EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH EDWARD M. KENNEDY

Interview 27

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Interviewer
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TRANSCRIPT

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Young: This is a new segment of the January 7 interview, which is basically on foreign trips, with reference to civil rights at home and abroad.

Kennedy: President [Ronald] Reagan was elected. In 1982, we were faced with the extension of the Voting Rights Act, and to the great disappointment of many of us, Attorney General William French Smith and the Reagan administration opposed it because of what they called the "effects test," the effects of various statutes that resulted in discrimination. They wanted an extension that required an "intent test" that suggested that you had to prove discrimination on the basis of the intention of those who actually passed the legislation.

That would have undermined the whole thrust of the Voting Rights Act. It had been broadly interpreted to be an effects test, although there had been a decision—I think it was the Birmingham case—that suggested that when we passed the Voting Rights Act back in 1965 we intended an intent test, which was not the case, and the courts had not ruled that way for a long time. Very important progress had been made.

So we faced a major civil rights issue at that time, and the extension of the Voting Rights Act was very much up in the air. The Voting Rights Act was the key civil rights issue of the early '80s, and it took a great deal of focus and attention. It initially passed the House, and we picked up the required numbers in the Senate. But even though it passed comfortably in the Senate, it was much in doubt towards the end of consideration in the Judiciary Committee.

That was a warning about where the Reagan administration was coming down on civil rights. People were aware that Reagan had made a speech about states' rights at the start of his campaign in Mississippi, at the place where [Michael] Schwerner, [Andrew] Goodman, and [James] Chaney had been killed, and they worried that this was a signal to whites in the South that his administration was going to respect states' rights and be less sympathetic to civil rights. That was certainly the understanding of many of us.

We were also facing a Justice Department with [William Bradford] Brad Reynolds and the current Chief Justice, [John] Roberts, who were arguing for what they called the *Grove City* case, which the Supreme Court had decided along with the *Ward's Cove* case. In the 7-2 *Grove City* decision, the Court said that Grove City College could accept federal funds and use them—effectively, in discriminatory ways—as long as they didn't discriminate in the financial aid

office. That was startling to the civil rights community, who believed that Title VII of the Civil Rights Act assured that federal taxpayers' money was never going to be used in support of any federal activity that supported discrimination.

It took a long time to reverse those cases—two or three years on the floor of the Senate. The issues of civil rights were very much alive domestically, and it was about this time, in late October, 1984, that Desmond Tutu and Allan Boesak visited me to urge me to come to South Africa.

South Africa had gone through a series of violent circumstances: the Sharpsville massacre in 1960, and the increasing intensity of the apartheid movement, the development of the ANC [African National Congress] in the early 1980s, and the arrest of [Nelson] Mandela in the early 1980s. British Prime Minister Harold Macmillan had gone to South Africa and talked about the winds of change and about the dangers of apartheid, but it was becoming more and more apparent that the iron fist was being used in South Africa.

There was the arrest and murder of Stephen Biko. So South Africa was turning into a red-hot cauldron, and it was in this atmosphere that Boesak and Tutu asked me to come there and speak and identify with the moderate forces that believed in ending apartheid and moving towards integration. Black nationalist forces in South Africa were strongly opposed to integration and were strongly against apartheid. I think they were called SWAPO [South West Africa People's Organization], and they were not unlike the black militants here in the United States. So you had that sort of similarity.

I was very hesitant to go, primarily because I could still hear the echoes of my brother Bob's [Robert F. Kennedy] trip, from '66 to '67, which was enormously successful in terms of taking on the problems of racism. He got an incredible reception and was very well received. He made a great impression on the white leadership that was for knocking down Beyers Naude, one of the great anti-apartheid leaders with Boesak and Tutu, and a number of other very courageous leaders. I think the leader of the student movement in one of the colleges where Bob spoke was Margie Marshall, who's now the Chief Justice of the Massachusetts Supreme Court and married to Tony Lewis. That trip was an extraordinary, powerful success, and for all the right reasons. Robert Kennedy was the right person at the right time to make the right speeches, and he had the right schedule and interaction with the students and with the leaders there.

The question is whether going to South Africa was the right thing to do at a time when there was increasing attention on the problem in the United States and internationally. There were a couple of important movements. One was the beginning of the anti-apartheid movement here and Randall Robinson, who was very much involved. Then there was the pastor from Philadelphia who believed in constructive engagement. (He's in that book.)

I told Tutu and Boesak I'd think about it. They made a very appealing case, and I was leaning towards going. Subsequently, Tutu won the Nobel Prize and was back in touch with us, and we decided to go.

Young: He won the prize in December, I think, or maybe November.

Kennedy: He received it in the fall of that year, and we went at the beginning of the next year, '85. There were many memorable moments on that trip. One was arriving in South Africa and spending the night in Soweto, at Desmond Tutu's home. I slept in his bed, and right next to me on the table was the Nobel Peace Prize. He invited the choir from his church to come, because they knew I'd be tired. The choir of the church sang these soft, soft songs to lull me to sleep, and he stayed up all night in the chair to be with the choir as they sang. Finally, when the dawn light came, they all departed and he slept for an hour or two in the chair, until we got up to have coffee and go on our way.

Soweto is an area where there are no whites, and it was a very powerful bonding with him at the beginning of this extraordinary trip.

The trip included a meeting with Winnie Mandela, which I talked about earlier in these discussions, and a big rally where I spoke when they wouldn't quiet down. We also met with labor leaders, primarily the heads of the mining unions. We went through Soweto, the shantytowns, and saw the desperate conditions people lived under. We met Cyril Ramaphosa, the leader of the miners, a very impressive individual. You can understand why he's an imposing figure.

We traveled out in the country and met Winnie Mandela and [Mangosuthu] Buthelezi, who was on the outs; he had his own agenda. I had met him here in the United States years before, introduced by this wonderful person who was the specialist on Africa. He had gone to Britain with me to meetings we had on Africa.

I'm getting away from the subject now, but there are these Ditchley conferences with U.K. parliamentarians. They invited Americans, and I went to probably three of them. This ties back to my earlier trips to Africa. My brother had suggested I go, saying that Africa was going to be an important continent. So I kept up my interest in the issue of apartheid. They had famine later on, and the challenges of globalization, but this was *the* issue then, and I'd gone to these conferences on South Africa primarily.

We traveled in South Africa and met with Buthelezi—not at the conference; actually, it was in the United States. We were introduced by Wayne Fredericks, a very good friend of my brother Bob's and a good friend of mine who was Assistant Secretary of State for Africa. He was an incredibly significant policy person. In the off years, he kept my interest in Africa going. He had done the Ford Foundation and gone to Ditchley and brought Buthelezi in. He'd bring in people from Africa, and he kept up my interest.

In any event, we traveled the country. We met with those leaders, we met with church leaders, and we had rallies. We met with government leaders like Pik Botha, the Prime Minister. We had a very tense meeting with him about apartheid. The governmental leaders were saying if you impose sanctions, you're only going to hurt the people you're sympathetic to.

Young: The laborers.

Kennedy: The laborers and the workers are going to be hurt. The rest of us are going to be fine. The South African economy is so powerful that the country can resist sanctions. Sanctions don't work internationally; they're not going to work here. You're going to weaken your friends and

your allies here; you're going to make people suffer who shouldn't. They made a very strong pitch along those lines, and we heard it over and over and over.

When we met with Ramaphosa and the workers, they said, "Bring it on. We have suffered, our parents have suffered, our families have suffered, our grandparents, aunts, uncles—our children are suffering. We don't mind suffering any more, and we're prepared to take on any additional intensity if it can mean the end of apartheid. We are prepared to take it on."

That was the universal attitude among all individuals and groups. So it was very apparent what we ought to do when we came back. We had different meetings and travels in the country. We met with labor, we met with the apartheid government officials, with Mandela—and made several speeches.

SWAPO, the anti-American, anti-Kennedy, anti-integration group, demonstrated at all the places I spoke. It was always interesting to us: we would get a plane and fly for three hours, way up country, to go visit Winnie Mandela, and when we got off the plane and went to the house, there were the SWAPO people, the same ones. We'd get back on the plane and fly three more hours to dinner in another part of the country, and go to a university or college, and there were the demonstrators. Clearly, they were being moved around by the government.

They had our schedules, and they were being moved every place we went, and they were more and more confrontational. They were confrontational and trying to get thrown out of meetings, trying to get their people in to interrupt dialogue and discussion and that sort of thing. There was no question the government was trying to disrupt all our meetings. You can read in the American press: a lot of the press got taken up with this, reporting things like "Kennedy's trip not going well."

Young: Yes, exactly.

Kennedy: It was all put up by the government. In retrospect, all the documents indicate that. We came to the final rally in a large church. That was to be the final one, and then we were going up to Namibia to meet some of the anti-apartheid leaders who were living there in exile. We were supposed to go to that church, and we were informed that SWAPO had gathered all of their people and were planning a major confrontation there. The police had been activated, and there was a real chance of violence. That was understandable, because even though they demonstrated and the stories out there were saying we weren't greeted with open arms and we were demonstrated against, as the trip went on, we were getting better and warmer receptions, and the stories were beginning to shift and change.

So we were briefed that the way they saw they could bring the darkest was to incite violence. We thought there was a real chance that there was going to be violence, so we canceled that meeting. Tutu was disappointed by that.

My general sense is you go with the local people, because they have the best feeling, they have the best sense. They know what's on the ground. There was enough information coming directly to us about the nature of this meeting.

Young: This was at the church.

Kennedy: At the church. Yes. So we left shortly after that and went up to Namibia and met with Oliver Tambo and others.

Young: Some of the press reports at the time, as you've indicated, were contrasting the trip with your brother's trip in '65, and were taking it as an indication of how the tide had turned—how South Africa had changed and American intervention was no longer welcome. There was a lot of press interpretation to that effect.

Kennedy: And they played into the fact that I was using it as a launching pad.

Young: Yes. Then they say you're here to—

Kennedy: We had just gone through the '84 elections, but they thought we were getting already started, and that played into the political—

Young: Well, yes, that was the government line: "We don't want you here; you're stirring things up, you won't succeed; you're against the blacks."

Kennedy: Yes.

Young: Did anybody in the Reagan administration try to stop you from going on this trip or give you—Did you consult with them at all? Did you get any instructions from them?

Kennedy: No. I didn't have personal intervention. Before the time, we had staff who had been in touch with the State Department. We basically followed Tutu/Boesak, and also Randall Robinson, who was now very much involved and very highly regarded. The State Department basically, I believe, was opposed. The Ambassador was very unhelpful. We had one meeting, and it was very unproductive. We ought to get his name for the record [Herman W. Nickel]; he was very unhelpful.

Obviously, when we got back and started legislatively, the administration had a strong opposition to our view and our policy. Before our visit there, they had been a strong supporter of what they called "constructive engagement," a series of different policy areas they were working on to try to break down apartheid in terms of employment and health and other areas. They called that "constructive engagement," but the leaders there said it was a meaningless term, absolutely meaningless.

So when we got back, there were various alternatives to deal with in terms of sanctions. They had the Krugerrand, the money itself, gold, investments from states. We had that kind of debate, about reinvestment, and divestment was a big issue. Then we had economic sanctions. I had gone up to the United Nations and spoken, had meetings with various foreign countries.

Young: Afterwards?

Kennedy: Afterwards. We had done a lot in terms of preparing the ground, although in the Senate, a couple of people had been interested. Senator Alan Cranston from California was interested in it, and [William] Proxmire. When I went to talk to him, Proxmire said, "Why don't you do this? I'm interested in it, but I'm not going to do it."

Young: When you finished with your trip, did you come away with a better sense of what you yourself could do and what were the important things for them? Were sanctions your thing before you went, or did you come back with the sense that this would be one of the more important things you could do?

Kennedy: Yes. I was for sanctions and divestment before going. Divestment was happening in some of the states before I went. There was a growing anti-apartheid movement with some in the Congressional Black Caucus, although it hadn't reached the red-hot point it reached later on, when they were willing to actually compromise their very, not extreme, but more comprehensive approach. They accepted our sanctions approach, which was more calibrated but very extensive.

I didn't have any problem with that. Quite frankly, although sanctions had not worked very much, very effectively, what was interesting about this, and why it had prospects of being successful, was that other countries had already started it—all the Nordic countries, although they didn't have a great deal of trade with South Africa. I think the British Commonwealth was either there or almost there, got there just about our time.

So when we eventually got to it, the House passed good legislation. Then they had parliamentary maneuvers. People lost the papers. Bob Dole moved the conference report—things that were just unheard of in terms of the United States—

Young: The conference report disappeared.

Kennedy: It disappeared. That kind of activity in the United States Senate as an institution is just absolutely outrageous. We couldn't act, and then we had the summer break. Then we had the veto. We passed it, and we had a series of meetings with [Richard] Lugar and Nancy Kassebaum, and Lugar played a very important role, was very moderate. We had people come from South Africa. We had dinners out at my house with people who talked to Lugar and Kassebaum about the importance of it. We set up a lot of different meetings all during that period, which we ought to get included in this.

We had a very extensive, lengthy series of meetings and interactions. [Lowell] Weicker and I appeared at the Foreign Relations Committee, and that went very well. I remember testifying. I didn't use any notes. I knew this material well and was supercharged at that time, as a result of coming back from that trip. It was one of those times that were very important and very effective.

Then we had a veto by President Reagan, but we overrode it. I guess that was probably the last step. Prior to that, we had some real differences between the House and Senate. It looked as if we were going to have different bills, and it wasn't going to happen. But finally the Black Caucus agreed; the person who made it all happen was the current Mayor of Oakland, Ron Dellums. He was a good friend; he supported me in '80. He went in and made that pitch to the caucus, and they agreed to take it.

Young: Pitch to the Black Caucus?

Kennedy: The Black Caucus.

Young: They wanted a more comprehensive—

Kennedy: They wanted a more comprehensive. We couldn't get it through with the Republicans. There were a lot of people working against it because they didn't want to have Reagan veto and have to override the veto.

Young: Well, that was extraordinary.

Kennedy: But he talked them into doing it. They went along with it, and we had that success. It's interesting, if you look back: within two years of those sanctions being in effect, Nelson Mandela was out of jail and they were asking how they could move toward a multiracial country and society and government. It's the most extraordinary cause and effect, and those sanctions were incredibly effective.

Young: Yes. I had wondered. You said sanctions were not usually effective, but they certainly seem to have been in this case, maybe in part because the U.S. was by far the largest trading partner. We had an enormous business investment there.

Kennedy: We had an incredible business and big defense. They were on the NASA [National Aeronautics and Space Administration] route for missiles being shot off and for research. They were doing a lot.

We had opposition from the Israelis, because they had strong security alliances and weapons exchanges, which I learned from the South Africans when I was down there. I went to Israel the next year, and they denied it all. [Yitzhak] Rabin denied it, and I said, "Mr. Prime Minister, I've just been to South Africa. I can tell you the bases and where they are in the country."

He said, "That's completely untrue." I said, "If we're not going to be able to get the truth, how do you expect people who are your friends and allies to continue?" As we walked out, they said, "We don't talk about things that are classified."

This is just a side point, but it was interesting. They were up to here in it.

Young: So, it was a case—

Kennedy: That brought us back into '87 or so. We were one day testifying in the Foreign Relations Committee on anti-apartheid, and the next day we were in the Judiciary Committee on either *Grove City* or other civil rights bills. It was a common theme during that period. You know, in a rather interesting way, it reinforced that we had real bipartisan support, which we don't have at the present time. At that time you could work and get bipartisan support on civil rights issues. But that's a much more difficult and complex issue in terms of the United States Senate on these cases.

In the *Ledbetter* case now, a black woman worked for 20 years and found out she was being paid at a different rate. It went to the Supreme Court, and the Supreme Court said, "Well, during the time she was getting the disparity, she didn't give notice to the employer within 180 days, and therefore she has no rights." It's one of the most extraordinary cases.

A lot because of the women and minorities in the South, on civil rights we now have trouble getting—We're holding that on the floor, on the calendar in the Senate, in order to bring it up, to try to get it through. But it's a real struggle. People will have different views about parts of that case, but it's a much more difficult time now than it was even then, and then it was difficult.

That was certainly an important achievement, and it was enormously significant for where the United States ought to be, and important about United States leadership and where we were in terms of leading the world. I think we were in the right place at the right time, for the right reasons.

Young: It's interesting that the laws laid to you and the effort to join up with the anti-apartheid movement inside Africa could bring it about, whereas the United States probably couldn't have brought it about alone if it had tried. In Africa, it may have been very difficult and very much more delayed in happening if the U.S. had not passed it.

Kennedy: I don't think there's any question.

Young: You're connecting with a movement toward progress that's going on within the country. I was struck by the similarity with your 1998 visit to Northern Ireland, in which you also heard a lot of the young people. This is when you went to Belfast, and one of the messages was, "We're not being heard." You connected with the Protestants, not just the Catholics, and you listened to them. It has to come from the bottom; it has to be an attitude on the part of the people who want to do it, not just the elites.

Kennedy: That's it. We heard that from [Ian] Paisley and [Martin] McGuinness as recently as a couple of weeks ago, when they were over here looking for investments. They talked about how this has to start at the bottom, a framework is important. We see the failure that can result from lack of a framework, certainly in terms of what's happening in Iraq. So that's important.

Young: Want to finish up? It's 12:30.

Kennedy: Yes.