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THE WATER'S EDGE:
THE JACKSON AMENDMENT AS A CASE STUDY OF THE ROLE DOMESTIC POLITICS PLAYS IN THE CREATION OF AMERICAN FOREIGN POLICY

A Thesis

Presented to the Faculty

of

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by

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The Washington Star-News:	"Chisholm" June 11, 1973
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ABSTRACT

This is a study of the two and one-half year history of the Jackson Amendment to the Trade Reform Act of 1974, legislation which stipulated that the President not be authorized to extend trade concessions--most-favored-nation tariff treatment, government credits, or investment guarantees--to the Soviet Union or any other so-called "non-market" country until he could certify to Congress that free emigration was permitted from these nations. The fight for the Jackson Amendment, led by Senator Henry Jackson (D-Wash), is a case study of policy making in America. The immediate purpose of the study is to shed light on how foreign policy in America is created under conditions of high domestic political involvement. But many of the processes described are as applicable to domestic policy making as to foreign policy making.

The legislative process--including executive-congressional competition--is examined in detail. The process by which a single, determined politician forms a congressional coalition reinforced by a broad national interest group alliance is also detailed. In this regard, the principal involvement of Jewish interest groups and the national leadership of the AFL-CIO, personified by President George Meany, is closely considered.

The thesis of this study is that domestic politics neither stops at the water's edge nor does it necessarily begin at the water's edge of this nation. Interest groups and politicians in this country were stimulated by transnational activities occurring overseas--Soviet interference

in what was considered the right of Soviet Jews to emigrate. The domestic roots of the foreign policy issue of linking American trade concessions to freedom to emigrate from the Soviet Union were actually planted in foreign soil.

Once politicians (elected officials) involved themselves in the issue, it was transformed to fit both the needs of the interest group concerned--Soviet Jewry--and to fit the requirements of the elected officials championing the original cause. As other interest groups joined the cause, they also shaped the cause. In order to understand the events which occurred, it is necessary to bear in mind that elected officials involving themselves in foreign policy issues generally have dual requirements: domestic and diplomatic. These requirements may not always mesh neatly. Actions required to attain one objective in the American political context may contradict actions required to attain the other. Publicity, for example, may be helpful for an election campaign, but it may jeopardize low-profile diplomatic negotiations required to convince another sovereign nation, i.e., the Soviet Union to accommodate American demands.

That the Jackson Amendment dealt with a moral cause, a cause dear to the hearts of various ethnic, ideological, and economic interest groups in America reflected very basic characteristics of American political life. That the Jackson Amendment also attempted to use economic concessions to extract political concessions from another nation, also illustrated a traditional theme in American foreign relations.

The study of the amendment's legislative history and related diplomatic negotiations illustrates both the strengths and weaknesses of

politicizing foreign policy making in this country. Ultimately, the limitations of policy making in such highly politicized areas are determined by the ambitions of politicians who take it upon themselves to be foreign policy actors.

TO THE MEMORY

OF

MY MOTHER

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INTRODUCTION

"Politics stops at the water's edge."

This axiom--accepted by many as an accurate description and good prescription for American foreign policy--is one of the more misleading ideas in American politics. The misunderstanding is probably as prevalent among experts as among laymen. Many of America's greatest architects and students of foreign policy tend to underestimate or misunderstand how American foreign policy is shaped by American political life. They tend to portray policy as the calculated product of a complex balancing of international power blocs or the expression of traditional policies and ideals.[1] Such analyses tend to explain foreign policy making in terms of rational diplomatic goals which statesmen advance in the "national" interest of a given state. Such an approach, however, leaves little room for the possibility that domestic pressures also influence American foreign policy.

The "nation" can be dissected; competing economic, ideological, and ethnic groups can be identified. These groups and individual politicians often pursue goals which, while rational from the point

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[1]Some scholars are becoming sensitive to the impact of the American domestic structure on the making of foreign policy. Three works which stand out are Ernest R. May, The Making of the Monroe Doctrine, (Cambridge: Belknap Press of the Harvard Press, 1975); John Snetsinger, Truman, the Jewish Vote and the Creation of Israel, (Stanford, California: Hoover Institution Press, 1974); and Raymond H. Dawson, The Decision to Aid Russia, 1941: Foreign Policy and Domestic Politics, (Chapel Hill: The University of North Carolina Press, 1959).

of view of a group or a politician, may not necessarily be "rational" for the nation as a whole. For example, looking at two centuries of American diplomatic history, one finds numerous cases of politicians' (elected officials) concern for immigrants and their half-sisters--religious, racial and ethnic groups--shaping what America did in the rest of the world.

As early as 1794, Irish-Americans actively opposed the Jay Treaty with Great Britain, their traditional enemy. The Irish were also instrumental in defeating an American fisheries treaty with British-controlled Canada in 1888 and the Anglo-American Arbitration Treaty of 1897. In 1888, German Americans fought for the settlement of an American dispute over Pacific Samoa that was favorable to their ancestral homeland, Germany.

Religious groups have played a similar role. Catholic opinion played an important part in keeping the United States out of the Spanish Civil War, and Protestant protests forced President Harry S. Truman to change his plan to appoint an ambassador to the Vatican.

After World War II, the Poles in this country denounced the Yalta Agreement, which they claimed sanctioned Russian hegemony over Poland; the Poles along with other immigrant groups from territory controlled by Russia after World War II were part of a broad national anti-communist consensus in this country during the Cold War.[2]

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[2]These examples are drawn from Gabriel Almond, The American People and Foreign Policy, (New York: Praeger Publishers, 1968 edition), p. 183; Lawrence H. Fuchs, The Political Behavior of American Jews (Glencoe, Illinois, The Free Press, 1956), pp. 117-118; and Louis L. Gerson, The Hyphenate in Recent American Politics and Diplomacy, (Lawrence: The University of Kansas Press, 1964), p. 102. Also see Nathan Glazer and Daniel Moynihan, "Introduction," in Glazer and Moynihan, Ethnicity, (Cambridge: Harvard University Press, 1975), pp. 23-24.

In 1912, Jewish pressure forced the abrogation of a commercial treaty with Russia as a means of protesting Russian treatment of Jews.[3] The 1912 episode bears a remarkably close resemblance to the subject of this study: the Jackson Amendment to the Trade Reform Act of 1974, a dramatic recent example of the interrelationship between United States domestic politics and American foreign policy making. The amendment which Senator Henry Jackson (D-Wash.) introduced on October 4, 1972, and which was finally signed into law in January 1975, required that American trade concessions not be extended to the Soviet Union or to any other so-called "non-market" country unless the President could certify that emigration from these countries was more or less permissible. It is difficult to fit this and other examples of ethnic (or economic or ideological) group influence into a viewpoint that assumes that politics in this country does and should not influence American foreign policy.

HYPOTHESIS

The hypothesis of this study is that in order to understand fully the foreign policy of the United States, one needs to know the domestic politics which shapes its consideration at the time. This study describes the two and one-half year long struggle which culminated in the passage of the

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[3]For a discussion on the 1912 abrogation of the United States-Russian Commercial Treaty see Naomi W. Cohen, "The Abrogation of the Russo-American Treaty of 1832," Jewish Social Studies, vol. XXV, no. 1, (January, 1963), p. 42. Other studies relating to Jews and United States diplomacy include Zosa Szaykowski, Jews, Wars, and Communism, vol. I, The Attitude of American Jews to World War I, The Russian Revolutions of 1917, and Communism (1914-1945), (New York: KTAV Publishing House, Inc., 1972); Cyrus Adler and Aaron M. Margalith, With Firmness in the Right, American Diplomatic Action Affecting Jews (New York: American Jewish Committee, 1946); Fuchs, The Political Behavior of American Jews.

Jackson Amendment. If one relied upon an approach to study this period that presumed that American statemen were attempting to advance American national interests vis à vis the Soviet Union and other nations, it would be very difficult to understand many of the events which occurred during the history of the Jackson Amendment. The impetus for the Jackson Amendment was not simply raison d'état.

One could argue that domestic politics influences the foreign policy of any country. For example, policy making in Israel, another democracy, whose policy on Soviet Jewry is relevant to this study, bears a remarkable resemblance to aspects of American policy making. Even the foreign policy of dictatorships is shaped to some degree to satisfy a domestic audience. The domestic debate regarding Soviet policy toward the United States, which also relates to this study, will illustrate this phenomenon. There are, however, several important characteristics of American political life which give American foreign policy a distinct character. The United States is a democracy. Individuals and interest groups have widely recognized legitimacy and relatively open access to the political process. They have some leverage over the foreign policy makers in the government, since policy makers are politicians whose legitimacy and authority derive from being elected to serve in Congress or as President. Politicians depend on organized, non-official groups to raise money and also help mobilize voters.

The United States is also a land of immigrants. Ethnic groups often try to influence American policy vis à vis other nations in ways that will aide their countrymen overseas. America has an historical sense of mission

and concern for the other inhabitants on this earth. As a superpower, it is commonly believed that the United States possesses the capability--as well as some responsibility--to try and shape the world to meet America's moral and political standards.

The United States is economically powerful. It stretches across an entire continent well-endowed with resources which makes it relatively immune from economic retaliation. Therefore, it is not uncommon to find attempts by the United States to extract political concessions from other countries in exchange for American economic concessions.

Another major distinction is that under the United States' Constitutional system of government, two separate but equal branches of government share foreign policy making power. Other nations may be democracies and therefore presumably reflect the will of the electorate. However, the United States' system is distinct from parliamentary democracies where the power resides in one branch of the government. Theoretically, this provides increased access and say-so for the people to affect governmental decisions.

Each of these traits of the American system affects the way the United States domestic system influences American foreign policy. The question remains, however, under what circumstances are these characteristics most likely to be felt. When is domestic politics most influential on a final foreign policy product? The Jackson Amendment case suggests some answers to this question.

The Jackson Amendment debate lasted two and one-half years. Both Congress and the executive branch were actively involved. The issue attracted numerous interest groups, in particular Jews and organized

labor, which are both politically active and knowledgeable. Legally, the debate centered on a tariff issue, an area where Congress had not abdicated its power to oversee "foreign commerce" in contrast to the erosion of Congress' war powers. It was not a life or death issue, again as in the case of many war power issues. The only time constraint operating seemed to have been the Congressional time-table. This would suggest that maximum opportunity for open debate, discussion, and consideration and maximum interest in such debate is an important prerequisite for the free play of domestic influences on foreign policy making.

Another important dimension of full domestic political involvement in the foreign policy making process is that there be a motivating force for the foreign policy decision makers, most of whom are elected officials, to involve themselves in the decision making process. One may reasonably presume that the prospect of electoral impact drives legislators to take stands that a non-elected policy maker would not take. Policy is the product of elected politicians--not simply the work of bureaucrats--even bureaucrats who are keenly aware of the American political scene. Elected politicians who act to shape foreign policy have other equally important objectives in mind. They must try to satisfy requirements at home too.

This election imperative drives presidential hopefuls every four years and all four hundred thirty-five members of the House of Representatives and a third of the Senators every other year. The normal tension between the two branches of government is increased by the fact that Congress--especially the Senate--has been the launching pad for five of the last six elected Presidents. In the time frame of this study, nearly one-third of the Senate during the Ninety-third Congress (1973-1974)

was running for the Presidency or Vice-Presidency. Among the presidential candidates (announced and otherwise) discussed in this study are Henry Jackson, Edmund Muskie (D-Maine), George McGovern (D-S.D.), Hubert Humphrey (D-Minn.), Walter Mondale (D-Minn.), Birch Bayh (D-Ind.), Edward Kennedy (D-Mass.), Richard Nixon (R-Cal.), and Gerald Ford (R-Mich.). Without understanding the election imperative of would-be President Henry Jackson and all the other elected politicians who had a role in the Jackson Amendment struggle, one cannot fully understand the history of the Jackson Amendment.

Jackson's stated foreign policy objective was to use trade as leverage on the Soviet Union to facilitate Soviet Jewish emigration. Relying on the stated objective of the amendment, however, to understand why decisions were made and certain thresholds crossed during the development of the legislation does not yield a complete picture. To understand better, one needs to bear in mind that Jackson and other major actors also had domestic political goals. This is not to say that Jackson or other politicians did not believe in his cause. But they certainly did not pursue this amendment willy-nilly without regard to possible political bonuses. The domestic politics of the amendment were very important.

JACKSON

Jackson consciously linked domestic and foreign policy. "The view of the American people on détente," Jackson explained, "is inseparable from its view on domestic issues."[4] Jackson opposed détente which he

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[4]Quoted in Lou Cannon, "Jackson Presses Florida Drive," The Washington Post, (February 21, 1976), p. A3.

attacked by various means including the trade-emigration amendment. His amendment fulfilled both domestic and diplomatic objectives for Jackson. His stated objective was to link trade and emigration, thereby using the extension of United States trade concessions as leverage on the Soviet Union to liberalize its emigration policies. More basically, Jackson opposed the direction taken by United States-Soviet trade negotiations which were conducted in the context of détente. The Jackson Amendment appealed to American Jewry, an important group electorally and financially for Jackson and to other legislators who joined him in sponsoring the amendment. Their interest was Soviet Jews. Jackson also appealed to the AFL-CIO, whose President, George Meany, as much as anyone, speaks for organized labor in this country. Meany embraced the "hardline" views of Jackson on détente, wanted to slow down or block the expanding trade relationship with the Soviet Union, saw the amendment as a way to block comprehensive trade liberalization altogether, and also was sympathetic to the plight of Soviet Jews. The Jackson Amendment, therefore, pleased the Jews, the AFL-CIO and other groups spanning the political spectrum while advancing Jackson's strongly held foreign policy goals. The coalescing of Jackson and other elected officials' views with the views of various important interest groups did not necessarily result from interest group pressure per se. Politicians often anticipate the responses of target groups in the electorate and appeal to these groups by championing popular issues.[5] In addition, politicians can and do exert their own pressure

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[5]An early political scientist to note the idea that action can be taken in anticipation of another's reaction is Carl J. Friedrich, Government and Politics (New York: Harper Brothers, 1937). David Price speaks

on fellow politicians.

The system by which America selects its President has given Jews and the national leadership of the AFL-CIO considerable importance to Democratic presidential candidates like Jackson. A majority vote of the electoral college elects the President. Jews are grouped in the population centers in the states with the largest number of electoral votes: New York, New Jersey, Massachusetts, Florida, Pennsylvania, and California. Those six states cast thirty percent of the electoral votes in the college--161 of a total of 529. Jews have a great deal of leverage in those states. Since they tend to vote as a bloc and have a high turn-out rate at the polls, the chances that Jews might "swing" an election are increased.[6] The Democratic Party, where Jackson was running for nomination to be the party candidate for President in 1976, as he did in 1972, changed its rules for nomination, thereby spawning primaries in thirty states to determine how the delegates to the nominating convention in 1976 would vote on the first ballot. As it turned out, Jackson would run in the primaries in all of the above-mentioned six states where the Jewish vote was deemed significant. In New York State, for example, which was sending 274 of the 1505 delegates necessary to nominate a candidate at the 1976 convention, Jews accounted for thirty-six percent of the state wide Democratic primary vote. Sixty-one percent of Jackson's supporters were Jewish; Jackson

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of the "entrepreneurial" activities of legislators vis à vis interest groups. "Who Makes the Laws?" Creativity and Power in Senate Committees, (Cambridge, Mass.: Schenkman Publishing Company, 1972), p. 322.

[6]See Martha R. Cooper, "Implications of Electoral College Reform for American Jewry," Analysis, no. 55 January 1976.

gained one hundred and four delegates in the April 6, 1976 primary balloting.[7]

Another important characteristic of presidential politics is that up until January 1975 when campaign finance reforms took effect, campaigns were exclusively financed by private funds. A disproportionate amount of contributions to the Democratic Party comes from Jews. Such contributions are especially important to Democratic hopefuls looking for seed money to start up campaigns and to keep them going.[8] Until the campaign reforms took effect, individuals were free to give or loan just about as much as they wanted to candidates. When the reforms took effect--almost two years before the election of 1976--Jackson had $1.2 million dollars in his campaign chest. Jewish contributions amounted to an estimated forty to seventy percent of Jackson's funds.[9]

Labor in particular the AFL-CIO, is another interest group which is especially important to presidential races in northern industrial cities. Union manpower in registration and election day activities which are extended down to the precinct level is more important than labor money.[10]

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[7] New York Times, April 17, 1976.

[8] William Domhoff, Fat Cats and Democrats, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc. 1972; George Thayer, Who Shakes the Money Tree. (New York: Simon and Shuster, 1973).

[9] James R. Dickenson. "Black Bread, Sardine Feast for Lunch Bucket Candidate," The Washington Star, March 20, 1976. Another figure has two-thirds of Jackson's first million dollars provided by Jewish contributors. Robert W. Merry, "The Jewish Votes a Plus for Jackson," The National Observer, April 3, 1976. As of April, 1976, Jackson had raised $4.5 million from private sources. Jules Witcover, "Jackson Scrambling for Funds," Washington Post, April 23, 1976.

[10] Herbert E. Alexander, Political Financing, (Minneapolis, Minn.: Burgess Publishing Company, 1972), p. 194.

For example, Hubert Humphrey, labor's candidate in 1968, received extraordinary labor help financially and organizationally. Because of labor's efforts, 4.6 million voters were registered, fifty-five million pamphlets and leaflets were printed and distributed from Washington and another sixty million from local unions. Telephone banks in six hundred thirty-eight localities using eight thousand and fifty-five telephones were manned. And 94,457 volunteers worked in car pools and as leaflet distributors, baby-sitters, poll-watchers, and telephone canvassers.[11] Such assistance would be considerable for candidate Jackson.

APPROACH

This thesis describes the two and one-half year history of the Jackson Amendment as a case study of the impact of United States domestic politics on foreign policy making. The study will show that domestic politics is likely to have the greatest impact when circumstances are such that popular feeling has been aroused, ethnic identities stimulated, economic interests affected, and moral questions raised. The Jackson Amendment case study suggests that when the election imperative is operating, when electorally significant interest groups are actively involved, and when politically ambitious actors from both branches of government are involved, it is almost impossible to depoliticize an issue and make it stop "at the water's edge." One of the more striking aspects of the study is the process by which a viable coalition is forged by an individual politician using various forms of persuasion and coercion. The

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[11] "George Meany: Fight over the Freeze" Newsweek Magazine (September 6, 1971.

study also yields insights concerning other characteristics of American political life which color the foreign policy making process. It is a microcosm which shows:

* Congressional assertiveness in foreign policy making against the will of the Executive Branch.
* The role of interest groups--in particular Jews and organized labor--in policy formation in America. The internal politics of interest groups will be touched upon as will the role of transnational interest groups in the international system.
* The attempted use of United States economic concessions to extract political concession from another country, i.e., the Soviet Union.

METHOD

The author worked as staff aide to a United States Senator during the period covered in the study and followed the progress of the Jackson Amendment closely. Extensive notes were kept of conversations with principals and their staff, who often were principal actors in their own right. Later, during a full year which the author spent at the Brookings Institution, individuals in both the legislative and executive branches of the United States government were interviewed, as were diplomats and government officials from Israel and the Soviet Union. Discussions with leaders and professional staff members of the major Jewish organizations and with recent Soviet Jewish emigrés were conducted. Journalists, who were following events on a daily basis, were also consulted.

Participant accounts bring out the fine detail and multiplicity of considerations of the many actors involved. However, it is important to analyze various accounts carefully. Some of the accounts are contemporaneous with the events. Participants may stress one point at one stage of the story and another point at a different stage in accordance with short-term tactical goals. Different individuals also have different allegiances even though they may be allies vis à vis a third party. Knowing what interest group, political ambition, government agency, branch of government, or government the individual represents is important and has to be considered in weighing the accounts of different sources. For that reason, brief statements about an individuals' political, ethnic, and professional background have often been supplied in the narrative.

Because of the author's legislative staff position and daily access to other staffers, the narrative may somewhat exaggerate the role of Congressional staffers in the Jackson Amendment process. However, the pressures felt by the staff are representative of pressures felt on the principal actors. The staffers' employers had the formal responsibility and were the necessary condition for the staffers to operate. However, staff had a major role in this case in drafting legislation and drawing together coalitions which were the foundation of the strength for many of the principal actors in the Jackson Amendment.

Augmenting primary source material derived from interviews and conversations were public and private documents--legislative drafts, press releases, transcripts of press conferences, "dear colleague" letters circulated in Congress, memoranda, and testimony delivered at hearings held primarily in the Ways and Means Committee of the House of Representatives

and the Senate Finance Committee.

Newspaper accounts from the New York Times, Washington Post, Washington Star, and Wall Street Journal as well as from the Israeli press were also helpful. Understanding fully many of the newspaper accounts required reading between the lines, trying to identify the sources of the accounts, and speculating on reasons why the sources were publicly airing behind-the-scenes developments. Newsletters published by various interest groups involved in the debate--Jewish groups, business groups, and other ethnic groups, for example--also contributed to the research. Longer articles written by B'nai B'rith official, William Korey, Israeli Washington correspondent Nahum Barnea, and New York Times contributor Joseph Albright were likewise useful.

ORGANIZATION

This study is divided into six parts. In between this introduction and a conclusion are four parts arranged chronologically and broken down to reflect the Congressional schedule, which influenced the timing and pace of the diplomatic drama. Part I discusses the Soviet Jewish emigration movement, which first raised the emigration issue and inspired political action in Israel and the United States. To discuss Soviet Jewish activism since 1967 is to trace the living roots of the Jackson Amendment. Soviet Jewish emigration was a transnational issue which eventually helped to disrupt the original plans for the conduct of United States-Soviet state-to-state relations by the Nixon Administration and the Soviet leadership in the early 1970's.

Part II tells how one politician--Henry Jackson--forged a link

between the Soviet emigration issue and United States-Soviet trade, an important aspect of the détente relationship which blossomed after the Nixon-Brezhnev Summit in Moscow in May 1972. It discusses the original drafting and introduction of the Jackson Amendment. It shows that Jackson assumed the leadership of the cause of Soviet Jewry, captured the support of three-quarters of the Senate, and neutralized the opposition of President Nixon, who, not coincidentally, was on the eve of his reelection. All of this was necessary for Jackson to assure the development of his amendment while controlling it to fit his needs.

Part III covers the legislative struggle in the House of Representatives during 1973, the first session of the Ninety-third Congress. It contrasts the Administration's handling of Congressional relations with Jackson's mastery of the Congressional process. It shows how the amendment advanced, passing first the House Ways and Means Committee and then the entire House of Representatives. Part III suggests that the standard image of the Washington lobby is at best a caricature.[12] The popular image is a mechanistic one: the lobbyist pushes and the legislator reacts.[13]

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[12]The legal definition of lobby--is narrowly defined in the 1946 Federal Regulation of Lobbying Act. A lobbyist is a person or organization whose "principle purpose" is influencing legislation. The law does not, however, define what "principle purpose" is. For a definition of the Jewish lobby see, Hyman Bookbinder, "Ethnic Pressures and the Jewish Lobby--Myths and Facts," Washington Letter (Washington: The American Jewish Committee, September, 1975), p. 5.

[13]A classic example is Russell Warren Howe and Sarah Trott, "The Foreign Agent," Washingtonian Magazine, vol. 10, no. 3, (December, 1974), pp. 135-170. In contrast are several more sophisticated and scholarly studies: Donald Matthews, U.S. Senators and Their World, (Chapel Hill: University of North Carolina Press, 1960); Andrew M. Scott, and Margaret A. Hunt, Congress and Lobbies: Image and Reality, (Chapel Hill: University of North Carolina Press, 1966); and Raymond A. Bauer, Ithiel de Sola Pool, and Anthony Dexter Lewis, American Business and Public Policy: The Politics

Whereas, in reality, as this thesis shows, the influence often flows the other way, with the legislator using interest groups for his own purposes. Another point to emerge from Part III is that appealing to one interest group is not sufficient to get a highly contested policy accepted by Congress. The Jackson Amendment received broad press attention. It appealed to a broad constituency not just to American Jews. America, a land of immigrants, was receptive to the notion that all people should be free to emigrate. Intellectuals in the liberal segments of the population who were appalled by Soviet repression of dissenters joined the cause. So did anti-Communists who were consistently opposed to the Soviet Union. Other ethnic and religious groups with countrymen and co-religionists in Communist countries who stood to gain by the amendment also supported it. And the AFL-CIO--for a number of previously listed reasons--also supported Jackson.

Part IV is the story of the three-way negotiations among representatives of the legislative and executive branches of the United States government and a foreign government, the Soviet Union. These negotiations were conducted against the backdrop of Senate deliberations on the amendment in the second session of the Ninety-third Congress, 1974. Jackson no longer possessed near exclusive control over the fate of the amendment. Action taken by the Administration and the USSR in the negotiations, as well as the Congressional timetable, were important constraints on Jackson. As the close of the Ninety-third Congress approached, Jackson became

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of Foreign Trade (Chicago: Aldine-Atherton, Inc., 1972). They have pointed out how lobbyists can be used as service organizations and publicity bureaus for legislators. This study extends these previous works in this regard.

more and more anxious for a settlement so that he would have something to show for his efforts. This increased the leverage of the Administration and the Soviet Union as they sought to avoid passage of the amendment or to water it down by offering Jackson some rather unclear assurances. Up to this point, Jackson had managed to maintain support among his Congressional cosponsors and from the alliance of disparate interest groups. His domestic and foreign policies had meshed neatly. When he finally made an agreement within the framework of the three-way negotiations in the fall of 1974, however, Jackson angered some of his most important allies, who would have been happier to see no settlement at all. Part IV demonstrates that it can be more difficult for Congressmen--especially publicity seeking ones--to negotiate than to legislate.

PART I

THE SOVIET EMIGRATION MOVEMENT IN THE SOVIET UNION, ISRAEL AND THE UNITED STATES

I have no use for those who come here from other countries and forget the countries of their origin. He who forgets the country of his birth and looks down upon his parents will never be a good American; he will change his loyalty as he forgets his ancestors.

Calvin Coolidge[1]

Without too much exaggeration, it could be stated that the immigration process is the single most important determinant of American foreign policy. . . . immigration policy _is_ foreign policy. . . .[2]

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[1] Quoted in Louis L. Gerson, _The Hyphenate in Recent American Politics and Diplomacy_ (University of Kansas Press, 1964), p. 224.

[2] Nathan Glazer and Daniel Moynihan, "Introduction," in _Ethnicity_ (Cambridge: Harvard University Press, 1975), p. 23. Emphasis in original.

INTRODUCTION

A small, disorganized band of activist Russian Jews was the original inspiration for the international debate in the 1970's concerning an attempt to link United States-Soviet trade and Soviet Jewish emigration. Beginning in the late nineteen sixties, Soviet activists focused the attention of political forces in the United States, the Soviet Union, and Israel. They and their allies in the West hardly qualified as an identifiable interest group in the political environments where they operated. They were amateur politicians, individual activists working on an ad hoc basis who lit fires and disappeared to let the regular political forces including interest groups, bureaucrats, diplomats, politicians, or combinations of these, take over.

The Russian Jews made an initial contribution by publicizing their grievance--restrictive Soviet emigration policies. They goaded a few other activists among the native American and Israeli Jewish population who themselves were immigrants or sons of immigrant Russian Jews to join the cause of Soviet Jewry.[3] They appealed to the governments of Israel and the United States to intervene on behalf of Soviet Jewry. And eventually they were championed--and overshadowed--by Senator Henry Jackson, who piloted their cause through the domestic political maze.

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[3]"Be he elected or appointed, the official is required to be sensitive to the possibility that causal chains forged abroad may acquire links at home." James Rosenau, "Foreign Policy as an Issue-Area," in James Rosenau, ed. Domestic Sources of Foreign Policy, (New York: The Free Press, 1967), p. 31.

This transnational chain reaction started in Russia.[4] A small number of activists managed to reach the outside, from whence they continued feeding the flames of protest inside the USSR. Their pressure eventually resulted in government action. They were the catalysts for the Jackson Amendment. Part I discusses the Soviet emigration movement and the chain reaction it set off starting in 1967 and continuing through the May 1972 Moscow Summit.

THE DESIRE TO LEAVE

Oppression of Soviet Jewry has a long history. There had been occasional demands for the right to emigrate, but only in 1967 were they clearly enunciated.[5]

When the Six Day War broke out in the Middle East in June of 1967, the Soviet government predictably lined up with its Arab clients, Egypt and Syria. Rather unpredictably, many Soviet Jews lined up in open support for the Jewish nation. After a half century of a Soviet policy of inducing assimilation among its national minorities, the majority of Jews in the Soviet Union had become loyal citizens of the Soviet state. Prize-winning author Elie Wiesel once called this body of Soviet Jews

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[4]Transnational relations is defined by Keohane and Nye as "contacts, coalitions, and interactions across state boundaries that are not controlled by the central foreign policy organs of government." These two scholars discuss "five major effects of transnational interactions and organizations." The fifth is most relevant to this discussion: "the emergence of autonomous actors with private foreign politics that may deliberately oppose or impinge on state policies." Robert O. Keohane, and Joseph S. Nye, Jr., eds. Transnational Relations and World Politics (Cambridge, Massachusetts: Harvard University Press, 1972), pp. xi, xvii.

[5]For a scholarly treatment of this subject, see Lionel Kochan, ed. The Jews in Soviet Russia Since 1917, (London: Oxford University Press, 1972 edition).

"the Jews of Silence." During the Arab-Israeli War, the Jews seemed to find their voices.

As one Soviet Jew put it, "When I heard about Israel in 1967 . . . I didn't fail to understand it was my home. . . ." Said another, "The prelude to the Six Day War shocked me to my very roots. . . . Then I understood that I could have no future in the country in which I was born and that I had no alternative save reunion with my people who had suffered so much, in my ancestral homeland. . . . The flood of anti-Semitic curses and hysteria from the Soviet press, radio, and television forced me to feel even more strongly my unbroken bond to Israel and my personal responsibility for her. . . . Friends who felt as I had discussed the possibility of leaving for Israel."[6]

The war and Soviet attacks on the Jewish state dramatized to many Soviet Jews that their fate was linked to the fate of Israel. Jews had been prominent members of the Russian dissent movement and had channeled their energies against suppression of the rights of artists, authors, and free thinkers in general. Then the June 1967 War uncovered Jewish self-identification buried under decades of compulsory assimilation. Activist Jews became increasingly interested in leaving the Soviet Union rather than staying and reforming it. As Jewish activist Yosef Kazakov explained, "Even if the democrats turned this into the country they dream

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[6]Richard Cohen, ed. Let My People Go! (New York: Popular Library, 1971), p. 50.

of, there would be no place for us here."[7] In 1968, the Russian invasion of Czechoslovakia further shattered any illusions about making political progress in the USSR.

OFFICIAL SOVIET POLICY - AN OVERVIEW

Before the 1967 Six-Day War, official Soviet policy permitted a handful of mostly elderly pensioners to reunite with families in Israel. From 1948 to the Six-Day War, a total of six thousand left on that basis.[8] In December, 1966, six months before the war broke out, Premier Alexsei Kosygin declared in Paris that "if any families wish to come together or wish to leave the Soviet Union, for them the road is open and no problem exists here."[9] For the next five months, until the outbreak of war in June, 1967, a relatively high migration was noted. Once hostilities

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[7]Quoted in Susan Jacoby and Anthony Astrachan, "Who Gets Whom and What?" Present Tense, January, 1974, p. 28. Zionist thought was a compelling factor behind the movement. Zionism provided the ideology and Israel, a secure goal, for the first highly motivated Jews wishing to leave in the late 1960's and early 1970's. As time passed, there were Jewish emigrants who simply wanted to leave the USSR, Jewish homeland or no. A decision in 1973 by the U.S. Attorney General to exercise his parole authority in the case of Soviet Jews seeking entrance to the United States stimulated a jump in the number of emigrants choosing to come to American shores. This exemption to the legal immigration restrictions states that at any time the Attorney General may allow any alien to enter at the sufference of the Attorney General. George E. Johnson, "Which Promised Land?" The Realities of American Absorption of Soviet Jews," Analysis, no. 47, Special Issue, Nov. 1, 1974, p. 1. As a greater proportion of Jews emigrate to countries other than Israel or reemigrate from Israel to Western countries, one must conclude that there are motivations in addition to Zionism propelling the emigration movement.

[8]Schroeter, p. 351.

[9]Ibid.

broke out in the Middle East and the Soviet Union severed diplomatic relations with Israel, emigration came to a standstill.

Strangely enough, Soviet authorities--apparently on their own initiative--resumed issuing exit visas in autumn, 1968. Once it became known that the Moscow Office of Visas and Registration (OVIR) was accepting applications for exit visas in September, 1968, thousands began to apply.[10] In all, 379 Jews actually left in 1968.

This breakthrough may have encouraged dissidents to send the first petitions in 1968 appealing to Western Communist parties for help,[11] followed in 1969 by the exit of the first group of Jewish activists[12] as part of a total group of 3,000 emigrants bound for Israel.[13]

There was a crackdown on Jewish activism in 1970. In all, only 1,044 Jews were permitted to leave. The Leningrad hijackers' trial held in December of 1970 headlined a series of show trials. Soviet Jewish activists then addressed appeals to the United States, and Western sympathizers responded with unprecedentedly vociferous protests against death sentences handed down for three of the alleged hijackers tried in

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[10]Zev Katz, "After the Six-Day War," in Lionel Kochan, ed. The Jews in Soviet Russia (London: Oxford University Press, 1972), 2nd ed. p. 328.

[11]Dimitri Simes, "Soviet Elite, Understanding the Solzhenitsyn Affair"; Dissent and Its Control in the USSR (Georgetown University Center for Strategic and International Studies, 1974), p. 17.

[12]Schroeter, p. 351.

[13]Philippa Lewis, "The 'Jewish Question' in the Open: 1968-1971," in Lionel Kochan, ed. The Jews in Soviet Russia, (London: The Oxford University Press, 1972 edition), p. 344.

Leningrad. Many argue that the protests were so effective that the Soviet leadership felt compelled to permit the number of emigrating Jews to rise in 1971.[14] In the single month of March, 1971, six hundred thirty-six were permitted to go--a dramatic upsurge, almost equalling the number permitted for the entire year before.

Significantly, the March upsurge also preceded the Twenty-fourth Congress of the Communist Party of the Soviet Union held in April. Soviet and foreign delegates of close to one hundred foreign parties swarmed through Moscow, and newsmen's eyes were trained on the Congress which officially reaffirmed a policy of peaceful coexistence and improved relations with the West. The jump in permissible emigration may have been an attempt (in vain) to preempt embarrassing and annoying criticism from Western Communist Parties protesting Jewish persecution at the well-publicized Communist Party Congress.[15]

The presentation of the ninth Five-Year Plan, emphasizing modernization of the Soviet economy through technical inputs from the West and accelerated commercial relations with the United States, may have also had something to do with the spurt in permissible emigration.

One must be careful not to confuse coincidence with causality, especially when it comes to fathoming something so mysterious as fiats

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[14] Jewish Activist Source; Herman Edelsberg, "Showdown On Soviet Jewry," National Jewish Monthly, May 23, 1975, p. 6; Jeri Laber, Book Review, New York Times, May 25, 1975.

[15] American Jewish Yearbook 1973 (New York: American Jewish Committee, 1974), p. 214.

issued by the Kremlin. Nevertheless, it is perhaps not mere coincidence that all these events--Western protests, Twenty-fourth Communist Party Congress, and the upsurge in emigration--occurred in the same time frame.[16]

By November-December 1971, a pattern was established of approximately 2,500 Jews emigrating per month. It continued through 1972-1973--up to and through the time that Senator Henry Jackson introduced his freedom of emigration amendment in October, 1972.[17]

Approximately 32,000 Jews left in 1972. Many believe this was a show of good will for the Moscow May Summit, and for the benefit of Nixon who was in the midst of a reelection campaign.[18] (See Appendix number 1).

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[16]Schroeter, p. 375. Hedrick Smith, "The Russians Mean Business," The Atlantic, December, 1974, p. 43; "Detente: An Evaluation," Subcommittee on Arms Control of the Committee on Armed Services, 93rd Congress, 2nd Session, p. 4. This study considers the nature of the correlation between liberalization of exit policy for Jews and Soviet desire to appease Western public opinion because of a desire for improved trade relations with the West.

[17]This number has not been absolutely constant; there were slow periods in the midsummer--presumably attributable to the fact that OVIR workers were on summer vacation--and high points at the end of the year --which some have attributed to OVIR's need to meet a quota and stay on the Soviet "plan". Schroeter, p. 352.

[18]Herman Edelsberg, "Showdown on Soviet Jewry," The National Jewish Monthly, May, 1973, p. 6. It is difficult to extrapolate Soviet policy by looking at the monthly figures for emigration. One can generalize that a large percentage of those permitted to leave were among the unassimilatable from the Baltic states of Lithuania and Latvia, which were annexed relatively recently after World War II and where there is a strong sense of nationalism and cultural superiority over Russian culture as well as a traditional flourishing of Revisionist Zionism among the Jews. Schroeter, p. 140. This same motivation possibly explained the more liberal exit policies applied for Georgian, Bukharan, and Tat Mountain Jews whose religious and cultural traditions go back more than two millennia. No doubt Soviet authorities were also willing to see the more active trouble makers--in the Baltic region and elsewhere--leave, hoping to thus relieve pressure on the regime. Those from the Ukraine,

What prompted the Soviet Union to liberalize emigration in the first place?[19] In 1971, there was a combination of reasons for the increase including the desire to get rid of troublemakers, to appeal to Western public opinion and to avoid criticism from Communist parties in other nations.[20]

No one really knows why emigration was permitted in the first place.[21] The record is full of apparent inconsistencies. Almost at the same time that the number of emigrants jumped in March 1971 and then again in November-December 1971, there developed a perceptible counter-policy to slow down the emigration. It was as if in late 1968

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the Russian Republic, and the Belorussian Republic, where approximately eighty-five percent of the Jews happen to live, have had a difficult time leaving under any circumstance. Perhaps this is because Russian Jews seemed to the authorities to be potentially more assimilatable than Jews from non-Russian Republics. Or perhaps they possess skills considered valuable to the state. Or--in the case of those from the major Russian cities like Moscow and Leningrad--there was an effort to single out for refusal prominent Jews in the nation's leading cities to dissuade others from following their example.

[19]For a discussion of Soviet law and internal law and the question of emigration, see Barry F. Lowenkron, "National Sovereignty vs. Human Rights," SAIS Review, vol. 19, no. 2, 1975, pp. 3-7; Carlo LaPorta, "International Covenants on Freedom of Emigration and the Soviet Union," The Library of Congress, May 30, 1973; and "Remarks by Dr. William Korey at the Fourteenth Annual Policy Conference, American Israel Public Affairs Committee," May 7, 1973.

[20]American Jewish Yearbook, 1973, p. 214. Yuri Shvedkov, section chief concerned with "foreign policy doctrine" at the prestigeous U.S.A. Institute in Moscow has described the emigration question as a "political problem" for the Politburo requiring the balancing of foreign policy considerations toward Israel, the Arab world, and of Communist Parties in other countries against domestic political exigencies at home.

[21]For discussion before hearings presided over by Senator Henry Jackson, see "International Negotiation," Hearings before the Subcommittee on National Security and International Operations, United States Senate, Ninety-second Congress, first session, part 6, April 30, 1971, p. 175.

and 1969, the Soviet authorities at first permitted a few to go, thinking it was a small, manageable problem with useful dividends for Western relations to get rid of the troublemakers.[22] It then let the first group of activists out in 1969. But when the numbers of new applicants did not taper off but rather grew to astonishing numbers and began to include the valuable scientists and technical experts in the nation, authorities realized the consequences of their original decision and had second thoughts. When it appeared that letting a few out was actually encouraging more to apply, it seems that the government tried arresting the trend by means of harassment and other punitive means.

One may also interpret the coexistence of the two trends--permitting emigration while simultaneously stepping up counter-emigration measures--as the product of separate competing bureaucracies both allowed to pursue their own particular policies, which together produced a contradictory picture. In 1971, the KGB established a special Jewish Department at its center and in some of the larger KGB field offices. "The Central Committee," reported student of the KGB, John Barron, "specifically instructed the KGB to intensify infiltration of agents into Jewish circles, to discourage emigration of educated Jews, and to silence Jewish protests."[23] The division "was created to try to do something about the real difficulty that the leadership found itself in as a consequence of

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[22]John Barron, Seminar on Dissent and Its Control in the USSR, Center for Strategic and International Studies, Georgetown University, Washington, D.C., January 21, 1974.

[23]Barron, KBG: The Secret Work of Soviet Secret Agents, New York Reader's Digest Press, 1974.

having allowed some emigration."[24] In 1970, the KGB had earlier responded to a Party command to organize "a huge new division, the Fifth Chief Directorate, to annihilate intellectual dissent, stop the upsurge in religious faith, suppress nationalism among ethnic minorities, and silence the Chronicle of Current Events"--an underground publication.[25]

In principle, Soviet authorities resent any citizen wishing to leave the Russian motherland.[26] And Soviet decision-makers also are probably under pressure from their Arab client states and from the thirteen percent of the Soviet population which is Moslem--twenty-six million people--who would likely oppose a policy augmenting the size and relative strength of the Israeli Jewish population.[27] No doubt domestic pressure--generated by traditional European Russian anti-Semitism and exacerbated by social tension in a society where eighty percent of Jewish bread winners are in the white collar bracket--also contributed opposition to any policy favoring Jewish interests.[28]

More importantly, the Soviet authorities probably wanted to avoid the emigration movement getting out of hand and infecting other of the

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[24]Barron, Center for Strategic and International Studies, p. 11.

[25]Barron, KGB, p. 16.

[26]" . . . to the Soviets, anyone who wants to leave the motherland for good is a traitor," explained one western diplomat in Moscow. Hedrick Smith, "Soviet Jews: Huge Price for the Ticket Out," New York Times, August 20, 1972.

[27]S. Levenberg, in Lionel Kochan, ed. The Jews in Soviet Russia, 2nd edition. (London: Oxford University Press, 1972), p. 420.

[28]S. Ettinger, "The National Awakening of Russian Jews." Translated by David Aberbach, The Jewish Quarterly. (London, Winter, 1973), p. 12.

one hundred nationality groups within the Soviet Union. Some national groups, particularly the Lithuanians, Latvians, Estonians, and Armenians, with large emigré populations abroad threatened to acquire a desire to leave. The ethnic Germans in the USSR had already begun agitating to return to their homeland. And the Fundamental Pentacostalists have since started a movement to leave.

Worse still for the Soviet regime was the prospect that other groups would become emboldened by Jewish protests and try altering the Soviet system from within by challenging the Soviet Union's domestic policy which is designed precisely to coerce the population into cooperation with the ruling regime.

The authorities have used a variety of techniques to discourage emigration. Propaganda campaigns are occasionally staged to dampen enthusiasm for points outside Russia. For example, newspapers might carry stories about the hardships one must endure in Israel or America featuring letters and statements of disillusioned emigrés wishing to return to the USSR.

Raising the cost of the exit visa from forty to four hundred rubles and levying a charge of five hundred more rubles for the required renunciation of Soviet citizenship was another way to discourage applications to emigrate.[29] Nine hundred and forty rubles is approximately $1,300.

Harassment is a much more serious threat to Jews wishing to

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[29]Lewis, p. 348.

depart. Beginning in May 1969, criminal trials were staged for various crimes, including slandering the state. The most famous and most extreme of the early trials was the First Leningrad Trial in December 1970. Two death sentences were laid down against members of a band who attempted to hijack a plane. The sentences were later removed after a huge outcry went up in the West, especially among the Communist parties of France, Italy, and England.[30] The Second Leningrad Trial in May 1971, and the trials held in Riga, Odessa, Kishniev, and Sverdlovsk were related to the same case. The Jews claim that the real reasons for all these trials were twofold: to punish those who wanted to leave and to teach others what might be in store for them if they had similar aspirations.

Ironically, these trials sometimes had the opposite effect from that intended, as they galvanized Jews inside Russia to protest louder and step up appeals for help from the West, which were being answered in increasingly enthusiastic terms.

THE EDUCATION TAX

The education tax which the Presidium of the Supreme Soviet decreed on August 3, 1972, was another attempt to deter emigration, which ultimately produced an effect opposite the one desired. The tax was a steeply graduated fee--in addition to the basic exit visa fee of one thousand rubles--on citizens wishing to emigrate, levied according to the level of education attained by the would-be emigré. "No one. . .seems to dispute that as long as the order [to collect the tax] is implemented

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[30] Ibid., p. 350.

it will reduce the snowballing of the Jewish emigration movement," reported the New York Times correspondent in Moscow at the time the diploma tax decree was issued.[31] The education tax hit the Jews where they would feel it. According to the 1970 census, only five and one-half percent of Soviet citizens have had education beyond high school, and most Jews are in that tiny elite. One quarter of the total Jewish population of two million in the USSR has continued beyond high school.[32]

The tax also was intended to serve another purpose--to stop the brain drain, the growing exodus of trained personnel from the USSR which began approximately in the second half of 1971. It seems that as the numbers and the percentage of scientifically, technically competent emigrés increased, the counter pressure also began to mount. The diploma tax was designed to counter the new trend in the composition of the emigré movement.

The departure of this group of citizens augured badly for the Soviet Union, which had placed heavy emphasis on modernizing the state through technological sophistication.[33] Jews are dramatically represented in all the important sciences in the Soviet Union. Whereas Jews

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[31]Hedrick Smith, "Soviet Jews: Huge Price for the Ticket Out," August 20, 1972, The New York Times.

[32]In 1971, a Soviet spokesman said that there were 100,000 Jewish college students--one for every 21 Soviet Jews. Samuel C. Oglesby, "Soviet Emigration Policy," Library of Congress, April 11, 1973, p. C.R.S. 4.

[33]See dramatic remarks on Jews' involvement in the sciences by Victor Perleman, November 2, 1972, Moscow, reprinted in Undercover, no. 27, December 11, 1972, published by Soviet Jewry Committee of the Jewish Council of Greater Washington.

constitute one percent of the population, they account for fourteen percent of scientists with doctoral degrees--an academic degree more advanced than the Ph.D. in the United States. The portion of Jews among Soviet scientific personnel is less but still significant: 68,000 out of a total of 1.1 million, or six percent.[34]

Former Culture Minister of the USSR, Madame Yekaterina A. Furtseva, had revealed official sensitivity to the important role Jews play in Soviet intellectual life when she pointed out that Jews constitute ten percent of the highest intellectual and cultural association, the Soviet Academy of Sciences.[35]

The idea for an emigration tax dates back to 1932 when it was used in Russia as a political safety valve and for cold cash.[36] The emigration tax was reincarnated in the form of an education tax. Starting in the 1960's, a proposal for the tax worked its way up through the Soviet bureaucracy. At the time the diplomatic ramifications of imposing the tax, when détente had not yet been launched, were apparently not foreseen or at least were deemed inconsequential.[37] After Brezhnev put

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[34]Theodore Shabad, "Fourteen Percent of Science Doctorates in Russia Are Held by Jews," International Herald Tribune, July 13-14, 1974.

[35]S. Levenberg, "Soviet Jewry: Some Problems and Perspectives," in Lionel Kochan, ed. The Jews in Soviet Russia, second edition (London: Oxford University Press, 1972), p. 36.

[36]From 1960 to 1964, Rumania also sold exit visas to the relatives living abroad of prisoners and others. Many were Jewish. This trade may have netted Rumania $2 million per annum for five years, or .3% of her visible exports." P.J.D. Wiles, Communist International Economics, (New York: Frederick A. Praeger, 1969), p. 83.

[37]Administration Source.

the USSR on a more relaxed footing with the United States in 1971, the Foreign Ministry managed several times to stop the tax from being implemented. However, it failed to block it in early August, 1972.[38]

Kremlinologists have advanced several different theories to explain why the Soviet Union instituted the provocative education tax during the halcyon days of détente in the months after the May Summit. The most likely theory is that the Soviet bureaucracies responsible for internal control like the KGB and Ministry of Internal Affairs advanced the education tax, arguing it was needed to maintain domestic control over Russian society at a time when officials in the Foreign Ministry and Ministry of Foreign Trade were liberalizing foreign policy and advancing détente with the West and perhaps giving dissenters too many liberal notions for Russian society. It was a case of two different bureaucracies inside the Soviet Union battling to carry out their separate policies. To an outsider, Russian behavior appeared inconsistent. But the apparent inconsistency merely reflected competing bureaucracies behaving perfectly consistently with their separate institution's mission. In other words, the education tax decision was like the emigration policy and the Jewish policy in general: subject to competing interests pulling from different directions.[39]

Levying the August 1972 education tax turned out to be one of the Soviet authorities' worst diplomatic mistakes, in addition to having

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[38]Early August is traditional vacation time for the Foreign Ministry. That may have contributed to the failure of the Foreign Ministry's early warning defense system. Administration Source.

[39]Administration Source.

serious internal consequences. Just as the Leningrad trials of December, 1970 fueled even bolder protests, the Soviet diploma tax acted as a catalyst for more protest activity. Further, it presented the Jewish leadership in Israel and in the United States with a new challenge which it could not ignore. And, as shall be discussed,[40] it provided Jackson a golden opportunity to capture Jewish support for anti-trade legislation which he had been drafting in the summer of 1972.[41]

In spite of the tax and continual intimidation, the number of applicants, strangely enough, did not decline. More and more Jews got out in 1972 and 1973 at a relatively steady rate of about thirty-two thousand a year. It seemed that their protests and bold action were being rewarded. That encouraged even bolder efforts to leave; from 1971 to 1973, there were hundreds of demonstrations involving thousands.[42] However, while the gross number increased, the number of academicians and scientists arriving in Israel declined. This is an important point to understand. The educated, urbane group, who suffered the most from the education tax and the arbitrary application of emigration policy, were the core of the activists spurring efforts in the West to help. They probably had the greatest influence on Jackson during the fight for the Jackson Amendment.

ACTIVISTS IN TWO DEMOCRATIC SOCIETIES: ISRAEL

The Soviet authorities thought they were getting rid of the trouble makers by permitting the activists to leave in the late nineteen

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[40] See Part II.

[41] In retrospect, Soviet authorities generally consider the tax a mistake.

[42] Schroeter, p. 339.

sixties. They were only partially correct. They got the activists--some of them--out of the Soviet Union. But they couldn't stop the activists once they were beyond Soviet borders.

They came to Israel. Their humanitarian appeal aroused public opinion there and captured the attention of--and was captured by--political parties in the Israeli opposition. Eventually pressure from Soviet emigrés and opposition parties combined to force the ruling Israeli Labor Party to reverse its policy of silence and speak out publicly for the Soviet emigration movement.

The Israeli government's response to the rising Jewish consciousness in the Soviet Union is interesting because as a democracy, a land of immigrants, and a nation with a sense of some responsibility for individuals (Jews) who are citizens of other sovereign countries, Israel's experience presaged the American response. The Israeli response was also an early stage in the transnational chain reaction originating in the Soviet Union and ending in the United States. The American Jewish community relied heavily on the government of Israel for cues on political action in the United States. The major Jewish organizations in the United States depend on the Israeli government for raw data about the situation of Jews in other lands. This forms the basis of policies and helps the organizations to establish priorities among various Jewish community projects to which attention is devoted.

The early Israeli government response to pleas for help from Soviet Jewish activists was not what one would immediately expect. Nor was it what the Russian activists would have wanted it to be. Rather than encouraging the indigenous Soviet Jewish activism, the Israeli

government initially responded in silence. It was, in one word, circumspect.[43]

The official Israeli office in charge of Jewish relations in the USSR and other Communist countries is known as "the office without a name." Nominally part of the Foreign Ministry, it is in fact responsible only to the Prime Minister. Until the end of 1969, Shaul Avigur, "one of the most influential but least known men in Israel," was in charge of the office for a half century. On the question of Jews behind the Iron Curtain, his policy was government policy. Under Avigur's aegis, the "office without a name" smuggled and even purchased Jews from Communist countries. His work was done in absolute secrecy. He insisted on anonymity for himself and tight supervision and strict military censorship for his projects.

In Avigur's opinion, the way to handle the Jewish question in the Soviet Union was the same way he handled the problem in Rumania, Bulgaria, and Poland--through secret negotiations. There existed a "gentleman's agreement" between the governments of Israel and the Soviet Union.[44] The Soviet government "paid Israel a price" for her silence. A few Jews were permitted to reunite with their families in Israel.[45] Apparently as part of the bargain, Avigur resisted acknowledging or permitting the publication of open letters, appeals, or renunciations of Soviet citizenship

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[43]Unless otherwise noted, the following discussion relies heavily on--among other things--scattered references in Leonard Schroeter, The Last Exodus.

[44]Press Source.

[45]Press Source.

by Jewish protesters, which after the Six Day War began arriving via the Israeli post and telephone. Israel's representatives in the embassy in the Soviet Union were equally cautious in their contacts with Soviet Jews who often resented this silent treatment.[46]

Avigur retired to his kibbutz at the end of 1969. His "handpicked successor," Nechemiah Levanon, endeavored to maintain previous policies while Avigur continued to be consulted by Prime Minister Golda Meir. By 1969, however, official Israeli silence could no longer be effectively maintained. Larger numbers of Soviet activists reached Israel. They claimed, with some justification, to know the situation relating to Soviet Jewish emigration policies better than Israel's experts. They argued that the louder the protests, the better.[47] Yasha Kazakov, a new Soviet emigrant, staged highly publicized hunger strikes at the United Nations and elsewhere which aroused sympathy particularly among the student population in Israel. Eventually the opposition party in Israel, Herut, started to criticize the policy of silence.

Menachim Begin, longtime leader of Herut, had hesitated to criticize the government's approach on this subject. The nation as a whole apparently respected Avigur's expertise in the field and deferred to him.

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[46] For example, when the All Star Women's Basketball team from Israel toured the Soviet Union in 1965, Jews mobbed the bus. But the Israeli Ambassador Yosef Tekoah hardly reciprocated. Activist Jews of Riga also complained of Israeli (and world Jewry) indifference when they tried to contact the Embassy for money, Jewish books, and Hebrew grammars. Also see, Vitold Kapshitzer, "The Trojan Horse of Fascism," (Selections) Midstream, April, 1973, p. 69.

[47] For example, a group of Georgian Jews pleaded for the Israeli broadcasting system, Kol Yisrael, to broadcast their appeals thereby demonstrating Israel's support for their efforts.

But elements within the opposition camp, in particular, Geula Cohen, a former member of the pre-state Jewish terrorist group, the Stern Gang, became a vocal champion of the view held by the new Soviet immigrants that the Israeli government was too timid.

The criticism from the growing number--roughly twenty thousand by the end of 1971--of individuals who knew the Soviet scene first hand combined with the inroads that the opposition politicians were making in public opinion apparently forced the Labor Party government headed by Golda Meir to review its traditional policy.

Finally, in November 1969, Meir made a dramatic statement to the Israeli Parliament, the Knesset, which recognized and flatly supported the Jewish movement in Russia. Israel's ambassador to the United Nations also agreed to transmit some of the Soviet Jewish appeals to the United Nations.[48]

In a radio interview on December 19, Meir stated that the Soviet legal proceedings against the Leningrad hijackers were a farce designed to frighten Soviet Jews. The Israeli government and various Jewish organizations even claimed the hijack attempt never occurred but was rather a fabrication of the KGB. In fact, that statement was somewhat deceiving. The Israeli government reportedly suppressed the testament of the hijackers for three years after the trial. One reason the testament was not released was that it reportedly revealed that the hijack attempt had been a desperate response to the "failure of Israel and Jews

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[48] American Jewish Yearbook, 1971 (New York: American Jewish Committee, vol. 1972), pp. 440-441.

in the West to express vigorous commitment to Soviet Jewry."[49]

Another attack against the government's position raged from December 28, 1970 to May 1971, concerning a battle over Israel's citizenship law. Soviet activists and their opposition allies, which included the Herut Party, eventually forced a change in the Israeli law so that persons unable to settle in the country were still entitled to become Israeli citizens. Six months after the law was passed, the government, which was "markedly unenthusiastic" about the new law, had granted only fifty-eight certificates, although hundreds had applied.[50]

Israel was in a sensitive spot. On the one hand, the raison d'être of Israel is to gather in the Jews in the Diaspora, to be a homeland to homeless Jews. As the figures of immigrants from the USSR mounted, the government also began to appreciate that the three million Jews in the USSR were an important reservoir of new Jewish citizens.[51] On the other hand, as a matter of raison d'état, Israel could not afford to alienate one of the world's two great superpowers, the Soviet Union. The Soviet Union is extremely wary of interference in its internal affairs from elements abroad. And despite all of Israel's cautious efforts, she is still accused of crass interference.[52]

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[49] Schroeter, p. 186.

[50] Schroeter, pp. 342-345. Schroeter himself reportedly had ties to Herut. Jewish Professional Service.

[51] Administration Source.

[52] One sophisticated Soviet academician reflected this attitude when he expressed the opinion that Israeli radio broadcasts which try "to make them [the Jews] want to move" are responsible for the Soviet Jewish activism, which, as we briefly discussed, stems from very basic cultural and personal roots. Soviet Source. See pp. 21 - 22.

Israel has admittedly played an important psychological role for Soviet activists under Soviet control. Radio broadcasts of Yol Yisrael gave the Jews in Russia confirmation that there was a haven, a national homeland for them outside the Soviet Union. The mere existence of the state provided an address to which Soviet Jews could send appeals. The state and its highly symbolic capitol, Jerusalem, served as a goal toward which Soviet Jews could focus their hopes for the future and yearn for another kind of life.

Even so, Israel remained actively inactive, loudly silent. Its leaders may have been personally sympathetic, but officially, they refrained from activities which appeared to be overtly meddling in the domestic affairs of the Soviet Union.[53] Israel's leaders tried to avoid exacerbating already tenuous relations with the Soviet Union. They thought more Jews would be released if they avoided public criticism of the Soviet Union.[54]

THE AMERICAN JEWISH COMMUNITY

The passiveness of Israeli policy was reflected in the early cautious response of Western Jewry to the new activism among Soviet Jews. The Jewish establishment, which was following the mostly circumspect approach adopted by Israel, however, soon found itself outmaneuvered by non-establishment Jewish activists.

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[53] As we shall see, this was Israel's position vis à vis the Jackson Amendment, too.

[54] Schroeter, p. 396.

If the reaction of the Israeli government to the Soviet activists had been slow, the reaction of organized American Jewry was even slower. American Jewry relies on Israel for basic data on the status of Jews in other lands and for interpretation of the facts when choosing projects to devote the Jewish community's attention to. Consultation between the government of Israel and the Jewish organizations in the United States takes place at various levels, not least interesting of which is through agents of Israel's "office without a name" who convey Soviet Jewish policy for Israel. Israeli officials work out of the Israeli Consulate in New York City and the Israeli Embassy in Washington.[55]

Establishment Jewish Community

"Soviet Jewish activists inside and outside the Soviet Union have," in the words of one activist, "severely criticized Western Jewish organizations for unresponsiveness, inefficiency, inadequate commitment, and stupidity."[56] Until 1970, there was virtually no communication between Jews in Israel and the West and Jews in the Soviet Union. It was assumed that communication was impossible even though the Soviet Union was a member of the Universal Postal Union and a signatory of the International Postal Convention and the International Telecommunications Convention. Western Jewish leadership discouraged trying to communicate, fearing that might bring harm to the Soviet Jews.[57] To counteract

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[55]Jewish Leader Source.

[56]Schroeter, p. 334.

[57]Ibid., 187.

this, individual activists conducted political consciousness-raising efforts in the American Jewish community.

In the early sixties, various American Jewish leaders had intervened on behalf of Soviet Jews. But their appeals generally dealt with religious, cultural, and spiritual freedom issues. The issue of freedom to emigrate was restricted to the reunification of families.

In April of 1964, the Jewish community in the United States established the American Conference on Soviet Jewry to deal specifically with the question of Soviet Jews. It was however a half-hearted effort. It had no financing or staff of its own. Another organization, the National Jewish Community Relations Advisory Council, whose membership consisted of autonomous local Jewish community relations agencies in eighty-seven cities, contributed staff to handle the Soviet Jewish question.[58] The American Conference on Soviet Jewry was in effect a name for a collection of delegates from the eighteen member groups which constituted the Jewish leadership in this country.[59] While the leadership was organizing, a largely New York-based Student Struggle for Soviet Jewry was also created in 1964; it joined the American Jewish Conference on Soviet Jewry in 1971.[60]

Meanwhile in Washington, the Jewish community's registered lobby, the American Israel Public Affairs Committee (AIPAC), was focused on one

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[58] American Jewish Yearbook, 1971, p. 269.

[59] American Jewish Yearbook, 1973, p. 211.

[60] Jewish Professional Source.

thing, the State of Israel, to the exclusion of the Soviet Jewry issue. Safeguarding the two and one-half million Jews in Israel overshadowed concern in the American Jewish community and in this organization for the three million Soviet Jews. In the early 1970's for example, AIPAC staff member, Tina Silber, told one frustrated independent activist for Soviet Jewry, that "I just can't get too excited about Soviet Jewry."[61]

The American Jewish Yearbook, a semi-official publication of the Jewish community prepared by the American Jewish Conference, admitted to the timidity with which the Soviet Jewish issue was treated in the 1960's:

> With few exceptions, notably Jewish defense organizations in the United States, Jewish opinion had previously remained unconvinced of the special nature of anti-Jewish discrimination in the USSR. Most Jewish organizations in the United States had been content to employ 'quiet diplomacy' and to restrict their activities to meeting with low-echelon Soviet officials who had assured them that there was no Jewish problem in the USSR.

The Jewish community organizations named as following this line were the American Jewish Committee, American Jewish Congress, B'nai B'rith, and National Community Relations Advisory Council.[62]

Non-Establishment Jews

In contrast, individual Jewish activists outside the mainstream of Jewish community leadership became active. As a result, they dominated the early Soviet emigration movement in the United States. The Leningrad Trial in December 1970 and the hijacking events that had led to the

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[61] Jewish Activist Source.

[62] American Jewish Yearbook, 1965, vol. 66, p. 312.

trial galvanized many of these people into the earliest organized efforts. Within hours of its happening, activists like Soviet non-Jew, twenty-eight year-old Vladimir Bukovksy made information available to Western newmen in Moscow about the Leningrad Trial.[63] Bukovsky, "the conductor of the whole human rights orchestra" and other activists were repaid for their daring feats.[64] In Israel and the United States, sympathizers dedicated themselves to the struggle for Soviet Jewry.

The Jewish Defense League staged a number of violent headline-grabbing anti-Soviet incidents, which aroused the ire not only of the Soviet Union but also of United States and Israeli authorities, and of the American Jewish "establishment" leadership.[65] Soviet authorities protested an early incident on October 1, 1970. On December 11, the Soviet Union responded to another incident by cancelling the American appearance of the Bolshoi Ballet. On January 1, 1971, a Soviet embassy building in Washington, D.C. was bombed and on the nineteenth of the same month, the cars of three Soviet diplomats were attacked in Maryland. The Soviet government retaliated against two American newsmen in Moscow.[66]

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[63]Newsmen were provided "instant translation into English of high points of the trial, last words of the defendants, and expected harsh sentence" conveyed via "untapped telephone lines and couriers who could evade the KGB." Schroeter, p. 197.

[64]Schroeter, p. 17.

[65]"State Department Supports Congressional Resolution on Soviet Jewry," Department of State Publication 8624, reprint from the Department of State Bulletin, pp. 6-7, released December, 1971.

[66]Chronology, "Detente," Hearings before the Subcommittee on Europe of the Committee on Foreign Affairs, House of Representatives, 93rd Congress, second session, May 8, 15, 22; June 10, 12, 26; July 17, 25, 31, 1974, pp. 500-501.

"There may have been overlapping membership between the Jewish Defense League and another early organization the Union of Councils for Soviet Jewry," said Professor Harvey Lieber who has been involved in national political action from the local Washington chapter of the Union of Council for Soviet Jewry. Lieber, who has been active ever since the Leningrad Trials, said his group was non-violent but still "ahead of the game in many ways--more willing to demonstrate, contact Soviet Jews by phone, and adopt 'prisoners of conscience'" (incarcerated Soviet dissidents).

The Union of Councils for Soviet Jewry was one of the earliest organized efforts on behalf of Soviet Jewry. It grew from the first local group on Soviet Jewry formed in Cleveland by Dr. Louis Rosenblum, head of the Cleveland Council on Anti-Semitism. In 1971, a dozen or so communities, including the San Francisco Bay Area and Los Angeles which had local Soviet Jewry groups, formed the federation.

As the quasi-official American Jewish Yearbook has explained, these local groups were not "representative of the organized Jewish community" and "considered themselves more militant." They "developed their own individual programs and styles" including the first person-to-person programs with Soviet Jews who were contacted by mail and phone--a technique later adopted by the more establishment group, the American Jewish Conference on Soviet Jewry.[67] Rosenblum had boasted that ". . . we have maintained contacts with hundreds of Jews who have applied for exit visas, and in particular, the fates of those persons who have been

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[67] American Jewish Yearbook, 1973, p. 212.

denied."[68]

Soviet Jewish activists reaching Israel had managed to communicate successfully with friends and family remaining behind. They encouraged others in Israel and the United States to do the same. By 1971, an elaborate communications network was established featuring telephone networks, mail and tourist channels which reported and supported the would-be Jewish emigrants.

Transnational communications were in full bloom. Radio was an essential means of transmission. Commented one scholar in testimony to Senator Jackson's inquiry on the subject in 1970, ". . . radio stations are heard universally. . . apparently the authorities can't prevent, or, anyway, can't prevent at the kind of cost they are prepared to pay. . . by restoring a complete police regime on Stalin's pattern. . . ."[69] Through broadcasts by the British Broadcasting Corporation, Kol Yisrael, Voice of America, and Radio Liberty, news flows and the dissidents derive a psychological lift.

Meanwhile an equally significant reverse flow of information emanates from the Soviet Union to the West. Senator Jackson, whose office apparently participated in the communication network, has commented, "there

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[68]Louis Rosenblum, Hearings, 'The Trade Reform Act", Ways and Means Committee, House of Representatives, 93rd Congress, 1st session, part 11, p. 3676.

[69]Leonard Schapiro in "International Negotiations," Hearings before the Subcommittee on National Security and International Operations of the Committee on Government Operations, 91st Congress, second session, part 2, April 16, 1970, p. 39.

is an amazing flow of information out of the Soviet Union. It is incredible what these people have been able to do, policed as they are, by the KGB, with all its intricate devices, to keep tabs on people." Jackson mentioned the importance of radio broadcasts, ". . . we know that what happens in this body [the Senate] sometimes gets to them in a matter of hours, when it is publicly disseminated."[70]

Early Efforts to Tie Trade and Emigration

Louis Rosenblum, chairman of the vanguard group in the development of elaborate contacts with Soviet Jewry, is also credited with being the first person to suggest that freedom of emigration be linked to trade concessions which the United States was considering granting to the Soviet Union. That was in mid-1971. Soon after, Rosenblum's close friend, Professor Harvey Lieber of American University, and Washington attorney Nathan Lewin established the National Center for Jewish Policy Studies. Lieber described the project as a "Jewish Nader's Raiders."[71] In the summer of 1971, one of the earliest projects of the group was to assign "a student from Switzerland to assess the Soviet need for trade" from the West. It was the first attempt to consider what according to Lieber "appears to be so obvious now--dangle a carrot" before the Soviet Union to induce it to cooperate on the emigration question.[72]

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[70] Congressional Record, December 13, 1974, daily edition, p. S21420-1.

[71] Harvey Lieber.

[72] Harvey Lieber.

Lieber and Lewin next drew up legislation tying Soviet concessions on emigration to the export control mechanism which the United States had employed to regulate trade with countries in the Communist bloc. The proposed legislation gave the President discretionary authority to withhold exports as a means of pressuring the Soviet Union to liberalize its emigration policies.

Lieber became a self-appointed one man lobby for the proposal. "Nobody [else] was lobbying [Soviet Jewry] --registered or unregistered. I was doing it on the side--on an ad hoc basis--pitching in when needed."[73] Lieber might be called a hobby-lobbyist.[74] He circulated several memoranda on Capitol Hill including a March 1972 memorandum prepared on his professional stationery of the School of Government and Public Administration of the American University which combined data compiled from the Union of Councils for Soviet Jewry's press releases as well as selections from various Congressional hearings.

Lieber had little support from the Israeli embassy, the American

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[73]Harvey Lieber.

[74]Lester Milbrath, a student of Washington lobbyists has categorized "hobby lobbyists" as individuals who "on their own initiative, spend their days on the Hill trying to influence legislators . . . however, since they represent themselves, they should not be considered lobbyists by our definition." Lester Milbrath, The Washington Lobbyist, (Chicago: Rand McNally and Company, 1963), p. 11. The motives of hobby lobbyists or any other kind of "political types" is the question for another study. Harold D. Lasswell sees personality as the root. "Political types," he has written are powerseekers with "private motives displaced on public objects rationalized in terms of public interest." Harold D. Lasswell, Power and Personality (New York: Viking, 1948), p. 38. V.O. Key's focus, in contrast, is group oriented. "At bottom, group interests are the animating forces in the political process." V.O. Key, Politics, Parties, and Pressure Groups, (New York: Thomas Y. Crowell Co., third edition, p. 23.

Jewish organizations, or anyone in Congress. The Lieber legislation was a direct antecedent to the Jackson Amendment.[75] Lieber, however, was never in direct contact with Jackson or with Jackson's staff. Jackson in this stage was satisfied with introducing a resolution cosponsored by Tennessee Republican Senator William Brock which expressed sympathy for the cause of Soviet Jewry, and which was supported by the State Department.

Explained Lieber, "Jackson wasn't on the right committee . . . Richard [Perle, staffman for Jackson] wasn't in town--he was campaigning for Jackson.[76] Secondly, Edmund Muskie [D-Maine] and Jackson were fighting for a bill for refugee assistance for Soviet Jewry resettlement in Israel." Nor did Lieber contact the office of Senator Abraham Ribicoff. Ribicoff, said Lieber, was not on the "right committee" either.

The "right" committee, in Lieber's opinion, was the International Finance Subcommittee of the Senate Banking Committee. It was responsible for the Export Administration Act, to which Lieber aimed to attach his proposed legislation in early 1972. Senator Walter F. Mondale (D-Minn.) was Chairman of that subcommittee. "I tried to see Mondale but was unsuccessful." Mondale's professional staff economist on the Banking Committee, Paul A. London, explained that Mondale tried to find a way to accommodate Lieber. Mondale wanted to do something for the Soviet Jews.

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[75] In fact, it was not the only effort at the time to link trade and emigration. There was another individual in New York pushing the same proposition, Lieber said.

[76] Jackson, who was reelected to represent the State of Washington in November 1970, ran unsuccessfully for the Democratic Presidential nomination in 1972.

But he resisted linking emigration to United States-Soviet trade, which Mondale had worked hard and successfully to liberalize since 1969. After several efforts by London and Mondale's foreign policy assistant, Roger Morris, to redraft the Lieber proposal, Lieber was left disappointed.[77]

Lieber's experience with his co-religionists was even more frustrating. He had no help from the Israeli embassy. Explained Lieber, "I want to stay clear of the Israeli Embassy. I don't know what their position was. It's always a difficult situation dealing with any foreign embassy."[78]

Lieber did, however, try to enlist the assistance of the National Conference on Soviet Jewry, (NCSJ) which became the reembodiment of the American Conference on Soviet Jewry. In late December 1971, Lieber and Jerry Goodman, Executive Director of the National Conference on Soviet Jewry, had worked together to brief New York Congressman James Scheuer regarding the situation of Jews in the Soviet Union.[79] Despite their prior experience of cooperation, Lieber's idea to link trade concessions to emigration received no support from Jerry Goodman, in particular, or his organization, in general.

Lieber called the National Conference on Soviet Jewry "very

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[77]Senate Source. Jewish Activist Source.

[78]Harvey Lieber. For the position of Ambassador Yitzhak Rabin, see Part II.

[79]Scheuer was later expelled on January 14, 1972, by Soviet authorities for allegedly contacting Jews and encouraging them to emigrate to Israel.

timid, very slow." "It was not backing it," Lieber said. "I had fights with the Director, Jerry Goodman . . . Goodman was extremely ambivalent about the Export Administration Act. It [Lieber's project] was a personal thing but I was touching base with Jerry Goodman, who felt we should not tie trade with emigration."

Goodman recalled, "we had discussed export controls, the idea was in the wind." Goodman downplayed alleged opposition he may have had in early 1972 to linking trade and emigration. In June 1975, on the fifth anniversary of the Leningrad hijack attempt, and a half year after the Jackson Amendment battle had been fought, Goodman did argue that "we should get something from the Soviet Union for our trading with her."[80]

Eventually Jewish activists outside the mainstream of American Jewish leadership pushed the establishment organization to respond to the needs of the activists inside the USSR. New life was breathed into the old organized coalition on Soviet Jewry which was renamed the National Conference on Soviet Jewry.

Richard Maass, who had been Chairman of the American Jewish Committee's Foreign Affairs Committee, vice chairman of the old American Jewish Conference on Soviet Jewry, and second chairman of the National Conference on Soviet Jewry from 1972 to 1974 recalled an early confrontation between individual militant activists and the leadership. Maass was a delegate from the American Jewish Committee to the old American Conference on Soviet Jewry which held a meeting at the Yeshiva University

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[80] Jerry Goodman.

in New York in 1970 sometime between the June hijacking and the December Leningrad trial.[81] Said Maass, a group of students who were not actually organized staged a confrontation and "made certain demands" for half a million dollars and the formation of a new group dedicated to Soviet Jewry. All the elected delegates but three walked out. Among the remaining three was Rabbi Herschel Schacter, who later became the first chairman of the new National Conference on Soviet Jewry and served from 1970 to 1972, and Maass, who was the second chairman succeeding Schacter.[82]

It was a major step toward active involvement by the Jewish establishment. The Soviet emigration movement had developed rapidly. Soviet activists had gained Israeli government support after gaining more open support from sympathizers in the opposition parties in Israel and among organized groups for Soviet Jewry. Support was also gathering in the United States and elsewhere in the world. The fact that the Israeli government lent its support encouraged the establishment Jewish groups in America to also pay heed. Eventually, Soviet Jews could boast that "of Soviet dissent movements, only the Jews have had a large, structured, well-financed, internationally distributed, strategically placed lobby in the West--world Jewry,"[83] the impact of which the government of the United States would come to feel.

A pattern similar to that which had developed in Israel reoccurred in the United States. The Soviet Jewry issue was attracting politicians

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[81] Professional Jewish Source.

[82] Richard Maass.

[83] Schroeter, p. 334.

who were becoming aware that attacking Soviet repression had an important constituency in the United States.

THE ADMINISTRATION RESPONSE TO THE SOVIET EMIGRATION MOVEMENT

Richard Nixon was President of the United States during the period of rising Jewish agitation. Even before he was sworn into office in January 1969, his political record reflected a concern for the question of Soviet Jewry and Communist repression in general. In 1959, when he was still Vice President planning to run for President, Nixon is credited with establishing the practice of presenting Soviet authorities an official United States representation list or hardship list of individuals in the Soviet Union--many of whom were Jews--who had been denied permission to emigrate in order to reunite with family in the United States.

In 1964, still eyeing the Presidency, Nixon criticized the Kennedy wheat deal and suggested instead that wheat be sold to the Communist bloc countries only on condition that the regimes liberalize their domestic policies vis à vis their own population. Nixon construed East-West trade as a political tool to advance American strength vis à vis the Communist nations: "No United States trade should be approved if it strengthens a Communist government's stranglehold on the people."[84]

On September 30, 1968, in the heat of his successful run for the Presidency, Nixon expressed his continuing concern for Soviet Jewry in a speech to the American Conference on Soviet Jewry: "I deplore the

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[84] Richard Nixon, "Khrushchev's Hidden Weakness," Saturday Evening Post, 1963, reprinted in Gardner, Lloyd, ed. The Great Nixon Turnaround, (New York: Viewpoints, 1973), pp. 63-64.

discriminatory measures imposed upon the Jews in the Soviet Union, and hope and trust that humanitarians throughout the world will continue vigorously to protest these restrictions and deprivations of human rights."[85]

If Nixon in office worried about repression in the Soviet Union as much as he did as a candidate, he did not so express himself publicly. The diplomats in his government conducted "quiet diplomacy."[86] They brought up representation lists with Soviet officials. For example, in October 1970, Secretary Rogers handed over such a list to Soviet Foreign Minister Gromyko. Another list containing one hundred and fifty names was provided by United States Ambassador to Moscow Jacob Beam to Deputy Foreign Minister Kuznetsov on February 19, 1971. And again in September 1971, Secretary Rogers handed to Foreign Minister Gromyko a list when Gromyko was in New York for a session of the United Nations.[87]

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[85]National Conference on Soviet Jewry News Bulletin, Aug. 1, 1974, no. 35, p. 2.

[86]Quiet diplomacy has been equated with diplomatic conversations conducted by representatives of governments. Quiet diplomacy is defined as "a diplomatic exchange of views between governments. The conversations may be undertaken for information only or may lead to more detailed negotiations. Conversations are a normal diplomatic activity carried on by an ambassador or members of his staff but they may also take place through the use of specially appointed diplomatic agents. . . . Conversations are exploratory and do not involve definite commitments. Continued contact, however, by probing and putting out feelers on topics of interest to either or both sides, enables a diplomat to determine when the time is right to launch a specific initiative." Jack C. Plano and Roy Olton, The International Relations Dictionary (New York: Holt, Rinehart, Winston, 1969), p. 213.

[87]Testimony of Deputy Assistant Secretary for European Affairs, Richard T. Davies "Denial of Rights to Soviet Jews," Committee on Foreign Affairs, House of Representatives, Subcommittee on Europe, November 1, 1971, printed in Barbara Mihalchenko, "The Treatment of Jews in the Soviet Union: Developments During 1970-71," Congressional Research Service,

When the Leningrad Trials death sentences were handed down, the establishment Jews held a National Emergency Leadership Conference December 30, 1970. Schacter, Wexler, and Fisher met with Secretary of State Rogers and President Nixon on the occasion to urge American intervention with the Soviet Union to ask for leniency for the two Leningrad Jews doomed to die. Nixon and Kissinger petitioned Moscow and the would-be hijackers' lives were spared.[88]

Generally, however, the Jewish question paled before considerations dictated by the policy of détente with the Soviet Union which Nixon and his national security adviser, Henry Kissinger, were laboring to establish. One of the major elements in that policy was that each superpower would refrain from intervening in the domestic affairs of the other.

The official Administration position on Soviet Jewry was enunciated on November 1, 1971 by Deputy Assistant Secretary for European Affairs Richard Davies. The official told a Congressional hearing that "a small number of outspoken Jewish activists has been dealt with arbitrarily and usually harshly . . . . Individual applications for emigration are sometimes harassed. We deplore this." But Davies was reluctant to do other than to deplore. He said that the United Nations was the best "regular forum for focusing world attention on the situation of Soviet Jews," and he referred to two such American protests lodged by

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Library of Congress, November 10, 1971. In 1971, as many as 500 Soviet Jews were reported to be on the representation list of those who the U.S. government was actively trying to help. Schroeter, p. 361.

[88]"American Jews and Israel," Time Magazine, March 10, 1975, p. 27. In December, 1970, Soviet physicist Andrei Sakharov also wrote Nixon protesting the Leningrad trial. As far as is known, there was no reply. Schroeter, p. 175.

United States Representative on the United Nations Human Rights Commission, Rita Hauser.[89] One was lodged on March, 1970 and another on February 26, 1971.

As for Jews wishing to go to Israel--in contrast with Jews wishing to reunite with American families--Davies flatly asserted, "we cannot be of direct assistance in cases of persons seeking emigration to other countries."[90]

As Nixon approached his reelection in 1972, however, he was compelled to pay greater attention to the emigration movement which attracted increasing attention in the Jewish community in the United States. In January 1971, the Democratic front runner Edmund Muskie took a trip to the Soviet Union accompanied by former United States Ambassador to the Soviet Union Averell Harriman. Muskie raised the question of Soviet Jews with Prime Minister Alexsei Kosygin. Harriman recalled, "We were talking about the desirability from the Soviet Union's standpoint of letting the Jews out. The effect of the talks may have been useful, anyway, maybe it had some influence because after that talk, they let out more Jews, per month at least, and about thirteen thousand in 1971 and this year [1972] it will be somewhere approaching double that amount if not up to thirty thousand."[91] As previously mentioned Muskie and Jackson, both

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[89]Attorney Rita Hauser is a leader in the Jewish community in New York City. She was an election campaign official for Nixon in 1972. Her role in the fall of 1972 will be discussed later. Eventually she headed a group of lawyers lobbying for the Jackson Amendment.

[90]Testimony, Richard Davies, etc., pp. CRS 45-60.

[91]Averell Harriman, speech to East West Trade Council, in Congressional Record November 2, 1972, p. E9047.

Presidential hopefuls in 1972, cosponsored legislation to help Israel resettle Soviet emigrants. Soviet Jewry was becoming a Presidential political issue and Nixon could not ignore that. Appeals were sent to Nixon, Hubert Humphrey, George McGovern and many other leading political figures in 1972 election campaigns. "In thirty-five different states, there was legislative action, gubernatorial proclamations, denunciations of Soviet persecution of Jews, and appeals asking the President to raise the question of Soviet Jews," reported the American Jewish Yearbook.[92]

Nixon's speechwriter, William Safire, has written that Nixon personally sympathized with the cause. "He believed the Jews were right to stand up for their fellow Jews, and that the Soviets were making a mistake in allowing this to stand in the way of East-West détente."[93] In that case, the politics of the situation conveniently overlapped with Nixon's personal point of view.

The Moscow Summit, 1972

The big test of Nixon's concern for the Soviet Jewry came at the May 1972 summit in Moscow. Leonard Garment, a former Wall Street law partner of Nixon and White House liaison with the Jewish community,"ran a delegation in to see Kissinger and the President before and after the Moscow summit; the Nixon men impressed on the Jewish leaders the need to let the Soviets back off without losing face. Kissinger kept pointing out that they were not telling us to solve our own race problems before dealing

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[92] American Jewish Yearbook, 1973, p. 218.

[93] William Safire, Before the Fall, (New York: Doubleday, 1975), p. 575.

with them. . . . Kissinger did not want détente jeopardized by the admission of impediments like internal policy to the marriage of true minds."[94] One of Garment's tasks was to encourage Kissinger to make it possible for more Jews to get out of the USSR.[95]

At the summit in Moscow, it was difficult to ignore the protests of Jews wishing to emigrate. News of Nixon's visit elicited a great deal of activity in the Soviet Jewish community. When President Nixon's visit was officially announced, people from Jewish centers throughout the Soviet Union started sending letters to him.[96] Mrs. Nixon, who accompanied her husband to Moscow, personally saw one letter which a group of Soviet Jews gave to some American journalists covering the President. These journalists passed it on to Safire. Safire, who is Jewish, made sure Mrs. Nixon got the original and Henry Kissinger got a copy.[97]

It is not clear how the President or Kissinger handled the question of Soviet Jews with Soviet officials at the summit. The administration told reporters in Moscow one thing and then later told the Jewish leaders back in Washington the opposite. The issue was not included in the official agenda of issues to be discussed by Nixon and Brezhnev.[98] Kissinger counseled Safire and Presidential aide Robert Haldeman in Moscow

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[94] Safire, p. 575.

[95] Ibid., Also in 1972, after several years of discussion between the American Jewish Conference (superceded by the National Conference on Soviet Jewry) and the State Department's United States Information Agency, the Voice of America finally added a one minute broadcast three times a week directed especially to Soviet Jews. American Jewish Yearbook, 1973, p. 22.

[96] Schroeter, p. 337.

[97] Safire, p. 441.

[98] American Jewish Yearbook, 1973, p. 219.

to "say nothing while we're here. How would it be if Brezhnev comes to the United States with a petition about the Negroes in Mississippi?"[99] Reported Leonard Schroeter, who was very close to the Soviet activists in Moscow and in fact was in Moscow in 1972, there is "no indication that he [Nixon] ever raised any question with Soviet leaders." An administration official who was involved in the United States-Soviet trade negotiations, commented "emigration never came into Administration interest in May and June, 1972."[100]

The apparent American inaction plus imprisonment of activists, disconnection of telephones, calling up of Jews to military service, and continuing jamming of Voice of America and Radio Liberty during the period of Nixon's stay in the Soviet Union caused "great bitterness" among Soviet Jews.[101]

Soon after the summit, however, Governor Nelson Rockefeller--who was not in Moscow but who was a confidant of Henry Kissinger--reported that Nixon and the Soviet leadership had a "meeting of minds" and there was an understanding that the 1972 outflow of immigrants would reach thirty-five thousand. The New York Times correspondent reporting called

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[99] Safire, 451.

[100] Administration Source.

[101] Schroeter, p. 337. An activist who lived through this period called the period of Nixon's visit to Moscow "the most severe crackdown on Jews since 1952"--a reference to Stalin's anti-Jewish campaign. Jewish Activist Source. Voice of America had been jammed since the invasion of Czechoslovakia in 1968. In 1972, Uzbek broadcasts were jammed minutes after they were inaugurated. Jamming of all VOA broadcasts ceased on Sept. 10, 1973.

the Republican New York politician's statement "a bit of political exaggeration" in reference to the upcoming Nixon reelection where the Jewish vote in New York was an important element. The correspondent reported that there was, nonetheless, an agreement. Soviet leaders told Nixon what their emigration figures were and probably made an annual projection.[102] It turned out that if Rockefeller had exaggerated, he did so only slightly; around thirty-two thousand Jews emigrated in 1972.

At a press conference after the President's return, Kissinger indicated that Soviet emigration was "mentioned" during summit talks. And months later the President personally told Jewish leaders that the subject was discussed.[103] At the time, however, the Administration in word--if not in deed--appeared to resist joining the mounting protests of Soviet emigration policies. Its "quiet diplomacy" was so quiet that it seemed imperceptible to the Jewish activists. Instead, Nixon appeared most concerned about not jeopardizing détente .

SUMMARY

By allowing some Soviet Jews to leave in the years after the 1967 June War in the Middle East, the Soviet authorities ironically whetted the appetite of others to try and apply to emigrate. Eventually, pressure began to build up as the authorities were unwilling to match the rising expectations in the Jewish community.

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[102] Hedrick Smith, "Soviet Jews; Huge Price for the Ticket Out," New York Times, August 20, 1972, p. 535.

[103] American Jewish Yearbook, 1973, p. 219.

Measuring Soviet emigration policy is, unfortunately, limited by the statistics which are publicly available. Provided by the National Conference on Soviet Jewry, which compiles its data in cooperation with Israeli and American authorities, the figures tell only how many Jews actually get out of the USSR. They do not reveal how many actually apply nor how many who apply are rejected by Soviet authorities. (The Israeli figures for Soviet Jews requesting an invitation from a family in Israel as a necessary first step for a Soviet Jew to file an application does not accurately reflect the number of applications). Ideally, to measure Soviet policy, one would need to graph over time the proportion of applications to rejections.

The fluctuation in the numbers of emigrants should represent two major factors: (1) fluctuation in the number of applicants and (2) fluctuation in Soviet government policy regarding the grant of permission for applicants to leave. These two factors are intimately interrelated. The more it appears to Soviet Jewry that Soviet authorities are permitting exit, the more applicants there will likely be. Harassment and denials are important depressants in the number of applications filed. In addition, potential applicants also decide to apply formally based on their image of their future home. The attractiveness of life in Israel after the 1967 War was probably a positive factor in the number of applicants.

In the post-67 War period, which is the subject of Part I, one may speculate that there was a rising number of applicants. An increasingly large number of emigrants were definitely permitted to leave. Nevertheless, the number desiring to go apparently outstripped the number actually leaving. The individuals who were frustrated in their attempts

to leave became the core of the political activism which eventually was felt on American shores.

The Soviet emigration issue demonstrated that the source of United States political action can span the seas. In this case, the transnational links stretched back to the USSR. United States politics not only does not stop at the water's edge, sometimes internal American politics even begins beyond the water's edge.

Sophisticated communication networks were an important element of the transnational network. It was made possible in this age of technology which the Soviet activists were clearly masters of. As a group, the core of the activists in Russia's major cities were members of a highly educated Soviet elite. These notable characteristics had important political consequences. Sociology students have generally observed that American immigrants today "are of quite different 'stock' from those of the past. . . the new immigrants are to an unprecedented degree professional, upper middle class persons. What this means is that the process of gaining political influence as a small group, a process which took even the most successful of earlier groups two generations at least, is likely to be rapid for those most recent newcomers."[104] The special "stock" of immigrants and the political implications of that sociological statement applies to would-be Soviet emigrants clamoring to leave the USSR. The description also fits the Soviet Jewish emigrants reaching Israel and America where they inspired political action on behalf of their brethren remaining behind in Russia.

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[104] Nathan Glazer, and Daniel Moynihan, "Introduction," in Glazer and Moynihan, editors, Ethnicity, p. 23.

Even though very few actually immigrated to the United States, advanced communications made it possible for them to influence America's foreign policy as had other ethnic groups in American history.

Success was due not only to the "stock" of the Soviet Jews and to the age of technology aiding communications. Another important factor was that these people were activating earlier Jewish immigrants to America who by then knew how to operate in the domestic political process. Many of the American Jews who came to their coreligionists' assistance had made politics their vocation or at least avocation. The early idea for legislation linking trade and emigration toyed with by individual hobby-lobbyists illustrated the high level of political sophistication of some of the early activists in America who devoted their energies to helping Soviet Jews.

By the summer of 1972, the Soviet emigration issue was an important issue to non-establishment and establishment Jews alike in this country. The 1972 summit had offered hope that the way out of the Soviet Union would no longer be hampered by harassment and apparently arbitrary decisions about who among the applicants would actually be able to leave. However, the Jews were disappointed by an apparent reluctance of the American administration to take up the problem with Soviet officials forcefully. After the May summit, the time was ripe for a new actor to appear on the scene and take up the banner of Soviet Jewry. The Jewish community was beginning to grow tired of simply reacting to disasters as they arose. When the Soviet Union announced the emigration tax in August 1972, against what was supposed to be a backdrop of lessening tension

thanks to détente, it was an embittering experience for the Jewish community. It prompted the community to consider tougher proposals to ameliorate the hardships facing Soviet Jewry. The Republican President had been a disappointment. It would not be surprising, therefore, for a politically ambitious actor from the other branch of government with foreign policy making powers--the Congress--and from the other party--the Democrats--to assume the role of champion of the Soviet Jewry cause.

PART II

ELECTION POLITICS AND DETENTE, 1972

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible.

George Washington

INTRODUCTION

The Presidential campaign summer of 1972 encouraged American politicians to focus on the disorganized protests of Jewish activists clamoring for free exit from the Soviet Union. In this way, Jewish activism emanating from Russia spread its political impact to the United States and shaped the course of the American foreign policy.

The key actor in this event was Senator Henry Jackson, who took up the activists' cause both on its merits and no doubt for his own domestic political reasons. The amendment he drafted that summer brought the Norwegian-American Senator from the state of Washington to the forefront. But as Jackson orchestrated the movement to link trade and emigration in America's relations with the Soviet Union, the role of the Jewish activists was eclipsed by their new patron. They were reduced to issuing occasional choruses of protest and useful tidbits of information smuggled out of Soviet Russia to reinforce Jackson's legislative campaign.

To understand the events of late summer to early fall 1972, one must understand not only the transnational lines of the Soviet emigration movement. More specifically, one must understand the role Jews played in the 1972 Presidential campaign which colored the domestic political context. And one must bear in mind the policy of détente and the accompanying developments in United States-Soviet trade which formed the diplomatic backdrop.

Senator Henry M. Jackson introduced his famous amendment on October 4, 1972, in the waning days of the Ninety-second Congress just as the legislature was recessing for the Presidential election. In a letter written to his Senate colleagues dated September 27, 1972, Jackson stated that the "principal and immediate cause of concern is the imposition by the Soviet Union of a head tax which was imposed on August 3, 1972."[1] Unfortunately those who have written on the Jackson Amendment have taken Jackson too literally.[2]

In fact, even before the August 3, 1972, Soviet edict levying an additional exit tax on educated emigrants, Jackson was working on his own personal response to developments in the trade, emigration, and arms control areas arising from the May summit between President Richard Nixon and Secretary Leonid Brezhnev. The May summit represented the peak of the détente policy which President Nixon and his national security adviser,

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[1]Dear Colleague Letter, Henry Jackson, et. al., September 27, 1972.

[2]At the news conference announcing the amendment's introduction on October 4, he reiterated that the legislation was a direct result of the education tax. (New York Times, October 5, 1972). Reporters of the Jackson Amendment who have taken Jackson at his word, include Bernard Gwertzman, who covered the subject for the New York Times. (October 5, 1972); Franklin Silbey, author of the first full length article on the history of the Jackson Amendment. Franklin Silbey, "Senate Demands Quid Pro Quo on Soviet Jews, Trade," The National Jewish Monthly, November, 1972, p. 10; Stephen Rosenfeld, who relied on Silbey's chronology. Stephen Rosenfeld, "The Politics of the Jackson Amendment," Present Tense, Summer, vol. 1, no. 4, p. 17; The Near East Report, a publication of the American-Israel Public Affairs Committee, a lobby for Jewish interests in Washington. Near East Report, October 23, 1974, vol. XVIII, no. 43, p. 219 ; and Joseph Albright, writing in the New York Times Magazine what many consider the definitive work on the Jackson Amendment. Joseph Albright, "The Pact of the Two Henrys," New York Times Magazine, January 5, 1974, pp. 16-17. All of these accounts are mistaken for they all fail to delve deep enough into the origins of the Jackson Amendment. One study does give some passing attention to the trade motivation behind the Jackson Amendment: William Korey, "The Story of the Jackson Amendment," Midstream, March, 1975, vol. XXI no. 3, p. 9 .

Henry Kissinger, had been shaping from the earliest days of the Nixon Administration in 1969. A SALT I treaty limiting anti-ballistic missile (ABM) sites and another agreement limiting offensive missile launchers were signed by the two leaders.

Trade discussions--which had been carefully paced to progress in step with Soviet cooperation elsewhere, particularly Vietnam--had not advanced as far as some had expected. Ostensibly the United States was unwilling to extend most-favored-nation (MFN) tariff treatment or government credit to finance Russian purchases in the United States until the Soviet Union pledged to repay an agreed upon amount of the Russian lend-lease debt dating from World War II. The Soviet Union had been hopeful that a trade agreement would have been reached at the summit. As a compromise, Nixon and Brezhnev agreed to establish a commission to negotiate a settlement whereby the United States would grant most-favored-nation and Export-Import Bank credits in exchange for Soviet payment of its lend-lease debt. Presumably, more tangible evidence of Soviet cooperation in urging its North Vietnamese clients to negotiate a peace settlement with the United States was also a major condition for Soviet-American agreement.

As for the issue of Jewish emigration, activists inside and outside the Soviet Union had the impression that Nixon's promise to conduct quiet diplomacy was being broken by, among other things, Kissinger's personal reluctance to bring up the subject at all.

Jackson looked at the results of the May summit and did not like what he saw. He was basically skeptical of a détente with the Soviet

Union. He thought the SALT agreement was a bad one. He thought that plans to trade with the Soviet Union were moving along at an unguardedly rapid pace. And he was picking up advice at the same time from activists working on behalf of Soviet Jewish emigration about the oppressive domestic conditions inside the USSR.

Jackson set about doing something about all three issues from his position in the Senate. Kissinger and Nixon had carefully prepared the road toward détente with the Soviet Union, which would pay off immediate dividends on the domestic scene in the United States as Nixon approached his reelection on November 7, 1972. A peace agreement with North Vietnam--with the Soviet Union cooperating--was on a more or less stable track. The agreements on arms control, wheat sales, and trade were also welcomed by the American electorate according to summer polls. While pursuing these foreign policy objectives--and the immediate political benefits accruing therefrom--Nixon and Kissinger apparently failed to consider the domestic political reaction to the ramifications of their major new policy of détente. Borrowing the notion of linkage practiced by the Nixon Administration as regards trade and Vietnam, Jackson linked trade to the emigration issue. Jackson's efforts were part of a general counter-détente campaign launched in the summer of 1972. When the battle was over two and one-half years later, it served as a rare example of Congressional assertiveness in foreign policy making not witnessed in decades. He warned the Russians and the Administration, "It is important that the Russians understand they are dealing with not only the Administration but also with Congress."[3] Jackson drew his strength from disparate elements on

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[3] New York Times, October 5, 1972.

the American scene who agreed with his position. In turn, as a Presidential has-been in 1972 and a Presidential hopeful for 1976, Jackson reinforced his own personal political position among these various groups to whom he appealed to with initiatives on SALT, trade, and emigration.

Jackson's objection to Nixon's policy of trading with the Soviet Union, which he said was based on human rights considerations, echoed the old campaign attacks on the Kennedy-Johnson wheat deal issued by Richard Nixon when he was pursuing the Presidency in 1963. As Jackson has pointed out, "I'm disappointed in the President's position on all of this. I've been reading some statements that he made back in 1963. The United States, he said, should be willing to sell wheat to satellite countries as a business deal provided that the government involved gives some greater degree of freedom to the people in these countries, in particular the freedom to emigrate. Well, I couldn't agree more. I'm just trying to implement his 1963 promise."[4]

Ironically, for a brief interlude in October before his reelection, even Richard Nixon was willing to go along with Jackson's linkage of trade and emigration even though it contradicted his policy of détente with the USSR. Nixon did so because it was the politically expedient thing to do. Thus, both Jackson and Nixon demonstrated by their involvement in the Jackson Amendment that politics does not always stop at the water's edge.

JACKSON SEES AN ISSUE

Jackson's chance to be the Democratic Presidential nominee in 1972

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[4]Henry Jackson, Interview. U.S. News and World Report, June 18, 1973.

was destroyed by his disastrous showing in the Florida, Ohio, and Wisconsin primaries. Even though he had in mind running again in four years, his mind in mid-summer of 1972 was probably as much on the summit post-mortem as it was on his campaign post-mortem.

Soon after President Nixon and Secretary Brezhnev had initialled at the summit a SALT I treaty limiting ABMs and signed another agreement limiting offensive weapons, Senator Henry Jackson made known his objections to the SALT results. Jackson said little publicly about the trade negotiations conducted during the summer of 1972, but his staff, in particular Richard Perle, was at work on the topic of lend-lease at least in early June--even before the trade negotiations were completed by the Administration and the Russians.[5]

Perle's first idea for reacting to the developments in the trade field had nothing to do with emigration or with Jews. ". . . at first we explored an abortive idea which was to send it [the lend-lease agreement] back on the grounds that the lend-lease agreement was inadequate. . . by July we had disposed of the non-starter . . . . And then we thought of the Jackson Amendment" (linking trade to emigration).[6]

Next, Perle explored linking any lend-lease agreement to the education tax levied by Soviet fiat in August 1972. He thought about taking the difference between what the Soviets owed, according to Perle's accounting, and what the Russians would pay by agreement with the United

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[5]Richard Perle showed a draft of legislative trade to fellow participants of a Brookings Institution seminar on June 6, 1972.

[6]Richard Perle.

States government, which amounted, said Perle, to billions of dollars and "apply [ing] it as a credit" toward payment of education taxes for Soviet emigrés.

Perle said he knew about both the tax and the developments in the trade negotiations on lend-lease and most-favored-nation treatment before either was officially announced. By August, "by the time the education tax was put on, we knew of a settlement on lend-lease," Perle recalled."[7] Perle's recollections of developments in the trade field do not precisely coincide with the public events on record at that time. At the close of the round of negotiations on lend-lease, most-favored-nation, and credits, which was conducted in Moscow from July 20 - August 1, Secretary of Commerce Peter Peterson held a press conference where he revealed that the two sides were closer together on the matter of lend-lease, but that no final agreement had been reached. Reportedly the Soviets resisted paying lend-lease until after Congress granted most-favored-nation. In turn, absence of a lend-lease settlement barred United States granting Export-Import credits.[8]

Perle indicated that he had more detailed information than that. "We got our information. . . I don't think any member of Congress with any seniority ever had a problem with information; most information is available."[9] It was Perle's understanding that an agreement had been reached

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[7] Richard Perle.

[8] The Library of Congress, Congressional Research Service. "Soviet-American Relations, 1969-1974: A Chronological Survey and Brief Analysis," Francis Miko, JX 1428-Russia B74-113F, May 29, 1974.

[9] Perle's remarks should be heeded by reformers of Congress who argue that lack of information is what deters Congress from asserting itself as an equal to the President as an actor in U.S. foreign policy making.

by then in which the "true lend-lease debt--the real debt of eleven billion dollars" had been reduced. "We knew that it [the agreement on the Soviet debt] was very small--a token." Perle referred to an eleven billion figure for the Russian debts which the United States had officially dropped two decades before. In 1952, the United States reduced its demand from $2.6 billion to $800 million.

Jackson had trade restricting language drafted at least by early June--months before the education tax was issued in early August. Thus, it is a mistake to view the Jackson Amendment as a reaction to the August 3 tax announcement. Even less was it a reaction to the order of the USSR Council of Ministers issued over Kosygin's signature on August 14 reaffirming the August 3 decree.[10] Jackson had readied an initiative on trade--lend-lease--even before he wrote a link to emigration. And he drafted legislation linking emigration to trade even before the news of these two unpublished decisions leaked out to the world and before the United States and the Soviet Union had concluded their negotiations on most-favored-nation and lend-lease.

This point about timing is important for two reasons. First, it helps to put Jackson in the proper perspective vis à vis the Jewish community on this issue. Jackson was prepared to launch a tough legislative response on Soviet Jewry before the Jewish leadership was. And it demonstrates the mixture of motives behind Jackson's amendment. Jackson was concerned about Soviet Jewry, yes. But he also opposed the policy of accelerating détente and trade relations, an issue quite distinct from

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[10] Korey, p. 8.

the Jewish question. The forces which impelled Jackson to advance his amendment linking trade and emigration which launched a two and one-half year campaign for its passage are important to explore. Jackson's amendment had a dual diplomatic aim: to liberalize Soviet emigration policy and to retard the development of trade and détente between the two superpowers. It should thus be viewed in the contexts both of Soviet Jewry and United States-USSR trade.

Jackson was opposed to the developing trade relationship on the grounds that American national interest was not being served. He also objected to the "phoney" détente as practiced by Henry Kissinger.[11] Both objectives are consistent with his personal belief that the Soviet Union should be dealt with in very strict terms. He has not shrunk from the charge that he is a hard-liner. He believed that "certainly the Cold War is still on."[12] These were important considerations underlying his critical response to the summitry of 1972. He also had a reasonably long history of interest in Soviet Jewry and Jewish issues in general, although he has made statements in the past questioning the role that morality--and the human rights issue of emigration certainly comes under this category--should play in world politics.[13]

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[11]Quoted in Daniel Yergin, "'Scoop' Jackson Goes For Broke," Atlantic Monthly, July 1974, p. 86.

[12]"Meet the Press," N.B.C. Television Transcript, July 14, 1974, p. 3.

[13]For Jackson's remarks on the political dimensions of morality, see William W. Prochnau and Richard W. Larsen, A Certain Democrat, Englewood Cliffs, New Jersey: Prentice-Hall, Inc. 1972, p. 35.

In addition, it is the thesis of this study that Jackson, a man with ambitions of becoming President, would not have undertaken such a consuming campaign for Soviet Jewry if it did not promise to pay domestic political dividends. The political calculations of all candidates seeking elected office must have been operating in Jackson's case too--consciously or subconsciously. In this case, appealing to Jewish interests in the electorate and in financial circles was probably predominant at this stage of the amendment. (Later, the amendment would pay an extra political bonus when other groups in the population with different economic, ethnic, and ideological points of view also found aspects of the Jackson Amendment appealing).

JACKSON AND THE JEWISH LEADERS

Jackson's Amendment was more an initiative than a response. On his own, Senator Jackson embraced the notion of linking trade and emigration even before the Jewish lobby did. This is an important distinction as it contradicts strongly held myths about lobbyists in general and the "Jewish lobby" in particular. If all of America's favorite stereotypes about the Jewish lobby were operating, the events would have been just the reverse. The popular image would have Senator Henry Jackson take a proposal from the Jewish lobby and then introduce it as his own.[14] It may be true that the sheer presence of a powerful Jewish community encouraged

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[14]For example, when the Jackson Amendment was first formally introduced in Congress, the New York Times described it as "a direct result of the pressure" generated in the world Jewish community as a response to the education tax (New York Times, October 8, 1972). That is more or less the way historians have portrayed the Congressional resolution which ultimately forced the American abrogation in 1912 of a commercial treaty with

the Jackson initiative, and constituent considerations heavily influenced a number of other Senators to cosponsor the amendment with Jackson. However, there is an important distinction between a politician appealing to an interest group and a politician being pushed by a group to act.

The idea of linking trade and emigration had been circulated to a few Senate offices, including those of Mondale and Humphrey, by more militant activists in the Jewish community for at least six months before the Jackson Amendment as such was actually discussed.[15] Jackson's staff members might have heard about it, but they deny having borrowed the notion. Moreover, the established, organized, and well-known Jewish groups and Jewish leaders--in contrast to individual Jewish activists agitating on an ad hoc, "hobby-lobby" basis--actually objected to the notion of manipulating United States-Soviet trade relations for the sake of Soviet Jews. Initially, they objected to what was regarded as the drastic measures embraced in the Jackson Amendment. Israel's Ambassador Yitzhak Rabin also agreed that "United States interference in Soviet internal affairs--no matter how warranted by the injustice of the exorbitant emigration tax--would be counter-productive."[16]

Czarist Russia in a dispute over the issue of Russian treatment of American citizens who were Russian emigrés. Naomi W. Cohen, "The Abrogation of the Russo-American Commercial Treaty of 1832," Jewish Social Studies, vol. XXV, no. 1, Jan., 1965, pp. 3-41.

[15] See Part I.

[16] Rowland Evans and Robert Novak, "Israeli Support for the Jackson Amendment," The Washington Post, March 19, 1973, p. A21.

When the August tax was announced, Jackson--not the Jewish community--was prepared with legislation to launch a counterattack with his amendment. The Jewish groups in the Soviet Union and the United States could only issue mere verbal protests as they had done over the years. On August 15, a delegation of Jewish leaders met with Secretary of State William Rogers at the White House. Those attending included Max M. Fisher, a millionaire Jewish philanthropist and one of eight founders of the Committee to Reelect the President (CRP), the 1972 reelection campaign organization for Richard Nixon;[17] Jacob Stein, head of the Conference of Presidents of Major American Jewish Organizations; and Richard Maass, the Chairman of the National Conference on Soviet Jewry. "Ranking White House officials" also attended the meeting. The Jewish representatives were told that the United States government had expressed its concern over the fees to the Soviet government. Several prominent Jewish organizations also issued statements urging Nixon to explain to the USSR that improved relations would be jeopardized by the new tax.[18] And on August eighteenth, the activist organization, The Greater New York Conference on Soviet Jewry, held a rally featuring newly arrived Soviet immigrants and Democratic Presidential nominee, Senator George McGovern (D-S.Dakota).

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[17] Fisher was also Deputy Finance Chairman of the Republican Party and former chairman (1965-67) and President (1968-69) of the United Jewish Appeal.

[18] New York Times, October 3, 1972. The New York Times reported that the meeting was held August 18, 1972.

On the twenty-ninth of August, McGovern also charged that Nixon "has never spoken out" on Soviet Jewry, a statement destined to have important ramifications in the Nixon White House in the months to come.

The following day Senator Jacob Javits (R-New York) appeared at another emergency rally for Soviet Jewry staged in New York's garment district on Seventh Avenue at Fortieth Street. Javits' aide, Roy Millenson, had helped prepare a short statement for Javits, expressing the notion of linking trade and emigration. While on the minority (Republican) staff of the Senate Labor and Public Welfare Committee, Millenson served as Javits' liaison with Jewish groups in New York. It was natural, therefore, for him to call up the Executive Director of the National Conference on Soviet Jewry, Jerry Goodman, to discuss the idea of linkage. Goodman recalled, "Millenson tried it out on me . . . as a speech, as an idea." Goodman approved.[19] Javit's foreign policy aide, Albert (Peter) Lakeland rewrote the Millenson statement. "It was just a throwaway. Javits preferred my style of writing."[20] But the notion of linking trade and emigration stayed in the speech. Declared Javits, the first Senator to do so, "We should properly demand justice for Soviet Jewry as a condition for close economic relations with the USSR in trade and finance."[21]

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[19] Jerry Goodman.

[20] Albert (Peter) Lakeland.

[21] Press Release, Jacob Javits, August 30, 1972. Democratic Vice-Presidential candidate in 1972, Sargent Shriver has claimed he made the first speech suggesting that trade and emigration be linked. But most people agree that Javits was the first major public official to voice the idea. Jerry Goodman . Next in a series of major protest meetings was a September 4 London World Conference on Jewish Communities for Soviet Jewry.

In the White House, on Capitol Hill, and in the offices of the Jewish organizations themselves, pressure was building to respond to the August 2 education tax by means other than speechmaking. Jackson alone was prepared with a legislative response.

JACKSON SHAPES THE CONGRESSIONAL APPROACH: ACT I of
JACKSON VS. JAVITS/HUMPHREY

Jackson's position was that trade benefits should be withheld pending liberalization of emigration. He had to convince others in Congress and in the Jewish community that this was the best approach, since "unlike other such pleadings it has some teeth in it."[22] Javits had publicly embraced the idea, but coauthoring legislation was another matter. Javits and Hubert Humphrey (D-Minn.) felt that United States-Soviet trade was a constructive development. They preferred a non-binding resolution on emigration during mid-September, 1972. On the staff level at least, Jackson and Javits/Humphrey fought over what Congressional approach would be adopted.

Staff

The individuals most responsible for the day-by-day events surrounding the Jackson Amendment were neither Jackson nor his allies in Congress. It was their staff--in particular Richard Perle of Jackson's staff and Morris Amitay of the staff of Senator Abraham Ribicoff (D-Conn.). Of course, a staff person cannot operate without permission--implicit or

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[22]Press Release, Henry Jackson, September 27, 1972.

explicit--of his or her Senator. Some Senators supervise their staff more closely than others. And when a Senator feels he is not adequately controlling his staff, a Senator can always fire his employee. In the cases of Perle and Amitay, staff was very important in drafting legislation and pulling together a coalition of supporters to reinforce their principles.[23] Jackson and Ribicoff have both underscored the importance of their staff. Said Jackson, "in all candor, it was the able staff of the three Senators who did the job. They were led largely by Mr. Richard Perle, of my staff, Morris Amitay of Senator Ribicoff's staff, and Mr. Lakeland, of Senator Javits' staff, and they all worked together as a team. They made our task a lot easier, let us face it, and they provided the professional expertise that resulted in what we were able to do."[24] Ribicoff seconded Jackson's statement. "While Senators are out in front and take much of the credit, all of us know, realistically, that we have to rely on the hard work of many members of our staff. [They] worked hard in their research and in the legislative

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[23]See discussion of Perle's activities on other issues in Peter Ognibene, Scoop,(New York: Stein and Day, 1976), pp. 225-227. Isolating what is the Senator's role and what is the staff's in each stage of this history is impossible. It may be that the Senator is giving a specific order to staff. It may be that the staff is operating with some personal discretion under general orders from the Senator. It may be that a staffman literally interprets his boss's unstated desires and acts upon them much as the four knights did when King Henry II asked aloud in Thomas à Becket "Who will rid me of this turbulent priest?" and thus was the Archbishop of Canterbury killed. Or it may be pure staff initiative. However, in the final analysis, since the Senator can fire his staff, the Senator is ultimately responsible for the behavior of his staff.

[24]Jackson, Congressional Record, Daily Edition, December 13, 1974.

drafting. They were available twenty-four hours a day as assistants to the three of us in working out the Jackson Amendment."[25]

Richard Perle is a soft-spoken, chain-smoking Southern Californian in his mid-thirties.[26] Trained as a military strategist he has been described as a "SALT hawk with his own hot lines into the military and intelligence communities."[27] Perle received his political baptism and met his present boss, Jackson, when he served a short stint in Washington in 1969 with the pro-ABM lobby. Since then, he has been stashed away with at least eight other employees in the one-room office of the Senate subcommittee on National Security and International Operations--now part of the Subcommittee on Investigations--chaired by Jackson.

Perle is Jewish but not an observant, religious Jew. His Jewish affiliation is not so much religious as political. He works on Jewish political causes--Israel and Soviet Jewry--from a power base in the United States Senate. Thus his activity in things Jewish stems primarily from professional and intellectual sources. Until he went to work for Jackson, Perle was more interested in intercontinental missiles than Israeli affairs. "Scoop got me interested," he said, and "in fact, put me to work on the first Jackson Amendment, which provided five hundred million dollars for Phantoms and other equipment. My perspective is a little

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[25] Ribicoff, p. S21416.

[26] On a general statement on Senate staff as "Political Actors in Their Own Right," see: David Price, Who Makes the Laws? Creativity and Power in Senate Committees, (Cambridge, Mass.: Schenkman Publishing Co., 1972), p. 329.

[27] Lawrence Stern, "Washington Dateline: Two Henrys Descending," Foreign Policy, Spring 1975, no. 18, p. 174.

different from Morris' [Amitay] because I'm just very much convinced of the soundness of the foreign policy. I agree with John Roche, who says he'd be for defending Israel even if it were populated with South Vietnamese. There are sound strategic, political, economic reasons for supporting that piece of real estate per se, though obviously there's an emotional attachment beyond that" but it is "based largely on the profound respect for the competence and the dedication and toughness and the skill of the Israelis. They possess those values that Jackson admires and that, through him, at least initially, I've come increasingly to admire."[28] A fellow undergraduate student of Perle at Princeton University stated the same idea another way. He recalled that he was not particularly an active Jew or Zionist. He said Jackson "infected Richard with Jewish concern and then Richard reinfected Jackson"--at least on the Soviet Jewish idea.[29]

Morris Amitay, a staffer for Abraham Ribicoff, worked closely with Perle on the Jackson Amendment. Ribicoff claimed that Amitay spent ninety percent of his time on Jewish issues. Today, at age thirty-nine, the former United States Foreign Service Officer is head of the American Israel Public Affairs Committee, the only registered lobby for Israel and Soviet Jewry, and spends one hundred percent of his time on Jewish affairs. Compared to Perle, Amitay's attachment to Jewish issues arising in the United States Senate stemmed from a more personal, emotional

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[28]Quoted in Stephen Isaacs, Jews in American Politics, (New York: Doubleday and Company, 1974), pp. 254-255.

[29]Jewish Professional Source.

source. Amitay traces his paternal ancestry back seven generations to Tiberius, Israel. Dark, moustachioed, speaking flawless Hebrew and retaining a Hebrew family name, Amitay could almost pass as an Israeli.[30]

Amitay and Perle worked as a team on the Jackson Amendment often calling upon other Jewish staff members to help push legislation which was in the interest of Jews. Amitay explained the importance of Jewish legislative staffers which he contrasted to professional Jewish lobbyists:

> There are now a lot of guys at the working level up here who happen to be Jewish, who are willing to make a little bit of extra effort and to look at certain issues in terms of their Jewishness, and this is what has made this thing go very effectively in the last couple of years. These are all guys who are in a position to make the decisions in these areas for these senators. You don't need that many to get something done in the Senate. All you need is a certain commitment to get something done and, if guys are willing to put time into that instead of a million other things they have to do, if they're willing to make a couple of calls, if they're willing to become involved, you can get an awful lot done just at the staff level. . . . The Senators have a million things to do [and] they'll take the recommendation [of their assistants] most times . . . a few key senators with staff people who were willing to make this commitment in time and in energy, and who informally consult with each other on matters like this now [is the important element].[31]

Staff Meeting I

Richard Perle and Morris Amitay organized an early meeting of

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[30]Nahum Barnea, "The Balloon that Did Not Pop," Davar Shavua, August 9, 1974.

[31]Isaacs, pp. 255-258.

Congressional staff and representatives of Jewish organizations.[32]

The group gathered in the Red Cross bandage room on the first floor of the Old Senate Office Building to discuss what action should be taken in response to the education tax announcement from the Soviet Union. The exact date of the meeting is in dispute, but everyone agrees that the meeting came soon after the August tax announcement.[33]

Perle and Amitay dominated the group as they would dominate policy made inside and out of Congress regarding Soviet Jewry for the next two and one-half years, the duration of the fight over the Jackson Amendment. Other staffers at the first meeting called by Perle and Amitay were aides to Jacob Javits--Kenneth Gunther and Roy Millenson; Hubert Humphrey's foreign policy advisor, Richard Gilmore; Walter F. Mondale (D-Minn.) foreign policy aide, Judith Davison; and Birch Bayh's (D-Ind.) administrative assistant, Jayson Berman.

Representing Jewish interest groups were S.I. (Si) Kenen, then director of the American Israel Public Affairs Committee; Jerry Goodman,

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[32]An earlier staff meeting was held in the office of New York Congressman Bertram Podell called by an unidentified female staff member on Podell's payroll. Richard Perle. The Podell meeting may have been related to a letter dated August 14 sent by 90 Congressmen including Podell which was delivered by the American Embassy to Soviet leader Leonid Brezhnev. Drafted before the existence of the tax was known, the letter called for an end to harassment of Jews wishing to emigrate. Hedrick Smith, New York Times, September 21, 1972, p. 3.

[33]Perle recalled that it was late August. So reported Nahum Barnea who seemed to rely heavily on Perle's account. Barnea, July 26, 1974. William Korey, however, wrote that the series of meetings began in September. Franklin Silbey set the date as September 11, which is the date of another meeting to be discussed later. Silbey, p. 18.

Executive Director of the National Conference on Soviet Jewry, and Yehuda Hellman, Director of the Conference of Presidents of Major American Jewish Organizations.[34] The distinction between professional workers for Jewish organizations and Jewish staffers whose power base was their desks in several Congressional offices was not an unimportant distinction. The two groups of individuals were both Jewish and eventually became allied in the same cause, Soviet Jewry. But they represented different organizations with interests which did not always coincide.

At the early meeting, all seemed to agree that Congress had to do something. Javits had already felt compelled to speak out. Humphrey's foreign policy aide had been contacted by Karen Kravette, the Washington representative of the more militant Union of Councils for Soviet Jewry; he had begun drafting a resolution which drew a connection between trade and emigration.[35] Mondale, who had also been contacted by Jewish activists connected with the Union of Councils six months earlier, was still receiving constituent pleas that he intervene in special cases of Jews harassed in the Soviet Union.[36] A Mondale aide recalled that Mondale was receiving "a lot of mail"; since it was an election year for Mondale, he was willing to place calls to the Soviet Union to speak with some of

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[34]Barnea reported that an aide of Richard Schweiker (R-Pa.) was there, as well as aides from offices in the House of Representatives. Barnea, July 26, 1974.

[35]Barnea, July 26, 1974, Davar Shauva; Senate Sources.

[36]Senate Source.

the individual cases. Nonetheless Mondale was hesitant about linking emigration to East-West trade, which he had successfully worked to liberalize only a few years before.[37] Mondale later stated, "it was with a heavy heart that I felt I had to join cosponsoring this proposal, because as the Senate well knows, I have been one of the consistent champions of expanding trade with the Soviet Union."[38] Even Jackson had constituents urging him to do more for the Jews in the Soviet Union. One of the most prominent was Washington State attorney, Leonard Schroeter, who visited Jackson in Washington, D.C., on his way back from a trip to the Soviet Union in the summer of 1973.[39] Schroeter had worked on Soviet issues as the assistant to the Attorney General of the State of Israel, and later wrote the book, The Last Exodus, critizing Israel and American Jewry for acting too slowly and tentatively on behalf of Soviet Jewry.

Several proposals were discussed at the September meeting in the Red Cross room. Perle tabled the notion of tieing freedom of emigration to the extension of most-favored-nation tariff treatment to the Soviet Union, which the President would have to ask Congress for authority to extend. Perle argued the case for binding legislation linking trade and emigration. He and Amitay, the only other participant at the meeting backing Perle, insisted that the tax would be a permanent fixture of Soviet policy. Others argued that the tax might only be a temporary

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[37] Senate Source.

[38] Congressional Record, October 4, 1972, p. S16841, daily ed.

[39] Barnea, July 26, 1974.

measure. Perle presented impressive information from the Central Intelligence Agency to back up his argument. "They said that they [the Soviet authorities] were sending people out to villages to explain the tax which was [meant] to stir up anti-Semitism. . . ." Perle extrapolated from this intelligence that the Soviet leadership was committed to collecting the tax since it was mobilizing traditional anti-Semitism among the general population.[40]

Various executive branch agencies provided information which was eventually used to challenge the Administration's own position. "We asked the CIA . . . for assessments on economic leverage from time to time but they weren't of much help," recalled Perle, who apparently was undaunted by the pitfalls of assessing economic needs of another country and extrapolating from that what political leverage that gives the United States over the given country. "Our assessment of how bad they [the Soviet Union] wanted trade was based on hearings which revealed [among other things] that the Soviet planners were importing potatoes and cabbage from Poland," said Perle.[41]

Perle and Amitay met resistance to the idea of linking trade and emigration both from representatives of the Jewish organizations at the meeting and from other Senate staffers. "The Jewish organizations were not for it [the Jackson Amendment]," Perle recalled, naming Yehuda Hellman, S.I. Kenen and Jerry Goodman as personally not favoring the link.[42]

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[40]Richard Perle; Barnea, July 26, 1974.

[41]Richard Perle.

[42]Richard Perle. Goodman later downplayed Perle's claim that he opposed the Jackson Amendment in its early stages.

Javits' aide, Kenneth Gunther, was one of those opposing Perle's stringent measure. However, Gunther, an international trade expert, unwittingly toughened Perle's proposal. "My contribution was that I said it should logically include OPIC's [Overseas Private Investment Corporation] investment guarantees and credits" offered by the Export-Import Bank. Perle later thanked Gunther for his contribution, "even though you hated this proposal, we are indebted to you for your help."[43] Henceforth, Jackson would insist that liberalization of emigration policy in the Soviet Union would have to come before the Congress would permit the President to grant MFN or credits and United States governmental guarantees for American private financing.

Staff Meeting II

Perle, Amitay and other Senate staffers held another meeting on September 11 to continue discussing linking trade to Soviet emigration. Amitay called together twelve staffers to meet in Ribicoff's office.[44] Representatives of Jewish interest groups who had attended earlier meetings and proven recalcitrant, did not attend the September 11 meeting.[45] One wonders if the absence of the Jewish representatives represented a conscious attempt by Perle and Amitay to divide the Jewish professionals and the Senate staffers, who were both opposed to linking trade and emigration.

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[43] Kenneth Gunther.

[44] There may have been a second inconclusive meeting in the bandage room. Silbey, p. 10.

[45] Senate Source.

In any case, Perle and Amitay still had a difficult time with the Senate staffers. Tempers were short at the meeting. Perle is well known on Capitol Hill and downtown in offices of the White House and Executive Branch for eliciting hostility in others by threatening, accusing, and generally applying a power political philosophy to his workaday relationships.[46] That day, Perle's most vocal adversary was Richard Gilmore of Senator Hubert Humphrey's staff. Humphrey and Javits, said their staffmen, preferred gathering Senate signers on an open letter to the Soviet leadership or a non-binding sense of the Senate resolution aimed at changing the Soviet leader's decision before the decree was to be promulgated formally on September 19. Gilmore had readied a draft resolution. Perle and Amitay had anticipated this argument and prepared a list of other non-binding resolutions which had created more smoke than fire.[47]

Dispatching Humphrey and Javits to make a personal visit to Soviet Ambassador Anatoly Dobrynin was another proposal discussed. The purpose of the proposed unpublicized mission was to have Humphrey, who felt he was on good personal terms with Dobrynin, warn the Soviet Union that action to withhold most-favored-nation treatment was afoot and that growing pressure in the Congress was serious. Javits was supposed to contact Humphrey, who was out of town, for the purpose of arranging a joint mission to ask Dobrynin to communicate to his superiors the need to head

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[46] See Ognibene, pp. 225-227; Jewish Professional Source; Senate Sources.

[47] Barnea, July 26, 1974; Silbey, p. 10.

off the Congressional move by reconsidering and ameliorating the tax policy.[48] After several unsuccessful attempts to see Dobrynin, who at the time was returning to Moscow in conjunction with Kissinger's September Moscow visit, Javits and Humphrey gave up. Said Perle, the idea was "crazy and it didn't work."[49]

Humphrey, meanwhile, was trying another approach. A week earlier, Humphrey had released a letter sent to President Nixon asking the President to have Kissinger raise the issue of Soviet Jewry with the Soviet leaders he was meeting in Moscow the very day that the Senate staffers were scrapping over Perle's proposal. No one could know whether or not Kissinger would take up the issue and if so, whether it would have any impact. The Senate staffers agreed, however, to do several things simultaneously to reinforce publicly any "quiet diplomatic" effort that Kissinger might be conducting in Moscow. It was agreed that several Senators, whose staff had attended the meeting, would speak on the Senate floor and state that they would not support most-favored-nation treatment unless the Soviet Union reversed its education tax policy. Morris Amitay told the group that Ribicoff intended to denounce Soviet emigration policy and announce that he would not support the East-West Trade Relations Act (S. 2060), which called for MFN tariff treatment for the Soviet Union. Gilmore was under the impression that the staffers had agreed that Senate speeches by Ribicoff or anyone else would not be immediately delivered. The Humphrey-Javits mission to Dobrynin and the circulation of

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[48] Senate Source.

[49] Richard Perle.

a concurrent resolution accompanied by a "dear colleague" letter requesting Senate co-sponsors, as proposed by Gilmore, were supposed to be given a chance to work first. But Amitay did not wait to see the results of Humphrey and Javits' efforts or of the on-going discussions between Kissinger and Brezhnev. The very next day, September 12, Ribicoff became the first Senator to urge on the Senate floor that the "ransom question" be linked to improvement of United States-Soviet trade relations. Ribicoff reversed his position articulated as early as June 1971 that the President be given the authority to grant MFN tariff treatment to Communist nations.[50] He had been an original sponsor of the East-West Trade Relation Act. Now he was opposing "any trade legislation granting the Soviet Union better trade terms as long as the ransom decree is in effect, and as long as similar draconian measures are applied to restrict emigration of Soviet Jews."[51]

Javits issued a warning to the Administration, to the Soviets and to anyone else interested in reading his interview on the front page of the New York Times on September 15. He stated that "a determined group of legislators can block" trade if "justice" for the Jews wishing to emigrate from the Soviet Union was not assured. Javits listed a half dozen legislative steps that could be taken. White House spokesman, Ronald Ziegler, responded to this warning saying "the Soviet Union is aware of

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[50] Carole Payne, "Abraham A. Ribicoff," Ralph Nader Congress Project 1972, Washington, pp. 15-16.

[51] Rosenfeld, p. 18. Emphasis added. The question of whether the Jackson Amendment applied to Jews only is one of the fuzzier issues in this entire debate. Jackson, Javits, and Ribicoff stated later that the Jackson Amendment was not intended to apply to Jews only. See Part IV.

the United States position in this matter." Ziegler also elaborated on Kissinger's talks with Soviet Leaders which had just concluded in Moscow. "We are not hesitant to report that it [Congressional sentiment against the education tax] was discussed" and "as I understand it, not just in passing."[52] Nevertheless, if Kissinger raised the issue of Jewish emigration, past statements on his part suggest he probably did so reluctantly. Moreover, it presumably carried little weight relative to the other topics under discussion--trade and Vietnam.[53]

KISSINGER LINKS TRADE AND VIETNAM

While Senate staff were discussing the idea of linking trade and emigration, Kissinger had been conducting discussions in Moscow where he was pursuing the long standing effort to link trade and Vietnam. The Administration was holding out economic concessions to use as incentive for Soviet cooperation in resolving America's gravest foreign policy dilemma at that time: Vietnam. Kissinger had set the stage earlier when he met Brezhnev and other officials in Moscow in April to prepare for the May summit. The fourth draft of his speech prepared for delivery in Moscow demonstrates how Kissinger connected peace in Vietnam, Nixon's reelection, and the question of opening up "billions of dollars of business activity."[54] In May at the summit, Nixon continued to resist

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[52]Tad Szulc, New York Times, September 15, 1972, p. 1.

[53]Hedrick Smith, New York Times, September 14, 1972, p. 1.

[54]Safire, pp. 435-436. Also see Marvin Kalb and Bernard Kalb, Kissinger (New York: Little Brown, 1974), pp. 346-347.

holding out the possibility of opening the trade door to the United States. His negotiators, headed by Commerce Secretary Peter Peterson, held further talks with Russian officials on trade in July, but still no agreement was reached.

Brezhnev was probably in a cooperative mood at this time. He was recuperating from the humiliation of having twenty-one thousand Soviet military advisers "invited" to leave Egypt that summer. He was also reeling from a short supply of grain in the Soviet Union brought on by a devastating harvest. His grain purchasers had managed to buy record volumes from private operations in the United States beginning in July, but a snag developed in shipments and the Administration insisted upon renegotiating an agreement in September. As for other kinds of trade concessions, when Kissinger left for Moscow in September, the Administration was still steadfastly withholding final agreement, pledging the USSR MFN tariff treatment or credits. The announced reason for America's position was that it was waiting for Soviet agreement to pay back its lend-lease debt, an issue held over from post World War II days. By September, it was clear that Soviet payment of its lend-lease debt at a rate acceptable to American negotiators was no longer an obstacle. Apparently the remaining and most important issue was that Kissinger was waiting to see evidence that the Soviet Union's earlier offer made at the summit to help America extricate itself from the Vietnam war was having a tangible effect on Russia's client, North Vietnam.[55]

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[55]Hedrick Smith, New York Times, September 14, 1972, p. 1.

Two days before Kissinger embarked on his four-day trip from September 10 - 13 to Moscow, where his stay happened to overlap with a visit from Hanoi negotiator, Le Duc Tho, the Vietcong issued a new proposal, which the Russians later informed Kissinger was the Vietnam peace breakthrough he had been waiting for for three years. The Vietcong would accept a ceasefire without prior removal of South Vietnamese President Nguyen van Thieu.[56] All indications were that Kissinger was succeeding by negotiating a link between Russia's desire for MFN and credits and America's desire to end the Vietnam War, an objective the Administration was anxious to achieve before Nixon faced the voters in November.

Accompanied by Under Secretary of Commerce James Lynn, Kissinger applied his economic tools to the Vietnam question. After his talks with the Soviet leaders, Kissinger departed for further secret talks with Le Duc Tho in Paris. In his wake came an article written by Victor Louis, a Russian journalist with extraordinarily close connections to the Soviet intelligence community. Louis reported that the Soviets would be getting large credits and "probable" MFN since the lend-lease issue, which had been the ostensible barrier to credits and most-favored-nation, had been resolved.[57]

Ever since Nixon's first days in the White House, Kissinger's approach to the United States-Soviet relations was to pace carefully

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[56] Szulc, "Behind the Vietnam Cease-Fire Agreement: How Kissinger Did It." Foreign Policy No. 15 (Summer, 1974), p. 49.

[57] Hedrick Smith, New York Times, September 14, 1972.

progress on the economic front with progress on political objectives of the United States. Getting the United States out of the Vietnam war was Kissinger's most pressing assignment, particularly as Nixon's re-election was fast approaching. Jewish emigration was simply not as important an issue for Kissinger. On his return from talks in Moscow and Paris, Kissinger told a press conference on September 16, that he had raised "in a number of ways" in Moscow the exit tax question. Kissinger avoided commenting on threats from Congress to block trade legislation implementing any trade agreement that he negotiated with Moscow. "When and if we conclude an agreement, we will submit it to Congress for its approval" and "then there can be a full debate on this particular issue."[58]

One might interpret Kissinger's remarks as a coy suggestion that he was still using the prospects of trade concessions--promised though not yet formally agreed to in writing--as continuing leverage over the Soviet Union to guarantee continued cooperation on the Vietnam issue.

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[58] New York Times, September 17, 1972. In 1974, Kissinger discussed this period. His version revealed the unimportance of domestic protests regarding emigration on his trade policy.

> "At no time were issues regarding Soviet domestic political practices raised. Indeed, not until after the 1972 agreements - was the Soviet domestic order invoked as a reason for arresting or reversing the progress so painstakingly achieved.
>
> This sudden, ex post facto form of linkage raises serious questions."

"Statement of Hon. Henry A. Kissinger, Secretary of State," Hearings "Détente," before Committee on Foreign Relations, United States Senate, 93rd Congress, second session, September 19, 1974, p. 252.

However, Kissinger's remarks also indicate that he discounted the Congressional threat which potentially jeopardized his chosen application of economic leverage to the Vietnam question.

Soviet officials also behaved as if the Congressional challenge was of little concern to them. They reportedly assumed that President Nixon could push an MFN agreement through Congress in spite of protests from ninety Congressmen who had signed a letter to Brezhnev in August, in spite of Ribicoff's threats and in spite of Javits' warning of other challenges from "a determined group of legislators."[59] Kissinger and the Soviets were provided further indication of Congressional intent on September 22 when Congressman Charles Vanik offered an amendment to the Foreign Assistance Bill (H.R. 16705), which the House of Representatives passed by a voice vote (in other words, there was no roll call with Congressmen recording their personal "aye" or "nay"). Vanik's amendment denied Export-Import Bank credits and development loans to any country charging more than fifty dollars in exit fees. The amendment, which technically would have penalized Israel, whose exit fee then was one hundred and forty dollars, was dropped from the bill in a House-Senate conference which met September 28.[60] (See Appendix number 2.) But the House action should have served as additional warning.

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[59]Hedrick Smith, "Ninety in House Send Appeal to Soviet," September 21, 1972, New York Times, p. 13.

[60]Richard Frank, "Trade Report," National Journal, November 15, 1972, p. 1806.

ORGANIZED JEWRY ENDORSES THE JACKSON APPROACH

Mid-September was a crucial period in the development of the Jackson Amendment. With some careful guidance from both the Administration, preoccupied with other aspects of United States-Soviet affairs, and the Jewish interest groups, who had not decided on the best approach for responding to the education tax, Congress might never have started on the long march toward passage of the Jackson Amendment. The Jewish organizations did not send the Administration or members of Congress a clearcut signal since they had no clearcut policy. They embraced no remedy--legislative or otherwise--for dealing with the emigration issue. The Administration met with various Jewish leaders, but it ignored the nascent Congressional initiatives in the foreign policy field.

It was a time for decisiveness and determination, traits which Jackson had. Jackson has bragged about this personality trait. "I have a record of . . . what some people have fun poking at me, that I'm intransigent, that I'm difficult, that can become an asset."[61]

The opportunity for Jackson to seize the leadership of the Soviet Jewry issue presented itself on September 26, when the National Conference

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[61]Douglas E. Kneeland, "Jackson Views the Issue as Ability, not Charisma," New York Times, p. 1:7, 26:4, December 28, 1975. The importance of personality as determinant of a legislator's success is not insignificant. Just as staff and information have been mentioned, so too should the role of personality. Stephen K. Bailey and Howard D. Samuel have underlined the "importance of individual will and inventiveness as energizing social forces" applicable to the Congress, and indeed any form of human endeavor. Stephen K. Bailey and Howard D. Samuel, Congress at Work, (New York: Henry Holt and Company, 1956), pp. 194-195. David Price also considers the general question of "personal traits and skills" as "prime determinants of legislative effectiveness," p. 317.

on Soviet Jewry (NCSJ), the umbrella organization representing thirty-two major Jewish organizations, sponsored an emergency rally in Washington to decide how to deal with the education tax.

At this juncture, there were two separate proposals for Congressional action, plus the alternative of the Administration's "quiet diplomacy" conducted without interference from the Congress. One legislative proposal was the Jackson Amendment, which insisted emigration be liberalized in the Soviet Union before trade concessions were granted. The other was the Javits-Humphrey provision, a softer concurrent resolution deploring the tax, urging its removal, but also drawing a connection between the ongoing United States-Soviet trade negotiations and liberalization of Soviet emigration policy. Even though a Humphrey aide contended that "it was not written to stop the Jackson Amendment,"[62] the two proposals competed for the attention of the rest of the Senate membership and for approval from the organized Jewish community. Humphrey's aide, Richard Gilmore, had taken a "dear colleague" letter and the resolution to a select group of Senate offices asking for co-sponsors. He had gathered between sixteen and twenty-two actual signatures including what one staffer called "real stars," Edward M. Kennedy, Edmund Muskie, Walter F. Mondale, George McGovern.[63] This formidable group, however, was no match for a determined Jackson. (See Appendix, number 3).

Even before the tax had been announced, Jackson had been prepared

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[62]Senate Source.

[63]Senate Source. Philip Hart (D-Mich.) was also included.

to spring into action with legislation linking trade and emigration. His next big test was to get the organized Jewish community to embrace his approach. The education tax announcement had galvanized the Jewish groups into action. It dramatized to them the limitations of all their candlelight vigils in front of Soviet diplomatic buildings and the futility of planting "Free Soviet Jewry" signs in front of America's synagogues. But they still had no legislative program or definite alternative policy. The National Conference on Soviet Jewry had neither a Washington office nor a Washington representative. The rally--which was actually the regularly scheduled board meeting enlarged because of the emergency to a total of one hundred and fifty interested participants--met at the Mayflower Hotel in Washington. The National Conference on Soviet Jewry used the B'nai B'rith headquarters nearby at 1640 Rhode Island as temporary headquarters.

In contrast, Jackson was well-organized, prepared and skillful. And he was forceful. "There was an agreement among staff that principals [i.e., Senators or Congressmen in contrast to their staff] would not come to the meeting," recalled a Javits staffman. "Jackson violated the agreement."[64] Jackson went out of his way to wrangle an invitation to the meeting. Before the gathering at the Mayflower Hotel, Richard Maass, Chairman of the National Conference on Soviet Jewry, and Jerry Goodman, the NCSJ's Executive Director, went over to B'nai B'rith headquarters to use the telephones. While there, they received a call from Moses Feuerstein, known by some as an "orthodox-radical type from Boston."[65]

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[64] Senate Source.

[65] Jewish Leader Source.

Feuerstein said his son, Henry, was working in Jackson's office. Henry had been involved in fund-raising on a "high level" for Jackson to whom he had reported directly rather than through campaign finance officials or staff.[66] After the unsuccessful campaign, Feuerstein apparently stayed on to work on the Jackson Amendment. Elder Feuerstein, who is personally very influential in Boston's orthodox Jewish financial circles,informed Goodman and Maass that Jackson had a legislative proposal on Soviet Jewry and asked if it would be alright for Jackson to attend the rally.[67] There was no one else around besides Maass and Goodman to decide yes or no. They said yes.

Jackson arrived early at the evening rally on his way home from the office before the two staffers for Javits and Humphrey even appeared. Jackson delivered a thumping twenty minute speech.[69] He spoke to the Jewish group like a general addressing his troops:

> The time has come to place our highest human values ahead of the trade dollar by firm and immediate action that the Russians can understand. You want to know what you can do? I'll give you some marching orders. Get behind my amendment. And let's stand firm.[70]

Jackson read the text of his legislation making trade with the USSR

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[66]Herbert Alexander, Financing the 1972 Elections, (Lexington, Mass.: Lexington Books Company, 1976), (forthcoming), p. 314 of manuscript.

[67]House of Representative Source.

[68]Jewish Leader Source.

[69]Jewish Professional Source.

[70]Silbey, p. 12; and Albright, p. 20.

conditional on reform of its emigration policy, cessation of harassment, and abolition of excessive emigration fees. Jackson claimed this approach was better than the weaker resolution of Javits and Humphrey. He argued that the time for compromise was not at the beginning of the battle but only after the enemy, the Soviet Union, had been weakened in the fight. His speech brought the applauding audience to their feet.[71] He departed leaving behind Perle and Amitay to argue his case to the assemblage and urge the group to act. Amitay reminded the audience of the consequences of official Jewish silence during the Nazi holocaust, a key theme which has generated Jewish political activism in recent decades.[72]

An unsuccessful effort was made to delete the section in the Jackson Amendment requiring the President to report regularly to Congress on Soviet compliance with prior conditions established by Congress before it would approve trade concessions to non-market nations.[73]

Lawrence Goldberg, an attorney who ran the Jewish section of the Committee to Reelect the President (Nixon), tried unsuccessfully to get Chairman Maass to postpone the vote endorsing the Jackson approach. Goldberg asked for time to try and contact General Alexander Haig, a Kissinger

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[71] Jewish Professional Source.

[72] Nahum Barnea, "The Balloon that Did Not Pop," Davar Shavua, August 9, 1974, translated by Dalya Luttwack. Jackson has also repeated this same theme which capitalizes on the guilt of Jews who remained silent over Nazi terrorism. "Had the international community acted in this spirit [of the Jackson Amendment] at other times and places, much of the brutality and suffering that have marked the first three quarters of the twentieth century might have been avoided." (Press Release, Henry Jackson, January 26, 1975, p. 2.

[73] Silbey, p. 10.

deputy, at the White House in hopes of getting a White House endorsement for a substitute to the Jackson Amendment. Maass did not know who Haig was until Goldberg explained that he was Kissinger's top assistant. Maass agreed to wait forty minutes. Thirty-five minutes later, Goldberg called Maass on the telephone to report that he was unable to get in touch with Haig. He asked Maass to wait a couple of more hours but was refused.[74]

Jackson's personal lobbying of the Jewish lobby paid off. The vote on the resolution was unanimous.[75] By the time Humphrey's aide arrived, as scheduled, to plead the case for the Humphrey-Javits resolution, the group had already voted. Said Gilmore, "I came. I spoke, I met opposition, and then I discovered they had already voted."[76]

The actual resolution said the group "looked with favor" on the approach of Senator Jackson and other initiatives. They singled out Jackson without eliminating the Humphrey-Javits approach.[77] The language was vaguer than what Jackson's militant aide had desired. Perle told a reporter, "I came out [of the meeting] wanting to vomit."[78]

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[74] Jewish Leader Source.

[75] Silbey, p. 12.

[76] Richard Gilmore.

[77] Senate Source.

[78] Nahum Barnea, "The Jews Who Were a Disappointment," Davar Shavua, Tel Aviv, Israel, August 23, 1974, translated by Dalya Luttwack.

Perle may have been disappointed with the cautiously worded resolution. But in effect it installed Jackson as the de facto leader of the Jewish organization's Soviet Jewry campaign. They entrusted their cause to Jackson. Some might say they abdicated their power to him. Clearly it was a reversal of the popular image of the Jewish lobby twisting a Senator's arm.

"DEAR COLLEAGUE:" ACT II OF JACKSON VS. JAVITS/HUMPHREY

Once the Jewish community had indicated by the September 26 National Conference on Soviet Jewry resolution that it backed the Jackson Amendment more or less specifically, Perle and Amitay were ready to circulate a "dear colleague" letter the very next day, September 27, 1972, with a copy of the legislation in the form of an amendment to the East-West Trade Act of 1971 attached.

Eleven Senators signed that first letter inviting the rest of the Senators to add their names to the legislation as cosponsors of the amendment. (See Appendix, number 4). The signatures of influential Senators on this letter helped to attract cosponsors and to demonstrate the power and seriousness of intention of the legislation.[79] It was important for the legislators to prove themselves not only to the Soviet Union, and to the Republican Administration whose détente policy was challenged thereby,

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[79] See Donald R. Matthews and James A. Stimson on the importance of cue taking by legislators who look to recognized and trusted colleagues in the Congress for cues on how to vote on matters not well known to an individual legislator. Cue-taking applied to some degree in this case. Signers of a letter are the cue-givers. Matthews & Stimson, Yeas & Nays, Normal Decision Making in the United States House of Representatives (New York: John Wiley & Sons, 1975).

but also to Javits and Humphrey, who still had a competing resolution on Soviet Jewry circulating in the Senate. More or less official Jewish activists joined Senate staffs in soliciting Senators' signatures. Only in this marginal sense can one argue, as others have, that the Jackson Amendment resulted from Jewish pressure. After the names of Jackson and Ribicoff, the letter bore the signature of Jackson's senior from the state of Washington, Warren G. Magnuson (D-Wash.).[80] Other Democrats signing included Harrison A. Williams (D-N.J.), Ernest Hollings (D-S.C.), John Tunney (D-Calif.), and Birch Bayh (D-Ind.). Bayh and Tunney both had activist Jewish staffers in the mold Amitay had previously described.[81] Bayh's administrative assistant, New York lawyer, Jayson Berman, had worked hard on Bayh's abortive 1972 campaign for President which, reported a former staffer, "attracted a great deal of Jewish money,"[82] and Bayh planned to try again for the Presidency in 1976.

To make the appeal bipartisan, Jackson had succeeded in getting Republican signatures from Gordon S. Allott, (R-Colo.), the Chairman of the Republican Policy Committee, Edward J. Gurney, who represented a large influential Jewish community concentrated in Dade County, (Miami) Florida, and William V. Roth Jr. (R-Delaware), who had been urged to sign by the offices of Jackson and Ribicoff as well as Jewish activists in Washington D.C. and Delaware. The inclusion of these Republicans may have

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[80] According to Nahum Barnea's account, Perle and Amitay debated whether Magnuson and not Jackson, should be the primary sponsor.

[81] Isaacs, p. 255.

[82] Senate Source.

constituted some degree of pressure on Republican Javits to sign. So perhaps did the inclusion of the other Senator from the heavily Jewish state of New York, Conservative James Buckley.

At this stage of legislation--when a Senator is asked to sign a letter asking the rest of the membership to cosponsor--it requires more conscious thinking on the part of a Senator than simply cosponsoring. It requires the man's signature. Either the individual Senator himself or someone specifically designated in his office must sign. In contrast to cosigning, cosponsoring merely takes the word of the Senator who delegates a staffer to pass by word of mouth his decision to cosponsor to staff in the office requesting cosponsorship. In some offices, staff take the initiative of having his Senator cosponsor legislation without even discussing the issue with the Senator. In the week following circulation of a copy of the letter signed by the eleven Senators, thirty-two names in all were gathered. (See Appendix 5). Attesting to Jackson's success while also realistically pointing out the low level of political consciousness of some of the thirty-two cosponsors, one legislative aide has declared that Jackson is "the most effective [Senator] in rallying legislation. I'm convinced he gets people to be cosponsors [of his bills] before they know what they're cosponsoring."[83]

Nevertheless, cosponsoring a piece of legislation requires some degree of conscious decision-making by the Senator or at least by staff whom some Senators authorize to deal with "dear colleague" letters

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[83]Lawralyn Bellamy, "Senate Aides Rate Senator," Capitol Hill News Service, mid-November, 1973.

arriving in the office.[84] There certainly is no rule that says one must, as there is presumably with voting in the Senate. Cosponsoring a piece of legislation often is done for the purpose of attracting attention among targeted constituent groups. Indeed it may attract more attention than a particular roll call Senate vote, whose significance may be shrouded behind procedural veils sometimes thrown up deliberately by Congress to fuzz an issue.

Deciding to cosponsor is theoretically an easier thing than voting for an individual congressman to do because it is not as final an act as voting. He can always cosponsor something and later--at a slight cost--decide it was not a good idea and vote otherwise. And if he is lucky, he can cosponsor a piece of legislation for the sake of appealing to a particular constituency back home and the legislation will never come up for a vote. The Jackson Amendment was just such a case; the Ninety-second Congress was about to adjourn and there was absolutely no way for the Jackson Amendment to come to a vote in either house of Congress before adjournment.

One Northern Senator posed this rhetorical question regarding Jackson's cosponsors: "Why did so many people sign the amendment?" He answered himself, "Because there is no political advantage in not signing. If you do sign, you don't offend anyone. If you don't sign, you might offend some Jews in your state."[85]

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[84] Some Senators--Sam Ervin (D-S.Car.)--for example would as a practice not cosponsor legislation.

[85] David E. Rosenbaum, "Firm Congress Stand on Jews is Traced to Efforts by Those in United States," New York Times, April 6, 1973, p. 14, quoted in David R. Mayhew, Congress: The Electoral Connection (New Haven: Yale University Press, 1974), pp. 63-64. W. Saxbe, cosponsor of the amend-

Just as important as who supported the Jackson Amendment was who opposed it in the above mentioned Senator's calculation. In 1972, there was no organized opposition to the Jackson Amendment, which helps to explain a great deal about the amendment's appeal. Business groups with business plans in the USSR had not yet had an opportunity to begin trading on a large scale. They had not built up a strong interest in United States-Soviet trade in the fall of 1972 when the two countries were still negotiating a trade agreement to clear the way to open trading although prospects for an agreement may have made some Senators hesitant to sponsor.[85]

While the Jackson Amendment would eventually pick up support from other important groups, Jewish interest and agitation was predominant in the early 1972 stages of the amendment.[86] Jewish pressure, of course, means different things to different politicians. The type of pressure is different on Jacob Javits, one of two Jews in the United States Senate, and representative of the largest Jewish population in the country, than

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ment, had second thoughts a year later and removed his name with a great deal of publicity as he attacked "Zionist" influence. Henry Jackson publicly debated Saxbe on his action, strongly suggesting that Saxbe had changed his mind after he heard from countervailing pressure groups. Farm groups in particular favored trading and shipping grain to the Soviet Union. Hearings, "Russian Grain Transactions," Hearings before the Permanent Subcommittee on Investigations of Committee on Government Operations, U.S. Senate, 93rd Congress, 1st Session, July 20, 23, 24, p. 111.

[86] Jewish activism on this issue was hardly an isolated phenomenon. See Victor Johnson, "Congress and Foreign Policy: The House Foreign Affairs and Senate Foreign Relations Committees," PhD Thesis, University of Wisconsin, Madison, Wisconsin, 1975, pp. 195, 209.

it is on James Buckley, the other Senator from the same heavily Jewish state of New York.[87] Thus Javits--who philosophically believes in free trade with all nations, a position that is also very appealing to his Wall Street constituents--could afford to resist being one of the thirty-two original cosponsors of the Jackson Amendment.

Humphrey, who had a record as a friend of the Jewish community and who with Javits had his own resolution on Soviet Jewry, also stayed off the original list. Walter Mondale, who had also been represented at the earlier staff meetings on the Jackson Amendment, may have felt comfortable following Humphrey's lead, as he had so often done in the past. Both men also were philosophically liberal trade advocates--again an appealing position in Minnesota where the grain deals of 1972 were popular among large grain dealers like Cargill, farmers and farm implement manufacturers alike which may have at least subconsciously competed with the Jewish issue.

Until the National Conference on Soviet Jewry had endorsed--more or less equivocally--the Jackson Amendment but not the Javits-Humphrey resolution, Javits and Humphrey were in good company in refusing to link trade and emigration. But once the Jewish leadership had embraced the Jackson approach and the number of cosponsors grew to thirty two,

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[87]For example, it would stand to reason that Javits, a Jew, need not have been as outspoken, since he was less vulnerable to charges of being anti-Jewish if he took a softer line on Soviet Jewry than a non-Jew. In 1970, "Buckley had campaigned hard for Jewish votes. Shortly before election day, for instance, his signature appeared on an advertisement in the New York Times condemning Russian treatment of Jews." Mark R. Levy, and Michael Kramer, The Ethnic Factor: How America's Minorities Decide Elections, (New York: Simon and Schuster, 1972), p. 119.

Humphrey and Javits found themselves increasingly isolated.

Javits and Humphrey, however, still resisted cosponsoring. Javits, a Republican, had not exhausted the possibility that his party's head, President Nixon, might aid him in finding a solution to the education tax crisis which did not entail the Jackson Amendment. Meanwhile, Javits assigned a new staffman to deal with Jackson's staff to negotiate altering parts of the Jackson Amendment which Javits found offensive in the event Javits was left with no other choice but to cosponsor. Javits could bargain with Jackson as long as he refused to endorse the legislation. Albert (Peter) Lakeland, Javits' foreign policy aide, who had not been involved in the earlier staff meetings prior to the NCSJ September 26 emergency meeting, was given the task of dealing with Perle and Amitay.

Lakeland started by reinforcing Javits' bargaining position vis à vis Jackson. For three days he was able to hold off twenty-eight Senators from signing the Jackson Amendment, which reflected the fact that Gilmore, Humphrey's aide, had already gathered commitments from between sixteen to twenty-two Senators to sign the Humphrey-Javits concurrent resolution.[88]

While Lakeland was working to hold Javits' position among his Senate colleagues, Kenneth Gunther, Javits' staffman who acted as liaison to the Republican Administration, tried to urge the Administration to do something to avert the galloping growth of the Jackson Amendment. "I personally called the office of Peter Flanigan [Council on International Economic Policy], the National Security Council [headed by Henry Kissinger] and Commerce Secretary Peter Peterson." Gunther said he spoke with Robert

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[88]Senate Sources.

Hormats at the National Security Council, John Rose with Flanigan, and Brandon Sweitzer with Peterson. "The message was that Jackson and Ribicoff had thirty-one sponsors on the Jackson Amendment. We [Humphrey and Javits] will go with a different approach--a concurrent resolution--if the Administration will go with us. The Administration came back to us" in a return telephone call from Sweitzer, with the following message: "The Administration position is that when we want to take a position on this, we will take a position."[89]

As his letter was circulating to all one hundred Senators, Jackson took to the Senate floor on September 27 to announce that he would be formally introducing his amendment in a matter of days.[90] That same day, Nixon's press secretary Ziegler told reporters that Nixon had informed several Jewish leaders that he would work through diplomatic channels and not by means of harsh confrontation tactics against the Soviet Union. This was an indirect slap at the Jackson Amendment but no comfort to Javits. The following day, State Department spokesman Charles Bray added that Nixon opposed linking trade to emigration and objected to any move to block the developing trade relationship with the Soviet Union. The Administration opposed both the Jackson and Javits-Humphrey approaches since both drew a link between trade and the emigration issue.

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[89]Kenneth Gunther. In another conversation, Gunther recalled that Flanigan's office--not Commerce Secretary Peterson's office--returned his call saying that when the Administration wants to take an initiative, it will do so on its own.

[90]Press Release, Henry Jackson "East-West Trade and Fundamental Human Rights," September 27, 1972.

As far as Javits was concerned, his mission to Dobrynin had failed. Jackson had stripped from Javits backing from the Jewish groups at the National Conference on Soviet Jewry rally. Most important, the Administration lent no support to Javits' search for a substitute. Javits had little choice left but to try to soften Jackson's draft in exchange for his cosponsorship. Humphrey worked in concert with Javits.

"When [the Administration's response] came back, Lakeland and I opened negotiations with Perle and Amitay," Gunther recalled. "Rick Gilmore came later. The negotiations were a total flop in that Perle and Amitay took the deck. Only minor changes were made."[91] Admitted a Javits' staffer, "the changes were very cosmetic."[92] After Lakeland agreed, Jackson's office quickly called the twenty-eight or so offices formerly committed to the Javits-Humphrey proposal to announce that Javits was going along with the thirty-two Senators previously committed to the Jackson Amendment.[93]

It had been a slow but steady process by which Javits and Humphrey

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[91]Kenneth Gunther. For example, the impact of Rumania on the Jackson Amendment was not changed in the legislative language. Perle's "only concession was that legislative history" by means of a staged colloquy and formal statements in the Congressional Record would indicate that the amendment was not intended to harm Rumania's chances of getting most-favored-nation tariff treatment. In fact Rumania was negatively impacted by the Jackson Amendment as were all "non-market countries." Senate Source.

[92]Senate Sources.

[93]Albright inaccurately reported that there were fifty-one sponsors on the Jackson Amendment when Jackson called Javits to say he was about to introduce the amendment which in turn forced Javits to sign on. (Albright, p. 20).

had relinquished their non-binding resolution and their freedom to blunt Jackson's efforts. The final stage in this early period in the development of Jackson's strength came on September 30. The Senate was in session that Saturday as the legislature pushed to finish business in time to adjourn the Ninety-second Congress before the November presidential elections. That gave Perle, Amitay, Gilmore, Lakeland, and Davidson time to iron out the final details of the amendment in a series of last minute, hotly contested meetings. As one chagrined staffer put it, "Saturday, we capitulated.[94]

A few minor changes were made in the originally drafted amendment, but this was all Javits seemed to believe he could get. For example, a requirement that the President discuss treatment of specific religious groups in his report to Congress on the emigration performances of Communist nations was deleted. In exchange for a few minor concessions, Jackson's staffer, Dorothy Fosdick, a hard-driving woman who has worked dedicatedly for Jackson for several decades, insisted on a commitment from the others that no weaker substitutes--like a resolution on Soviet Jewry--be introduced to compete with the stringent measures of the Jackson Amendment.

The meeting bristled with hostility. While Jackson's staff was insisting on a commitment from Humphrey, Richard Gilmore, his aide, was simply unable to commit his boss once and for all. While the staffs may negotiate among themselves, they may not always be speaking for their employers. And that was the case with Gilmore. "I said I couldn't speak

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[94] Senate Source.

for Humphrey--there is no way I can commit him to an amendment he hadn't seen or to get off the resolution he had seen . . . I called him on Saturday at Waverly [Minnesota]. He said he'd talk to Jackson on Monday. . . .It's possible that Javits [also] tried to get Humphrey. Javits probably succeeded [in reaching Humphrey] at Waverly. Javits was in Washington on Saturday and I remember having Peter [Lakeland] get [Javits] in touch with Humphrey."[95] Many people have blamed Gilmore for Humphrey's wavering on initially sponsoring the Jackson Amendment.[96] Gilmore explained Humphrey's position and course of action. "It wasn't just me. But on this issue I played more of a role; in part it was because he was not in town. But Humphrey--like myself--was caught up in the classical liberal notion of détente, and trade was part of liberalization of relations."[97]

Javits' position was also still not altogether clear. By the end of the legislative day on Saturday, recalled Gunther, "Javits flew to Texas for a speech with two statements--one going along and one blasting the Jackson Amendment. That's when Javits and Humphrey came on board. And that coalition has held since that time."[98]

When Javits finally agreed to cosponsor the Jackson Amendment, many other Senators, who had waited to see which way the liberal Jewish Republican from New York would go, followed in his wake. In addition to Humphrey and Mondale, there was Edward M. Kennedy, Edmund Muskie, Charles

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[95]Richard Gilmore.

[96]Jewish Activist Sources.

[97]Richard Gilmore.

[98]Kenneth Gunther.

Percy (R-Ill.), Edward M. Brooke (R-Mass.) and Richard Schweiker (R-Pa.). A conspicuous number of those following Republican Javits' lead were liberal Democrats. Jackson's staff, who had attacked liberal Democrats for their consistent opposition to large defense budgets which Jackson defended, did not want the liberal Democrats to live down their waffling positions. One legislative assistant to a liberal Democratic Senator recalled this attitude. When she heard that as a result of the Javits-Humphrey/Jackson agreement, changes had been made in the original Jackson Amendment draft that had been circulated to all members of the Senate in the September 27 "dear colleague" letter, she wanted to see what the differences were in order to be better prepared for discussing with her Senator whether he should become a cosponsor. She walked over to Jackson's Subcommittee on International Security Operations, staffed by Perle, Fosdick, Tina Silber, and Charles Horner, a China specialist from the University of Chicago.

Fosdick overheard her ask for the draft of the revised Jackson Amendment, jumped from her seat and rushed to the front of the room exclaiming, "Oh, you liberal Democrats are all alike. You have to see where a Republican like Javits is going before you can follow." The staffer did not tell her that the particular liberal Democrat whom she worked for was a maverick. He was not going along with Jackson or Javits or the majority of the Senate. He was not going to cosponsor the Jackson Amendment, despite its increasing momentum.[99]

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[99]Senate Source.

PRESIDENT NIXON AND JACKSON'S INTERESTS RUN PARALLEL

While liberals in the Democratic and Republican Parties joined Javits, there was still a group of Republican Senators who marched not to Javits' beat, but to the political drum of President Richard M. Nixon. Jackson pursued his quest for sponsors of his amendment all the way to the White House where he asked Nixon not to oppose his effort to add cosponsors from the conservative wing of the Republican Party. It was late September, virtually the eve of the President's reelection. And Jackson's immediate search for cosponsors and Nixon's quest for four more years in office became intertwined.

Nixon's foreign policy advisers had resisted the notion of linking trade and MFN and reluctantly raised the question of Soviet Jewry in private diplomatic conversations with Russian leaders. Kissinger had raised the topic of Soviet Jewry in his top level talks in Moscow in September but he had done so unenthusiastically. In the same period, he was privately advising members of the Foreign Relations Committee that the Jackson Amendment might cause a serious political confrontation with the USSR and therefore, it should be opposed.[100]

On the other hand, Nixon's political counselors were much more receptive to the Jackson Amendment. There were at least two major factors making Nixon feel disposed toward cooperating with Jackson on the Jewish

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[100]Senate Source. For Secretary of Commerce Peter Peterson's references to the Jackson Amendment during his trade negotiations with the Russians during the summer and fall see White House Press Conference of Secretary of State William Rogers and Secretary of Commerce Peter G. Peterson, 3:30 P.M. October 18, 1972, reprinted in U.S.-Soviet Commercial Agreements, 1972, U.S. Department of Commerce, pp. 79, 84, 87.

emigration amendment by late September. First, it was the eve of Nixon's reelection and the President was anxious to avoid a wild-cat Congressional action on Soviet Jewry which might reinforce his Democratic opponent, George McGovern's exploitation of the subject as an election issue. Since the linkage of trade and Vietnam appeared to be all but complete, he could afford to add on to that policy at least for a short expedient moment until after the election. Secondly, Jackson possessed a great deal of personal influence in the White House during this period which Nixon may have concluded was inadvisable to ignore.

The Jewish Strategy

Nixon's reelection strategy was based on the memory of his close 1968 race. Richard M. Nixon's most urgent objective after his narrow victory in 1968 was to broaden his political base. [101]

Nixon beat Hubert Humphrey in 1968 by barely one percentage point, and he ran his 1972 race aware of the importance of certain swing votes. Nixon strategists appreciated the fact that even though Jews were 2.7 percent of the population, they carry much more political weight in terms of electoral votes and campaign contributions than that tiny number would indicate. Nixon's speech writer, William Safire, reported that in 1972 there was "an accent on Jewish money being collected by Detroit industrialists, Max Fisher, and New York financier, Bernard Lasker." Safire recalled that electorally Nixon at the time was also "openly trying to get

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[101] Richard C. Bain and Judith H. Parris, Convention Decisions and Voting Records, second edition, (Washington D.C. Brookings Institution, 1973), p. 329; also see Samuel Lubell, The Future While It Happened, (New York: W.W. Norton and Company, Inc. 1973).

Jews to switch." They ran a highly controlled reelection campaign, featuring among other things a "Jewish strategy."[102]

In 1968 only seventeen percent of the Jewish vote went to Nixon.[103] Nixon strategists figured that every new vote for Nixon--a switch to the Republican party from habitually voting for the Democratic candidate--counted as two votes because it meant also a reduction in a vote against him. They figured they did not even need a majority of the Jewish vote to make a significant difference.[104]

Clearly it was not in Nixon's interest to have a highly volatile moral issue like Republican apathy to Soviet repression of Jewry become an election issue. Nixon, the consummate politician, was therefore predisposed to Jackson when he requested that the President remain neutral rather than opposing the Jackson Amendment which his foreign policy adviser, Henry Kissinger, said would threaten a confrontation with the Soviet Union.

Jackson also possessed an additional reservoir of power which helped persuade the President not to oppose the Jackson Amendment or at least to remain neutral.[105]

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[102] Safire, p. 573.

[103] New York Times says 17%. (October 9, 1972). The Ripon Society said NBC reported 18%. (The Ripon Society and Clifford W. Brown, Jr. Jaws of Victory, (Boston: Little, Brown & Co., 1973), p. 194.

[104] New York Times, October 9, 1972.

[105] Nixon had always had a high public regard for Jackson. In the beginning of his first administration, he offered Jackson the jobs of Secretary of Defense and Secretary of State. The working relationship between Jackson's office and the White House was excellent. Jackson's biographers report that when Nixon came into office, "the new Congress

SALT

In late summer of 1972, Jackson appeared to be a formidable political force, inadvisable to ignore. Jackson was challenging successfully the achievements of Nixon's May summit. The first public assault on the détente policy that Nixon and Kissinger had launched at the summit was Jackson's opposition to the Strategic Arms Limitation agreement covering offensive weapons and the treaty covering defensive weapon systems (ABM's) that was initiated by leaders of the two superpowers in May. Jackson called the SALT achievements of Nixon a "bum deal." He drafted his own legislation--in the form of an amendment to the agreement which the President had submitted to Congress for approval as a concurrent resolution. The amendment reflected Jackson's own personal thinking on the strategic military balance. It prescribed that any future agreements with the Soviet Union be based on what Jackson rather equivocally called "equality." Failure to reach a satisfactory new treaty limiting offensive weapons at SALT II would be sufficient grounds for abrogating the 1972 ABM treaty.[106] As such, the amendment (as well as the emigration

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had barely begun when Jackson was summoned to the White House to discuss intelligence and defense issues with the President and Henry Kissinger . . . It was the beginning of a period of general agreement between Nixon and Jackson on national security issues." William W. Prochnau and Richard W. Larsen, A Certain Democrat (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1972), p. 243. Jackson's support of Nixon in Senate votes from 1969 to 1973 was higher than practically any other non-Southern Democrat, according to the Congressional Quarterly Almanac. Americans for Democratic Action, Press Release, January 2, 1976. Some have actually argued that Jackson's Senate power derived from his unique relationship with Nixon. Ognibene, Scoop, p. 217.

[106]Edward A. Kolodziej, "Congress and Foreign Policy: The Nixon Years," in Harvey C. Mansfield Sr., ed. Congress Against the President

amendment) applied a Jackson, favored technique that has helped make him a legislative success. Both contained what Jackson staffer, Sterling Munro, called an "action-forcing device."[107]

Jackson's SALT challenge must have appeared particularly menacing to Nixon in light of past events. Jackson was among a large number of prominent individuals to advise John F. Kennedy, the 1960 candidate for President against Vice-President Nixon, to charge that a missile gap had been allowed to develop during the Eisenhower-Nixon administration. Jackson's tactics helped to set Nixon's scheduled entrance into the White House back eight years.[108] In election year 1972, Nixon was, perhaps, very sensitive to the possibility that Jackson might have been raising another missile gap scare.

Jackson introduced the SALT amendment on August 3. The White House opened negotiations with him immediately. During this period, Nixon's national security adviser, Henry Kissinger, spoke with Jackson on the telephone as frequently as three and four times daily.[109] The two men met over the weekend of August 5-6 at the White House. They worked out an agreement whereby the Administration submitted the SALT agreement to Congressional approval while Jackson introduced a softer version of his amendment, which the Administration would not oppose. Each

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Proceedings of the Academy of Political Science, vol. 32, no. 1, (New York: 1975), p. 174.

[107] R.W. Apple, Jr., "Puritan for President," New York Times Magazine, November 23, 1975, p. 57.

[108] Prochnau and Larsen, pp. 70-173.

[109] Ognibene, p. 211.

had the other's blessing.[110] Kissinger and Jackson's staffs exchanged drafts and counterdrafts until the wording was agreed upon by both sides. On September 14, the Senate passed the Jackson Amendment, and both agreement and amendment were sent to the President to be signed on September 30.

Up through the White House ceremony September 30, contacts between the White House and Jackson's office were close. These meetings touched on the emigration amendment as well as the SALT amendment, with Jackson's SALT amendment no doubt reinforcing the credibility of Jackson's threat to redirect trade with the USSR.

Richard Perle's calendar reveals he discussed trade developments with "State Department officials" on August 31. Perle also recalled lunching with Kissinger's Soviet expert, Helmut Sonnenfeldt, and other Administration officials on September 20. The SALT issue was still pending, but Perle believed that Jackson's trade amendment plans were also probably discussed at the meeting.[111]

Perle also kept in close touch with John Lehman, who then was doing legislative liaison work for the National Security Council (and who now is Deputy Director of the Arms Control and Disarmament Agency). Perle recalled one particular discussion with "people in the White House" about the effect of one of Jackson's amendments on the other. "The Jackson Amendment to SALT was up at that time. I was weighing it [the

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[110] Kurt Lauk, "The Jackson Amendment to SALT," unpub. manuscript, Stanford University, undated. Franz Schurman, The Logic of World Power: An Inquiry into the Origins, Currents, and Contradictions of World Politics (New York: Pantheon Books, 1974), p. 542.

[111] Richard Perle.

amendment linking trade and emigration] with people at the White House. The people I was talking to were the hardliners down there, and they were fighting to support the Jackson Amendment on SALT, and they said, 'for God's sake, don't. [introduce the emigration amendment.] It would look prejudicial. Wait until after the SALT treaty is resolved. . . .' The Jackson Amendment on Salt was resolved in September." In fact it was resolved September 30 when the President signed the SALT agreement with the Jackson modification. Jackson attended the White House ceremony as part of a delegation of Congressional leaders. His power and potential for wreaking havoc with détente must have appeared large at that moment.

Nixon had appeased Jackson by working out the softer version of the Jackson SALT Amendment. By so doing, he also averted a possible missile gap scare and silenced murmerings of discontent within the Pentagon conconerning SALT. But even that day, Nixon could not breathe easily. Riding a mighty wave of power thanks to his SALT victory, Jackson recognized an opportunity to raise the matter of his other amendment on United States-USSR trade and Soviet emigration restrictions.

Jackson and Nixon took a forty-five minute stroll in the White House Rose Garden after the Salt Agreement ceremony. During the tête à tête, as one Jackson aide related it, Jackson urged Nixon to release the fifteen to eighteen Republican loyalists in the Senate who resisted becoming cosponsors without a Presidential signal of assent. "In return, Jackson promised--I don't know if you call it a deal--Jackson in return said he would try to get Republicans and Democrats not to make the issue a political one--or simply let it stay as purely humanitarian." Jackson

also made it clear that he would not bring the amendment up for a vote in Congress. And since Congress was about to adjourn in two weeks anyway, Nixon could be sure that the amendment would become a dead letter in the Ninety-second Congress. The staffer also mentioned the point that the agreement deprived McGovern of an election issue.[112]

Reinforced by Nixon's presidential ambitions, which dictated the avoidance of Soviet Jewry being raised as a last minute issue in the election, Jackson was granted his minimal request. Nixon--his attention focused on November 7, 1972--and hardly beyond--agreed. It was a small gesture but one which helped push Jackson's amendment just that much further along toward eventual legislative success.

Perle called Tom Korologus, the White House liaison to the United States Senate,"to see if they had new orders" from the President reflecting the Nixon-Jackson arrangement. Korologus had not, but after talking with Perle, Korologus checked with the White House and confirmed that Perle knew more about what was happening in the inner sanctum of the White House than even the official White House liaison.

Soon after, Jackson added eight more cosponsors from the ranks of the Republican Nixon loyalists to his list.[113] When Jackson introduced his amendment on October 4, he had seventy-two Senate cosponsors--nearly three-quarters of the entire Senate. The legislation had no chance of

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[112]Senate Source. Peter Ognibene speculated that the Rose Garden discussion dealt with an entirely different subject, the future of the Arms Control and Disarmament officials who were involved in negotiating SALT I, p. 210.

[113]Senate Source.

becoming law, but it should have served the diplomatic purpose of adding to the pressure against Soviet emigration policies.[114]

NIXON PUSHES THE SOVIETS ON ELECTION EVE

The September 30 Jackson-Nixon arrangement for Nixon to remain neutral on the Jackson trade amendment was not sufficient to fulfill the needs of Nixon's "Jewish strategy." Several forces were compelling the President to do more by personally raising the exit tax issue with Soviet officials. The pressures on any elected politician on election eve were operating on Nixon. Taking up the issue was consistent with the behavior of any elected politician conducting foreign policy. It was aimed both at achieving domestic goals and a foreign political objective. As President, he was in charge of conducting foreign policy with foreign nations, regardless of what action Congress might have been taking. The enunciated policy of the Administration was that dealing with the exit fee issue should be left to quiet diplomacy at the highest levels. So it was incumbent upon him to raise the matter. Secondly, Nixon's domestic political antennae were picking up a growing disaffection in the Jewish community because it was felt he was not doing enough for the cause. Since midsummer, his campaign strategists had felt confident that he could double the seventeen percent of the national Jewish vote he had received in his 1968 race against Hubert Humphrey. But in early October, Nixon's political pulse takers detected the first signs of trouble for Nixon's Jewish

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[114]Congressional Record, October 4, 1972, pp. S16835-S16843, daily edition.

strategy mostly over the issue of Soviet Jewry. The disaffection was felt in New York as well as in the Mid-West declared the New York Times front page story on October 8, entitled "GOP Intensified Drive to Attract Jews to Nixon."[115]

"At an October meeting between Jewish leaders and White House aide Leonard Garment, Garment was attacked for allegedly not pushing Mr. Nixon hard enough to get behind the amendment."[116] Rita Hauser, one of seven cochairpersons of CRP, who is credited with sensing opportunities for Nixon among Jews, personally tried impressing on Kissinger the pressing nature of the Soviet Jewry issue.[117]

Nixon's Campaign Director, John N. Mitchell, was also warning Nixon that American Jewry was "totally worked up" over Soviet emigration restrictions and suggested that Nixon capitalize his gains among Jewish voters by publicly demanding a change in Moscow.[118]

The opportunity for Nixon to do something more than just remain neutral on the Jackson Amendment presented itself on October 2 and 3, when Foreign Minister Andrei Gromyko visited Washington for the purpose, among other things, of signing the SALT treaty. The two leaders--joined by Kissinger and Dobrynin--met the evening of October 2 and again for breakfast October 3 before the actual White House signing ceremony for the

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[115]Robert Semple, Jr. New York Times, October 9, 1972; Ripon Society, p. 194.

[116]Rowland Evans and Robert Novak,"Israeli Support for the Jackson Amendment," The Washington Post, March 19, 1973, p. A8.

[117]Hauser did not recall exactly when she discussed this point.

[118]Evans and Novak, "Israeli Support for the Jackson Amendment," p. A8.

treaty limiting American and Soviet defense missiles to two sites and for the interim agreement on numerical limits on land and submarine based offensive missiles. Although a well placed Administration source said there were no "burning issues" discussed between the two leaders, the trade negotiations were brought up and Nixon did take the opportunity to explain that United States public opinion strongly opposed the education tax and that Congress might block the trade agreement which was entering the final days of negotiations during this period.

Also on October 2, Secretary of State William Rogers met with Jacob Stein, Max Fisher, and Richard Maass. A spokesman for the three Jewish community leaders said that "for the first time, we had a very positive feeling" about the possibility of resolving the exit tax issue."[119] Maass maintained contact with the State Department and White House through presidential liaison Leonard Garment, and told a reporter during this period that "They have assured me that they are moving at every level and holding discussions on the subject . . . I think the President got the signal."[120]

On October 4, Jackson formally introduced his amendment to the Senate and to the national press at a news conference called for the purpose. Jackson portrayed his amendment as a complement to "quiet diplomacy" conducted by the Executive Branch. He also indicated that

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[119]Quoted in New York Times, October 3, 1972.

[120]Quoted in Richard S. Frank "Trade Report/U.S. Sees Surplus, More Jobe in Early Years of Expanded Trade with Soviet Union," National Journal, November 25, 1972, pp. 1807-1808.

Nixon was not opposing the amendment in spite of public statements from the White House and State Department to the contrary. There were published reports that Gromyko had indicated in discussion with Nixon that Moscow might let the tax "fade away," but the Administration officials said that it was only a "hope" that since Moscow had not published the details of the tax, it might quietly lift the tax.[121]

A final round of United States-Soviet trade talks began in late September and continued throughout the period that Jackson was organizing his cosponsors. On the fourth of October, the White House announced that Foreign Trade Minister Nikolai Patolichev was expected to come to the United States to sign an agreement soon. He arrived October 11. A new maritime agreement readjusting the increasingly unpopular terms for shipping grain to the Soviet Union was signed on October 14. Four days later, on October 18, the comprehensive trade agreement was initialed, in which the United States agreed to seek Congressional approval to extend MFN treatment status to Russia, and Russia promised to pay seven hundred twenty-two million dollars of its World War II lend-lease debt. The same day, President Nixon also authorized the extension of Export-Import Bank credits to the Soviet Union by finding that such a move was in the country's national interest. (See Appendix number 6).

At a White House press conference where the new trade pact was hailed before the American public, a question was raised about the Jackson Amendment which in effect would block all the trade advantages

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[121]Bernard Gwertzman, New York Times, October 5, 1972, p. 1.

pledged in the October 18 trade pact until emigration from Russia was liberalized. Secretary of Commerce Peter Peterson answered by rejecting the Jackson Amendment approach and advocating instead "quiet diplomacy":

> We are going to handle that . . . through the channels we have been using. We think the channels of quiet diplomacy holds the greatest promise of success, and after all that is what we are all interested in, so I have nothing further to say on that today.[122]

Quiet Diplomacy Plus

In fact, the Administration approach was really "quiet diplomacy plus." In other words, quiet discussions between officials of both nations were accompanied by American extension of trade advantages embodied in the October 18 trade agreement promises and in the mammoth Russian wheat purchases made in the American market and financed by credits from the United States Department of Agriculture's Commodity Credit Corporation, which began in the summer and continued throughout the fall of 1972. Selling $1.4 billion worth of grain to the Soviet Union, $750 million of which was financed by the United States Government Commodity Credity Corporation credits, likely helped to elicit Soviet cooperation regarding Vietnam. Trade advantages no doubt had a healthy effect on the position of Jews in the USSR too. That is the "plus" in "quiet diplomacy plus."[123]

Whether by sheer coincidence or not, on the same day that the

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[122]White House Press Conference, October 18, 1972.

[123]For previous discussion of the possibility that emigration policy in the Soviet Union was liberalized because, among other reasons, the Soviet government, mindful of Western public opinion, desired to ease relations with the West for the purpose of increasing trade, see Part I.

United States and the USSR signed the trade agreement, October 18, exemptions from the emigration tax were granted to nineteen Jewish families leaving for Israel. Only forty-eight hours before, these people had been told they had to pay the tax.[124] The policy of granting full and partial exemptions continued and--significantly for Nixon's campaign--was reported in the New York Times several more times in the week after the agreement was signed. On October 26 the Soviet Council of Ministers approved waivers of fees for "justifiable" reasons, a policy enjoyed by as many as two hundred families in that one week who were among an unusually large group of Jews--four thousand five hundred a month--permitted to leave in the period preceding the presidential election.[125]

The coup de grace on behalf of Nixon came when the Soviet weekly Za Rubezhom denounced Nixon's Democratic opponent McGovern--not Jackson--for embracing the policy of linking trade and emigration.[126]

Remarks of highly placed Russian journalists and officials portrayed the "noise on the emigration" question as a political campaign phenomenon that would disappear after the election--a view which indicated that the exemptions which were granted at the same time that the Soviet government still publicly defended the tax might have been only a short-term accommodation.[127]

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[124] New York Times, October 19, 1972.

[125] Vladimir N. Pregelj, "Most-Favored-Nation Policy" Issue Brief No. IB 74139, Major Issues System date updated December 9, 1974, Library of Congress, Congressional Research Service. Also see Leonard Schroeter, The Last Exodus, (New York: 1974), p. 352.

[126] New York Times, October 23, 1972.

[127] New York Times, October 24, 1972, p. 3:5.

FOLLOWING UP THE OCTOBER 18 AGREEMENT IN CONGRESS

Exactly one day after United States and Soviet officials signed the trade pact in Washington on October 18, Henry Kissinger was in South Vietnam trying to persuade South Vietnam President Thieu to agree to the peace settlement that he had negotiated with the North Vietnamese in cooperation with the Soviet government. Kissinger was hoping to hop from Saigon to Hanoi on October 24, in time for an appearance right before the November 7 election. His plan was to initial the agreement in Hanoi, so that the peace accord could be signed in Paris on October 31 by the four foreign ministers of United States, Soviet Union, South Vietnam and North Vietnam.[128]

The Administration's preoccupation with Vietnam which set the pace for the Administration's timing of the Trade Agreement on October 18 had important implications for the future of the Jackson Amendment. The Trade Pact of October 18 and the mammoth Soviet wheat deal were paced to coincide with progress on the Vietnam peace settlement which the Soviet Union was helping to encourage. Had the Vietnam issue been settled earlier and thus had the trade negotiations been completed earlier, things might have been very different. The United States had resisted making trade commitments to the Soviet Union at the May Summit, holding back to see a tangible demonstration that Soviet pressure was being exerted on the Vietnamese and that that pressure was working in America's favor. Had there been a trade agreement signed at the May Moscow Summit

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[128]Tad Szulc, "Behind the Vietnam Cease-Fire Agreement: How Kissinger Did It," Foreign Policy No. 15, Summer, 1974, pp. 54-55.

as some had anticipated, the Administration might have requested and gotten MFN authority from Congress with little trouble in the summer of 1972 before the education tax was levied and before Jackson had prepared an effective counter offensive.

The Congress approved the SALT agreement and treaty after making some adjustments for the sake of Jackson, and it might have done the same for a trade agreement. After all, President Nixon and his summit talks and détente in general were at the peak of their popularity after the May summit. Opposing the results would have been much more difficult in mid-summer than in the fall when the wheat deal was already becoming a cropper.[129]

Another reason for the trade agreement delay was the beginning of the American public's negative responses to the Wheat Deal. The wheat deals of July and August were going sour as far as the American consumer was concerned, and the United States felt compelled to insist that the two countries negotiate another shipping arrangement that did not permit the Russians to enjoy such large shipping subsidies at America's expense. After several more weeks delay, a maritime agreement was finally signed October 14, and the trade agreement signed October 18.

By the time the Trade Agreement was finally signed on October 18, 1972, time had run out for those in the Administration who had wanted to rush the agreement to Congress for its approval before adjournment.

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[129] "What America Really Thinks of Nixon," Newsweek, August 28, 1972; George Gallup, "Nixon Popularity Hits 2-year Peak on Soviet Trip," The Washington Post, June 4, 1972; Louis Harris, "82 Percent Approve Summit Trip," The Washington Post, June 27, 1972.

Congress adjourned at 8:49 P.M. on October 18, 1972.

Some have argued that the trade agreement should never have been signed on October 18 since the warning signs from Jackson and three quarters of the Senate were clearly indicating that what the Administration was pledging to the USSR in the agreement was not to be so easily delivered. In any case, attempting to get Congressional approval for the trade pact would have to wait until Congress reconvened in January, 1973.

THE POST ELECTION PERIOD

In the lull of the Congressional recess and culmination of the presidential race, the Nixon Administration had an opportunity to try and convince the Soviet leadership to liberalize emigration for Soviet Jews. Only in this way was there any hope of answering the questions raised by Jackson. Only in this way could Jackson's blockage of trade concessions be removed. Instead, the few months after Nixon's reelection and before his inauguration and the convening of the new Ninety-third Congress could be characterized as a period of "malign neglect." The Administration missed a crucial opportunity to derail the Jackson Amendment.

Richard M. Nixon achieved a landslide reelection victory over Democrat George McGovern by capturing every state in the Union except Massachusetts.[130] Nixon's Jewish strategy was also a success. Hundreds of thousands of Jews actually switched over to Nixon or at least did not vote for the Democratic candidate as they had habitually done before that

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[130]Popular vote was Nixon - 47,042,943 to McGovern 29,071,629. The electoral vote was 571 - 17.

time. Four out of every ten votes cast by Jews went to Nixon--double the total in 1960 and 1968.[131] Nixon attracted thirty-seven percent of the Jewish vote in 1972 compared to seventeen percent received in 1968.[132]

The intensity of domestic political considerations that motivated Nixon before the election to agree not to oppose the Jackson Amendment and to apply quiet diplomatic pressure on the Soviet leadership diminished after the election. The reelection imperative which had driven him throughout his entire political career dissipated. Nixon interpreted the 1972 election results as an overwhelming stamp of approval for the past four years in office and an equally powerful mandate for the next four. Since the White House was presumably his for the next four years, the domestic constraints of getting reelected concerned him not at all. He was freer than he had ever been to conduct his foreign policy according to what he felt was good foreign policy, regardless of the domestic political ramifications.

The Nixon Administration might have used the months after the November election to try convincing the Soviet leadership that the harsh measures written into the Jackson Amendment could be avoided if certain steps--including the permanent removal of the education tax--were taken. Soviet officials had already displayed flexibility in collecting the new tax, in the month of October before the election. Instead, it appears that the Administration thought it could ignore the amendment with impunity.

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[131] Safire, p. 575.

[132] The Ripon Society, p. 194.

Failure to explore an accomodation that would satisfy Jackson's demands on emigration in the period after the reelection has been characterized by officials within the Nixon Administration as "arrogant." "Administration arrogance in general vis à vis the Congress from November, 1972, election day, when Nixon received a huge mandate, to April, 1973, when the Watergate tapes began to come out," is an early Administration mistake cited by a former well-placed East-West Trade official.[133]

One official serving on Henry Kissinger's National Security staff and handling economic questions including MFN for the Soviet Union, suggested another reason why the Administration may not have counseled the Soviet Union to liberalize its emigration policies to appease Jackson. It seems that Kissinger may have used the Jackson Amendment as leverage for applying pressure on the Soviet Union to extract concessions on altogether different issues:

> The Jackson Amendment wasn't a big issue then. It had support. Everyone knew there were these pressures, and it would manifest itself when the trade bill came up. But it was perceived as controllable. It would be used to get the Soviet Union to acquiesce and get more. . . . It could be used as a lever. The problem was to have it enough of a lever to get results but not too much leverage to.[134] . . No one ever thought it would get where it got

These remarks also suggest that the Administration may have simply been following its own timetable. It figured that since Congress was adjourned until January, there was little need to bother about the trade

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[133]Administration Source.

[134]Administration Source.

agreement and Congressional protests until Congress reconvened.

Another important reason why the Administration "didn't treat" the Jackson Amendment as important was, said one official, that "Kissinger was ninety-nine and nine-tenths involved with the rundown of the Vietnam War and what he didn't give his attention to didn't get done."[135]

Whatever the reasons, speeches delivered at this time by Administration officials attest to the remarkable disregard with which the Congressional protests were treated. For example, Assistant Secretary of State for Economic and Business Affairs Willis C. Armstrong, speaking on November 28, 1972, all but ignored the Soviet Jewry issue which had rallyed seventy -two Senators the previous month to sign the Jackson Amendment in his observation that "The success of the Moscow summit, the SALT negotiations, the quadripartite agreement over Berlin, the talks between West and East Germany, progress in seeking peaceful solutions to acute world problems--all have contributed to the fact that the trade negotiations were able to proceed with remarkably <u>few</u> <u>intrusions</u> of <u>extraneous</u> <u>pressures</u>."[136]

It is difficult to tell who was responsible for the policy of "malign neglect"--for ignoring the Jackson Amendment when it could have been dealt with at a more controllable stage. The Nixon Administration had a well-known penchant for secrecy. One can, however, narrow down the number of actors besides Nixon himself. Between November, 1972, when

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[135] Administration Source.

[136] Department of State, Press Release, November 29, 1972, no. 294. Emphasis added.

Secretary of Commerce Peter Peterson, who had led the United States negotiating team for the October 1972 United States-USSR Trade Pact, left the Department of Commerce and February 1973, when George Shultz was appointed Secretary of Treasury and official coordinator for economic affairs including East-West trade policy, there were no prominent principal actors except for Peter M. Flanigan, Assistant to the President and Executive Director of the Council on International Economic Policy, and Henry M. Kissinger, the President's assistant for national security affairs and head of the National Security Council Staff. Charged a well-informed Administration official "Flanigan and Kissinger didn't treat it seriously."[137]

Steven Lazarus, then Deputy Assistant Secretary of Commerce and Director of the East-West Trade Bureau and executive secretary for the United States negotiating for the October 1972 trade agreement, believed that he [Lazarus] was just about the only official in the Administration who could say, "I took the Jackson Amendment seriously." He started a research worker on the Jackson Amendment in the fall of 1972. He spoke with Congressional staffers, Richard Perle of Jackson's office, Morris Amitay of Ribicoff's office, and Mark Talisman of the office of Charles Vanik. He also visited Israel and the Soviet Union in December 1972, where he explored solutions to the Jackson Amendment with little success.[138]

It was not only the Administration who ignored the Jackson Amendment

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[137]Administration Source.

[138]Steven Lazarus.

in this period. Soviet officials, in particular Ambassador Dobrynin, were taking Administration assurances not to worry about the Jackson Amendment when they should have been making their own independent assessments of Jackson's threat to block trade concessions until emigration policies were liberalized.[139]

When Senator Hubert Humphrey visited the Soviet Union in December, 1972, with a Congressional delegation that included Senator H.L. Bellmon (R-Okla.) and Congressman Henry Reuss (D-Wis.), he tried in vain to counter Soviet underestimation of the Jackson Amendment.[140] Premier Aleksei Kosygin reportedly rebuffed Humphrey when the Minnesotan tried to explain that the Jackson Amendment was not an election ploy. The warning that Congress was serious about the subject of Soviet emigration and could set back progress on trade relations apparently fell on deaf ears.[141]

If the Soviet leadership was unwilling to heed the advice of visiting American legislators in early December, they were probably even less disposed to accommodating American concerns about the small Jewish minority in the Soviet Union after December 18 when President Nixon ordered "Operation Linebacker II," twelve ferocious days of American bombing of Soviet ally, North Vietnam.

For whatever combination of reasons, Soviet officials decided to get

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[139] Senate Source; Business Lobby Source; Herman Edelsberg, "Showdown on Soviet Jewry," The National Jewish Monthly, May, 1973, p. 7.

[140] This was Humphrey's chance to raise the subject of emigration after failing to see Dobrynin in late summer 1972.

[141] New York Times, December 2, 1972, p. 14:3.

tougher, not softer, in their emigration policy in late December. The leadership took several significant steps toward reaffirming the original August 3 exit tax decree. Clearly, the Soviet leadership was disregarding the danger signals that Jackson had thrown up over the months. At the end of December, Soviet Deputy Minister of Interior, B.T. Shumilin, stated publicly that while "as a rule" Soviet authorities might grant exit visas, "the Soviet Union does not intend to act as a philanthropist" toward people with higher educations, thereby defending the principle that the government had the right to impose an education tax.

On December 27, 1972, instead of lifting the tax, the Soviet authorities after months of delay finally formally published the decree of the Presidium of the Supreme Soviet of the USSR concerning the education tax in the Soviet equivalent of the Federal Register--the Bulletin of the Supreme Soviet. On the first of the new year, 1973, the actual text of the decree was published along with the implementing resolution of the Council of Ministers of the USSR containing the schedule of fees and conditions for waiving the fees.[142]

On December 29, there seemed to be some effort to make the emigration tax policy more palatable to the West when Shumulin announced that the education tax had been modified to exempt pensioners and to permit reductions in the tax according to the number of years that a would-be emigrant had worked for the State. The small concession over collecting the tax however was nullified in Jackson's eyes by the Soviet official

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[142]Samuel O. Oglesby, "Soviet Emigration Policy: Exit Visas and Fees," Congressional Research Service, April 11, 1973, pp. CRS 1, 7-8.

and public embrace of the tax.

Jackson seemed to regard the formal act of publishing the decree as a sign that the Soviets continued to disregard the seriousness of his threat to United States-Soviet trade embodied in his amendment. He attacked the published regulations--with the exemptions--as "totally unacceptable as a response. . . ." and renewed his pledge that "so long as emigration is prevented by ransom taxes and other measures, we will use the votes we have to amend the appropriate trade bill."[143]

November to January--the lost opportunity for quiet diplomacy--ended fittingly in acrimonious threats and counterthreats. Jackson was issuing a very clear warning that he would reintroduce his amendment in January 1973. He was quite clear that he would accept nothing less from the Soviet leadership than a complete lifting of the education tax. And even that was not enough as he demanded that "other measures" be removed too.

On January 1973, an Administration spokesman predicted an uncertain future for United States-Soviet trade. Steven Lazarus, in a speech delivered at an International Business Workshop in Houston, Texas, forecast that in spite of Jackson's threatening response to the administrative hardening of the education tax policy in the USSR, the Jackson Amendment would not be reintroduced in the Ninety-third Congress when the Administration would ask Congress for authorization to carry out its October 18, 1972 pledge to extend MFN to the Soviet Union:

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[143] William Korey, "The Story. . ." p. 10.

> We have been following Soviet domestic policy very closely and I am somewhat encouraged that this policy is being moderated--at least to the degree that it will not elicit a reintroduction of legislative proposals akin to the Jackson Amendment--when we introduce the Most-Favored-Nation tariff legislation.

Lazarus, however, added an important caveat: "Of course, this policy can turn momentarily and capriciously, and if it does, I think it could have unfortunate consequences."[144] As events unfolded, Lazarus' second thought would prove to be prophetic.

SUMMARY

Doubtful of the benefits to the United States accruing from the policy of détente with the Soviet Union and trade and sympathetic toward the Soviet emigration movement, Senator Henry Jackson linked both sentiments in the Jackson Amendment which surfaced in the fall of 1972. Jackson combined his staff's talents, his own determined personality and legislative skills, valuable information provided by the Administration or smuggled out of Russia via the transnational channels of the Soviet emigration movement, and the support of the American Jewish community. Seizing the lead on the Soviet Jewry issue from the organized Jewish groups, he convinced three-quarters of the Senate to cosponsor his amendment and neutralized the opposition to it from President Richard Nixon who was on the eve of his reelection.

The Administration had been carefully pacing the extension of trade

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[144]United States Department of Commerce News, "Trade Negotiations and Changing Attitudes," Steven Lazarus, January 16, 1973.

concessions to gain diplomatic objectives; encouraging Soviet cooperation with America's efforts to extricate this nation from the Vietnam War was probably the most important objective. Jackson borrowed Kissinger's technique of linkage and applied it to his stated diplomatic objective of using trade concessions as leverage on the Soviet Union to liberalize its emigration policies.

In the weeks before the election, a number of factors seemed to contribute to a marked amelioration of the Soviet emigration problem. Initialing the long-awaited trade pact on October 18, 1972, improved the atmosphere. The Soviets seemed to appreciate Richard Nixon's preoccupation with his reelection campaign and his desire to avoid a last minute issue, Soviet Jewry, from exploding on the political scene. The Jackson Amendment may have also reinforced Administration efforts to achieve Soviet cooperation in the preelection period.

However, in the post-election period, the Administration mostly ignored the emigration issue. Meanwhile, the Soviet Union appeared to harden its policy by reaffirming its education tax, although large numbers of emigrants continued to leave at the rate of about thirty-two thousand in the year 1972. The policies of both the United States and Soviet governments embittered the supporters of the Jackson Amendment. The responsiveness in October on the part of both governments (when it was mistakenly believed by both governments that the Jackson Amendment would not be a problem after the November election) had given the Jackson Amendment credibility and visibility.

Jackson claimed that his "tough" tactic brought about an improvement

in the lot of emigrating Jews. A reporter discussed the issue with Jackson and wrote that Jackson "believes that since he first proposed it in 1972, the Amendment has been the principal force behind the 'quiet diplomacy' to which the Administration attributes the flow of emigrants."[145] On the other hand, the Administration claimed success for "quiet diplomacy." The events in the pre-election period of fall, 1972 indicate that quiet diplomacy plus economic incentives were equally, if not more effective, at least for the short period before the November election.

Failure to remove some of the objects of protests after the election prepared the way for the reintroduction of the amendment when the Ninety-third Congress would meet in January 1973. The battle lines were formed for an all-out legislative/diplomatic battle to ensue. Even Nixon--in his last term in office and practically politically invulnerable (impeachment was the only thing that could force him to leave office)--would discover that he could not ignore altogether the constraints of domestic political opposition on the conduct of his foreign policy with the Soviet Union.

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[145] Stephen S. Rosenfeld, "The Politics of the Jackson Amendment: 'A Piece of Political Baggage with Many Different Handles,'" Present Tense, Summer, 1974, pp. 19-20.

PART III

THE HOUSE OF REPRESENTATIVES, 1973

Once begin the dance of legislation, and you must struggle through its mazes as best you can to the breathless end--if any end there be.

Woodrow Wilson

INTRODUCTION

Jackson seems to have begun and ended 1973 with one aim in mind: to achieve the maximum bargaining position vis à vis the Soviet Union (and the Administration). Legislatively his tactic was to attach his amendment to legislation which the Administration badly wanted. He assiduously gathered backing in the crucial House Ways and Means Committee, and in the House of Representatives generally he lined up cosponsors and leading House personages as primary sponsors of the amendment. During 1973, Jackson also expanded his base of support principally among Jewish groups, but also adding other ethnic, economic, and ideological groups as supporters. Labor, other ethnic groups, and liberal intellectuals were the most significant additions.

While building support, the Washington Senator resisted compromises offered by the Administration (in cooperation with the Soviet Union) by basically staying a step or two ahead and generally outsmarting his adversaries.

Jackson's adept tactics were probably the most important factors in the executive-legislative contest which was played out in the Ways and Means Committee and the full House of Representatives in 1973. Once the Administration woke up and began to appreciate the threat which Jackson presented to the fulfillment of its trade pledge to the Soviet Union,

a number of attempts were made to head Jackson off. Some were more skillful than others. But basically, Administration policy--heavily influenced by presidential assistant Peter M. Flanigan and National Security Assistant/Secretary of State Henry Kissinger--proved to be no match in Congress for Jackson and his House ally, Representative Charles Vanik. Each time it appeared that the Administration was making headway in eroding Jackson's support--particularly in the Jewish community--Jackson managed to recoup and prevail. The most dramatic example of this came in April when the Soviets suspended the education tax and in October when the war in the Middle East broke out.

SETTING THE STAGE FOR THE FIGHT IN THE HOUSE OF REPRESENTATIVES

Jackson began the new year, 1973, and the new Congress, the Ninety-third, threatening to press ahead to pass the Jackson Amendment if emigration was not liberalized in the Soviet Union. The votes which Senator Jackson claimed to control were not Senate votes. Neither Jackson, nor his staffer, Richard Perle, nor Ribicoff-aide, Morris Amitay, was collecting Senate votes during 1973. The emigration-trade fight of 1973 would occur not in the Senate but in the House of Representatives.

In order for President Nixon to implement the October 18, 1972 United States-Soviet trade pact, Nixon had to go to the House of Representatives for legislative authority during 1973. The Constitution of the United States assigns to Congress power to "lay and collect taxes, duties, imposts, and excises" and "to regulate commerce with foreign

nations."[1] Over the years the House of Representatives has retained a traditional prerogative of originating revenue raising legislation. Tariffs are considered one means of raising revenue. Most-Favored-Nation (MFN) tariff treatment affects the tariff power and therefore falls within the jurisdiction of the House Ways and Means Committee. Thus, whether a country like the Soviet Union is awarded MFN status depends upon how the House and particularly the Ways and Means Committee choose to exercise their prerogatives. One of the important members of the Ways and Means Committee, Charles Vanik, had taken an early interest in the Soviet emigration issue. Vanik, a third generation Czech, who represents a district in Cleveland that is eleven percent Jewish, had intervened over the years for hundreds of his Slavic constituents who had tried to arrange reunification of families remaining behind Communist borders.

In September, 1972, Vanik had introduced the first legislation aimed against the Soviet education tax. After his amendment failed, he became the sponsor of the House version of the Jackson Amendment which was introduced on October 10, 1972, a week before the Ninety-second Congress adjourned. In the new Ninety-third Congress, the Ohio Democrat took up the fight again, and the Jackson Amendment was renamed the Jackson-Vanik Amendment.

As in the Senate, staff was important to the outcome of Vanik's House effort. Vanik's administrative assistant, Mark Talisman, applied

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[1]The Constitution of the United States of America, Article 1, sec. 8.

the legislative skills and knowledge of Congressional folkways which he acquired from thirteen years in Vanik's service to block the Administration's efforts to carry out its trade pledge to the Soviet Union. In ten days in January, he called the offices of all four hundred thirty-five members of the House of Representatives to ask them to cosponsor the Jackson Amendment which Vanik intended to reintroduce in the Ninety-third Congress of the House of Representatives. By the time Talisman had finished telephoning, two hundred thirty-five members of Congress--a majority of the House membership--had decided to join the Jackson-Vanik crusade. His dynamic activity overshadowed the fact that another Congressman, Representative Dominick V. Daniels, (D-N.J.) had actually preempted Vanik on the first day of the Ninety-third Congress by introducing the Jackson Amendment as an "act for Freedom in Emigration of East-West Trade," (H.R. 151).[2]

Talisman recalled the activities of January, 1973.

> ". . . my plan: to call every member in Congress, every office. I didn't send out a 'dear colleague' letter; this I did when I felt safe, to mop up. We were being pestered by the press and the State Department asking [how many sponsors we had lined up]. I didn't want any office to think it was a massive effort. I didn't want to stir up opposition until the press conference [held February 6 with Vanik, Jackson and Chairman of the Ways and Means Committee Wilbur Mills]. No one knew how many cosponsors I had for the Vanik-Jackson Amendment. I had to call some offices fifteen times. [Representative Jonathan] Bingham [D-New York] and [Representative Sam] Yates

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[2]Vladimir N. Pregelj, "Most-Favored-Nation Principle: Definition, Brief History, and Use by the United States," Congressional Research Service, October 26, 1972, update 12/19/74, p. CRS-4.

> [D-Ill.] were trusted colleagues to help. . . The first sixty members were easy to get, because they were from large Jewish areas[3] . . . Sixty would go on as cosponsors just because they are anti-Communist and anything like that was alright with them. Forty or fifty couldn't be categorized; they were key. They had to be convinced."[4]

One of the first Congressmen to cosponsor explained his cosponsorship status. "I was number nineteen. I just got on the bandwagon and it didn't hurt among my constituents. . . .You can do anything with one interest group if there is no one else lined up on the other side." This representative added that he also had substantive policy reasons for cosponsoring the amendment in addition to purely partisan reelection calculations. He "objected to the Export-Import Bank and credits to the Soviet Union anyway; I thought it [the United States-USSR Trade Pact] was a lousy deal."[5]

To convince the various Congressmen of varying political persuasions, Talisman used a variety of arguments. "The basic argument on the emigration side was unassailable. . . .we have to draw the line. . . there was general guilt among a lot of members, guilt of the Nazi Holocaust."[6]

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[3]Vanik had easily rounded up fifty-two cosponsors in his first hasty effort to introduce the House version of the Jackson Amendment on October 10, 1972.

[4]Mark Talisman.

[5]House of Representatives Source.

[6]Note a previous reference in Part II to the issue of guilt in the aftermath of the Nazi Holocaust as a motivating political force.

Talisman also capitalized on the fact that "there was pressure because of the wheat deal which was exploding. He also argued that there was "no prior consultation with Congress" before the United States-USSR trade pact was signed in October, 1972. The Administration, he said, "played it as if Congress did not exist; never did Kissinger speak or write. There was an open adversary arrangement, which was the keystone to their failure." In addition, he argued that no "effective quid pro quo for trade; Pepsico, for example. . . .They failed with regard to the public by not getting a quid pro quo on economic issues. . . ."[7]

THE ORGANIZED JEWISH LOBBY

Like Senate staffmen Perle and Amitay, Talisman was a highly visible Jew on Capitol Hill in battles for Jewish causes. Today, Talisman has a new job as the Washington representative of the Council of Jewish Federations and Welfare Funds. Talisman differed, however, from his Senate colleagues in his choice of political techniques which he believed were best suited to activity in the House of Representatives. In contrast to the hard pressure tactics of Perle and Amitay, Talisman said, "I refused to enlist pressure and use this method. . .[the members of Congress] are here for two years [before they have to run for reelection]. They are either sensitive [to the desires of their constituents]

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[7]Talisman said that he personally realized that quid pro quos might actually have been arranged with the Soviet Union pairing, for example, Soviet assistance in a Vietnam settlement and Soviet cooperation in the Middle East with U.S. economic concessions including MFN and Export-Import Bank credits. Taliman added that he personally believed that such quid pro quos were "never stated and it shouldn't have been."

or they are not.[8]

Like Perle and Amitay, Talisman downplayed the role which the organized Jewish lobby played in his efforts to collect House cosponsors for the Jackson-Vanik Amendment.

> either groups were doing their own thing [or] for the most part these groups hadn't got going. . . . They did their thing; it's a completely different mode of operation [on the House of Representatives side in contrast to the Senate]. It's a completely different place. I don't want to minimize the lobbying going on. I frankly don't remember. It wasn't anything compared to what it was later.[9]

The National Conference on Soviet Jewry had not "got going," as Talisman put it. The organization had just hired a Washington representative, June Silver Rogul, who confirmed Talisman's assessment: "We had nothing to do with cosponsorship" in the House of Representatives.[10]

Eventually, the National Conference on Soviet Jewry (NCSJ) did play a role. NCSJ worked very closely with Perle and Amitay narrowing its focus from simply working on behalf of Soviet Jewry to lobbying--euphemistically called "educating"--for the Jackson Amendment and against any efforts to legislate compromise or substitute language in place of the Jackson Amendment.

While the National Conference on Soviet Jewry was just getting organized in Washington, another Jewish organization, well-established in Washington since the 1950's initiated a massive letter-writing campaign

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[8]Mark Talisman.

[9]Mark Talisman.

[10]June Silver Rogul.

that reinforced Talisman's efforts to gather cosponsors. By mid-January, Talisman had collected one hundred and forty-four sponsors.[11] I.L. ("Si") Kenen, Executive Vice-Chairman of the American Israel Public Affairs Committee (AIPAC), which unlike the National Conference on Soviet Jewry is legally registered to lobby, sent a letter supporting the Jackson Amendment dated January 18, 1973, to one thousand key Jewish leaders throughout the nation. Kenen described this technique of generating pressure back which is then felt in Washington--in Congress or in the White House. "We will send out a notice to the leadership to the American Jewish Community letting them know what developments are occurring, they in turn will do what they can."[12] AIPAC played an important role, but said an AIPAC professional worker, Vanik's office did 80 - 90 percent of the work.[13]

Through a combination of Jewish lobbying and Talisman's and other staffers' determination, a majority of the House membership were signed up as cosponsors by early February. However, one important member of Congress--perhaps the most important at that time--was still not a cosponsor: Wilbur Mills (D-Ark.), Chairman of the House Ways and Means Committee. He became Vanik's next and biggest target.

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[11] William Korey, "The Struggle over Jackson-Mills-Vanik," American Jewish Yearbook, 1974-75, (New York: American Jewish Committee), p. 205.

[12] The Washington Lobby, sec. edition, published by Congressional Quarterly, p. 118.

[13] Jewish Professional Source.

CHAIRMAN WILBUR MILLS PLAYS A PIVOTAL ROLE BETWEEN JACKSON-VANIK AND THE ADMINISTRATION

The Jackson-Vanik Amendment legislatively came under Ways and Means Committee jurisdiction. Vanik, a member of the Ways and Means Committee had rounded up a majority of the committee members as co-sponsors. But Chairman Mills was not a cosponsor and he was essential to assure the legislative future of the Jackson Amendment. Over the years Mills had demonstrated an impressive ability to steer the entire committee in whatever direction he desired. In fact, by virtue of his chairmanship of that committee where he presided over all legislation pertaining to tariffs as well as taxes, social security, medicare, and any other national means of raising revenue in the United States, Mills was the most powerful man in Congress. Some said he was the second most powerful man in the entire government, after the President of the United States.

"The Administration had to have a clear-cut signal that we were serious and so did the Soviet Union," Talisman explained. The two hundred and fifty Congressional names were impressive. But Vanik knew that the Administration would know that altogether, they were hardly more impressive than the name of one man--Wilbur Mills. "Vanik asked him on February 5 in a handwritten note to take the leadership of the Jackson-Vanik Amendment. It was vital that his name be a symbol because downtown and in the embassies [it would be] clearer understood. I carried it over to him. On the sixth, he agreed to the press conference which had to be postponed

[pending his response]. The headlines were incredible."[14]

The newspapers reported the amendment, hitherto known as the Jackson Amendment or the Jackson-Vanik Amendment as the Mills-Vanik Amendment. (See Appendix numbers 7 and 8).

The Administration response to the renewed Congressional initiative was phlegmatic. State Department spokesman Charles M. Bray said the Administration took the Congressional threats "very seriously as we wish the Congress will take seriously the views of the Administration on this matter."[15] The Administration view was that quiet diplomacy was more effective. Bray reminded the public that the issue had also already been raised with the Soviet Union several times at several levels.

However behind that calm statement, it appeared that the Administration was beginning to stir into action to counter the threats it considered "very seriously." Peter M. Flanigan, Presidential Assistant and liaison with big business had several private conversations with some of the key Senators, in particular Abraham Ribicoff, but apparently did not get very far.[16] Soviet Ambassador Anatoly Dobrynin also met with Senator Jackson in early 1973, but that was apparently not a fruitful meeting for either party concerned. It would be the last time they would meet for the remainder of the battle over the Jackson Amendment even though Third Secretary Grigoriy N. Rapota of the Soviet Embassy

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[14]Mark Talisman.

[15]Washington Post, February 9, 1973.

[16]Senate Source; William Korey, "The Struggle over the Jackson Amendment," (New York: American Jewish Yearbook, 1975), p. 205.

continued to visit Perle on occasions.[17]

The only route that seemed to hold some promise for the Administration was to enlist Wilbur Mills to help work out a compromise substitute for the Jackson Amendment in his committee. It seemed Mills' reason for cosponsoring the Jackson Amendment was complex. Why had the most powerful man in Congress and indeed the seond most powerful man in the government decided to lend his name to the legislation? The day Mills agreed to do so, an unidentified Jackson aide took it upon himself to interpret Mills behavior for the New York Times. Mills, he said, lent his support because of an "ideological" sympathy for oppressed Soviet citizens, not only Jews.[18]

There are indications, however, that Mills also had other than an "ideological" affinity for the Jackson crusade. By June, 1973, Mills would be incapacitated by back surgery and prevented from following through on whatever his intentions in early February were for the Jackson Amendment. But it is worth exploring why Mills cosponsored the amendment for the light it may shed on Administration strategy for handling the Jackson Amendment in the House of Representatives. A number of well-informed observers have suggested that Mills, who reportedly foresaw a lucrative trade relationship between the United States and the Russians, had hoped to work out a compromise in his committee with the Administration.[19]

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[17]Senate Source; Soviet Source.

[18]Bernard Gwertzman, New York Times, February 7, 1973, p. 1.

[19]Rowland Evans and Robert Novak, "Israeli Support for the Jackson Amendment," The Washington Post, March 19, 1973, p. A21; Press Source.

Talisman posed the question, "Why did Mills go on the amendment?", and then answered his own question:

> My suspicion was to take control of the thing. He was absent because of illness. Knowing Mills, he would have been the first to cave [in]. He would have done something statesmanlike to cooperate with the Administration. That he could have succeeded? I don't know. It would have been a hell of a bloodbath. He went on and didn't have an opportunity to force a substitute later. It was a standard operations procedure [for Mills] to go on to something only after it was developed. He's a superb politician. To get a piece of legislation that was clean, ego-wise he was delighted with that kind of contact [with the Administration]. He was very flattered to be the expert, the consummate legislator, and he would have chosen the appropriate time [to compromise with the Administration over the Jackson Amendment].[20]

Administration sources have confirmed that the Administration tried to turn Jackson's signal of strength--the addition of Mills to the long list of cosponsors--against Jackson. According to one, "Peter Flanigan had gone up to see Mills . . . . He had worked out a strategy that Mills would offer an amendment that no country [should] discriminate in its emigration policy. They would argue that there was no discrimination since in the Soviet Union . . . their emigration policy treated all groups alike. Mills would offer it. The Administration would oppose it but encourage others to support it. . . . The Administration hung its whole case on beating the amendment with this. It was Mills' idea, I believe."[21]

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[20]Mark Talisman. Talisman's description of Mills' legislative techniques, desire to cooperate with the Administration, and penchant for finding a compromise is also described in Stephan A. Merrill, "Wilbur D. Mills", Ralph Nader Congress Project, August, 1972, pp. 16-20.

[21]Administration Source.

The "First Crucial Decision": to Link MFN to the Comprehensive Trade Bill

As part of this strategy, the Administration apparently involved Mills in what one Administration official called the "first crucial decision"[22] in the Administration strategy. The issue was how to handle legislatively the Presidential request to Congress for authority to grant MFN to the Soviet Union.

A debate within the Administration had been carried on by an inter-agency committee since summer 1972, even before the October 18, 1972 trade pact was signed. The committee organized by the Council on International Economic Policy (CIEP), whose Executive Director at the time was Peter M. Flanigan, debated what the best approach would be to achieve Congressional authorization to fulfill the Administration's trade objectives in the Soviet Union and elsewhere. That debate raged in the halls of the Executive Branch without regard to the Jackson Amendment. Said one Administration official, the "Jackson Amendment wasn't a big issue then. . . . it was not an issue in the debate [about whether] to combine or not to combine" a request for authority to grant the USSR MFN with a comprehensive trade bill or whether to leave the two separate.[23]

The comprehensive bill was being prepared by the Administration to request authority from Congress for the President's trade representatives to negotiate under the world-wide auspieces of the General Agreement on Tariffs and Trade (GATT) the reduction of tariff and non-tariff barriers

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[22]Administration Source

[23]Administration Source.

with other nations of the world. Administration officials in various bureaucracies were debating whether or not to ask in the comprehensive trade bill for authority to grant MFN to the USSR and other "non-market" Communist countries as well. One way or another, the Administration had to go to Congress for authority to do both. The question was simply whether to ask for the authority in a separate East-West trade bill and a separate comprehensive trade reform act or to combine the two.

The Administration's major concern was the AFL-CIO, which opposed trade legislation in general on the grounds that it perpetrated American workers' vulnerability to unfair foreign trade competition. The legislative strategy for the trade bill was a crucial decision, because combining Soviet trade and the comprehensive trade bill would help forge a tight alliance between Jackson and his allies on Jewish emigration and the formidable federation of unions.

Within the Administration there were those who argued to combine the request for both authorities; their principal Congressional ally for that strategy was Chairman Wilbur Mills. Others, inside and outside of the Administration argued against that approach.

In February, the reelected Nixon Administration reorganized the bureaucracy concerned with trade policy in general and East-West trade in particular. Secretary of Treasury George Shultz was entrusted as the "super" cabinet member for overall economic policy including international economic policy. Peter Flanigan, whose organization was under Shultz, was known to "grab" issues. He did just that by "grabbing" the

MFN section of the trade bill from William Eberle and William Pearce, the top officials in the office of the Special Trade Representative (STR) who were nominally in charge of the entire trade bill. Flanigan claimed to have the Jackson Amendment under control in early 1973 because he thought he had close ties to the Jewish community. In addition, Kissinger had a say in the handling of the Soviet trade concessions.[24]

The Special Trade Representative's Office wanted to handle the Soviet trade issue separately from the comprehensive trade bill. One of the chiefs of the office recalled "We drafted the trade bill; it didn't have Title IV, the MFN authority . . . I said if you put it on the trade bill they [Jackson and his allies] are getting the leverage that they want."[25] Added another top STR official, the "Administration should not have linked MFN with trade. If they did, they should have had a strategy to get around Jackson. They failed at both."[26] A third official recalled that Secretary of Commerce Peter Peterson was on the fence. Flanigan and [his Deputy] Deane R. Hinton made such a big fuss that they prevailed. . . . The Special Trade Representative's Office was against Flanigan. Peterson thought we [the] STR were right, but didn't make a big issue. Hinton dominated that decision if you want to put the finger on any one."[27]

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[24] Administration Source.

[25] Administration Source.

[26] Administration Source.

[27] Administration Source.

Another official of STR said Hinton made two arguments: The Russians would be upset if we didn't send it up and the MFN which was part of a generally popular détente would actually strengthen the trade bill's chances of passage.[28]

After months of bureaucratic haggling, Flanigan's Council on International Economic Policy prevailed over the rest of the squabbling bureaucratic fiefdoms in the Administration. Hinton predicted in all fairness that "the congressional battle will be extraordinarily difficult, whatever we do." The United States had run a trade deficit for two years after decades of trade surpluses. A deficit was forecast in 1973 also. Unemplyment which was then above five percent made prospects of fierce union opposition even surer.[29]

Apparently Flanigan won because he had the strongest outside support against STR. Secretary of Treasury Shultz and Peterson's predecessor at Commerce, Secretary of Commerce Frederick Dent, backed him. Agriculture Secretary Earl Butz and the Commerce Department believed Soviet MFN would sail through Congress on its own. Members of Flanigan's staff even claim that Kissinger had a larger say in the final decision and that Kissinger would not listen to Flanigan, who, as a result, was effectively frozen out of the final decision over how to deal with the Jackson Amendment. Kissinger, it was said, had convinced the President by then that East-West trade was purely a foreign policy issue--not a domestic political or

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[28]Administration Source.

[29]Richard S. Frank, "Trade Report/Administration Between Domestic Overseas Interests in Drafting Trade Bill," National Journal, Jan. 13, p. 53.

economic issue.[30] However, even the insiders are not sure who made the ultimate decision to link the two. "To this day I have a hard time knowing who made the decision," said one official. Several officials speculated that Kissinger gave the ultimate advice to link MFN to the comprehensive trade bill.[31]

In any case, the decision was taken only after Mills had been consulted. A meeting between Mills and Secretary of Treasury George Shultz is reported before January 8, 1973.[32] Another breakfast meeting occurred where Mills indicated that he wanted an all inclusive comprehensive trade bill sent to his committee, meaning that MFN for the USSR would be included.[33] Steven Lazarus, head of the East-West Trade Bureau, Department of Commerce, also got a similar message from Mills' staff economist Harold [Harry] Lamar and from Robert Best, Lamar's counterpart on the Senate Finance Committee staff. Both men argued that MFN would be linked any way in Congressional considerations, so the Administration might as well link the two beforehand.[34]

Others in Congress however warned against the serious consequence of an Administration decision to link MFN to the trade bill. Barber Conable (R-N.Y.), a member of the Ways and Means Committee, wrote Kissinger warning of the trap. Even a relatively uninvolved member like Senator Gaylord

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[30]Administration Source.

[31]Administration Sources.

[32]Frank, "Trade Report/Administration," National Journal, Jan. 13, 1973, p. 53.

[33]Administration Source.

[34]Administration Source.

Nelson (D-Wis.), wrote Flanigan in the early part of 1973, warning that if the MFN question was raised with the comprehensive trade bill, then the trade bill's future would be jeopardized. Jackson had sworn to attach his amendment to any request for MFN. And if the MFN was attached to the trade bill, then surely the Jackson Amendment would be hung on the trade bill.[35]

Detaching the MFN request would have delayed Congressional action on the Jackson Amendment. It would have given the Soviet Union a longer and calmer time to review and respond to the concern Congress had expressed regarding the human rights question in the Soviet Union. And, it might have eased the Soviet's decision to withdraw quietly from its untenable and unpopular position. But delaying the Jackson Amendment, of course, meant delaying the trade concessions. Rather than delay, the Administration risked creating a direct confrontation with Congress, damaging to all parties concerned: the United States, the Soviet Union, and the Jewish community in the Soviet Union.

Jackson staff was "delighted" that the Administration had linked MFN to the trade bill.[36] Amitay told Eberle that by tying the two issues together, "you guys are playing into our hands."[37] Combining the MFN request and the comprehensive trade bill gave Jackson an even larger hostage to hold up in order to attain his Soviet emigration/trade objective.

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[35]Senate Source.

[36]Senate Source.

[37]Administration Source.

ADDITIONAL ALLIES FOR JACKSON: THE AFL-CIO AND OTHERS

The Administration's decision to link its request for MFN to the comprehensive trade bill reinforced Jackson's position. In addition to providing Jackson a bigger hostage, it pushed the AFL-CIO, already backing the Jackson Amendment in principle, to join in an even tighter alliance for the Jackson Amendment. Once it became clear that Soviet trade concessions would be attached to the Administration comprehensive trade bill, the Jackson Amendment became for the AFL-CIO not only a sympathetic cause but also a means to fight and delay passage of the entire trade package, which they opposed on protectionist grounds.

Gaining the support of the AFL-CIO headed by outspoken anti-Communist, octogenarian George Meany, reinforced Jackson's position vis à vis the Administration. The new Jackson-Meany alliance also promised to yield extremely important political by-products for Jackson, the 1972 Presidential has-been and 1976 would-be President.

Their alliance on the Soviet trade issue was consistent with their personal ideology as well as being mutually convenient politically. Meany and Jackson had both been conspicuously unenthusiastic about the nomination of George McGovern as the Democratic presidential candidate in 1972. After the 1972 campaign, Jackson was Meany's favorite. The two men were in close touch directly and through staff. Their cold war suspicion of the Soviet Union, emotional attachment to Jewish issues, and rhetorical opposition to the big oil companies which would come out during the oil boycott in winter, 1973 all closely meshed. Meany's view of

détente was harsher than that of Jackson's Jewish allies.[38] However, during the House of Representatives fight, all parts of the Jackson Amendment alliance were agreed on a legislative strategy that rejected compromising on the Jackson Amendment. Meany was perfectly content with Jackson's position that any trade concessions to the Soviet Union should be linked to Soviet concessions on emigration. Jackson assured Meany that he would adhere strictly to that position.[39] Jackson, it will be shown may have kept that promise longer than the foreign policy consideration relating to Jewish emigration might have dictated.

The Jackson Amendment was also welcomed by various ethnic groups from the "Captive Nations," and other Eastern European territories controlled by Russia after World War II. These groups too had been strong anti-Communistsduring the Cold War, and their views had changed little in spite of détente. Inclusion of these groups in the Jackson alliance also promised to pay fortuitous political dividends for Jackson. For example, the Slavic population in America stands at five million people, living mostly in urban centers in Northeastern and Mid-West states, urban swing vote areas in electorally significant states.[40] Jackson's staff said that the ethnic appeal of the Jackson Amendment was an unexpected though pleasant surprise. "Often things look very well planned, but were not." Jackson did not "have a big mailing list--ethnic or otherwise--

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[38]Meany is advised by AFL-CIO international affairs director, Jay Lovestone, a strong anti-communist since the time when as head of the American Communist Party Stalin fired him as a "deviator" in 1929. "George Meany: Fight over the Freeze," Newsweek Magazine (Sept. 6, 1971), p. 51.

[39]John Herling, "George Meany and the AFL-CIO," The New Republic, vol. 73, no. 14 (Oct. 4, 1975) p. 17.

[40]Mark R. Levy and Michael S. Kramer, The Ethnic Factor; How America's Minorities Decide Elections, (New York: Simon & Schuster, 1972), p. 151.

the ethnic papers picked up this issue. It's the biggest thing to come around in years, the most major legislation they have ever been involved in."[41]

ADMINISTRATION STRATEGY, PHASE II: QUIET DIPLOMACY

Backed by the Jews, unions, ethnics, and hard-liners inside and outside the military who traditionally supported anti-Soviet measures, the Jackson Amendment began to look in early 1973, like a formidable threat that the Administration could not ignore with impunity. The Administration therefore accelerated its efforts to deal with the threat.

On the eve of the Administration's introduction of the comprehensive Trade Bill, which included provisions on East-West trade, it appeared that an agreement with Chairman Wilbur Mills of the House Ways and Means Committee had been made whereby Mills would try to work out a compromise between the Jackson Amendment--now known as the Jackson-Mills-Vanik Amendment--and the Administration position that trade concessions for the Soviet Union should be more or less unconditional. Mill's mission however could only have a chance if the Soviet Union showed some flexibility in its emigration policy. The Administration, therefore, started sending a stream of officials to Moscow to discuss the emigration issue with Soviet officials.

The first trip to Moscow started out as "one last fling to Moscow" for White House Counsel Charles ("Chuck") Colson after "he had served his time" in Richard Nixon's White House, as one top East-West trade

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[41] Senate Source.

official described it. Colson's February trip to Moscow was officially billed as an opportunity to discuss office space for American companies in the Soviet capitol. As it developed, it was "probably decided at Kissinger's level" to be a mission to take up the emigration issue.[42]

The East-West Trade Bureau in the Department of Commerce and the Soviet desk at the State Department both prepared briefing papers for Colson on the subject of emigration. One thing the Soviet desk suggested to Colson, who probably had a better reading of the domestic side of this issue than most American diplomats, was that he point out to the Soviet officials that the United States was a land of immigrants, where the Jackson Amendment enjoyed a great deal of public support.[43]

During the discussions between Colson, who was accompanied by Steven Lazarus of the East-West Trade Bureau of the Department of Commerce, and Vasily V. Kuznetsov, Soviet Deputy Foreign Minister, Colson explained that the Soviet education tax was endangering the fulfillment of the Administration's promise to extend MFN status to the USSR.[44] Kutznetsov twice replied, "We will do our part"--a response which Lazarus interpreted as very significant.[45]

Despite the Colson-Lazarus visit, the Soviet government publicly revealed little new appreciation of the seriousness of the Congressional

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[42]Administration Source; Jack Anderson, "Nixon Warned on Aides, Colson Says," Washington Post, June 22, 1974, p. E59.

[43]Administration Source.

[44]Joseph Albright, "The Pact of the Two Henrys," New York Times Magazine, Jan. 5, 1975, p. 24.

[45]Steven Lazarus. In Moscow, Newsweek correspondent Jay Axelbank arranged for Lazarus to meet with a group of Moscow Jews including V.G.

action on behalf of the Soviet Jewry. Soviet officials visiting in Washington in late February and early March were meant to sway American public in the USSR's favor. Instead, their behavior was blunt and unyielding. They provoked a hostile not a conciliatory reaction in Congress and in the American public. The three high ranking Soviet officials--V.S. Alkhimov, Deputy Minister of Foreign Trade; N.N. Inozemstev, Director of the Institute of World Economics and International Relations of the Soviet Academy of Sciences; and G.A. Arbatov, Director of the Institute for United States Studies of the Soviet Academy--were participating in a conference on American-Soviet trade conducted by the National Association of Manufacturers in Washington on February 28, 1973, attended by eight hundred top American businessmen.[46]

Although reputed to be a principal adviser on American politics for the Soviet Politburo, Arbatov demonstrated an unfortunate misunderstanding of the American scene in remarks delivered at a Washington press briefing that day. He threatened that "if normalization of trade relations" is disrupted by Congress, it would be a "harmful thing for Soviet-American

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Levich, A.Y. Lerner, M.Y. Azbel, and A.Y. Voronel. This group later accused Lazarus of trying to pressure them to stop their public campaign to emigrate. (New York Times, September 16, 1973, p. 1:5) Henry Jackson elaborated on the "charge that he tried" to advise them to lobby American citizens against my Amendment. . . .this American official warned that the Soviet Government would 'wreak vengeance' on its Jewish citizens and that 'no one would be able to come to [their] aid' if the Jackson Amendment were to be approved by the Congress." Henry Jackson, speech, Congressional Record, vol. 119, no. 134, September 17, 1973, daily edition, reprint.

[46]Ironically, as late as 1966, NAM opposed liberalizing trade with the USSR. (Marshall I. Godman, Detente and Dollars: Doing Business with the Soviets (New York: Basic Books, Inc. 1975), p. 63.

relations as a whole" that could lead to "serious political repercussions." His prejudicial threats were hardly veiled as he explained that difficulties caused by a Congressional action "would revive anti-semitism in the Soviet Union" ostensibly because it would give "Soviet Jews a special status and treatment."[47]

Several weeks later, Jackson addressed the Senate and turned Arbatov's words against himself:

> . . . representatives, even as guests in this country, have resorted to the cruel incitement of anti-Semitic sentiments in an effort to scare off support for our amendment. Their broadcasts out of Moscow, their English language publications intended for consumption here and their diplomatic representations have been pressed into service for this odious purpose.[48]

Alkhimov also delivered remarks which Jackson's allies loudly denounced. Alkhimov claimed that the Soviet Union had liberalized its emigration policies to the extent that only ten percent of all emigrating Jews were paying the diploma tax. He stated also that "practically, 95.5 percent of all applications in 1972 have been settled and they have left" the country.[49] The National Conference on Soviet Jewry prepared a "fact sheet," which it distributed throughout Congress, indicating that the 95.5 percent figure represented the number of those granted permission to leave who had actually left. The real problem for the would-be emigrant it

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[47]U.S.-Soviet Trade Conference, Proceedings, National Association of Manufacturers, Washington, D.C.; also Korey, p. 11.

[48]Congressional Record, S4821-22, daily edition, March 15, 1973.

[49]Alkhimov quote from Samuel C. Oglesby, "Soviet Emigration Policy: Exit Visas and Fees," Congressional Research Service, April 11, 1973, p. CRS-8.

claimed, came well before that stage.

After the National Association of Manufacturers Conference, the NAM arranged a luncheon at the Request of the Soviet Embassy for three Soviet officials--Deputy Minister Alkhimov and Soviet embassy economic officers, K.G. Tretiakov and E.V. Bugrov--to meet with fifteen Congressmen, including Minority leader Gerald Ford and key Republican member of the Foreign Affairs Committee and Chairman of the Republican Party's Task Force on International Economic Policy, Peter H.B. Frelinghuysen (R-N.J.).[50] At the luncheon Frelinghuysen discussed "the close connection between the MFN treatment for the Soviet Union and the Soviet Government's emigration tax." Frelinghuysen was quoted as saying: "Mr. Alkhimov's trip and the meetings he has had should have given him solid evidence that members of Congress are much concerned with Soviet emigration policies and that we tend to link them with the granting of MFN status."[51] Another participant, Democratic Representative James Symington of Missouri came out of the meeting with the impression that the Soviet Union would not let the emigration dispute stand in the way of more trade.[52]

Underlining the Administration's two-pronged strategy--quiet diplomacy on the USSR and heavy reliance on Wilbur Mills--Alkhimov and Chairman Mills held a private meeting. Mills warned that two hundred and

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[50]William Korey, "The Struggle Over the Jackson-Mills-Vanik Amendment," American Jewish Yearbook, 1974-75, (New York: American Jewish Committee), pp. 203-234.

[51]William Korey, "The Story of the Jackson Amendment, 1973-1975," Midstream, March 1975, pp. 7-35.

[52]New York Times, March 13, 1973.

and fifty members of the House would vote to stop the trade concessions if the exit tax continued in force.[53] After the meeting, Alkhimov reportedly told Mills, "I can see we are not going to get MFN out of this Congress and my job is to tell Moscow that."[54] But Mills suggested to Alkhimov a possible way out for the Soviet Union: to remove the education tax. Mills promised that if the tax were dropped, he would personally make all efforts to have the Administration trade bill passed without the Jackson-Vanik-Mills Amendment.[55]

On the same day--March 11--that Alkhimov was meeting with Mills, Secretary of Treasury George P. Shultz, who on March 6, had been named chief representative on the United States-USSR Joint Commercial Commission and head of the East-West Trade Policy Committee, was in Moscow meeting with Deputy Premier V.N. Novikov, Deputy Minister of Trade Mikhail R. Kuzmin, and Chairman of the Soviet State Bank, M.N. Sveshnikov, reportedly to discuss the Jackson Amendment and to try to get private assurances from the Soviet Union that more Jews would be allowed to emigrate.[56] The following day, Shultz--accompanied by Kissinger's Soviet expert on the National Security Council staff Helmut Sonnenfeldt--met with party leader Leonid Brezhnev. In this meeting, Shultz explained to the Soviet leadership the Constitutional differences between the United States and USSR.

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[53]There is no solid evidence that the Administration arranged the meeting but the circumstances indicate they must have had a hand in it.

[54]Korey, "The Story of the Jackson Amendment," p. 12.

[55]House & Representative Source; Albright, p. 24.

[56]New York Times, March 13, 53:5; Korey, p. 12.

Simply stated, the President--who had pledged in the October 18, 1972, trade pact to get the Soviet Union MFN--could not do so without Congressional approval. In Shultz's words, "I tried to explain the nature of the problem as we see it and to be sure that people were generally informed about that aspect. I also tried to explain the character of the American political process involving interaction between the President and the Congress."[57] Shultz reportedly pledged Nixon's assurances that he would try to overcome the Congressional opposition to the trade pact. What Brezhnev pledged to Shultz in return was at least temporarily a closely guarded secret. Shultz did not indicate at the press conference after the meetings whether or not the Soviets would modify its education tax policy. When Shultz sent his report back to the President, he did so according to a super secret reporting procedure arranged at Kissinger's behest. Instead of using the regular State Department channels, he reported via a channel using CIA codes, thus reducing circulation of the discussion results to small group within the American bureaucreacy. Even Harold Malmgren of the office of STR, whc accompanied Shultz to Moscow but who did not attend the meeting with Brezhnev as did Sonnenfeldt, did not know the substance of discussions regarding emigration.[58] Shultz did tell reporters, however, that the Soviet leaders had shown "willingness to tackle [the emigration problem] in very real terms."[59] And a

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[57]Korey, "The Struggle Over the Jackson-Mills-Vanik Amendment," p. 210.

[58]Administration Source.

[59]Korey, The Struggle," p. 211.

fortnight later, the well-informed columnist Marquis Childs wrote that Brezhnev had told Americans in Moscow that the tax was an error--a "bureaucratic bungle," in Brezhnev's words.[60]

Israel - Another Way Around Jackson?

Thus far, the Administration was exploring two ways to get around the Jackson Amendment. Flanigan and Mills had agreed to and get a compromise proposal at the appropriate moment. To help achieve a palatable compromise, Kissinger was orchestrating various discussions in pursuit of a "quiet diplomatic" solution to the education tax. At the same time, the Administration tried to get the Israeli government to help soften Jewish support for Jackson's campaign. The Jews had traditionally deferred to Israeli judgment on world Jewry issues. Israel--its establishment and its assured security--has been the number one priority for Jewish groups petitioning the United States government on foreign policy matters. Soviet Jews had never been the top priority issue on the agenda of Jewish groups in this country. Jews in Russia were important at the turn of the century when the Czar was in power, and discrimination was legally imposed on the Jews there. However, for various historical reasons, other issues had dominated the communal concerns of Jews in America. Like the Israeli government, Jews in the United States were anxious to avoid getting caught between Congress and the President.

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[60]Marquis Childs, "A U.S.-Soviet Trade-Off on Tariffs?", Washington Post, March 13, 1973. In addition to the Colson and Shultz missions, Secretary of State William Rogers also discussed the emigration question with Foreign Minister Gromyko in Paris during this period.

Like the government of Israel, American Jews did not want to jeopardize Israel's future by alienating the Administration which controlled vital military and economic aid and diplomatic support for Israel.[61]

Nixon and the Israeli government had an excellent relationship. During 1972, the Nixon Administration had provided Israel with arms at a rate satisfactory to the Israelis, and Israel's Ambassador--now Prime Minister--former General Yitzhak Rabin supported Nixon's 1972 reelection efforts explaining in a public radio interview in Israel that Israelis "must see to it that we express our gratitude to those who have done something for Israel and not just spoken on behalf of Israel."[62] Rabin did little to stop the rumors in the American-Jewish community that Israel wanted to see Nixon reelected.[63] Recognizing that Israel's need for aid made it vulnerable to pressure, the Administration in 1973 tried to find ways to manipulate the Israeli government in the Jackson Amendment dispute.

Said one top presidential assistant at the time, "If the President's personal pledge to Brezhnev fails because of Israel and American Jews, we will take them on."[64]

Before Ambassador Rabin left this post in Washington, he tried in

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[61]Fact Sheet: U.S. Assistance to Israel, Department of State, May, 1972.

[62]Isaacs, p. 192.

[63]Hyman Bookbinder, "Ethnic Pressures and the Jewish Lobby-Myths and Facts," Washington Letter, The American Jewish Committee, pp. 7-8.

[64]Rowland Evans and Robert Novak, "Israeli Support for the Jackson Amendment," The Washington Post, March 19, 1973, p. A21.

vain to convince Richard Perle that the Jackson Amendment should not be reintroduced in the Ninety-third Congress.[65] It was reintroduced. And when Prime Minister Golda Meir visited Nixon at the White House on March 1, in search of aid commitments, Nixon tried to "enlist Israel's support for a compromise solution." According to one report,"Mrs. Meir made no commitment."[66] However, other reports indicated Meir did not disappoint Nixon altogether. The Nixon Administration reportedly doubted that there would be public Israeli disavowal of the amendment, but it received private assurances that Israel "will cool it" on the Jackson Amendment, in the words of one Administration official.[67]

JACKSON PREEMPTS

In early March, the three channels explored by the Administration looked promising. Chairman Mills, Soviet officials, and Prime Minister Meir all showed signs that they were accommodating the Administration's strategy to compromise the Jackson Amendment.

Senator Jackson was not waiting to find out the outcome of the various discussions in Washington and Moscow. After the February 7 Mills-Vanik-Jackson press conference, Jackson's office circulated drafts for two "dear colleague" letters--one to Senators who had not cosponsored the Jackson Amendment in the Ninety-second Congress and one to the seventy-two

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[65]Senate Source.

[66]Herman Edelsberg, "Showdown on Soviet Jewry," The National Jewish Monthly, May, 1973, p. 7.

[67]Evans and Novak, March 19, 1973; Marquis Childs.

Senators who were cosponsors. (See Appendix numbers 9 and 10). The actual "dear colleague" letters were sent February 21, emphasizing that the "principle and immediate cause of our concern is the imposition by the Soviet Union of a head tax ranging from five thousand dollars to thirty thousand dollars." Alongside the signature of Jackson and Ribicoff were the impressive names of Javits, Humphrey, and Kennedy.[68]

On March 15, Jackson introduced his amendment for the second time. With seventy-three other Senators cosponsoring, the legislation took the form of an amendment to the East-West Trade Relations Bill. According to one account sympathetic to Jackson, Jackson had planned to wait to reintroduce his amendment after the Administration had submitted its request for Congressional authorization to fulfill the October, 1972 trade pact, but Soviet activities pushed Jackson to act.[69]

The March 15 floor statement delivered by Ribicoff, Jackson's cosponsor and primary ally in the battle for the Jackson Amendment, sounded a conciliatory but still menacing note in the same breath. "There is still time to avoid confrontation over this issue. But the next move is up to the Soviet Union and I hope that our own leaders--at the highest levels--are conveying this message to Moscow."[70]

In his March 15 statement, Jackson apparently sensed that waiving

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[68] Congressional Record, March 15, 1973, daily edition, pp. S4822-4823.

[69] Korey, "The Struggle Over the Jackson-Mills-Vanik Amendment," p. 12.

[70] Congressional Record, March 15, 1973, daily edition, p. S4823.

the education tax was in the wind, but he made it very clear that would not satisfy him.[71] His amendment called for semi-annual reports on Soviet emigration policy and provided for retention of power in Congress to withdraw trade benefits if the Soviets were not satisfactorily maintaining a liberal exit policy. Jackson spelled out what he expected before the Soviets could be certified as complying with his standards. Lifting the education tax was definitely insufficient:

> . . .the granting of most-favored-nation treatment and the extension of credits or credit guarantees or investment guarantees are contingent on a report from the President to the Congress that the country in question does not deny its citizens the right or opportunity to emigrate, and does not inhibit free emigration by imposing the payment of more than nominal taxes, fees fines, or other charges. This report, which lies at the heart of our amendment, would be required at semi-annual intervals for so long as the trade benefits in question were made available. It is this provision that would give Congress the essential assurance of continuing compliance with the free emigration requirement. It is our fervent hope that by the time our amendment is enacted into law the practice in the Soviet Union will be such as to permit the President without hesitation to make the report of compliance.[72]

Jackson was apparently in no mood to be concilatory. Indeed his action can even be interpreted as preempting the Soviet Union and the United States Administration. In January and February, Jackson never hesitated to get cosponsors for the Vanik Amendment in the House and/or to get Senate cosponsors. March 15, the day he formally reintroduced his amendment in the Senate, was one day after Shultz had completed his

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[71] Ibid., p. 4821.

[72] Ibid., p. 4821. Emphasis added.

Moscow talks. Jackson did not wait to see the results of the Shultz mission (which followed the Colson mission and coincided with the Mills-Alkimov discussions in Washington).

There are probably several explanations for Jackson's behavior. It is instinctive for a politician to resist being "headed off"--to avoid others compromising his position particularly if he is not party to the compromise. Jackson may have also assumed that no matter what concessions on emigration the Administration and the Soviets came up with, they would be inadequate. His pledge to Meany that he would not compromise on his amendment until the Soviets had actually conceded to the conditions laid down in the amendment probably reinforced this adamancy. In addition, Jackson may not have wanted to break a winning record which he was amassing since the Moscow summit in his challenge of the Kissinger-Nixon détente policy.

THE USSR WAIVES EDUCATION TAX

In mid-March, Secretary of Treasury George Shultz discussed the emigration issue with Brezhnev and Mills assured Alkimov that MFN would be granted if the tax were removed. Almost immediately there were indications that the Soviet officials had decided to relax their education tax policy.[73] From March 19 - 20, forty-four Soviet Jews with higher educations were allowed to leave the USSR without paying the diploma tax. The next day, a total of sixty families were permitted to leave without

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[73]Bernard Gwertzman, "American Officials Expect Brezhnev to Visit in June," New York Times, March 27, 1973.

paying. Soviet officials were reporting that the tax was being "suspended indefinitely" although the law would remain on the books.[74]

The first news of a Soviet decision on the education tax policy was conveyed by Victor Louis, a Soviet journalist with ties to the KGB who also was the first to announce in September, 1972, an agreement in principle between America and Russia on lend-lease and MFN. On March 21, he wrote that the"diploma tax will not be enforced any more." "It seems" Louis acknowledged, "that the Soviet citizens who have decided to emigrate from the Soviet Union have won a victory in the six-months' war against the education tax."[75]

A Mills staffer claimed it was" Mills' assurance to them . . . [that] he would try to get MFN through the House if the tax were suspended . . . which got the Soviets to lift the education tax."[76]

The Administration supporters insisted that quiet diplomacy exercised by Shultz and others should be credited for the waiver of the education tax. Meanwhile Jackson and his supporters claimed that Jackson deserves the credit for pushing the Soviet Union to so act. The United States' "quiet diplomacy" should, again, be called "quiet diplomacy plus" because trade concessions extended to USSR in this same period were, it seems, not entirely coincidental. On March 20, the Export-Import Bank signed its first loan agreement with the Soviet Union fulfilling in part

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[74] New York Times, March 21, 1973, p. 7:1; March 22, 1973, p. 3:1.

[75] Dusko Doder, "Soviets Suspend Exit Taxes to Secure U.S. Trade Bill," Washington Post, March 22, 1973.

[76] House of Representative Source.

the October, 1972, United States-Soviet trade pact. (Ironically, this was the first credit ever extended to the USSR by the Bank which was originally established in 1934 to facilitate United States-Soviet trade). The Soviet Foreign Trade Bank was granted $101.2 million in direct loans and another $101.2 million in guaranteed American commercial bank loans for the purchase of industrial equipment in the United States.

Coupled with the word of new Soviet leniency in collecting the education tax was the airing by the White House of compromise proposals to replace the Jackson Amendment, which principal sponsors of the Jackson Amendment in both the House and Senate had reportedly rejected. Among the so-called unacceptable proposals was one giving the President a year to have in force a trade agreement including MFN with the Soviet Union and giving Congress the authority to veto the agreement after the year.[77] (Ironically, this scheme rejected as unacceptable would reappear in late 1974 as part of the final Jackson-Administration compromise. But in early 1973 Jackson was not compromising.)

Jackson's response to the news that the Soviets were waiving the education tax was swift and unyielding. On March 22, he addressed the National Press Club and repeated what he said on the Senate floor only days before at the time of the formal introduction of the Jackson Amendment: "Waiving the education tax was not enough . . . this week we have seen some encouraging signs that the Soviets are being more generous" and that "some tens of individuals have had the ransom tax waived." Nevertheless, he

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[77]"East-West Trade Council Newsletter," vol. 1, no. 5, March 28, 1973, p. 1.

emphasized, "We wrote the reporting requirement into the amendment after observing how capricious Soviet emigration policy has been." Terminating the tax he said was "a great first step." Jackson repeated that he intended to push for passage of his entire amendment despite the Soviet concessions on the tax: "Now, I have heard it said that the Soviets are going to keep the ransom tax on the statute books but they won't apply it in practice. I say that we are going to put the Jackson Amendment on the statute books but in the hope that it won't apply to the Soviet Union because they will be in compliance with the free emigration provision.[78]

The National Conference on Soviet Jewry reaction was more guarded. It issued a statement saying that it would take a cautious wait-and-see attitude to determine more definitely whether the tax was being waived in all cases.[79]

A week later, Deputy Secretary of State Kenneth Rush, standing in for Secretary of State William Rogers spoke to six hundred members of the mass media at a State Department Foreign Policy Conference for Editors and Broadcasters. Rush referred to "commendable flexibility" on the part of the Kremlin and implied that quiet diplomacy had a great deal to do with the welcomed results. Echoing Arbatov, who had spoken in Washington in late February, Rush warned that conditions such as those embodied in the Jackson-Mills-Vanik Amendment posed a "grave danger" by

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[78]Reprint: "Remarks by Senator Henry M. Jackson of the East-West Trade and Freedom of Emigration, National Press Club" of item placed in the Congressional Record, March 29, 1973.

[79]New York Times, March 23, 1973, p. 5:1.

"bringing about a counter-productive reaction in Russia, producing anti-Semitism. . . ." He announced that the Administration would soon formally "go forward with the proposed MFN treatment for Russia."[80] Jackson, however, escalated his attack on what the Administration official had called "commendable flexibility." Jackson called the reported Soviet leniency a "fraud" and vowed to push his amendment as drafter.

On April 10, President Nixon finally sent to the Congress the one hundred and twenty-four page comprehensive Trade Reform Act authorizing the President to raise or lower tariffs and negotiate with the nations of the world mutually lowering trade barriers.[81] The bill also included a provision to provide MFN to the Soviet Union. Specifically, the legislation provided for Presidential authority to give the Soviet Union and other socialist countries MFN if after three months, both did not object. MFN status had a three-year life which was easily renewable. Nixon's formal statement included the following observation: "I do not believe a policy of denying MFN treatment to Soviet exports is a proper or even an effective way of dealing with this problem" (of emigration).[82]

The same day that the President sent up his trade bill to Congress, Jackson and seventy-six other Senators introduced the Jackson Amendment in a second form, i.e. as an amendment to the President's Trade Reform Act.[83]

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[80] New York Times, March 30, 1973, p. 2:4.

[81] William Korey, "Struggle over Jackson-Mills-Vanik," American Jewish Year Book (New York: American Jewish Committee), p. 212.

[82] Press Release, The White House, April 10, 1973, p. 8.

[83] Reprint, Congressional Record, April 10, 1973. Office of Senator Jackson.

The Jackson Amendment had another new name--Amendment Number 79. Declaring himself one of the early supporters of expanded East-West Trade, Jackson said that the issue was not really trade per se. "What is at issue here is whether to give the countries in question, in effect, economic assistance." In seeing trade as a form of "economic assistance," Jackson was echoing a favorite theme of the AFL-CIO, one which was played by many Senators and Congressmen during the remainder of the trade debate.[84]

THE ADMINISTRATION AND JACKSON FIGHT FOR SUPPORT

By April 18, the Administration could no longer be accused of ignoring the Jackson Amendment as it seemed to have done in the first few months after President Nixon's reelection. As a follow up to the introduction of the comprehensive trade reform act, Nixon invited a group of six Senators--Jackson, Ribicoff, Javits, Majority Leader Mike Mansfield (D-Mon.), Minority Leader Hugh Scott (R-Pa.), and ranking Republican of the Senate Foreign Relations Committee George D. Aiken (R-Vt.)--to the White House for an off-the-record discussion with him and Dr. Henry Kissinger. Nixon told the legislators that the Jackson Amendment was endangering not only American-Soviet trade agreement but also jeopardizing Brezhnev's planned visit and détente in general.[85]

Kissinger read to the Senators two unsigned Soviet "communications"

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[84] Ibid.

[85] Sam Lipski, "Jackson Ahead in Battle to Free Soviet Jewry," The Jerusalem Post Magazine, April 27, 1973, p. 7.

dated March 20 and April 10 indicating that the exit taxes had been waived for an unlimited time period. The""communications" were apparently messages sent by the Soviet leadership (there is no further information from whom in the Kremlin) to the Soviet Embassy in Washington, which, in turn, were relayed to the President and his National Security Adviser.

Mansfield and Aiken, who were never cosponsors of the Jackson Amendment and who had previously voted against special appropriations for Israel in the Senate, announced their full backing of the President's position opposing the Jackson Amendment. Scott was a cosponsor of the amendment but sided with the leader of his Republican party in the White House. One of Jackson's aides described Scott's behavior at the time. "Scott . . . wasn't crazy about the Jackson Amendment and tried to get off of it in April when he and Jackson met with President Nixon. The understanding was that no one would tell the press about discussions at the meeting. Scott immediately did state the tax had been abrogated and Jackson hit back then with his own statement. That got Scott back on the Amendment."[86] In indicating that Scott was back in line, one of Scott's aides said Scott's views were that "the Jackson Amendment is still necessary pressure on the Soviet Union."[87]

On the opposite side of the spectrum from Mansfield and Aiken was Ribicoff, who blurted out to Nixon: "Mr. President, there's nothing new

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[86] Senate Source.

[87] Quoted in Korey, "The Struggle," p. 214.

in this. We have known about the suspension for several weeks. But that in no way diminishes the need for passage of the Jackson Amendment.[88] According to a Jackson aide, Jackson's reply to Nixon was blunter, "Mr. President, if you believe that, you're being hoodwinked."[89] Jackson told the press afterwards that the President's reports of waivers were "old hat and not the heart of the emigration issue."[90] He issued a press release stating, "I am standing firm on my amendment, period."[91]

Underscoring Jackson's adamancy was George Meany who also issued a statement that "the Soviet Union has an unbroken record of breaking its word. . . ." Meany's Director of Legislation, Andrew J. Biemiller, circulated Meany's statement to most members of Congress so that no one would underestimate the extent of Meany's commitment to the Jackson Amendment.[92]

Jackson, Ribicoff, and Meany were obviously standing firmly behind the amendment as originally drafted. However, the Soviet notes announcing the tax waiver apparently convinced some very important sources of Jackson's support to change their minds--if only briefly before Jackson

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[88] Ibid., pp. 14-15.

[89] Albright, p. 24.

[90] William Korey, "The Struggle," pp. 14-15.

[91] New York Times, April 19, 1973, p. 12:4; press release, Henry M. Jackson, April 18, 1973.

[92] Letter and Enclosure, Andrew J. Biemiller, April 19, 1973.

and his lieutenants set the forces back in marching formation. Reinforcements had to be rushed in to prevent Wilbur Mills and the Jewish leadership in America from succumbing in the face of Soviet concessions.

Mills

While the President and Kissinger were meeting with the six Senators, a Presidential assistant was dispatched to show Chairman Mills a copy of the documents relaying the Soviets' announcement that they were waiving the tax. The documents convinced Mills that "any number will now be able to leave the Soviet Union except for national security reasons."[93] Mills recalled his March conversation with Alkhimov and concluded "He's delivered on his end of the understanding and I intend to deliver on mine."[94] Mills had said he would try to get MFN through the House if the Soviets removed the education tax, the issue which had been the most publicized aspect of the debate and the one which Jackson in his "dear colleague" letters, speeches, and releases had highlighted. When the Soviet leadership informed the Administration in the communications which Mills saw on April 18, it seemed that Mills figured that there was no longer need for the harsh conditions of the Jackson Amendment. He told the Washington Post that he was no longer in support of the amendment.

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[93]William Korey, "The Struggle," p. 214. While the White House was advertising the Soviet concessions to the select group of Senators, Mills and also the American Jewish leadership, Brezhnev called an unexpected meeting with seven Senators representing the Commerce Committee who were visiting in Moscow. Brezhnev assured the legislators that the tax had been suspended and the issue in effect was resolved. "Seven Senators End Soviet Visit; One Secretly Meets Jews," International Herald Tribune, April 25, 1973.

[94]Korey, p. 215.

Jackson's office rushed into action. Jackson enlisted both individual Jews strategically placed close to Mills personally and the National Conference on Soviet Jewry. "No one pressured" Mills to go on the Jackson Amendment originally, said a top official of the NCSJ.[95] Mills apparently cosponsored after calculating that as chairman of the committee he wanted to be in a better position during committee deliberations to manipulate the final outcome of the Jackson Amendment which the majority of his committee was cosponsoring. A national reporter who closely followed the Ways and Means Committee and its Chairman perceived the same pressures of the chairmanship pushing Mills back on the amendment in April. "When he tried to go off the amendment, he received pressure not from the Jews in Arkansas but from the House--from the fact that he didn't want to lose a vote on the floor [of the House of Representatives]. He's hardly lost any in fifteen years. . ."[96]

What this reporter did not know was that while there may not have been Jewish pressure from Arkansas, there was some from a personal friend of Mills in New York. He might not have been pressured to go on the amendment, but when he announced he would no longer be a sponsor of the Jackson Amendment, what followed was a near perfect example of lobbying. It has an extra twist which is also not atypical of the folkways of the Congress; the initiator of the pressure was not the lobby itself, but the office of another Congressman--in this case, Henry Jackson.[97]

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[95]Jewish Leader Source.

[96]Press Source.

[97]V.O. Key refers to this form of pressure--"enlisting the support of a very few persons known to have great influence with an individual

Ribicoff staffer, Morris Amitay, has explained how in general the grass-roots support for the Jackson Amendment get fertilized from Washington.

> ". . . if we get a senator from an industrial state, a state with a sizable Jewish population, and he doesn't come out (for the Jackson Amendment), we don't let him get away with it. That's when we call for outside help . . . What you have in this country is a fantastic, untapped reservoir of Jews who are in influential positions who were never asked to help. And now it's just a matter of finding them and asking them to help. There are so many Jewish organizations, so many Jewish people sitting out in small towns in Iowa and in Oregon, and there are rabbis with congregations, who are just dying to get a call saying, 'We need help with somebody. Can you help?' They understand the issue immediately--you're dealing with very sophisticated people.[98]

In Mills' case it seems that in 1971 Jackson did a small personal favor for Mills which Jackson managed to turn to his use in 1973. Mills has a friend in New York, a seventy-one year old ex-shoe manufacturer named David Herman. Herman's wife, an activist on a committee for the American support of the Technion University in Haifa, Israel, was looking for a speaker for a gathering on behalf of the Technion. Mills--on behalf of

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legislator"--as the "rifle" approach in contrast to the "shotgun" approach, which is a "general campaign in which all and sundry are asked to wire their congressmen." V.O. Key, Politics, Parties, and Pressure Groups, (New York: Thomas Y. Corwell Co., 1952), p. 166. Others have discussed Congressmen as pressure on lobbyists. Donald Matthews, U.S. Senators and Their World, (Chapel Hill: University of North Carolina Press), 1960, p. 188. Lester W. Milbraith, "Interest Groups and Foreign Policy," in James Rosenau, ed. Domestic Sources of Foreign Policy, (New York: The Free Press, 1967), pp. 250-251. Raymond A. Bauer, Ithiel de Sola Pool, and Lewis Anthony Dexter, American Business and Public Policy: The Politics of Foreign Trade, (Chicago: Aldine-Atherton, Inc., 1972), pp. 38, 441.

[98] Isaacs, p. 256.

the Hermans--asked Jackson to deliver the speech, and Jackson consented. After Jackson met Herman at the speech, Jackson instructed his staffman, Richard Perle, to maintain contact with Herman. When Perle learned that Mills had defected from the Jackson Amendment, Perle asked Herman to intervene. Herman requested an immediate meeting with Mills and was told that Mills was in Arkansas and about to return on the weekend. So the next day, Herman flew to Washington accompanied by Richard Maass, Chairman of the National Conference on Soviet Jewry. Over a long lunch with Mills, Herman spoke with great emotion about the Nazi Holocaust and said that Soviet Jewry was facing the danger of a new holocaust.[99]

Maass tried to make the NCSJ point that the Soviet official figures claiming over ninety-five percent of those applying for visas to emigrate have been allowed to go were false. Maass suggested that Mills speak with Jackson. Mills expressed skepticism about Jackson's motives saying Jackson was always against Soviet-American trade. Maass defended Jackson's record saying that Jackson had cosponsored the East-West Trade Bill of 1970 along with "only" twenty-seven other Senators. Mills said, "Well, maybe I better speak with Jackson." Mills mentioned that he had also received a call from East-West trade businessman Armand Hammer, who opposed the Jackson Amendment. Mills said he trusted Hammer less than the President. Said Mills, "I trust him as far as I can throw him and I've got a bad back."[100] At five that afternoon, Herman telephoned from Mills'

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[99]Nahum Barnea, "The Balloon That Did not Pop," Davar Shavua, trans. by Dalya Luttwak, August 9, 1974.

[100]Jewish Leader Source.

office the news that Mills had been convinced. The same day, Mills issued a press release stating he was again on the Jackson Amendment.[101]

Mills' decision to go back onto the Jackson Amendment was probably the product of a combination of factors--the friendly persuasion of Herman, a desire of Mills not to lose control over the issue in his committee by dropping his cosponsorship status, and the fact that Mills had incorrectly assumed and told Alkhimov that if the Soviets removed the tax, then he could get MFN through the House. One of Mills' staffers summed up Mills' dilemma as he decided to rejoin the Jackson Amendment after his brief defection, "Mills, after giving that commitment [to Alkhimov] within six weeks was overwhelmed by the momentum."[102]

Mills was back in line. But then Jackson discovered an even larger and more dangerous hole in his line. Unlikely as it might seem, the Jewish leadership's support of the Jackson Amendment also began to weaken in face of Soviet's concessions on the education tax. It was not entirely surprising to see Mills split with Senator Jackson, particularly since Mills seemed to be cooperating with the Administration's search for a compromise. But it should be surprising, to those who have assumed that Jackson was doing the work of the Jewish lobby, to discover that the Jewish leadership was prepared to compromise on the Jackson Amendment in the spring of 1973 until Jackson stopped them.

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[101] Barnea.

[102] House of Representatives Source.

The Jewish Leadership

On April 19, a day after the President's meeting with the six Senate leaders, Nixon invited a group of fifteen Jewish leaders to the White House. This appeared to be part of an all out effort on the part of the Administration to split off Jewish support from Jackson.[103] Nixon had not informed the Senators of his plans to meet the Jewish leaders. When Congressional aides found out about the plans of the community leaders to see the President, they tried to arrange a hasty briefing before the White House meeting. Jackson later said that the offer to brief the leaders was not really intended to provide material for a "debate" with the President. However, the White House stepped in and said that "correct procedure" deemed that the leaders should see nobody on Capitol Hill until after their visit with the President. Max Fisher also insisted it was " inappropriate to see the Senator before the President.[104]

Nixon explained to them that in his view, the education tax was suspended. During the seventy minute meeting, he had Kissinger show the leaders the two communications that the six Senators and Mills had seen the day before. He told the group, which included Charlotte J. Jacobson, vice chairman of the National Conference on Soviet Jewry, Max M. Fisher and Jacob Stein, Chairman of the Conference of Presidents of Major American Jewish organizations, that with a snap of his fingers he realized that

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[103] William Korey, "Rescuing Russian Jewry: Two Episodes Compared," Soviet Jewish Affairs, vol. 5, no. 1, 1975, p. 8.

[104] Lipski, p. 7; Mehlman, William "A Case of Bad Faith," Times of Israel, A.D. 1974?), p. 27.

if the vote on the Jackson Amendment was held that day, "I know the Amendment would go through like this."[105] Nixon argued that Jackson was a "hawk", that it was a mistake to think Brezhnev would ever capitulate before public pressure, and stated that as of then the tax was lifted and emigration would continue at a rate of between thirty-two and thirty-five thousand per year.[106]

Some of the Jewish leaders went away with the thought that as of April, 1973, the Jews were back to where they were in August, 1972, before the tax had been levied. Indeed at the meeting, Kissinger told some of the participants, "You're now back to August, 1972." Replied one participant who found the Soviet concessions on the tax unimpressive, "We hope that the Soviets understand that too."[107] However, others left the meeting in a less skeptical mood. William Safire, the President's speechwriter, recalled that after the meeting one of the participants, "a lifelong Democratic and an active McGovern supporter" confided in him, 'This may be the only thing I trust him about.'"[108]

After the meeting, the Jewish leaders returned to Fisher's Washington office[109] from where they issued a three paragraph statement signed by Stein, Fisher, and Jacobson.[110] It referred to the documents on the

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[105]Korey, "The Struggle," p. 215.

[106]Albright, pp. 25-26.

[107]Jewish Professional Source.

[108]William Safire, Before the Fall, (New York: Doubleday Co., 1975), p. 575.

[109]Barnea.

[110]Korey, "Rescuing Russian Jewry," p. 9.

waiver of the education tax which they said "would be continued without any time limits." In the second paragraph, the three explained that they had specifically "asked the help of the President" for the one hundred thousand Jews who have been refused exit visas. The final paragraph expressed appreciation for the "historic meeting with President Nixon" and for his reaffirmation of "his concern for the plight of Soviet Jews.[111]

While it appeared to be rather standard material, the third paragraph ignited a fierce fight inside the Jewish community. President Nixon had not asked them specifically to decide whether or not to continue endorsing the Jackson Amendment.[112] The New York Times, reporting the results of the meeting with Nixon, said that the leaders "gave no indication they are slackening their support of the Jackson Amendment."[113] Nevertheless, the mere absence of a specific reaffirmation of support for the Jackson Amendment and the crediting of Nixon, but not Jackson for helping Soviet Jewry, was interpreted by hard-line supporters of the Jackson Amendment as a sign that there was a move afoot among the Jewish leadership to back out of the Jackson Amendment.

Israel

Activities within Israel also might have been read as signs that the leadership--with Israel's at least tacit consent--was removing its support

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[111] Korey, "The Story of the Jackson Amendment, 1973-1975, Midstream, March 1975, pp. 7-35.

[112] Al Raphaeli, "Jews Said Persuaded by Nixon on Tax," Jerusalem Post, April 27, 1973.

[113] New York Times, April 20, 1973, p. 1:3.

for the Amendment. The day that Jewish leaders met with Nixon, Yehuda Hellman, Executive Director of the Conference of Presidents of Major American Jewish Organizations, flew off to Israel for consultations with government officials there. Hellman may have been seeking allies for his chairman, Jacob Stein, who wanted to split off from Jackson. Stein himself arrived in Israel on May 3 to discuss the outcome of his meetings with Nixon and Kissinger and with Jackson.[114] Even if the Israeli government had decided to help Stein out, it would have been difficult. One of Jackson's staff said that if Stein had come back to Jackson with word that the Israeli government was allied with Stein, it would have been clear to Jackson that Stein had actually initiated the Israeli government's decision.[115] The Israeli government recognized the perils of taking sides and tried hard to avoid getting in between Jackson and Nixon over the Soviet emigration fray.

When Prime Minister Golda Meir returned from her visit with Nixon in early March, reports circulated in Jerusalem that the "Israeli government was not supporting the Jackson Amendment or urging American Jews to support it."[116] On April 25, an official spokesman in Jerusalem refused to deny or confirm that the United States had approached Israel to ask Israel to urge Jackson to drop his amendment. However, Nathan Peled, Israel's Absorption Minister's first response to the news of Soviet

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[114]"Cabinet Meets on Issue of Soviet Jewry," Jerusalem Post, May 2, 1973, p. 2.

[115]Senate Source.

[116]Edlesberg, p. 10; Matt Golan, The Secret Conversations of Henry Kissinger: Step-by-Step Diplomacy in the Middle East (New York: Quadrangle Press, 1976), p. 55.

concessions sounded a great deal like the first statement of the Jewish leaders after they had met with President Nixon at the White House. Peled credited Nixon more than Jackson for the change in Soviet Policy. Nixon and his Administration, said Peled, "exerted their influence to the maximum." Almost as an afterthought, he added, that those words were not intended "to minimize in any way the important value of the pressures exemplified by the campaign of Senator Jackson.[117]

On April 30, the Israeli cabinet held an hour long discussion on the Soviet Jewry question and the Jackson Amendment in particular. The consensus appeared to be for the Government to keep a low profile on the Jackson Amendment dispute. The issue presented Israel with an embarassing dilemma because two of its staunchest friends, Nixon and Jackson, were at variance over an issue close to Israel's own heart.[118] In spite of the cabinet consensus to assume a low profile, Mrs. Meir repeated to a Hebrew University audience on May 1 what her Minister of Absorption had said. Relaxation of Soviet emigration tax policy was mostly due to Nixon's involvement.[119]

This position was not an easy one for Mrs. Meir personally to maintain. She was facing a tough election fight of her own in October, 1973. She experienced domestic political constraints on her conduct of foreign

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[117]"Jackson Won't Withdraw Bill," Jerusalem Post, April 25, 1973.

[118]"Cabinet Meets on Issue of Soviet Jewry," Jersalem Post, May 2, 1973, p. 2.

[119]Ernie Meyer, "Golda Warns Arabs They Can't Win War," The Jerusalem Post, May 2, 1973, p. 1.

policy just as Nixon and other elected politicians in the United States did. Surely she had not forgotten the caustic criticism which had been levelled against her earlier by those in the right wing opposition parties, and by newly arrived Soviet immigrants who charged that her government had been excessively cautious in withholding all out support for Soviet Jewish dissidents.[120]

On May 2, eight recent Soviet immigrants--part of a group calling itself the Movement for the Liberation of Soviet Jewry--[121] spent two and one half hours with Meir trying "unsuccessfully to persuade her to openly support Senator Henry Jackson. . . ." The same day a "senior source" told the Jerusalem Post that "the Cabinet was united in its belief that Israel must encourage all efforts aimed at helping Soviet Jewry--but must not intervene in the dispute between President Nixon and Senator Jackson over the Jackson Amendment."[122]

Apparently, Mrs. Meir was convinced that the best position to take, considering her domestic political requirements and foreign policy requirements to avoid alienating the United States and the Soviet Union, was simply to straddle the issue. Earlier, the Israeli government had refused to interfere overtly in the internal affairs of the USSR in spite of demands from critics that Israel actively support the dissidents.[123]

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[120] See Part I.

[121] Sarah Honig, "Israel Abandons Soviet Jewry," Jerusalem Post, April 30, 1973.

[122] Jerusalem Post, May 2, 1973.

[123] See Part I.

In this affair, the government also took the position that it should not interfere in the internal affairs of the United States by endorsing the Jackson Amendment. It was not the repudiation of the Jackson Amendment that the Nixon Administration might have hoped for. It was, however, as much as Meir felt she could do. She repeated her position of official neutrality on several occasions. In a broadcast on the army radio station on April 28, she said as far as "the technical side of arrangements between the United States, Congress and the President . . . on behalf of Soviet Jewry, as a government, as a state, we must not interfere."[124] In another radio broadcast, Mrs. Meir stated that "the best way for the United States to act on this matter is the business of the Americans themselves, and through the differences of opinion among themselves, they will eventually find the way."[125]

While Israel's public position was clearly neutral, many Israelis expressed their personal approval of the Jackson Amendment. This ambivalence was revealed in discussions with Israeli officials including Foreign Minister Abba Eban in the Embassy in Washington and the Foreign Ministry in Israel in mid-April, 1973. The mixture of neutral official position and personal approval on the Jackson Amendment created different impressions in the minds of different people. June Rogul, the Washington representative of the National Conference on Soviet Jewry, who before holding that position had lived and worked in Israel, considered the

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[124] Jerusalem Post, April 29, 1973.

[125] Edelsberg, p. 10.

Israeli position entirely positive: "All the Israelis felt the Jackson Amendment was a great thing. They were very supportive of it. They were always very supportive of the Jackson Amendment all down the line. They couldn't speak about it since they were a foreign government. The conclusion was always the same--that Israel should never have a position publicly."[126] A well-informed newspaper correspondent stationed in Jerusalem also said that "Israeli leadership--while they deep in their hearts liked the Jackson Amendment--couldn't say anything. He believed, however, that "their lack of obvious support served to give excuse to some Jews in this country for not supporting the amendment."[127]

Jackson Reinforces

The crossed signals from Israel reinforced the ambivalence and disunity within the American Jewish community. Until the meeting with President Nixon, the Jewish leaders had managed to avoid being squeezed between the White House and Congress. They were able to argue at least that their support for the Jackson Amendment reinforced the leverage which the President needed to conduct his quiet diplomacy. But when Nixon denounced it, Jewish leaders found themselves in a position where they had to choose between the amendment and quiet diplomacy as the best course for dealing with the Soviet Union. The leaders needed friends in both Congress and the White House. They wavered before the prospect of alienating the White

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[126]June Rogul.

[127]Press Source.

House and in the face of conflicting signals from Israel. Jackson's determination paid off again. Aided by activists within the National Conference on Soviet Jewry and in the Union of Councils for Soviet Jewry, Jackson mounted a campaign to put pressure on the Jewish leadership to issue a strong statement reaffirming support for the Jackson Amendment.[128]

This was a tense moment for Jackson. If Jewish official support in Israel and America faded, then he had little reason to pursue his project. If members of Congress got wind of erosion of Jewish community support, it could put an end to the amendment. Indeed the National Jewish Monthly reported that:

> A few leading members are joining the White House search for a compromise formula. . . .Despite the sharp conflict between Congress and the President today, compromise is endemic in the Washington atmosphere; there is the desire to avoid sharp divisions, to go along and appear moderate, to promote détente. Congressmen may properly feel that détente with a Kremlin that is contemptuous of human rights is built on shifting sand, but they are reluctant to appear anti-détente. It would be rash, therefore, to discount the intensity of the drive for compromise, and to be unprepared to cope with it."[129]

For example, Senator Gaylord Nelson (D-Wis.) was exploring compromises between the Jackson and Administration positions. On Nelson's instructions, a substitute compromise was drafted together with an accompanying speech. It was a middle ground between the Administration's proposal which gave Congress only ninety days to veto extension of MFN

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[128]Korey, "Rescuing Russian Jewry," p. 9. "Pressure for clarification rapidly began to mount among the mass organizations, both secular and religious, comprising the National Conference on Soviet Jewry. This pressure ran parallel and interlocked with demands by the leading sponsors of the amendment for a strong statement on behalf of the amendment."

[129]Edelsberg, p. 10.

for three years with an almost open ended renewal provision and Jackson's position which required semi-annual reports by the President indicating that the Soviet Union had free emigration as a precondition to MFN status. The Nelson amendment as originally drafted gave the Soviet Union MFN but would have retained power in Congress to withdraw it after one or two years if Soviet behavior was found to be unacceptable.[130] (Without knowing it, this approach was similar to an Administration proposal raised in March but rejected by the principals sponsoring the Jackson Amendment).[131] This approach was ultimately embodied in the 1974 Jackson Administration compromise. In 1973, however, the Administration did not encourage Nelson, or other Congressmen to move in this direction although it did try to sow seeds of dissent within the Jewish community, and to woo Mills into accepting a compromise. Perle and Amitay were aware of the potential danger posed by Nelson. Earlier they had tried to push Nelson to cosponsor the Jackson Amendment but to no avail. With the help of various Jewish lobbyists, they did however persuade Nelson not to go public with his compromise in the spring of 1973.

Since Nelson had never been a cosponsor of the amendment, his position was not so critical. It was, however, essential for Jackson to prevent defections of the Jewish leadership which might, in turn, stimulate dramatic defections by his cosponsors in Congress. Jackson

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[130] Draft legislation and speech, Senator Gaylord Nelson.

[131] See page 178.

moved swiftly to stiffen the original Jewish support for his amendment. The process illustrates the degree to which Jackson actually dominated the Jewish leadership during the campaign for the Jackson Amendment. Jackson's response to the Jewish leadership's statement following up their meeting with President Nixon was reminiscent of his handling of the Jewish leadership in September, 1972, when the National Conference on Soviet Jewry emergency rally endorsed Jackson's approach and in effect handed over the reins of power to the Senator. The episode demonstrated a reversal of the popular image of the all powerful "Jewish lobby." As a reporter for the Jerusalem Post described the events in the spring of 1973, ". . . it is worthwhile to recall a basic fact often overlooked or misunderstood about the relationship of the 'official' Jewish leadership in America to the Jackson Amendment. It is widely accepted as the conventional wisdom that the Jackson Amendment was the result of American Jewry's concern at the Soviet Union's restrictions on emigration. In fact, the relationship is more ambiguous. . . . It was Jackson out front and the Jewish leadership following, not the other way around."[132]

After the Jewish leaders met with the President and issued their statement that did not include a reaffirmation of support of the Jackson Amendment, Jackson's office went to work with the characteristic persistence that was demonstrated as recently as a month before when Mills temporarily dropped his name from the list of cosponsors. Jackson once

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[132]Lipski, p. 7.

told a group of Jewish leaders "The Administration is always using you."[133] But, according to one very high ranking officer of the National Conference on Soviet Jewry, "Jackson's office was no different from the Administration in that they were trying to manipulate the Jewish community. I didn't think it was right for Jackson to tell us what to do and what not to do. They [Jackson's office] became involved in the internal affairs of the Jewish community."[134] In turn, Jackson's staffer, Perle, had even harsher words to say about the American Jewish community's political skills.

> You talk about Jews in politics. They're a pain in the neck. They're difficult to organize . . . .It's just a pity they're not better organized, because there are some crucial issues--whether Israel survives, whether we get the Russian Jews out--and if the American Jewish community were more sophisticated and better organized, if it had some political direction, if there were a commitment to these values, we'd be enormously more successful. . . .The Jewish organizations are incompetent and unrepresentative, indecisive, preoccupied with other areas. . . .[135]

Jackson used direct and indirect tactics to get the Jewish lobby in line on the Jackson Amendment. Directly, he demanded a strong statement of support.[136] Indirectly, his office got busy pumping up "grassroots" pressure under the Jewish leaders. The most effective way for Jackson to keep the Jewish leadership in line was to remind them when necessary that they, too, had constituents and were subject to grassroots

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[133]Albright, p. 28.

[134]Jewish Professional Source.

[135]Quoted in Isaacs, p. 254; Stephen Isaacs, "So Who Has the Power?" Present Tense, Summer 1974, vol. 1 no. 4, p. 25.

[136]Korey, "The Struggle," p. 216.

pressures just like politicians. In the Mills case Jackson used Jewish leaders to help him out. In this case, he used other more militant activists for Soviet Jewry to evoke cooperation from some of the Jewish leaders who themselves seemed to be wavering. The method worked well in April 1973.

After the White House meeting in April, one Jewish official recalled that "some people interpreted that meeting as a backsliding. . .Jackson's office was hot and bothered and I knew people [at the grassroots] were getting the word [but] I didn't draw the link [with Jackson's office]".[137] Another participant in the White House meeting said he got calls from all over the country threatening him if he deserted the Jackson Amendment; he believed that Perle was responsible for initiating these calls.[138] Perle telephoned Malcolm Honlein, Director of the Greater New York Conference on Soviet Jewry.[139] Honlein is an orthodox religious man. As a former student of power politics of the Robert Strauz-Hupé school, he has a healthy regard for power and a reputation as a skillful wielder of the same, and as director of the Greater New York Conference of Soviet Jewry, he has a great deal of influence over the parent body of the National Conference on Soviet Jewry. Honlein is a good example of a constituent who has the power to push the leadership of a lobby group to

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[137] Jewish Professional Source.

[138] Jewish Leader Source.

[139] Jewish Professional Source; Albright, p. 26.

be tougher in defense of the group's interest than the leadership might prefer or think prudent.

Honlein was uncomfortable with the noncommital statement of the Jewish leaders after the meeting with Nixon on April 10. His Greater New York Conference office, therefore, issued a statement April 26, 1974, reflecting a decision made by its leadership the previous week that clearly reaffirmed support for the amendment.[140] The Students Struggle for Soviet Jewry and the Long Island Council for Soviet Jewry also issued statements reaffirming the Jackson Amendment.

An official of the parent NCSJ said that the Honlein organization "cannot take any policy different from us without clearing it" and that both Chairman Maass and Director Goodman said "yes".[141] However, it is rather hard to see how the NCSJ could tell the Greater New York group what to do when it speaks for seventy-four organizations with an aggregate membership of two million people in New York and had organized rallies with a turnout of one hundred thousand people.[142] In any event, there seemed to be dissatisfaction with the Jewish leaders' statement among the professional workers for the NCSJ as well. June Rogul, the Washington representative for NCSJ, said that "There were times when I would have liked to have public statements to allay confusion . . . there was a

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[140] See "Trade Reform," Hearings House Ways and Means Committee, Part II, p. 3672.

[141] Jewish Professional Source.

[142] New York Times, May 7, 1973, 1:3; August 14, 1973, 9:1.

certain sensitivity on the part of Jewish leaders not to offend the Administration.[143]

Another source of grassroot pressure came from members of the Union of Councils for Soviet Jewry, which was generally regarded as somewhat more militant than the National Conference on Soviet Jewry. Harold B. Light, then Chairman of the group recalled the efforts made in April, 1973, to change the minds of the leaders who had met with Nixon. "Happily, the Soviet Jewry activists went to work, and the fourteen Jews [half of whom were split about withdrawing support for the Jackson Amendment] were 'convinced' that they should continue their backing."[144] Reported the Jerusalem Post at this time, "The grassroots support for the Amendment in Jewish communities across the United States reached the point where unless Jackson abandons it himself, the Jewish leadership--which in any event is neither monolithic or always effective--would do so only at its peril."[145]

Pressure on the Jewish leadership came from Jackson's office directly, from the Jewish grassroots, and even from Soviet Jews themselves. Rumors about the wavering among American Jewish leaders reached Moscow quickly as Part I suggests they would. It is not clear whether Jackson's office

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[143]The differences between Rogul and her superiors illustrate the point made by Gabriel Almond who distinguishes between "the elected or political interest élite and the bureaucratic staffs which have an importance in the field of interest group activity comparable to that of the governmental bureaucracy in official policy making. They too . . . enjoy powers in practice which are not formally recognized in the legal distribution of power." Almond, p. 140; V.O. Key makes the same point, p. 155.

[144]Harold B. Light, "Vanik Bill A Victory but Struggle Continues," Exodus, February/March, 1974, p. 2.

[145]Lipski, p. 7.

was also behind this, but his office has maintained transnational contact by telephone and mail, and is in close touch with Jewish organizations in America which communicate with Jews remaining inside Russia.[146] On April 23, as Soviet activists demonstrated support for the Jackson Amendment in the office of Golda Meir, more than one hundred Soviet Jewish activists sent an appeal to American Jewish leaders urging them to reject the Soviet notion that it should be able to refuse exit visas in cases affecting "national security" or for any other reasons, arguing that that "would have a tragic, irreparable effect and would mean a collapse of all hope of repatriation for many thousands of Soviet Jews."[147]

All of these pressures came to a head at an enlarged Executive Committee meeting of the NCSJ on April 26 where it was agreed that a public reaffirmation of support for the Jackson Amendment was needed. No action was taken, however, pending a meeting April 30 of the Conference of Presidents of Major American Jewish Organizations. Both umbrella groups, the President's Conference and NCSJ, operated under the understanding that major policy questions required approval by both. Jacob Stein chaired the April 30 meeting where a bitter fight broke out. Stein tried to adjourn the meeting before a new public statement could be considered. According to the account in the American Jewish Yearbook, on one side of the "clash bordering almost on insurrection" was Stein and a "small minority, which, from the very beginning, had raised a principal objection to the working of the amendment" which was couched not in terms of Jews, but in

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[146] Senate Sources.

[147] Korey, "Rescuing Russian Jewry," p. 10.

general terms," demanding that the USSR open its doors for any and all of its nationalities to leave" which tended to revive the "cold war." The challenge to Stein and the so-called minority was led by Balfour Brachner, a rabbi representing the Reform Jewish community, who threatened to keep the meeting in session until a new statement was accepted. Finally, it was agreed to issue another statement signed by Maass on behalf of the National Conference of Soviet Jewry; Stein, on behalf of the Conference of Presidents of Major American Jewish Organizations; and Max Fisher.[148]

Jackson's close involvement in the internal struggle of the Jewish community was dramatically demonstrated by the fact that Jackson's office reissued the entire joint statement reaffirming support for his amendment and signed by the three Jewish leaders.[149] It was released on the press release form of Jackson's own office. The Jews felt, in the words of B'nai B'irith official Herman Edelsberg, that they were actually "beholden to Jackson" and could not let him down in his crusade on behalf of Soviet Jews.[150] The Synagogue Council of America, Anti-Defamation League of B'nai B'irith, American Jewish Committee followed with reaffirming statements in the days following.[151] (See Appendix number 11).

After the wavering and the discord, a new consensus was hammered out

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[148]Jewish Professional Source; Albright, p. 26; Korey, "The Struggle," American Jewish Yearbook, pp. 218-219.

[149]It was originally issued in New York.

[150]Edelsberg, p. 10.

[151]Trade Reform Hearings, p. 5671-2; Press Release, American Jewish Committee, May 20, 1973.

by April 30. The Jewish leaders, however, waited until May 2 to issue their new statement. In between, on May 1, Stein, Maass and Fisher met with Kissinger who was about to embark for Moscow to prepare for the June summit visit of Brezhnev to the United States. The Jewish leaders apparently felt that Kissinger should be informed of the new statement before it was actually released.[152] After the meeting, a spokesman for the National Conference on Soviet Jewry said that Kissinger had been "sympathetic and understanding" but that he repeated that Nixon felt it was necessary to carry out his "word" to the Soviets that they would receive trade concessions as part of a continuing process of improving United States-Soviet relations.[153]

The three men also handed Kissinger a"hardship" list of one thousand cases of Soviet Jews, including forty-two who were imprisoned because of their efforts to emigrate. The leaders asked Kissinger to discuss the list with Soviet officials.[154]

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[152]Korey, "The Struggle," p. 219.

[153]New York Times, May 3, 1973, 3:4.

[154]New York Times, June 2, 1:5; Korey, "The Struggle" said the list had 800 names, p. 219. This list was added to the State Department representation list, containing names of Soviet citizens refused an exit visa at least once. Kissinger took two lists to Russia. According to an aide who invariably accompanied Kissinger to Moscow, one was a list of conspicuous Jews denied the right to leave and may have included men like dancer Panov and scientist Levitch. It did not evoke a negative response. The second was a State Department list of people who have applied and have some connection with the United States either because of family in America or some claim to American citizenship. The two lists, explained the aide, could be managed diplomatically in contrast to Jackson's demands, which were "metaphysical" in the sense that if one Jew claimed harassment then Jackson's standards in the amendment were not being met. Administration Source.

At the meeting with the Jewish leaders in May, Kissinger set the stage for the coming months. "Look, you go your way and I'll take my road and we'll meet in the fall." Kissinger said he would try to use "quiet diplomacy" in the coming months.[155]

BREZHNEV IN THE UNITED STATES

Kissinger was becoming preoccupied with laying the ground work for Brezhnev's visit to the United States scheduled for June. In May, he flew to Moscow for twenty-five hours of talks with Brezhnev, Foreign Minister Andrei Gromyko and Soviet Ambassador Anatoly Dobrynin.[156]

It should have been an uncomfortable time for Kissinger and Dobrynin both. The Administration and the Soviet leadership had obviously over-estimated the effect of Soviet concessions on the education tax. Jackson was determined and able not to yield. Removing the tax did not remove the problem with the Jackson Amendment. Those men--conceivably Kissinger, George Shultz, and Dobrynin--who had led the Soviet leaders to think it would, had beem proven wrong. There were published reports in late April indicating that Dobrynin was in trouble back home for misinterpreting the mood of Congress.[157] Rumor was that he would be posted in Moscow after Brezhnev's trip to the United States in June.[158]

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[155]Jewish Leader Source.

[156]Robert G. Kaiser, "Kissinger Ends Talks in Moscow," Washington Post, May 10, 1973.

[157]Israeli Source.

[158]"Dobrynin May Quit United States After Brezhnev Trip," International Herald Tribune, April 25, 1973.

Chairman of the Ways and Means Committee Mills who had promised to help was back on the Jackson Amendment as a sponsor. And for good measure, Senator Russell Long (D-La.), the Chairman of the Finance Committee, the Senate parallel to the Ways and Means Committee and the Committee responsible for the Trade Bill once action was completed in the House, became a cosponsor of the Jackson Amendment in the weeks leading up to Brezhnev's arrival in Washington. Long, who was running for reelection the following year confided to another Democratic Senator that he decided to join as a cosponsor after receiving several calls from Jewish supporters in his Louisiana constituency.[159] Not unexpectedly, Jackson's office had a hand in this too. Perle called a friend of his in Atlanta to ask for help getting the cosponsorship of Chairman Long. The Atlanta friend called department store owner Joe Lipsky of Alexandria, Louisiana. The next day, Lipsky called Perle to say "It will be okay. I am the treasurer of Long's election campaign." And sure enough, a few days later, Long joined the list of seventy-seven Senator cosponsors and two hundred and eighty-one House cosponsors.[160]

Kissinger's talks with Brezhnev regarding Soviet Jewry appear to have been a prelude to a public relations campaign which Brezhnev would launch at the American summit to convince the American public and interested groups that United States-Soviet trade should not be impeded by the

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[159] Senate Source.

[160] Barnea, August 9, 1974. Donald Matthews and Lester Milbraith, p. 239, have both discussed techniques by which indirect pressure on legislators from Washington organizations is communicated via constituents.

Soviet emigration question.

On his return from Moscow, Kissinger conveyed to the Jewish leaders that Brezhnev had told him that Jews would continue to be permitted to emigrate at the current rate of thirty-six thousand to forty thousand a year and that the tax would remain suspended. Brezhnev also accepted the hardship list compiled by the American Jewish groups, which was construed as a sign of Soviet cooperation.[161]

It was rumored that Brezhnev's cooperation was gained on the condition that there would be no public demonstrations in America on Soviet Jewry marring Brezhnev's June trip.[162] Jacob Stein and Max Fisher heeded the Administration's urging against hostile demonstrations.[163] Denouncing Fisher as a "tool" of Nixon and dismissing Stein as "afraid" (presumably of the power of the Soviet and American governments), an official of the National Conference on Soviet Jewry explained that Stein and Fisher tried to keep the number of demonstrators down to ten thousand.[164]

Indeed, the demonstrations were small when Brezhnev arrived in the United States. But the reason, said a NCSJ official, was not so much because Stein and Fisher had managed to keep an arrangement with Kissinger and the Soviet leadership, but because the day of Brezhnev's arrival in

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[161] New York Times, June 2, 1973, p. 1:5.

[162] New York Times, May 17, 1973, p. 12:5.

[163] Korey, "The Struggle," p. 221.

[164] Jewish Professional Source.

Washington was finally set only three and a half weeks in advance, leaving little time to organize a larger demonstration. The reason the demonstration, which featured a rally where Jackson spoke and demanded free emigration in exchange for trade, was peaceful was because Jerry Goodman of the National Conference on Soviet Jewry and others managed to head off an attempt by the violent Jewish Defense League participants to march on the Soviet Embassy in Washington.[165]

In Moscow, on the eve of Brezhnev's departure for the American summit, activists were rounded up also apparently to prevent demonstrations in the USSR marring the public relations campaign that Brezhnev intended to conduct in the United States. However, that move had an opposite effect from that intended. Reports of reduced emigration, denials of visa applications, harassment, and detention got back to the United States and poisoned the atmosphere.[166] That such activity could take place and contradict Brezhnev's diplomatic objectives may have been a sign that those who had objected to the March concessions on the education tax in the first place--concessions that had paid no diplomatic returns--were having their way for the time being.[167]

On June 14, before Brezhnev left for the United States, he held for the first time a meeting in the Kremlin with the American press. As part

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[165] Jewish Professional Source.

[166] "Statement on the Nixon-Brezhnev Meetings," American Jewish Committee, May 23, 1973.

[167] This analysis is based on the same assumptions about Soviet policy discussed in Part I.

of his public relations campaign aimed at American audiences, he defended Soviet emigration policy. He claimed there were no laws restricting emigration except for those in "certain categories" who work in areas connected to national security. He maintained that USSR Deputy Minister of Interior B.T. Shumilin had prepared "countless documentary materials" to be handed over to President Nixon demonstrating that Soviet Jews were leaving freely.[168]

Brezhnev also devoted a significant amount of time when he was in Washington trying to persuade selected Congressmen and leaders in the American Jewish community that trade would be beneficial to the United States and that the Jackson Amendment was not only damaging but that it was unnecessary since free emigration already existed in the Soviet Union.[169] On June 19, Brezhnev presented his arguments to seventeen members of the Senate Foreign Relations Committee, of whom at least Fulbright, Mansfield, Aiken and Scott were either opposed or shaky supporters of the Amendment, and to eight other Congressmen.[170]

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[168] New York Times, June 15, 1:4.

[169] Compared to the May, 1972 summit, the Brezhnev visit to Washington was uneventful. SALT II was not at a stage where it was ripe to negotiate. The Vietnam War had been negotiated and more or less settled in so far as American combat troops were concerned. And the Middle East was quiet before the storm that would break out October 6, 1973 into the Yom Kippur War. Aside from the issue of Watergate which broke into the public in April and the Senate Ervin Committee investigations which were receiving front page coverage every day, there was very little at issue.

[170] On April 23, he had tried out some of these same arguments on a delegation of seven Senators from the Commerce Committee: Vance Hartke, (D-Ind.), Frank Moss (D-Utah), Howard Baker Jr. (R-Tenn.), J. Glenn Beall Jr. (R-Md.), Robert Griffin (R-Mich.), James Pearson (R-Kans.) and Howard Cannon (D-Nev.). New York Times, April 25, 1973, 3:4.

As convincing as he may have been, the members of the Foreign Relations Committee were not the most important legislators for Brezhnev to have seen. To be effective, he should have been seeing the major actors in the Jackson Amendment, and the members of the two committees responsible for the trade legislation and for deliberating on the Jackson Amendment--the Ways and Means Committee and the Finance Committee. Whether or not the Soviets had made an inadvertent error or were consciously trying to bypass the principal actors, it was another in a series of political mistakes committed by the Soviet Union. That Mills was not consulted was unavoidable. The legislative strategy of the Administration for getting around the Jackson Amendment in the House, which had relied on the cooperation of Chairman Mills, had fallen flat on its face in the spring. Any hope of reconstructing another strategy with Mills was removed entirely when Mills on June 12 left the scene to undergo back surgery.

While the choice of which legislators to see may have been somewhat unavoidable, Brezhnev had less excuse for limiting whom he spoke to within the American Jewish community. Brezhnev and his Foreign Minister, Andrei Gromyko, saw only Jacob Stein and Max Fisher, who in the past had proven to be sympathetic to the Administration position but were becoming discredited in the eyes of others in the Soviet Jewry movement, particularly after the near insurrection in the Jewish community in April.

Stein and Fisher were invited to the White House dinner for Brezhnev on June 18. Without consulting the NCSJ or the Presidents Conference, the two attended. Dobrynin introduced Stein to his superiors as "a

reasonable Jewish leader."[171] Stein also attended a luncheon given by Gromyko and his wife. Even moderate leaders in the Soviet Jewry movement claim that Stein "mishandled" his opportunity to discuss the problems of the Jews with Gromyko. One such leader charged, "He had no business there. He didn't know what to say and what to avoid. He had a four page single-spaced paper to give to Gromyko, but he didn't. [Instead] he mentioned human rights in the Soviet Union. Mrs. Gromyko blew up and said that the Soviet Union had human rights and a constitution and then Gromyko got into it." Stein's critic argued that Stein should have stuck to the Jewish question because Jews in the Soviet Union wanted to leave, not to reform Russian society.[172]

The net result was that the Jewish community remained disappointed by Soviet performance and "steadfast in their support" of the Jackson Amendment.[173] The meetings between the Soviet officials, on the one hand, and Congressional and Jewish leaders on the other, yielded very little in the way of attaining one of the objectives of Brezhnev's visit; to assure that trade between the two superpowers would proceed unimpeded by the Jackson Amendment.

Predictably, Soviet officials had better luck with members of the American business community. At Secretary of Treasury Shultz's invitation, forty business leaders met with Brezhnev at Blair House in Washington.

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[171] Mehlman, p. 28.

[172] Jewish Leaders Source. A month later, Fisher and Stein attended another luncheon at the home of Dobrynin where Mrs. Dobrynin reportedly launched an "anti-semitic tirade", Mehlman, p. 28.

[173] Press Release, American Jewish Committee, June 25, 1973.

The National Association of Manufacturers followed up its February East-West Trade conference with another demonstration of business interest in East-West Trade by hosting a luncheon for Foreign Trade Minister Nikolai Patolichev where the business lobby pledged to wage a campaign to get Congressional approval for MFN for the USSR.[174]

SUMMER 1973: REPRESSION RENEWED. SO, TOO, IS JACKSON'S STRENGTH

Except for a pledge from business groups to help lobby against the Jackson Amendment, Brezhnev returned with little hope that the Jackson Amendment could be defeated. The Politburo could have gone either way in deciding how to handle the issue of emigration and domestic dissent--more concessions or another crackdown. Brezhnev's spokesman, L.M. Zamyatin upped the ante by suggesting another form of linkage--that trade be tied to further progress on arms limitations.[175] On June 26, the very day that Brezhnev was returning to Moscow from the United States, Izvestia reported that the Supreme Soviet, the Soviet Parliament, was considering--with the concurrence of its Presidium head, Podgorny, who was generally considered more skeptical of détente than Brezhnev--drafting new citizenship laws for the first time since 1938. Such a move was regarded as placing emigration restrictions on a more "authoritative" level.[176] The

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[174] Korey, "The Struggle," p. 223. This probably reinforced those America-watchers in the Kremlin who believed that despite the apparent strength of the Jackson Amendment, the capitalists would ultimately prevail and trade benefits would be granted without conditions.

[175] R.W. Apple, Jr., "Brezhnev Spokesman Ties Trade to Arms Limitation," New York Times, June 21, 1973, p. 17.

[176] New York Times, July 3, 1973, p. 3:1. See Part IV for December 1974 remarks by Podgorny.

Presidium was also the first governmental organ to decree the education tax in 1972.

It seemed that a debate was taking place within the Kremlin in Brezhnev's absence regarding the policy of making concessions internally for the sake of Western public opinion. Moscow observers noticed the virtual disappearance of Brezhnev from public view after his return from the Washington summit.[177] After the disappointing American trip--with whatever serious consequences it might have had for Brezhnev's personal leadership position--Jackson's office perceived Kissinger taking the Jackson Amendment so seriously that tension between Kissinger and Jackson, who had been on good terms, began to rise.[178]

Kissinger saw Brezhnev in Moscow in July. When he returned to the United States, he told Fisher, Stein, and Richard Maass that Brezhnev had conveyed to Nixon new assurances that some of the "refusniks"--Jewish applicants previously refused permission to leave--would be allowed to leave. Kissinger indicated that he personally believed that the Soviet leadership was still trying to accommodate America concerning Soviet Jews. Kissinger showed the Jewish leaders their list of the seven hundred thirty-eight individuals that he had first discussed with the Jewish leaders in May. Kissinger had brought it up when he saw Brezhnev in June in Moscow, and Nixon had raised it again with Brezhnev in Washington in June. The Soviets had provided Kissinger a statement saying that two hundred

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[177] New York Times, July 9, 1973, p. 14:4.

[178] Senate Source.

sixty nine of the seven hundred and thirty eight had received permission to leave--thirty no longer were living in the Soviet Union, one hundred and seventy seven no longer wanted to go, eighty were in the process of being cleared to leave, and one hundred forty nine were denied permission to leave, and thirty-four were unaccounted for. But like the concessions on the education tax, concessions on the several score of "refusniks" did not solve the basic problem of exiting from the Soviet Union. The three Jewish leaders told Kissinger they were still disappointed with the total record of the Soviet Union.[179] The number of emigrants perceptably declined compared to the first half of 1973.[180]

There was possible further evidence that hardliners on emigration, who seemed to have a greater say after the Soviet concessions in March on the education tax had proven diplomatically unproductive, continued to prevail. On July 17, 1973, dissident A.A. Amalrik was sentenced to a second two year prison term.[181] And in a heavy-handed display, well-recorded in the American press, a group of Russians clashed with some twenty Soviet Jews in an ugly tussle after the Jews had cheered the visiting Israeli basketball team at the World University Games in Moscow in August.[182]

In the same week, Soviet dissident physicist, A.D. Sakharov, was

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[179] New York Times, July 21, 1973, p. 1:4.

[180] "Détente," Chronology, p. 521.

[181] New York Times, July 18, 1973, p. 6:6.

[182] New York Times, August 22, 1973, p. 1:5.

called in by Deputy Prosecutor General Mikhail Malyarov and warned against meeting with the foreign press. Sakharov, apparently believing that his contacts with the West actually protected him from serious Soviet reprisals, contacted the Western press in Moscow, and in an interview, he stated that the United States should exact from the Soviet government unrestricted emigration as a very minimum for improved trade relations. The following week, Soviet authorities began the trial of V.A. Krasin and P.I. Yakir, dissents who had recanted their former activities.[183] Moreover, an all-out press campaign was launched against Sakharov and Nobel Prize winning author A.I. Solzhenitsyn, the first of its magnitude since the 1958 campaign against author Boris Pasternak.

The crackdown was possibly more a concession to Brezhnev's domestic critics who were criticizing him for allowing the Soviet Union to be pushed around, while reaping no diplomatic benefits and encouraging further dissident boldness, than it was a Soviet tactic in the battle with Jackson. The repression may have served some intra-governmental purpose in the Soviet Union, but it was a mistake as far as the Jackson Amendment was concerned because it attracted even more allies to the Jackson campaign.[184]

Repression of Solzhenitsyn and Sakharov was an important factor

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[183] New York Times, August 28, 34:5.

[184] "A 51 to 12 percent majority supports 'giving Russia favored-nation status in trade as most Western nations now have with us'" and "a 72 to 14 percent majority supports 'expanding trade between the two countries' while an 84 to 4 percent majority favors agreement 'to get Russia to allow Jews to leave that country more easily.'" Louis Harris, "Majority See Summit as Breakthru," Chicago Tribune, June 23, 1973.

in the addition of another influential interest group to the Jackson Amendment coalition. Joining the Jackson ranks were otherwise liberal groups including the Americans for Democratic Action, the Federation of American Scientists, the membership of National Academy of Sciences, and the American Psychiatric Association. The Association of American Publishers also expressed themselves in favor of the Jackson Amendment, as did various church groups. So, thanks to the clumsy clamp down on dissent in the Soviet Union, Jackson became the leader of a continually growing band of critics of the Soviet regime.

When the Ways and Means Committee and the rest of Congress returned from summer recess, Andrei Sakharov penned an open letter to the United States Congress dated September 14, 1973, drawing a tight connection between the repression in the Soviet Union and the Jackson Amendment pending in committee which he endorsed. This had the important effect of attracting even more American liberals to the cause. (See Appendix 12). Until Sakharov wrote his letter urging Congressional support for the Jackson Amendment, Arthur Schlesinger, Jr. a leading intellectual on the American left had opposed the Jackson Amendment. He wrote in the Wall Street Journal, "Always trust the man on the firing line." Writing in the New York Review of Books, I.F. Stone reached the same conclusion for basically the same reason. New York Times columnist Anthony Lewis also took a hard line vis à vis Moscow: "A powerful government that breaks its word at home, that practices vindictive cruelty toward its own citizens without any moral or political constraints, can hardly be trusted abroad." Sixty-five intellectuals who until then would never have done so signed

joint telegrams to Sakharov and Solzhenitsyn praising their "courageous efforts on behalf of peace and freedom" and dispatched a harshly phrased cable to Brezhnev denouncing the USSR's violation of human rights.[185]

By the end of the summer of revived repression in the Soviet Union, one got the distinct impression from newspapers and editorials, that the liberals in particular and public opinion as a whole were taking a much tougher view of the Soviet Union. A Jackson aide believed that up until this point, "the Administration could have gotten its way. . . . We were vulnerable at times."[186] Administration officials also have said that some sort of compromise to the Jackson Amendment could have been worked out as late as August 1973 before the August recess.[187] But after the crackdown in the USSR, that possibility faded.

WAYS AND MEANS DELIBERATIONS ON COMPROMISING THE JACKSON AMENDMENT

Sakharov's September letter reiterated a previous endorsement of the Jackson Amendment which he had given to Western newsmen in August.[188] It could not have come at a more strategic moment in the House of Representatives' consideration of the Jackson Amendment. Congress returned from summer recess on September 17 and Jackson placed the letter in the Congressional Record that morning. "It is ironic," he commented, "that

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[185]Carl Gershman, "The Soviet Dissidents and the American Left: Reviving the Democratic Faith," The New Leader, October 29, 1973, pp. 8-9.

[186]Senate Source.

[187]Administration Source.

[188]"Détente" Chronology, p. 521.

Sakharov's forceful argument should come to us at a moment when the trade bill is before the House Committee on Ways and Means--and when there is a move under way--which I am certain will not succeed--to kill the Mills-Vanik measure by a hastily drafted administration-backed Corman-Pettis alternative. . . ."[189]

The Ways and Means Committee was vulnerable to Jackson's pressure. Mills, still recuperating from back surgery, issued a harsh warning to the Soviet Union saying he would oppose trade concessions for the Soviet Union "if the price is to be paid in the martyrdom" of political dissidents like Solzhenitsyn.[190]

In Mills' absence, the Committee was being run--uncertainly--by Acting Chairman Al Ullman (D-Oregon). The Administration--in Mills' absence from Washington--was equally disorganized. Depending heavily on Mills to work out a compromise proved to be a miscalculation from which the Administration never recovered. Without Mills, the Administration was left with virtually no legislative strategy. A national reporter covering the committee at the time charged that officials in the Administration "have a public policy and public relations positions but no legislative strategy. Timmons [William, the White House liaison to the House of Representatives] doesn't know a Title V from an MFN. Same for

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[189]Henry Jackson, "A Letter from Dr. Sakharov on Détente and Freedom of Emigration," Congressional Record, vol. 119, no. 134, September 17, 1973, reprint. Jackson said the arrival of Sakharov's letter at that time was "ironic." Jackson's staffer, Perle, said that he had not had contact with Sakharov although he had spoken with Jews telephoning from the Soviet Union who were in contact with Sakharov.

[190]New York Times, September 10, 1973, 1:5.

Korologus [Thomas, White House liaison to the Senate]. Pearce [William, the Deputy Special Trade Representative who was handling the day to day operations for the trade bill] has to check with Kissinger, Flanigan, and Eberle, every time he wants to do something. And they really haven't given the matter much thought."[191]

The Sakharov letter was used as a Jackson-Vanik battering ram against half-hearted administration assistance for compromises devised in the committee minus Mills.[192] The Administration was disorganized and apparently lackadaisical at the time an effort to compromise the amendment in the Ways and Means Committee would have had to have absolute and full Administration backing to succeed. In a twenty-six member committee, eighteen were cosponsors of the amendment. Vanik was "dead set against compromise" said Talisman.[193] Jackson's staff supported them, arguing that it was up to the Soviets--not Congress--to make compromises, and that the Soviets were learning that the President was not the only political force in America that had to be dealt with.[194]

Sam Gibbons (D-Florida), a liberal trader on the Ways and Means Committee from the port city of Tampa, and in his words "not a fan of the Vanik Amendment" was one of the key members who felt the pressure against

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[191]Press Source. As a result of Congressional changes Title V in the Administration bill eventually became Title IV in the Trade Reform Act.

[192]"Panel Favors Giving Nixon 150-Day Power to Cut, Halt Tariffs, Set Import Quotas," The Wall Street Journal, September 11, 1973.

[193]Mark Talisman.

[194]Senate Source.

compromise mounted by Jackson and Vanik's office. Gibbons related that "We tried to change it [the Jackson-Vanik Amendment] but it was an emotional issue, a cause célèbre. You couldn't touch it with a ten foot pole. . . .I've spoken with most of the members of the Committee and they say, 'Sam, you may be right, but the Jewish community is thinking of the 1930's and is so emotionally tied in with that that they fear they will go along with genocide.'. . . [It is] the most emotional issue I've ever been involved in. I tried to make improvement in Vanik's Amendment and the word spread faster than the speed of light; I couldn't even touch a word. Corman had the same experience."[195] James C. Corman (D-Calif.), another committee member said he received a phone call at 2:00 A.M. Washington time (11:00 P.M. California time) saying "Vote against the Gibbons proposal." Corman asked the caller, "What's the Gibbons proposal." The caller replied, "I don't know, but vote against it."[196]

After the heavy lobbying dissuaded Gibbons from pursuing a compromise, Corman and another California member on the committee, Republican Jerry L. Pettis, suggested the compromise which was damned by Jackson on September 17 as the "hastily-drafted administration-backed" project.[197] Actually the proposal, of which there were two different versions, was drawn up by Wilbur Mills' special trade adviser, Anthony Solomon.

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[195] Sam Gibbons.

[196] Press Source.

[197] Congressional Record, September 17, 1973, reprint.

Basically, it would have granted the President authority to give MFN to a non-market country provided that he report "that such nation is evidencing reasonable progress in the observance of internationally agreed upon principles of human rights." Vanik objected to the absence of restrictions on credits and credit guarantees (in addition to MFN) in this approach and questioned how "reasonable progress" was to be measured.[198] Actually, the technicalities of the ill-fated compromise proposal made little difference because "Pettis, Corman, and Ullman ran like hell" and "chickened so fast," according to one staff insider.[199]

What happened was Corman and Pettis--both original sponsors of the Jackson-Vanik Amendment--ran into an all-out campaign against any compromise. When the proposal to break the deadlock between Jackson and the Administration was discussed in committee, Vanik informed his staff aide, Talisman. Immediately, a call went out from Washington to the Southern California Soviet Jewry movement. Corman recalled what happened. "That very night, until 2:00 A.M., I was getting phone calls at home from good friends of mine who very irately wanted to know why I was selling out the Jewish cause."[200] This time the Jewish organizations obviously did not waver. They concurred with Jackson's view that the amendment should be passed "as is" in the House so that if there were any compromising in the Senate, Jackson would be bargaining from an uneroded basis of strength.

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[198]Korey, "The Struggle, p. 227.

[199]House of Representative Source.

[200]Albright, p. 26.

Talisman personally denied initiating those phone calls. Nevertheless, there were other staffers in the Senate and in the offices of Jewish groups involved in the fight for the amendment who could have made phone calls just as easily.[201]

Neatly meshing with the constituent pressure accompanied by wide California press coverage on Corman was a well-orchestrated campaign in Washington to equate the Corman-Pettis compromise with a business effort to destroy the Jackson Amendment for the sake of future profits in Russian trade. The business community under the direction of Donald Kendall--a friend and former business associate of Nixon when he was a Wall Street lawyer, representing Kendall's Pepsico--had begun lobbying the committee. Part of the effort was a Kendall telegram to sixty-five top executives of multinational banks and corporations. However, the entire effort was "sandbagged" when Morris Amitay was tipped off about the businessmen's plans by a paid business lobbyist sympathetic to the Jackson Amendment. Amitay leaked the business plans to the Washington Post which printed the story on page one under the headline, "Big Firms to Press Hill on Soviet Trade Benefit."[202]

The article printed the Kendall telegram in full:

> The President's request in the trade bill for authority to provide MFN treatment to the Soviet Union is in deep trouble in the House Ways and Means Committee. Soviet emigration policy and grain sales along with other

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[201] Mark Talisman.

[202] Albright, p. 26.

> considerations resulting in great hostility to granting MFN authority.
>
> President needs support from business community in order to win that authority from Congress. Ways and Means Committee likely to vote on MFN question on Wednesday, September 19. Vote will be exceedingly close. I urge you and other members of ECAT (Emergency Committee for American Trade) to contact by telephone or telegram each member of Ways and Means in support of MFN and its vital relationship to United States and Soviet detente. Suggest you note commercial and political importance of MFN and express hope that way can be found to grant President authority.[203]

The Post article also linked the businessmen's efforts to suggestions that Soviet Deputy Trade Minister Vladimir Alkhimov "might plan to do some "lobbying of his own with Congress" when he was in Washington the week the committee planned to vote on the MFN proposals and counter-proposals. Alkhimov rejected such suggestions when the Post reporter called him on the tennis courts at the Kendall estate in Connecticut where he was being entertained.[204]

Another attack on compromise came from AFL-CIO President George Meany. He sent his own telegram to each member of the Committee dated September 17 arguing that giving Russia MFN meant that America was abandoning its principles.[205]

The final blow to the Corman-Pettis proposal was delivered by the Administration, which, Henry Jackson's claims notwithstanding, never gave the enterprise full backing. The Administration only extended half-hearted

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[203]Marilyn Berger, "Big Firms to Press Hill on Soviet Trade Benefit," The Washington Post, September 16, 1973, p. A1, A6:1.

[204]Ibid.

[205]Korey, "The Struggle," p. 227.

support. Said one disgruntled Administration official, "The Administration cut Corman-Pettis down at the knees."[206] Said one worker for a Jewish organization considering compromise, "The Administration couldn't make up their cotton picking mind to say they would support Corman-Pettis and combine it with effective diplomacy." The worker dealt with White House official Leonard Garment and with State Department officials. "I got mixed signals. They were prepared to accept it but were making these extreme anti-linkage statements. They were waiting for Corman-Pettis to be shoved down their throat, but that was not enough."[207]

Although the Corman-Pettis compromise was preferable from the Soviets' point of view to the Jackson-Vanik Amendment, it still added conditions to trade concessions and thus contradicted the Administration's promises in the original trade pact of 1972. Decisions like that were cleared through Kissinger, although Flanigan usually issued the decision.[208] While the Administration's position made sense diplomatically, it made little sense in terms of the American political scene and the situation within the Ways and Means Committee. It seemed as if assuaging the feelings of the Russians in the short run had become more important than assuring their long-term interests via compromise.

Compounding the Administration's inadequate handling of the Committee was the fumbling of a scheduled appearance before the Ways and Means

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[206]Administration Source. Press Source.

[207]Jewish Professional Source.

[208]Administration Source.

Committee of Henry Kissinger, who was then about to become the Secretary of State. One of the Committee members stated it simply, "We tried to get Kissinger, and he wouldn't or couldn't come up."[209] The committee had delayed voting on the MFN question until September 19 pending the appearance of Kissinger on September 18. However, Kissinger did not show up. He said he had several conflicts preventing him from appearing, but well informed observers, including some in the Administration itself, believed that he might have avoided some of those "unavoidable" conflicts in his schedule.[210]

It had been made clear to Kissinger that his appearance at the committee was crucial. Kissinger spoke to President Nixon, Melvin Laird, William Pearce, the Administration's manager of the trade bill in the Ways and Means Committee, Chairman Ullman, and ranking Republican on the Committee, Herman I. Schneebeli (R-Pa.) about his appearing. Before the larger meeting, Pearce and Kissinger met with Nixon. Pearce said he could not resolve the issue unless Kissinger came up and testified. Kissinger raised the question of his National Security Council status. Nixon said, "Well, you can limit your testimony." When the Congressmen joined the Administration officials, Schneebeli raised the subject of Kissinger's appearing, and it was agreed that Kissinger would testify. However, when it finally came time for him to go, Kissinger would not.[211]

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[209] House of Representative Source.

[210] Administration Sources.

[211] Administration Source.

At the end of the week of September 17, Chairman Ullman--who apparently was unable to perceive a consensus in the committee--buffetted as it was by the Jewish groups, labor, Sakharov, big business and lacking guidance from the Administration--delayed action on the MFN question for one week "on the chance," he said, "that we can get more reason interjected into the discussion."[212]

Kissinger, who was sworn in as Secretary of State on September 21, never made it to the Ways and Means Committee. His close aide on the National Security Council Staff on Soviet issues, Helmut Sonnenfeldt, also was unable to appear. Sonnenfeldt or someone on his staff apparently felt it was important that Sonnenfeldt not appear because his appointment as Under Secretary of Treasury was in jeopardy in the Senate Finance Committee. Thus Steven Lazarus, head of the East-West Trade Bureau, who obviously could not talk with the authority of Kissinger, appeared. Lazarus had already gotten a bad name with the Soviet Jewish community when he was in Moscow with Charles Colson in February of 1973.[213] He was thought there to have tried to trade Kissinger's influence with the Soviet authorities for a deal with Jewish dissidents to abandon their support for the Jackson Amendment. He ran into a great deal of trouble again at his committee appearance.

Mark Talisman called Lazarus' appearance a display of the "Administration's lack of understanding." He said that Steven Lazarus was sitting

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[212]Korey, p. 228.

[213]See footnote 45, Part III.

in executive session over in the Capitol saying things which simply weren't true. One [was] that Israel and the Soviet Union have MFN relationship. Israel doesn't have MFN. Two, [was] about economic trade data showing enormous trade [between Israel and the Soviet Union]. That was two things: trade in 1964 of Jaffa oranges in Israel for Russian Orthodox property [in Israel] --four hundred eighty-five thousand dollars in citrus--and the rest was what emigrés declared of value and shipments out of Israel of packages to relatives in the Soviet Union. [These were] red herrings raised by Lazarus. Vanik [sitting in the executive sessions of the committee which was restricted to members only and a few Executive Branch representatives] would call me up. And I'd get the call and check these [statements] out.[214]

At least two days before the vote was finally taken in the Ways and Means Committee--on September 26--Kissinger recognized the unfavorable prospects for MFN for the USSR and so warned Foreign Minister Andrei Gromyko.[125] Therefore in the few remaining days before the fateful vote, a new public hard line was detected in the Soviet Union. The United States was accused of "gross interference" in Soviet internal affairs and Soviet emigration policy was defended. (However, a continuing desire to trade with the United States was restated.) Brezhnev warned against "playing games" and "ambiguous maneuvers,"[216] Gromyko, addressing the United

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[214] Mark Talisman.

[215] Korey, "The Struggle," p. 228.

[216] New York Times, September 20, 1973, p. 11:1.

Nations a day before the committee vote, also warned against interference in Soviet internal affairs.[217]

The vote on the controversial Jackson-Vanik Amendment was taken in committee by voice vote--no head count, no names recorded. It was agreed that MFN would be denied to those nonmarket countries restricting emigration. That took care of the MFN half of the Jackson-Vanik Amendment. Vanik proposed holding another committee session to deal with the credits and credit guarantee restrictions. At the follow up session, the Administration managed to weaken the credit restrictions by a parliamentary maneuver offered by Republican member Herman T. Schneebeli. Schneebeli argued on a point of order that Jackson's provisions restricting credits and credit guarantees came under the jurisdiction of another committee, the House Banking and Currency Committee. Ullman upheld the point. Vanik moved to appeal the Chairman's ruling. Vanik's motion lost in a twelve to twelve tie vote. The vote indicated that at least six of the eighteen cosponsors of the Jackson Amendment had defected.[218] Mills, who was absent, could have broken the tie. He had cast a proxy on other votes, but on that one vote, he was nowhere to be found. Said one close observer of Mills' legislative life, "This demonstrates where Mills had stood on this issue all along. He has this burning desire never to lose--never to be on the losing side. This has determined his behavior all along. He'd just as soon dump the President and the

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[217] "Chronology," Détente, p. 522.

[218] Korey, "The Struggle," p. 228.

Administration in this regard as anyone else."[219]

Vanik and his allies in the committee were disappointed by the vote. To make things difficult for some of the members representing large Polish constituencies, Vanik raised the question why the committee should not include Poland as a non-market country subject to the Jackson-Vanik Amendment just like the Soviet Union. By the wording of the Amendment, Poland was a non-market country but not subject to the restrictions since it already had MFN treatment. But the answer an exasperated staffman gave to the Vanik group was "because Poland doesn't have a whole bunch of Jews."[220]

The committee added part of the ill fated Corman-Pettis provision requiring the President to determine annually that non-market countries covered by the Ways and Means Committee definition had met rather unspecific requirements for free emigration which was then subject to Congressional veto of trade concessions for these countries. The provision--originally intended to substitute for the Jackson-Vanik Amendment--actually made it stronger.

On the final day of committee deliberation on the trade bill, Republican committee member Barber Conable (R-NY) wanted to offer an amendment striking the entire Title IV in the bill which included both the Vanik restrictions and the Administration's request for MFN authority for the Soviet Union. It would have permitted the Administration at least to

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[219] Press Source.

[220] Press Source.

cut its losses incurred so far in committee. Conable had actually advanced the idea earlier arguing that if anything on Soviet economic concessions was in the bill when it reached the House floor, the Administration would get "clobbered on the floor."[221] It took two weeks for William Pearce, the Administration's representative in the closed door committee mark-up sessions, to establish a line into the National Security Council so that he could take a position on Conable's suggestion. Until then STR had been told not to concern itself with the MFN question. Eventually, said an STR official, "After a month of fighting, we won over Kissinger to the need to separate MFN out of the bill."[222] But the green light did not come in time for Pearce to act forcefully on the Conable proposal. When Pearce was asked on the last day of mark-up for the Administration's view of this proposal, he could reach neither Kissinger nor any authoritative assistant to get "a clear" on the proposal. Pearce was reduced to repeating the Administration line that the Administration does not want the Jackson Amendment and it wants MFN for the USSR. Again the White House had let the committee down. It may not have been a conscious decision by Kissinger or by others in authority, but they nevertheless must bear the responsibility for the legislative consequences.[223]

Two days after the committee completed work on the trade bill, Soviet Foreign Minister Gromyko confered with Nixon and Kissinger at the White

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[221] Press Source.

[222] Administration Source.

[223] Administration Sources.

House. A spokesman reported that the discussion between the leaders was concerned almost exclusively with MFN: "The current status of the Administration's [effort] to get most-favored-nation treatment . . . and . . . the Congressional situation." In addition to reiterating the Administration's "commitment to seek MFN for the Russians," the President pledged to make a "diligent" attempt to overcome the committee passed restrictions.[224] Judging from Secretary of Treasury George P. Shultz's impressions when he visited the Soviet Union from October 1 to 3 to discuss Soviet-American trade, the Soviet government was unwilling to make further concessions on the emigration question, which might have assisted a practically impossible effort to reverse the will of the Ways and Means Committee.[225] Shultz did reveal that the Soviets at least seemed to have "realistically accepted" that MFN would not be granted to the USSR in 1973.[226]

That left the credits to be fought over. The Administration by a tie vote had managed to hold back the application of the Jackson Amendment to credits extended by the Export-Import Bank or any other United States governmental agencies and to credit guarantees which were less important. But there still existed the possibility that Vanik and his allies could add these restrictions by amending the committee-reported bill when it reached the House floor.

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[224]Korey, "The Struggle," p. 229.

[225]"Chronology," Détente, p. 522.

[226]Hedrick Smith, New York Times, October 2, 1973.

A day after the committee vote, Jackson delivered a speech on the Senate floor calling the vote "a most welcome affirmation of the commitment of this country to the cause of human rights." As for the omission of the credit and credit guarantee restrictions, he predicted, "I am certain it [the full House] will move to include the full Jackson Amendment in the trade bill by adding the credit restrictions to those on MFN"[227]

Making Jackson's prediction a reality was Vanik's next task. It meant winding a narrow parliamentary path through the complex maze of rules of the House of Representatives. In most cases, Way and Means legislation is handled in the House under a "closed rule" which bars amendments from the floor. When a Congressman votes on Ways and Means Committee bills, he must decide to vote against the entire bill or for the entire bill. He can not try to delete portions or add portions. In order to add the credit and credit guarantee restrictions, Vanik had to go to the Rules Committee and appeal for a rule "to open" the bill, to suspend the closed rule and thus to enable him to offer an amendment to the Ways and Means Committee bill from the floor.[228]

To guarantee a favorable rule from the Rules Committee, Vanik could go to the Democratic Caucus in the House with a petition of at least fifty signatures from the House membership. If the Democratic Caucus accepted

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[227]Korey, "The Struggle," p. 230.

[228]The Rules Committee is like the House's final filter. Its power to decide on procedural issues that will determine the substantive fate of every piece of legislation before it ever reaches the full body of the lower House helps to explain why it is so influential.

the petition, then it would recommend to the Democratic members of the Rules Committee--the majority of the Committee--to vote for a rule giving Vanik an opportunity to offer one amendment to the bill. The Caucus recommendations are invariably binding. Vanik was aiming to get even more than fifty names on his petition to assure a dramatic success, but the October War broke out in the Middle East having an impact which insured Vanik's future success in the Rules Committee without ever having to get the backing of the Democratic Caucus.

THE OCTOBER WAR

Having taken the beating it had throughout the 1973 battle in the House, the Administration was determined as ever to fulfill its pledge to the USSR embodied in the October 18, 1972 trade agreement. In early 1973, when the Jackson problem was on the horizon, Colson and then Shultz were dispatched to Moscow. Meanwhile some arrangement--tacit or otherwise--was made for Chairman of the Ways and Means Committee Mills to look for a compromise if Soviet concessions on the education tax were forthcoming. In April, the Soviets suspended the education tax, but events in the spring proved that the irritating Jackson Amendment was not so easily removed. In May, as Kissinger left for Moscow to prepare for the Brezhnev Summit, he had told the Jewish leaders that they should each go their separate ways and meet again in the fall. The fall, however, had proved to be disastrous as Ways and Means Committee action on September 26--with Mills absent--prevented the Administration from giving MFN to the Soviet Union. What remained to be fought out in October was the Administration's desire for authority to give credits to the Soviet Union without the

emigration conditions already linked to MFN.

The committee votes had been taken; the bill, H.R. 10710, was officially reported out to the House floor on October 10 and a vote was scheduled for October 17 or 18. However, on October 6--practically on the first anniversary of the original United States-Soviet October 18, 1972 trade pact--the Yom Kippur War broke out drastically altering the legislative strategies of both Jackson-Vanik and the White House.

Soviet involvement in the war complicated the White House's task and hardened the anti-Soviet feeling in the Congress, thus assuring that Vanik would get the favorable ruling permitting him to amend the bill to make it more restrictive. The Soviets had become so unpopular in the war-spirited House of Representatives that when Congressman Richard H. Ichord (D-Mo), a conservative who had fifty names on his own petition to the Democratic Caucus to delete entirely all credits and all MFN to the Soviet Union under all circumstances, many were afraid it would pass. To avoid Ichord, Chairman of the Ways and Means Committee Ullman agreed to let Vanik introduce his amendment to the bill without Vanik ever having to go to the Caucus or to the Rules Committee for a special rule. Ichord withdrew his amendment after that. Vanik's staffman, Mark Talisman, summed up the episode. "Ullman was good about it in assisting rather than opposing it. It became clear that if this issue still festered without credits then the whole trade bill would sink. With the Schneebeli move to delete credit restrictions [the Administration] won their battle in the committee but lost the war in the full House."[229]

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[229] Mark Talisman.

The battle lines were drawn for the final battle on the House floor. The Administration was faced with the task of deleting the half of the Jackson-Vanik Amendment dealing with MFN which was already in the bill while staving off a second attack by Vanik to add the credits restrictions. The Soviets had become resigned to the defeat in 1973 on MFN, but how would they feel if the credits were lost too? Complicating the entire matter was the fact that Kissinger at the time was trying to cajole the Soviets into putting pressure on its client state, Egypt, to bring about a cease-fire in the Middle East.

Kissinger tried snatching victory out of the jaws of defeat over the Jackson Amendment and almost succeeded. Kissinger found an opportunity even in the dangers of superpower politics and client state confrontation. Kissinger discovered that the October War, which seemed to be shattering all chances for avoiding the Jackson Amendment by reinforcing a strong anti-Soviet feeling which remained just below the surface in the American public in spite of détente, also paradoxically shattered--at least temporarily--Jewish support in the country for Jackson's efforts.

The Jews had wavered in April; one of the factors then was fear of incurring adverse reactions from the White House that would be directed against Israel. When the War broke out in October, Israel's position was much more vulnerable. After a week's fighting, Israel needed resupplies of Phantoms and M-60 tanks. Getting them became the top priority in every Jewish leaders' mind. And Kissinger was the key figure in the resupply decision.[230]

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[230]Edward R.F. Sheehan, "Step by Step in the Middle East," Foreign Policy, no. 22, Spring, 1976.

Kissinger was spending most of his time trying to get a cease-fire in the Middle East, He tried influencing Israeli behavior by pacing shipments of supplies. He also argued that cooperation of the Soviet Union was essential as it was the major supplier of another of the belligerents, Egypt. Avoiding alienation of the Soviet Union at this crucial juncture was essential; delaying the vote scheduled for October 17 or 18 was therefore necessary. Several days after the War broke out, White House liaison with the Jewish community Leonard Garment invited Jacob Stein and Max Fisher, who had a history of cooperating with the White House, to the White House. He told them that time for consideration of the Jackson Amendment was "not ripe." He asked them to convey to the Ways and Means Committee Chairman Ullman the need to delay the House vote. A delegation including Stein, Maass, Mrs. Charlotte Jacobson, head of World Zionist Organization's American Section, and Rabbi Arthur Hertzberg of the American Jewish Congress, met with Chairman Ullman on October 12 to inform him that they supported a delay. Kissinger on his own also had requested and received from Speaker Carl Albert a delay until October 24 or 25 to give him more time to operate behind the scenes.[231] The Jewish leaders may have breathed a sigh of relief on October 19 when Nixon formally requested $2.2 billion for Israel's defense, even though complaints about actual shipment of arms continued. As the scheduled day for the House vote approached and two ceasefires of October 22 and 24 tore apart, the need for

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[231]Barnea, "The Jews Who Were a Disappointment," August 23, 1974, Davar Shavua, translated from the Hebrew by Dalya Luttwak, New York Times, October 12, 1973, 15:1; Mehlman, p. 28.

another delay or a more definitive solution seemed clear. On October 23, Leonard Garment again called Stein and Fisher and invited them and Maass, Jacobson and Jerry Goodman of the NCSJ to come to the White House on October 25 to discuss the ill-fated ceasefires with Kissinger's aide General Alexander Haig. At the last minute, Haig was substituted by Kissinger.[232] Kissinger had just returned from a whirlwind trip to the Soviet Union in an effort to patch up the ceasefire. One of Kissinger's assistants was there but Kissinger sent him away. One of the participants reported "Kissinger said something about the meeting resembling a sanhedrin" (an ancient rabbinical court). The meeting was devoted almost entirely to the Middle East. As the leaders were about to leave, Kissinger brought up the Jackson Amendment. "He said that Israel's survival was at stake and that this was a very poor time to slap the Soviets in the face" said one of those present.[233] The diary of another participant recorded Kissinger's words: "No matter how much the United States and Israel desire it, if the Russians were actively opposed, there would be no

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[232] Until the October, 1973 war, "Flanigan had been in charge of the White House lobbying against the Jackson Amendment, but [then] Kissinger began to take over," according to one reporter, The emergency of the war with Soviet involvement naturally brought Kissinger closer into the trade-emigration issue. But Flanigan had also "aroused such anger by asserting that the amendment would produce backlash anti-Semitism in the United States that he was finally taken off the job and replaced by Henry Kissinger." Stephen S. Rosenfeld, "The Politics of the Jackson Amendment," Present Tense, Summer, 1974, p. 19. Emphasis in original.

[233] Jewish Leader Source.

peace."[234]

At this point, Kissinger suggested dropping Title IV from the bill altogether: The Conable approach. Kissinger had passed up or ignored the Conable approach in Committee. Now in the maelstrom of the war, he was apparently cognizant of the issue and the further danger of additional action to link credits to emigration. He thus proposed to the Jewish leaders to drop Title IV. Kissinger improved on the by now outdated Conable proposal by adding a concession that came about when he and, later, Shultz asked a receptive Dobrynin to concede that the Administration would make no further Export-Import Bank credits to the Soviet Union as long as the trade bill was in the House of Representatives (through December, 1973). Kissinger pledged these two items if Jackson would give up the fight for his amendment in the House.[235]

One of the participants said the leaders were neither "buying it [Kissinger's proposal]or rejecting it. . . .They didn't give a yes or no."[236] The group agreed to discuss the suggestion with the sponsors of the legislation.[237]

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[234]Albright, p. 28.

[235]Ibid.

[236]Jewish Leader Source.

[237]Jewish Leader Source. Korey reported that Kissinger, not the Jewish leaders, was supposed to speak to Jackson and Vanik about the proposal and if they agreed, the Jewish leaders would then respond to inquiries from legislators about the Jewish community position. Instead of consulting the sponsors, according to Korey's account, the Jewish leaders said they would go to their "constituency." (Korey, "The Struggle," p. 231.)

The Administration made its new position official on October 29 when Peter Flanigan testified to a Senate Banking Subcommittee hearing:

> We believe that this issue is particularly sensitive in terms of the current situation in the Middle East, and the method that is underway to find not only a ceasefire to the shooting, but also an affirmative solution in that area. We think it would be inappropriate at this time to deal with that issue, either in the sense of removing any of the current, statutory limitations or in the sense of imposing additional statutory limitations. Therefore, it is the Administration's position that Title IV should be eliminated from the trade bill. Consonant with that position, it should not be attached to this legislation.[238]

The Administration was initiating a policy that might have worked before but which had little chance in October. To add insult to injury, it informed the House leadership and the Ways and Means Committee Chairman Ullman by using a platform in the Senate and in the Banking Committee. Ullman responded testily, "the Administration's new position has not been communicated to me. . . .The statement was made to the wrong forum. . .This whole matter has been poorly handled by the White House." Ullman added that it is "totally unfair to have the entire trade bill endangered by the irresponsible delays and conflicting policies emanating from the Administration."[239] The next day, Speaker Albert echoed Ullman's exasperation, "I'm still waiting for the Administration to say what they want." Flanigan admitted to the press, "Our vaunted system down here at the White House is not functioning perfectly. We could have done a better job informing

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[238] Statement of Peter Flanigan, Hearings, Export-Import Bank of the United States, Subcommittee on International Finance, Committee on Banking, Housing and Urban Affairs United States Senate, Ninety-third Congress, first session, October 29, 1973, p. 55.

[239] Albert Hunt, "Nixon Faces Painful Decision on Trade Bill: Scrap for Now or Accept Curb on Soviet," The Wall Street Journal, October 31, 1973.

them that the statement was being made yesterday."[240]

Speaker Albert gave the White House an ultimatum: either take the bill up soon on the House floor or drop it for the year. The next evening, November 1, Kissinger informed Albert that there would be no further delay and to schedule the debate on the bill to begin the week of November 12, the last week before Thanksgiving recess.[241]

Prospects from Kissinger's viewpoint were not altogether bleak, perhaps helping to explain why he finally informed Albert to go ahead and schedule debate in the House. Kissinger was hoping that the Jewish leaders with whom he had spoken would help him out. The Secretary of State had to reinforce his position. Kissinger planned to ask Israeli Prime Minister Golda Meir to encourage the Jewish community to allow the compromise to pass in the House. Meir, who was in the United States at the time, was deeply involved in negotiating the disengagement of Israeli and Egyptian forces. "The price he eventually intended to extract from the Soviets for the trade agreement, Kissinger told the Israelis, was Soviet moderation at Geneva, and Israel should support him on this. . . . If Israel could persuade its friends in Congress and elsewhere to remove their support for Senator Jackson's amendment, Kissinger argued, the path would be cleared for a policy he considered beneficial for Israel in the long run. . . .

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[240] Marjorie Hunter, "White House Move to Delay Trade Bill Irritates Leaders in House," New York Times, October 31, 1973, p. 15.1.

[241] Washington Post, November 2, 1973; New York Times, November, 1973, p. 6:6:V "Trade Bill to Get Vote in House Following Concession by Nixon," Wall Street Journal, November 2, 1973.

When Ambassador Dinitz reminded him that Israel was not supporting Senator Jackson, Kissinger replied that it was not enough for Israel not to actively support the Jackson Amendment. He expected it to be active in opposition to Jackson. He could not understand what he saw as Israel's political blindness. 'You only see what is under your nose,' he kept saying over and over. 'You don't see the global picture.'"[242]

Meir discussed the linkage of the Jackson Amendment and Israel's predicament with top Jewish leaders who were in Washington on Friday, November 2, to hear her speak. It is not known what--if anything--Mrs. Meir advised. Based on past performances, she probably tried her best to avoid getting Israel or herself personally caught in the middle of the Executive-Legislative struggle. Different members of her government had been giving conflicting signals to the Jewish community so various parts of the community were reading what they wanted into them. Often the views of what Israel desired were contradictory. Ambassador Simcha Dinitz, former chief officer to Meir, it was said, conveyed to Jacob Stein and others the impression that nothing, including the Jackson Amendment, should be allowed to interfere in the resupply of arms to Israel. But by November, that issue was subsiding.[243] On the other hand, said a more militant American Jewish activist, "Israel made it clear that it didn't want us to sacrifice Soviet Jewry for Israel."[244]

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[242]Golan, pp. 172-173.

[243]Albright, p. 26.

[244]Jewish Professional Source.

Probably with no more clear-cut guidance from Israel after consulting with Mrs. Meir, the Jewish leaders tried to decide finally whether or not they should cooperate with the Administration's plan to drop Title IV from the Trade Bill. Fisher wanted to go along with the Administration. To a lesser extent, Maass and Jacobson seemed to agree.[245] The Jewish leaders agreed to meet with Vanik and Jackson and ask that Title IV be eliminated with the possibility that it could be renewed when the Senate took up the bill.[246] Jackson's position was clear. He rejected any arrangement that had the effect of dropping the Jackson-Vanik Amendment in the House.[247]

The news leaked out about the leadership's decision which represented a softer position than that taken by Jackson and by the "rank and file" of the organizations.[248] On Monday, November 5, the officials of the National Conference on Soviet Jewry held an emergency meeting to, in the word of one person closely identified with the organization, "help us clarify our position."[249] According to one account of the meeting, "a chorus of criticism among Jewish organizations arose. Denunciations of a policy of 'capitulation' were accompanied, in some cases, by demands for the resignations of various Jewish Leaders. Insistence upon the

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[245]Barnea, "The Jews Who Were a Disappointment."

[246]Albright, p. 28; Korey, "The Struggle," p. 232; Mehlman, p. 29.

[247]Administration Source.

[248]Korey, "The Struggle," p. 232.

[249]Jewish Professional Source.

maintenance of the basic Jewish position on the Jackson Amendment was the central theme which found expression in a decision reached at an emergency meeting of the National Conference on Soviet Jewry. The proposal that the Jewish leadership support removal of Title IV was rejected. Instead, the chairman of the National Conference, Richard Maass, was instructed to report to Senator Jackson what the White House position was and to seek his views."[250]

Some of the participants at the stormy New York session had to keep a previously scheduled meeting with Jackson the same day back in Washington. The group--Stein, Maass, Jacobson, Goodman--had survived shuttling from Washington on Friday to New York on Monday, and back the same day to Washington. But they arrived a few minutes late at Jackson's office and going was rough there, too. One member of the group remembered the aggressive greeting from Dorothy Fosdick, who has worked for over two decades for Jackson. She yelled down the Senate corridors to the delegation, "How dare you keep Jackson waiting?"[251]

Apparently, they were keeping more than just Jackson waiting. Jackson was well aware that some of the group favored the Administration proposal.[252] Without their permission, Jackson had cleverly invited other known supporters to be on hand as a counterbalance. Ribicoff and his aide, Morris Amitay, were there, as were Jackson's aides, Perle and Tina Silber. Vanik was out of town, but Mark Talisman was included. David

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[250] Korey, "The Story," p. 25.

[251] Jewish Leader Source.

[252] Albright, p. 28.

Blumberg and Herman Edelsberg, President Executive Director of the B'nai B'rith was also there. Elihu Bergman, a Harvard professor acting as a NCSJ consultant was invited. Javits did not attend.[253]

The meeting began by Maass' relating what Kissinger had said on October 25. Stein added the editorial comment that "it is important to the Jewish leadership if Kissinger tells us his negotiating position would be strengthened by their going along with his latest proposal."[254] Charlotte Jacobson said that even though Max Fisher, who avoided having any dealings with Jackson and Ribicoff, was not there, she thought the proposal which Fisher supported should be raised. She added, "I know that this is a mistaken plea, but I feel we owe it to Max."[255] Later in the meeting, Stein remarked that American Jewish leaders had to concern themselves with the possibility that passing the Jackson Amendment might hurt Jews in Russia. He added, "it is a gamble" whether Jackson's legislation might reduce Kissinger's leverage with the Soviet Union in the Middle East.[256]

Barely controlling his temper, Jackson answered, "If you believe détente will unravel, then you're foolish."[257] Jackson said Kissinger was a"liar" for blaming the Department of Defense for Kissinger's own premeditated decision to delay resupplying Israel during the early days of

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[253]Senate Source; Mehlman, pp. 29-30.

[254]Albright, p. 28.

[255]Barnea, "The Jews Who Disappointed."

[256]Albright, p. 28.

[257]Jewish Professional Source.

the October War.[258] In response to Stein's concerns, Jackson said he couldn't provide a written guarantee that his amendment held no risks. But, he said, it would be "naive" to think that dropping the proposal would assure Israel's security: "If we back down now, the Soviets will take advantage of it." He concluded: "The Administration is always using you. The only way to get Soviet Jews out of the Soviet Union is to stand firm on the Jackson-Vanik Amendment." He threatened that if the leaders did not heed him, "I'll go back to your people and tell them."

When Jackson left the room to take a telephone call, Ribicoff reiterated Jackson's assessment that Kissinger was a "liar."[259] He did not control his anger at those he regarded as spineless weaklings.[260] The upshot of the meeting was that Jackson, Ribicoff, and Talisman said that they would press to have the Jackson-Vanik Amendment in full passed by both the House and the Senate.[261] Apparently objecting to the way the meeting was going, to the lambasting of the Jewish officials for their so-called naiveté and foolishness, and to the threats to go over the heads of the Jewish leadership if they did not cooperate, Stein stamped out of the meeting.[262] Maass joined Stein and together they went to the White House, where they spoke with Peter Flanigan, Helmut Sonnenfeldt, and

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[258] Jewish Leader Source. See two versions of the arms supply episode in Golan and Sheehan studies.

[259] Albright, p. 28; Mehlman, p. 260.

[260] Jewish Professional Source.

[261] Albright, p. 28.

[262] Jewish Leader Source.

William Pearce. Flanigan had apparently gotten wind of the meeting when an ex-religion reporter for the Washington Post called him about it. Pearce displayed an understanding for the uncomfortable position which the Jews were in and said that he would say no more about it. Sonnenfeldt was not as charitable. And Flanigan, whose father lived in the same neighborhood in White Plains, New York, where Maass lived, "didn't let up" said one participant. Flanigan said it was not enough for the Jews just to say nothing more--to take a neutral position. He said that they should call Ullman, House Democratic Majority Leader Thomas (Tip) O'Neill, and other influential leaders and actively affirm that they didn't mind having Title IV removed from the bill. The Jews, visibly chastised by Jackson and Ribicoff, refused.[263]

PUTTING OFF THE INEVITABLE

Kissinger was left with an equivocating Israel, a silenced American Jewish leadership, a sandbagged business lobby, an unyielding and threatening Soviet leadership, and an ailing Mills (who by then had returned to Washington but was unable to regain control over the Trade Bill). Basically all Kissinger had was time and he tried to use it. It was a sign of weakness but he had little choice.

On November 7 after the latest set-back, Speaker Albert granted the Administration a respite. President Nixon had personally requested the third delay in a note slipped to Albert during a meeting.[264] The

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[263] Administration Source.

[264] New York Times, November 8, 1973, p. 81:4.

Administration wanted a little time to maneuver. All channels had been explored and had failed. Kissinger was left with the harsh reality that if he were to avoid a House vote incurring the Soviet Union's wrath, then he had no other choice but to go to Jackson directly. At the insistence of the Administration's trade bill managers in the Special Trade Representative's Office, Kissinger took the initiative of setting up a meeting with Jackson for the following week.[265] A Jackson aide aptly described the effort to talk with Jackson "as a last ditch effort." On November 21, Secretary of Treasury Shultz met Jackson. The same evening at a dinner, Kissinger and Jackson had a general airing of their differences.[266] Kissinger got nowhere, as far as House action was concerned. Jackson maintained his position. He was not ready to discuss compromise or concessions until the House passed his amendment in its entirety. Only after that would he talk, and then he could talk with authority.

Suffering another set-back, Kissinger aimed for another delay. The President, however, was under strong pressure from his trade experts to delay no longer. After months of arduous hearings and mark-up in the Ways and Means Committee and years of preparation of the Trade Bill before that, inside the Administration, the trade officials feared for the bill's passage. Kissinger on the other hand was known to prefer no bill at all to one offensive to the USSR.[267]

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[265] Administration Source; Press Source.

[266] Senate Source.

[267] Hunt, October 31, 1973.

Nixon finally agreed to reverse his earlier request for further delay and ask in a letter on December 3 to Speaker Albert to proceed with general debate on the trade bill.[268] Pearce had drafted the letter to Albert. Secretary of State Kissinger redrafted the letter so that the President's opposition to the Jackson-Vanik provision was prominently displayed at the beginning and a Presidential threat to veto the entire trade bill if the amendment stayed in was conspicuous. But with Shultz's intervention on the side of the trade officials, the President at least sent the letter.

Kissinger was unyielding. In a fine bureaucratic application of guerrilla tactics, he had breakfast with the House leadership whom he told that even though the President had written Albert to go ahead with the trade bill, he still believed that passage of the anti-Soviet legislation that was attached would be very harmful and should therefore be put off. A letter for Kissinger's signature to Albert stating that view was drafted by Pearce and again redrafted by Kissinger.[269]

The President finally overruled Kissinger and the bill was sent to the House floor for a vote on December 11. The day before, the full House approved by a vote of 230 - 147 the rule by which the bill would be considered. The rule--which had been approved by the Rules Committee back in October--was that three amendments would be permitted to the Trade Bill: Vanik's amendment to add the credit restrictions originally deemed

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[268] New York Times, December 4, 1973, p. 1:2.

[269] Administration Source. New York Times, December 7, 1973; December 15, 1973, p. 2:3.

inappropriate by the Ways and Means Committee; an amendment by Barber Conable to drop the entire Title IV which by then contained the Jackson-Vanik Amendment as amended plus a Corman-Pettis veto; and an amendment unrelated to the emigration debate.

As the final hour drew near for the vote, the State Department attempted to draw attention to the fact that Soviet authorities were letting a record number of Jews emigrate in spite of the October Yom Kippur War. Three thousand, six hundred and sixty Soviet Jews were allowed to leave in October, and the rate for November was estimated to approach that figure. According to the State Department, the number in 1973 had already reached thirty-two thousand--six hundred more than the 1972 total. State officials offered the press the opinion that the high numbers resulted from Brezhnev's promise to Nixon earlier in the year that thirty-five thousand were to be allowed to emigrate.[270]

The information impressed few. On the eleventh, the House voted by an overwhelming 319 - 80 to include the entire Jackson-Vanik Amendment, and defeated the Conable move to delete Title IV by an impressive 298 to 106.[271] The entire trade bill passed as amended 272 - 140, the smaller margin indicating labor was cutting into support for the bill as a whole.[272] The bill was referred to the Senate for its consideration, and the Congress recessed until January, 1974.

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[270] New York Times, December 2, 1973, p. 13:1.

[271] New York Times, December 11, 1973, p. 63:1.

[272] Korey, "The Struggle," p. 234.

SUMMARY

Jackson and the Jewish organizations who for the most part had gone along with the strategy of no compromise were victorious. The margin of victory was nearly four to one. The Jewish organizations had at least theoretically achieved maximum bargaining strength from which to apply pressure on the Soviets to extract concessions for liberalized emigration. In so doing, however, they tended to lose sight of their diplomatic objective. Philip Baum of the American Jewish Congress said in retrospect, "that victory that we scored was a macho trip for the Jewish community, which is no substitute for statemanship. . . the objective was to maximize the opportunity [for Jews] to leave not to triumph."[273]

Labor, Jackson's other major ally acquired during the House fight, had, in the words of one observer, been "snookered."[274] Ironically, the Jackson-Amendment helped assure passage of the labor-despised trade bill first by the Ways and Means Committee and then by the full House of Representatives. In the Committee mark-up, members were voting for provisions in the trade bill which were counter to labor's view as they assumed that the AFL-CIO would be mollified so long as the Jackson Amendment--championed by Meany--was included.[275] Labor urged the members of the committee not to report the bill. And after they did, the AFL-CIO issued a statement on October 19 which ironically concurred with Kissinger's

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[273]Philip Baum, "Remarks to Synagogue Council of America," September 10, 1975.

[274]Trade Source.

[275]Administration Source.

assessment for different reasons--that the committee bill was "worse than no bill at all."[276] Labor labored hard for the two months before the final vote in the House, but again the attachment of the popular Jackson-Vanik Amendment to the trade bill aided its passage, albeit by a lesser margin than had been recorded for the Jackson-Vanik amendment.

If Meany was chagrined, then Dobrynin personally and the Soviet government generally was positively abashed by the results of the 1973 House battle. The Soviet Embassy and Dobrynin personally were reprimanded by authorities in Russia for not having reported the threat of the Jackson Amendment early enough and accurately enough.[277] There had already been reports published from Moscow that Dobrynin would be posted in Moscow after Brezhnev's trip in June, but that never happened. However, by early November, Anatoly Gromyko, son of Soviet Foreign Minister Andrei Gromyko, and an expert on the United States by virtue of his former position as head of the Foreign Policy Section of the USA Institute, was stationed as a new minister counselor in the Soviet Embassy supposedly to establish another channel of communication back to Moscow to compensate for what was perceived to be a faulty channel in the person of Dobrynin.[278]

As for the Administration, so bungling were they in the House that

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[276]"Resolution on International Trade and Investment Adoprtd by AFL-CIO Convention, October 19, 1973, Congressional Record, November 8, 1973, p. H9778-9.

[277]Administration Source.

[278]Jewish Activist Source. Asked if the Embassy was not reporting enough or accurately, Yuri Shvedkov, another section Chief of the USA Institute answered, "Nobody understood [the] very tough set of demands and conditions. . . . The impression was that Congress is making demands on Jewish emigration. Our reaction was we can deal with this, but it was bigger, larger."

one Ways and Means Committee member was heard to complain, "The Administration didn't fight until after the votes were taken though we warned them nine months ago. . . .The leadership in the White House has not been properly atuned to the problem and not able to lead and so poisoned the well."[279] Little wonder then that a Jackson aide would boast in 1973: "Look at our record. When have we lost?"[280]

Jackson, who had lined up at one time three-quarters of the Senate, was prepared for the 1974 fight in the upper house of Congress.

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[279] House of Representatives Source.

[280] Herman Edelsberg, "Showdown on Soviet Jewry," The National Jewish Monthly, May, 1973, p. 10.

PART IV

THE SENATE AND TRILATERAL NEGOTIATIONS, 1974

"I know the cynicism which surrounds politicians, and I know the cynicism which surrounded the fact that this cause would be taken up because it was a popular political cause. But, . . . the deep proof of whether it is politics or hardened principle . . . is how the matter was resolved."[1]

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[1] Jacob Javits, Congressional Record, December 13, 1974, daily edition, p. S21416.

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