The Committee Staff has conducted a study to determine whether, under Rule 13 of this Committee's Rules of Procedure, there is evidence reasonably indicating that any Member or employee of the House of Representatives received payments or travel expenses from the Republic of South Africa in violation of applicable rules or statutes. In March 1979, the Committee directed that this study be undertaken in light of press reports that Eschel Rhoodie, former Secretary of the South African Department of Information, had been in charge of a secret project by the South African government to influence world opinion in favor of his country's policies and that bribery of foreign officials had been an important part of this campaign. The press also reported that Members of Congress had taken trips to South Africa that were funded, directly or indirectly, by the South African government.

During the course of its study, the Staff reviewed records maintained by the Foreign Agents Registration Act Unit of the Department of Justice in order to identify those individuals registered as foreign agents of South Africa since 1973 who might have had contact with House Members or employees and to assess the nature of their activities in this regard. The Staff also researched congressional records, newspaper articles and other publications in order to determine which issues before the House would have been of interest to South Africa and thus which Members, if any, might have been logical recipients of South African favors or pressure. In addition, the Staff established and maintained liaison with the Department of State, the Department of Justice and the Central Intelligence Agency.

The Staff also obtained English translations of findings by a three-member commission formed by the South African government. Headed by Justice Rudolf P. B. Erasmus, the "Erasmus Commission" issued three reports during 1978 and 1979,

the last of which was released in May 1979. Most of the Erasmus Commission's findings pertained only to internal South African affairs and generally consisted of commentaries on the evidence without disclosing the underlying documents or testimony the Commission had relied upon. The Erasmus Commission Reports did reveal, however, that over a five-year period (1973-1978), the South African Department of Information spent \$73 million on 160 to 180 secret projects designed to influence world opinion in favor of South African policies and that at least one of these secret projects was the Foreign Affairs Association (FAA), a front organization established for the purpose of sponsoring trips to South Africa by, among others, American politicians.

Individuals questioned by the Staff included persons presently and formerly associated with the House of Representatives who made expense-free trips to South Africa; officials of the South African government assigned to South African diplomatic establishments in the United States since 1968 and knowledgeable about South African intelligence and security activities; current and former officials of the South African government who were either involved in the secret projects of the Department of Information or who conducted investigations relating to those projects; and former officials of the now-defunct Foreign Affairs Association (FAA).

On the basis of the information developed during this study, which has been presented to the Committee in Executive Session, the Staff recommends against the institution of a preliminary inquiry under Rule 11 of the Committee's Rules for the following reasons.

None of the evidence gathered by the Staff indicates that bribes were paid to Members or employees of the House of Representatives in connection with

the South African influence campaign. Indeed, although there have been broad charges that Western parliamentarians and United States citizens were bribed, the Staff is aware of no allegations that House Members or employees were among those involved in bribery or attempted bribery by the South African government.

With respect to travel, the Staff has established that in 1974 six House employees took a trip to South Africa that appears to have been funded directly by the South African government. The Staff also has determined that from 1973 to 1978 at least thirteen Members and eleven employees travelled to South Africa at the expense of an ostensibly private South African organization or individual. The evidence available to the Staff indicates that this private South African organization -- the ~~name~~ -- was in fact a front for the South African Department of Information and that it was formed for the purpose of circumventing restrictions on Congressional travel at the expense of foreign governments, as those responsible for its organization and operation admitted to the Staff. It also appears that Werner Ackerman, the ostensibly private South African businessman who sponsored two Congressional trips to his country, was used and funded by the South African Department of Information for the same purpose.

Although during the period in question (1973 to 1978) there were significant changes in the rules governing the acceptance of gifts of travel from foreign governments and foreign nationals, it has never been permissible for a Member or employee to allow a foreign government to pay for his travel from the United States to the foreign country and back. With respect to the trips sponsored by fronts for the South African Department of Information,

however, the available evidence indicates that the sponsors did not disclose the true source of their funding to the Members and employees who travelled to South Africa.

In these circumstances, the Staff believes that further action by this Committee would not be warranted. As has been noted before, common sense and the legislative history of the Code of Official Conduct lead to the conclusion that an essential predicate for finding a violation is knowledge by the recipient of the gift that it came from an improper source. House Committee on Standards of Official Conduct, Manual of Offenses and Procedures, Korean Influence Investigation, 95th Cong., 1st Sess., at pp. 30-31 (1977). Moreover, with respect to most of the trips in question, it appears that an effort was made in order to determine whether it was proper for the Members or employees to accept travel expenses from the particular South African organization or individual.

Accordingly, the Staff believes that the information developed in the course of this study is not sufficient to warrant further proceedings under Rules 13 and 11 of this Committee's Rules of Procedure.