

AMENDMENT TO THE INTELLIGENCE AUTHORIZATION  
ACT FOR FISCAL YEAR 1983

MAY 13, 1983.—Ordered to be printed

Mr. BOLAND, from the Permanent Select Committee on Intelligence,  
submitted the following

REPORT

together with

ADDITIONAL, MINORITY, AND ADDITIONAL  
DISSENTING VIEWS

[To accompany H.R. 2760]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 2760) to amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America, having considered the same, report favorably thereon and recommend the bill do pass with amendments.

AMENDMENTS

The amendments adopted by the Committee are as follows:

On page 2, line 15, strike "or against."

On page 2, line 17, after "(b)", strike everthing through line 18 and insert in lieu thereof the following:

"This section shall take effect upon the date prescribed in the classified annex to the Committee report accompanying this bill."

On page 3, line 14, after "ragua", insert the following: "or any other country or agents of that country."

On page 3, line 21, after "a", insert "friendly".

## OVERVIEW

The Committee's action on H.R. 2760 comes at a time when U.S. foreign policy towards Central America is at the forefront of discussion in the Congress and throughout the nation. Attention has been focused on events in that troubled region not only because of their daily depiction in news reports but because of the President's April 27 address to a joint session of the Congress. As the President so forcefully noted, Central America has a strategic importance to the United States, yet some Central America nations friendly to the United States are now under attack. The danger of a broader regional conflict looms.

The focal point of United States effort in Central America is of course El Salvador. There a strong insurgent coalition threatens the elected government supported by the United States. El Salvador's many troubles have their root cause in the serious economic, social and political shortcomings of the long-entrenched Salvadoran social order. U.S. aid to El Salvador is weighted towards helping to restructure Salvadoran economic, social and political models, but it is a sad fact that such reforms are impractical in a climate of unrest and denial of basic services. Both are caused by the activities of Salvadoran insurgents who, unwilling to limit their attacks to military targets, have launched successful and very damaging attacks on the power, water, and transportation infrastructure of El Salvador.

The success of the insurgents in El Salvador has not been matched by political victories. It is not popular support that sustains the insurgents. As will be discussed later, this insurgency depends for its life-blood—arms, ammunition, financing, logistics and command-and-control facilities—upon outside assistance from Nicaragua and Cuba. This Nicaraguan-Cuban contribution to the Salvadoran insurgency is longstanding. It began shortly after the overthrow of Somoza in July, 1979. It has provided—by land, sea and air—the great bulk of the military equipment and support received by the insurgents.

No U.S. security assistance to El Salvador can ignore this chain of support. However, neither El Salvador nor its close neighbors possesses the capability to interdict arms supplies reaching the insurgents. These nations have neither the financial resources, the know-how, nor the trained personnel to conduct effective interdiction activities in their own territory.

U.S. policy has not been directed at providing these nations with the necessary interdiction capability. Rather encouragement and support has been provided to Nicaraguan exiles to foster insurgency within Nicaragua. The end purpose of this support has been stated to be the interdiction of arms flowing through Nicaragua into El Salvador. It has also been explained as an attempt to force the Sandinista regime in Nicaragua to "turn inward"—away from its support of the Salvadoran insurgency. Later, other goals—"bringing the Sandinistas to the bargaining table" and forcing the scheduling of "promised elections" were added as ends to be achieved.

Those ends have not been achieved. Rather, entirely opposite results have been produced. Sandinista commitment to the Salvadoran insurgents has strengthened. The Salvadoran insurgents themselves have become more, not less, militarily active and may have increased in number. Their activities are well supplied and often well coordinated.

More ominous is that the Sandinistas have stepped up their support for insurgents in Honduras.

In Nicaragua itself, as military clashes between insurgents and government forces have increased, even domestic opponents of the Sandinistas have come to support the government in the face of a U.S.-sponsored threat. The Nicaraguan government has declared a state of siege and assumed martial law powers. This situation only promises to continue. The prospect for real elections seems dim.

Throughout these developments, U.S. diplomacy has been unable to find a formula for discussing with Nicaragua the problem of its attempts to export revolution. First bilateral and now multi-lateral approaches have failed to bring the Sandinistas to point of even admitting its arms trafficking activities. Those negotiations which offer some present prospect of hope for either bilateral or multi-lateral talks emphasize strongly the unproductive and indeed counter-productive nature of outside sponsored insurgencies on the peace process. An observation that seems called for is that if Nicaraguan/Cuban sponsored insurgents will not force the Salvadoran government to negotiate with the insurgents, the same will be true in the case of a U.S. sponsored insurgency and the Nicaraguan government.

The fact of U.S. support for the anti-Sandinista insurgents has had further unfortunate repercussions. Having twice sent U.S. troops to Nicaragua in this century, this country has once again been cast in the role of interventionist. The United States has allied itself with insurgents who carry the taint of the last Nicaraguan dictator, Somoza. It has, in effect, allowed the spotlight of international opprobrium to shift from Sandinista attempts to subvert a neighboring government to a U.S. attempt to subvert that of Nicaragua. If ever there was a formula for U.S. policy failure in Central America, it would involve two elements: (1) acts that could be characterized as U.S. interventionism in Nicaragua; and (2) an alliance with the followers of Somoza. Both characterizations can now be made. The isolation within the international community that Nicaragua should feel has been diminished by this doubly insensitive involvement by the U.S. in Nicaraguan affairs.

As it watched the development of the Nicaraguan insurgency and as members of the Committee concluded that U.S. policy was employing the wrong means to achieve its objectives, the Committee sought alternative solutions to achieve the same ends. It attempted restraints on the range of activities supported by the U.S. Two attempts of this kind were the language of the fiscal year 1983 Intelligence Authorization Act which sought to limit insurgent activity to arms interdiction, and the Boland Amendment, an amendment to the fiscal year 1983 Defense Appropriations Act that prohibited assistance for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

Both proved ineffective as moderate curbs on insurgent activity or U.S. policy. Hostilities within Nicaragua intensified. There was no discernable effect on the arms flow. Throughout, executive branch officials made little effort to mask U.S. support, going so far in April, 1983 as to encourage media discussion.

Faced with these circumstances, the Committee met several times in April, 1983, to consider alternatives. What emerged from these dis-

cussions was a strong consensus on U.S. security interests in Central America and agreement on U.S. goals for the region fully consistent with those later enunciated by the President in his April 27 address. The Committee supplemented its discussions by hearing from Secretary of State Shultz and CIA Director Casey. Some members met with the President.

Following the President's address, the Committee amended and then adopted H.R. 2760. The bill is a twofold approach to the problem of arms shipments from Nicaragua to the Salvadoran insurgents. It would deny funding now and in the next fiscal year for any direct or indirect support of military or paramilitary activities in Nicaragua. Support could continue for a period of time following enactment of the bill, but for the purpose of permitting insurgents who wished to make an orderly withdrawal from Nicaragua. The time period specified is a time certain but remains classified for the protection of those who choose to withdraw.

The second part of the bill proposes an alternative approach to arms interdiction. \$30 million in fiscal year 1983 and \$50 million in fiscal year 1984 would be authorized to be made available to friendly nations in Central America to develop programs or establish the capability to prevent the use of their territory, or international territory, for shipment of military equipment to insurgents in any Central American country. These funds would grant assistance in addition to that already requested for military aid to nations in this region. Assistance necessary to establish capabilities to interdict arms also could require the use of U.S. military trainers or advisors. No assistance provided under this part of the bill could be transferred to insurgents seeking to overthrow or destabilize any government.

H.R. 2760 is a comprehensive approach crafted to fit within existing U.S. policy initiatives, by directly countering the threat of Nicaraguan and Cuban arms support to the Salvadoran insurgents. It addresses the most basic security concern listed by the President—preventing the export of revolution from Nicaragua and Cuba—as it returns U.S. policy to a position from which it can assail this activity without fear of criticism. It thus would turn the tables on the Sandinista regime in Nicaragua. It is their support for revolution that would then bear the brunt of international scrutiny and the renewed criticism of their Latin neighbors. It would place additional pressure on Nicaragua to negotiate within the framework of one of the several regional proposals now being put forward. With the cessation of outside support for insurgents, it would once again allow the internal focus in Nicaragua to shift to political, social and economic problems—and to the accounting that the Sandinistas must give to the people of Nicaragua.

In adopting H.R. 2760, the Committee did not seek to usurp the President's duties as director and expositor of foreign policy. It sought only to change the means of achieving the President's goals—with which it was in agreement. The Committee recognizes that its proposal for arms interdiction assistance is a new variation of U.S. security assistance, and that the program envisioned by H.R. 2760 is an expensive one. Nonetheless, H.R. 2760 is the only comprehensive solution on which the Committee could agree that addresses both the

problem of Nicaraguan and Cuban aggression and an end to U.S. policy failures in Nicaragua.

#### ACTIVITIES OF CUBA AND NICARAGUA

The Committee has regularly reviewed voluminous intelligence materials on Nicaraguan and Cuban support for leftist insurgencies since the 1979 Sandinista victory in Nicaragua. The Committee's review was indicated not only because of the importance of Central American issues for U.S. foreign policy, but because of decisions which the Congress was called upon to make on questions of aid to countries in the region. The Committee has encouraged and supported a full range of intelligence collection efforts in Central America.

Full discussion of intelligence materials in public reports would pose serious security risks to intelligence sources and methods. Necessarily, therefore, the Committee must limit its treatment of Cuban and Nicaraguan aid for insurgencies to the judgments it has reached. Such judgments nonetheless constitute a clear picture of active promotion for "revolution without frontiers" throughout Central America by Cuba and Nicaragua.

The Committee has not come newly to its judgments. On March 4, 1982, after a major briefing concerning the situation in El Salvador, the chairman of the Committee made the following statement:

The Committee has received a briefing concerning the situation in El Salvador, with particular emphasis on the question of foreign support for the insurgency. The insurgents are well trained, well equipped with modern weapons and supplies, and rely on the use of sites in Nicaragua for command and control and for logistical support. The intelligence supporting these judgments provided to the Committee is convincing.

There is further persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents bases of operation in Nicaragua. Cuban involvement—especially in providing arms—is also evident.

What this says is that, contrary to the repeated denials of Nicaraguan officials, that country is thoroughly involved in supporting the Salvadoran insurgency. That support is such as to greatly aid the insurgents in their struggle with government forces in El Salvador.

On September 22, 1982, the Committee released a staff report of its Subcommittee on Oversight and Evaluation entitled "U.S. Intelligence Performance on Central America: Achievements and Selected Instances of Concern." That report noted:

The intelligence community has contributed significantly to meet the needs of policymakers on Central America. Over the last two years perhaps its greatest achievement lies in determining with considerable accuracy the organization and activities of the Salvadoran guerrillas, and in detecting the assistance given to them by Cuba and other communist coun-

tries. Although amounts of aid and degrees of influence are difficult to assess, intelligence has been able to establish beyond doubt the involvement of communist countries in the insurgency.

At the time of the filing of this report, the Committee believes that the intelligence available to it continues to support the following judgments with certainty:

A major portion of the arms and other material sent by Cuba and other communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas.

The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material and propaganda activities.

The Sandinista leadership sanctions and directly facilitates all of the above functions.

Nicaragua provides a range of other support activities, including secure transit of insurgents to and from Cuba, and assistance to the insurgents in planning their activities in El Salvador.

In addition, Nicaragua and Cuba have provided—and appear to continue providing—training to the Salvadoran insurgents. Cuban and Sandinista political support for the Salvadoran insurgents has been unequivocal for years. The Committee concludes that similarly strong military support has been the hidden compliment of overt support. As the Assistant Secretary of State for Inter-American Affairs, Thomas O. Enders, stated (April 14, 1983) to the Committee on Foreign Affairs:

In 1980 (just as in 1978 Castro had brought the three main Sandinista factions together in Havana), Cuban agents brought five guerrilla factions from El Salvador together in Managua, worked out a unity pact among them, then set up a joint command and control apparatus in the Managua area and organized logistic and training support on Nicaraguan soil. Since that time, the great bulk of the arms and munitions used by the insurgents in El Salvador have flowed through Nicaragua.

Another area of serious concern to the Committee is the significant military buildup going on within Nicaragua. The President and other executive branch officials have addressed this subject publicly and exhaustively. Considering the small population of Nicaragua—two and one half million people—and its weakened economic status—such a buildup cannot be explained away as solely defensive. Within the Central American isthmus, it poses a potential threat to its neighbors. The substantial Nicaraguan support for the Salvadoran insurgents offers no assurance that the Sandinistas will constrain their growing military might within Nicaragua's own borders.

Such a conclusion can be extrapolated from those discussions between the United States and Nicaragua about Sandinista support for the Salvadoran insurgents. According to Mr. Enders' April 14 testimony, three such discussions—in August, 1981; in the spring of 1982;

and in October, 1982—have already rendered fruitless U.S. efforts to end Sandinista support for the Salvadoran insurgents. While the Committee has reason to question certain elements of the U.S. negotiating posture, it is certainly clear that Nicaragua, backed fully by Cuba, has committed itself to continue full support for the insurgency in El Salvador.

#### **U.S. POLICY RESPONSE**

The President, in his April 27 address, outlined the basic goals and elements of U.S. policy for Central America. The Committee also has elicited descriptions of U.S. policy in the region. The basic thrust of that policy, as explained to the Committee over a two year period, is to stop the spread of communism by revolution. The threat of communism is embodied in the efforts of Cuba, Nicaragua, and less openly, the Soviet Union itself.

Specific U.S. efforts to defeat communist expansion in Central America are directed at certain changes in regional conditions, but they focus on El Salvador and Nicaragua. By trying to bring Nicaragua into regional negotiations with its neighbors, U.S. policy seeks to realize: regional improvements in democratization; removal of all foreign military advisors; an end to cross border subversion and acquisition of heavy weapons from outside the region; and international monitoring of frontiers.

Congress and the public are more familiar with other U.S. programs of economic and security assistance to Central American nations. El Salvador has been the nation most threatened by insurgency and its military and socio-economic troubles are the most familiar points of concentration in debate about U.S. policy for Central America. There has been a hidden program of Central American policy, however, which has important consequences for the viability of the public aspects of the policy. This hidden program is the nominally covert provision of U.S. support and training to anti-Sandinista insurgents.

The Committee is cognizant of the great amount of news reporting and speculation about the nature of this covert program. The Committee is constrained in addressing these stories, some of which are accurate. Because of security constraints, this report can contain no further information about the actual facts of the program. A report on the program is required in order to understand the recommendations of the Committee embodied in H.R. 2760. The Committee has determined that, in order to protect intelligence sources and methods and the lives of those involved in the program, such a report should be given by the Committee in a secret session of the House. The unanimous decision of the Committee was to request such a secret session in the near future, most probably in connection with House consideration of H.R. 2760. While this report therefore cannot describe the program further, it can provide some outline of the Committee's consideration of the program and the conclusions reached in connection with the Committee's recommendations.

#### **COMMITTEE OVERSIGHT**

From the Committee's first briefing, in December, 1981, on the program to support anti-Sandinista insurgency, serious concerns were expressed by members of the Committee. These concerns went to

the number and tactics of the insurgents to be supported, whether these insurgents would be under U.S. control and the possibility of military clashes between Nicaragua and Honduras.

Five days after this first briefing, the Chairman of the Committee reiterated these concerns in a letter to the principal executive branch briefer. He emphasized that the concerns were shared by members of both parties and asked that they be addressed by senior policymakers. Significantly, he indicated that the Committee would require briefings on the program at regular intervals, a requirement considered important within the Committee because of uncertainties expressed in this letter.

In April, 1982, following several such briefings, the Committee considered the fiscal year 1983 intelligence authorization budget bill. At a mark-up of the bill on April 5, 1983, the Committee considered, but rejected, motions to strike all funds for the program. Instead, the Committee adopted language in the classified annex to the report accompanying the bill that limited the uses to which funds authorized for the program could be applied. The program was to be directed only at the interdiction of arms to the insurgents in El Salvador. Funds in the program were not to be used to overthrow the government of Nicaragua or provoke a military exchange between Nicaragua and Honduras. The committee insisted upon these restrictions in conference with the Senate on the authorization bill and they were retained, with modifications. Responsible executive branch officials were knowledgeable of, and participated in, these revisions. The conference report on the fiscal year 1983 intelligence authorization bill was filed and approved by both Houses in August 1982.

Throughout the period following its April budget markup, the Committee received additional briefings on this program. Then, in December, 1982, an amendment in the House was offered to the FY 83 Defense appropriations bill which would have prohibited any form of support for the anti-Sandinista insurgents. Not without some misgiving, the chairman of the Committee proposed a substitute to that amendment prohibiting support "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras," a restriction identical to that contained in the classified annex to accompany the conference report on the fiscal year 1983 intelligence authorization act.

The substitute amendment referred to above was adopted by the House by a vote of 411-0. In offering the amendment, the Chairman of the Committee noted that it was the duty of the Intelligence Committee to insure that activities involving lethal force did not get out of control.

The effect of the amendment adopted by the House—and subsequently accepted in the conference on the fiscal year 1983 continuing resolution—was to reinforce the restrictions of the fiscal year 1983 intelligence conference report while permitting continuation of the program. At the time of the adoption of the Committee, there was still a belief by the majority of members of the Committee that the program could be restrained within acceptable limits.

Following the enactment of the continuing resolution, the Committee increased the frequency of its briefings on the program. By the time of the first such briefing, however, Committee members were

expressing renewed distress at the number of insurgents supported by the program, the serious nature of fighting then occurring within Nicaragua, and the lack of success in meeting the program's goals. In this period also, executive branch briefers discussed other goals and gave different emphases to the program than those originally described to the Committee.

By the beginning of April, 1983, press accounts of the program's contribution to the anti-Sandinista insurgency, which had been occurring for more than a year, had greatly unmasked any pretense of the program's covertness. Some of these accounts may have been deliberately encouraged by executive branch officials.

By this time also, the question of whether the program was complying with legislative directions was fully before the Committee. In exploring this question, and in reviewing thoroughly the 17 months of the program's operation, the Committee heard from the Secretary of State and the Director of Central Intelligence. A forerunner draft of H.R. 2760 was circulated within the Committee in mid-April. In two meetings of the Committee concerning the program, votes or determinations were deferred, in the last case in order to hear the President's April 27 address to the Congress on Central America. A meeting scheduled the day following this address was also adjourned without decision on H.R. 2760. Finally, on May 3, 1983, the Committee met and ordered reported H.R. 2760, as amended.

#### CONSIDERATION OF AMENDMENTS

The Committee adopted several amendments. The first amendment struck from Sec. 801(a) the words "or against," thus rendering the prohibition on the expenditure of funds in that section a ban on either direct or indirect support for military or paramilitary operations in Nicaragua, instead of "in or against Nicaragua." The Committee did not adopt this change to lessen the effect of section 801(a), but rather to remove any doubt that the section could be read to prohibit acts by a recipient of section 802(b) aid within its own territory or international territory to indirect arms, no matter what the nationality of the arms traffickers. The amendment also served to remove the argument that the section could prohibit the collection by the United States of intelligence about Nicaragua and its provision to any recipient nation. The amendment did not "water down" the prohibitions of section 801(a) because the words "directly or indirectly" still apply to the ban on military or paramilitary operations in Nicaragua. Thus activities outside Nicaragua which have the effect of supporting military or paramilitary operations inside that country are not permitted by section 801(a).

The Committee also adopted an amendment which sets a time period from the enactment after which the provisions of Sec. 801(a) take effect. This period is set forth in the classified annex to this report. The purpose of this amendment was to provide for as orderly a withdrawal as possible of anti-Sandinista insurgents within Nicaragua without providing Nicaraguan forces with the exact timetable for such a withdrawal.

The Committee also adopted an amendment providing that grant security assistance authorized by section 802(b) could be provided to

friendly Central American nations to interdict arms shipments from or through countries other than Cuba and Nicaragua. Lastly, the Committee adopted a clarifying amendment correcting a drafting error.

The Committee considered two other amendments, the first of which would have made the effective date of section 801(a) hinge on the end of Sandinista arms, training, command-and-control or logistical support for the Salvadoran insurgents. The second amendment modified the first to make the effective date of section 801(a) depend on the Sandinistas agreement to a verifiable agreement to cease such support.

This second amendment was debated fully by the Committee. In rejecting it, the Committee did not reject negotiations to stop the export of revolution. The Committee fully supports negotiations—regional or bilateral or both—which seek this end. What it was unwilling to do was to condition an end to support for the anti-Sandinista insurgency upon possible negotiations of the kind which the executive branch has been reluctant to enter into with Nicaragua. The Committee has been disturbed by a lack of vigor in those diplomatic exchanges that have occurred. The Committee doubted the likelihood of Sandinista agreement in the face of what they consider an effort to overthrow them. Members of the Committee made this observation based on the effect this program had had on Sandinista conduct to increase, rather than decrease, support for the Salvadoran insurgents.

Members of the Committee also questioned the willingness of the executive branch to reach agreement with Nicaragua on the issue of a verifiable end to arms shipments. Based on frequent presentations to the Committee, it seemed unlikely that the executive branch would limit its demands to an end of Sandinista support for the Salvadoran insurgents. Present policy also seeks to force internal Nicaraguan political changes and military reductions. The record of failed dialogue with the Sandinista regime is a long one, and although the Committee hesitates to criticize executive branch handling of U.S. diplomatic relations in this area, it must observe that the record suggests a reluctance to modify in any way the present executive branch view of an optimal Central American solution. International perception of U.S. intransigence has further limited U.S. negotiating efforts.

The Committee rejected the amendments in question in the belief that continued support for the anti-Sandinista insurgency is contrary to U.S. interests. It strengthens internal and international support for the Sandinista regime; undermines the reputation of the United States abroad by calling into question U.S. support for the principles of international law; and polarizes this nation on foreign policy. This makes it very difficult to gain support for funding a strong U.S. posture in Central America, particularly in El Salvador, the real cockpit of action in the region.

#### COMMITTEE JUDGMENTS

Although the Committee must curtail severely its discussion, judgments concerning the program of support for the anti-Sandinista insurgency are necessary as a base from which to discuss the recommendations of H.R. 2760.

In its final review of the program, the Committee asked three questions:

Is the program consistent with the law and with the direction of the Congress?

Is the program a wise one?

Is the program successful?

While individual members give different emphasis to each of these questions, the following answers can be given.

As to the first question, the law says that the program may not have the purpose to overthrow the government of Nicaragua or provoke a military exchange between Nicaragua and Honduras. The fiscal year 1983 intelligence authorization conference report directs that funds may be used only for the purpose of the interdiction of arms. The Committee has reached the point where it is unwilling to assure the House that the present program meets both these requirements. The reasons for this judgment are as follows:

The activities and purposes of the anti-Sandinista insurgents ultimately shape the program. Their openly acknowledged goal of overthrowing the Sandinistas, the size of their forces and efforts to increase such forces, and finally their activities now and while they were on the Nicaraguan-Honduran border, point not to arms interdiction, but to military confrontation. As the numbers and equipment of the anti-Sandinista insurgents have increased, the violence of their attacks on targets unrelated to arms interdiction has grown, as has the intensity of the confrontation with Sandinista troops.

These groups are not controlled by the United States. They constitute an independent force. The only element of control that could be exercised by the United States, cessation of aid, is something that the executive branch has no intention of doing.

*vs & b/w*

There are certainly a number of ways to interdict arms, but developing a sizable military force and deploying it in Nicaragua is one which strains credibility as an operation only to interdict arms.

Finally, and most importantly, the program has not interdicted arms. While this goes as much to whether the program is effective—the third question posed by the Committee—it also bears on compliance, if only because the only real results have been a challenge to the regime and heightened tensions with Honduras. In 18 months the Committee has not seen any diminishment in arms flow to the Salvadoran guerrillas, but rather repeated border clashes followed recently by heavy fighting well inside Nicaragua. In the process, innocent lives have been lost.

The second question is—is this wise? The Committee is forced to respond in the negative. Inflicting a bloody nose on nations achieves a purpose no different with nations than with individuals. It tends to instill a deep desire to return the favor. The Sandinistas are no different. Their policies have not softened. They have hardened. Eden Pastora, the former Sandinista "Commandante Zero," and now an opponent of the Sandinistas, has said that this program helps the Sandinistas in power. It tends to bind the Nicaraguan population—even those with little enthusiasm for the Sandinistas—together against the threat of attack. It is the best guarantee that the free elections the executive branch says it wants will not take place, and that the Cuban influence it seeks to diminish will grow.

Besides that, however, this is no longer a covert operation. The public can read or hear about it daily. Anti-Sandinista leaders acknowledge U.S. aid. Executive branch officials—in both official and unofficial statements—have made no secret of the elements of the program.

Finally, the Central Intelligence Agency, which until recently had a right to feel that it had regained some of the public confidence lost during the period of the mid-70s, is once again the subject of public scrutiny. It is being asked to continue an action whose principal elements are known to all the world. This again offers much food for propaganda to the Sandinista regime. It hurts the CIA, which is merely executing policy. It has put CIA witnesses—who do not make policy—in the increasingly uncomfortable position of trying to sell the program to an increasingly skeptical Congress.

The last question is—has this operation been successful? Some reasons listed above go to why the Committee believes the program has been counterproductive—why it achieves the very results the executive branch seeks to prevent—but the acid test is that the Salvadoran insurgents continue to be well armed and supplied. They have grown in numbers and have launched more and longer offensives. All this requires an uninterrupted flow of arms.

What also have increased, of course, have been even larger and more serious military exchanges between the paramilitary groups and Nicaraguan forces. The Committee does not view these exchanges as having impeded the arms flow. In fact, as they increase, there is an exponential growth in the loss of innocent life and the added possibility of clashes between Honduran and Nicaraguan troops. Neither results are legitimate nor justifiable.

A closing but timely note to these judgments can be made from the report of the Senate Select Committee To Study Government Operation With Request To Intelligence Activities (the Church Committee). In its discussion of paramilitary programs like the one that is the subject of this report, the Church Committee observed:

There are two principal criteria which determine the minimum success of paramilitary operations: (1) achievement of the policy goal; and (2) maintenance of deniability. If the first is not accomplished, the operation is a failure in any case; if the second is not accomplished, the paramilitary option offers few if any advantages over the option of overt military intervention. On balance, in these terms, the evidence points toward the failure of paramilitary activity as a technique of covert action.

The above discussion sets forth how the Permanent Select Committee on Intelligence answered the questions it has posed, but a solution is also called for. No member of the Committee believes that ending support for the anti-Sandinista insurgency will by itself induce a corresponding end in Sandinista support for the Salvadoran insurgents. The Committee does not wish to impose a unilateral restriction on U.S. policy. Rather, it seeks to end an ineffective program which does real harm to the image of the U.S. as a defender of democratic, peaceful change. That ineffective program must be replaced by a scheme of security assistance with direct U.S. participation, openly

offered and received, that aims to create a capability among friendly nations where none now exists.

The Committee has been told that an end to the program of support for the anti-Sandinista insurgency could cause a cataclysmic reorientation of nations friendly to the United States. Those nations, this Committee has been warned, would seek accommodation with Nicaragua and Cuba in the face of a failure of will by the United States. Floods of refugees would flock to the United States because of the Committee's recommendation.

The Committee finds these arguments lacking in merit, for its recommendation would replace the present "covert" program with open commitments, backed by substantial amount of aid, to provide its friends in the region the means to keep their borders secure. That is a reaffirmation—and a stronger one—of U.S. commitment than conducting a secret war. The United States has a substantial stake in Central America, which the President has set forth to the nation. For the price of a somewhat larger security assistance program, U.S. foreign policy can regain the high, firm ground it must maintain to bring the scrutiny of world opinion upon Nicaraguan and Cuban adventurism in Central America. Such scrutiny—and its self-interest in strong economic relations within a prosperous Central America—are what will bring Nicaragua to the bargaining table.

The Committee, of course, can only recommend the favorable adoption of the security assistance program proposed by H.R. 2760. That power lies with the Committee on Foreign Affairs, which must reconcile the bill with the full U.S. range of assistance in Central America. The Committee feels compelled to note, however, that Sandinista support for the Salvadoran insurgents continues to be important for the continuation of that insurgency. To ignore this key link is to provide an important military edge to these insurgents. Ending the U.S. program supporting anti-Sandinista insurgency will not alone change this aspect of Sandinista policy. The Committee agrees with the executive branch that U.S. commitment to its friends in Central America must be seen as strong and enduring. Such commitments balanced by economic assistance and political reform, and coupled with one or more of the peace initiatives now being advanced within the region, offer the only real prospect of preventing the export of revolution. The United States must therefore cease providing its adversaries the specter of another "Bay of Pigs," of renewed Latin interventionism, and restructure its support for democracy in Central America. The discussions now sponsored by the Contadora group of nations presently offer the best framework for restructuring the U.S. approach to Central America along these lines. Such an effort should be encouraged and then implemented.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 801(a)*

This subsection prohibits the obligation or expenditure of any funds appropriated in either fiscal year 1983 or fiscal year 1984 to the Central Intelligence Agency or any other part of the United States government involved in intelligence activities intended for, or resulting in, directly or indirectly, support for military or paramilitary operations in Nicaragua by any foreign country or by any group, or-

ganization, movement, or individual. Because the prohibitions apply to any obligations or expenditures which directly or indirectly support military or paramilitary operations by those entities in Nicaragua, it prohibits support of entities located outside Nicaragua which operate within the territory of Nicaragua. Even indirect support, such as training, which is provided exclusively outside Nicaragua, but which is given in preparation for military or paramilitary activity in Nicaragua, is prohibited.

At the same time, section 801(a) does not prohibit the collection, production, or analysis of intelligence by U.S. intelligence elements, nor the provision of such intelligence to friendly foreign countries, as long as such activity does not support military or paramilitary operations in Nicaragua by any foreign nations or other entity.

In time of war, or in the case of a commitment of U.S. military forces during a period covered by a report from the President under the War Powers Resolution, support for military or paramilitary operations to compliment those by U.S. forces may be appropriate. Such might be the case if Honduras or Costa Rica were attacked by Nicaragua. In such an event, the President would no doubt request a relaxation of the strictures on foreign insurgencies. Such an adjustment undoubtedly would be accomplished expeditiously.

It is also important to note that this section in no way limits the ability of the United States to provide assistance—under section 802 or any other provision of law—which would help any friendly Central American nation in policing its sovereign territory. Thus, U.S. military or other assistance to any such country could be used within its borders or in international territory to defend that country or to prevent the use of its territory by those who seek to illegally tranship arms or materially support uprisings against it.

#### *Section 802(b)*

This subsection provides that subsection (a) shall take effect at a time certain after the date of enactment of the bill. The period of time is set forth in the classified annex accompanying the bill. The time period is estimated by the Committee to be a reasonable time for the orderly withdrawal of forces whose logistical support would be cut off by the action of subsection (a). The specific time period is classified so as to forestall hostile military action against such forces during or towards the end of the period in question. Thus, it is hoped that withdrawal can be accomplished in a less vulnerable fashion than might result if the withdrawal period were known publicly.

#### *Section 802(a)*

This subsection states that it is the finding of Congress that, absent a state of war, providing military equipment to entities seeking to overthrow Central American governments is a violation of international law, including the Charters of the United Nations and the Organization of American States, and the Rio Treaty of 1949; and that Cuba and Nicaragua are engaged in such actions, which threaten the independence of El Salvador and threaten to destabilize all of Central America; and that Cuba and Nicaragua refuse to stop such actions. These findings are borne out by the facts set forth in the body of the report.

*Section 802(b)*

This subsection authorizes the President to provide to any friendly Central American country grant security assistance specifically designed to assist such country to acquire the capability to prevent the transfer of military equipment from or through Cuba or Nicaragua or any other country or its agents which the President decides is intended to be used to overthrow that or any other Central American government. The President sets the terms and conditions of such assistance and is also required to determine which entities or individuals seek to overthrow the government of any Central American nation. The President may delegate his responsibilities under this subsection. The Committee would expect that the Secretary of State would be the appropriate official should the President do so.

The grant assistance authorized by this subsection must be openly provided. It is, as such, another form of U.S. security assistance, although perhaps unique in its purpose. Such assistance therefore should be administered and reported to Congress, as far as possible, in the same manner as other U.S. security assistance programs. The subsection specifically prohibits attempts to conceal U.S. sponsorship of the assistance programs contemplated by this bill.

The Committee understands that the types of grant assistance which could be offered under this subsection cover a broad spectrum. Such assistance may include, but is not limited to, support for detection, tracking, blocking or preventive action by recipient nations to help prevent arms trafficking through their territory or international territory. In the first category—detection efforts—would be included the purchase of sensors, surveillance or reconnaissance equipment, training in their use, and the operation of such equipment.

The second category—tracking efforts—could embrace the purchase of radar or other intelligence collection equipment, training or advice on its use or in other tracking efforts, as well as operations involving implementation of this equipment and training.

The third category—blocking efforts—could include erection of barriers or other engineering devices, and advice or training in the erection and use of such devices.

The last category—preventive action—would take into account any border patrol or interdiction-type missions, training or advice in the development of such techniques, and any military, police, customs, or other activities that serve the purpose of preventing arms trafficking. This category could also include any efforts to support multi-lateral or bilateral, verifiable, and reciprocal agreements to bring about a halt in the fighting in Central America. An example in this last area might be the kind of international policing force recently requested by Costa Rica from the Organization of American States. U.S. assistance under this subsection could be used by Costa Rica to defray the cost of maintaining such a force.

The Committee feels that such agreements offer the best hope for curbing externally-supported insurgencies and wishes to endorse and encourage the concept of a regional peace initiative.

A friendly foreign country is understood by the Committee to be a country considered by the President to be a country friendly to the United States at the time the President decides to furnish assistance under this subsection to that country.

The Committee expects that much of the assistance—particularly training, technical assistance or advice—provided under the authority of this subsection could involve the use of U.S. military personnel. It should be emphasized that, since the program of assistance envisioned by this subsection is intended to supplement other types of security assistance, any outstanding restrictions on the numbers of U.S. military advisors permitted within a recipient country would constrain significantly the efficacy of that program. Accordingly, any such restrictions should be reviewed by the Committee on Foreign Affairs with this in mind.

The Committee is also compelled to note that the Secretary of Defense has indicated that, in his view and that of the Joint Chiefs of Staff, the goal of providing friendly Central American nations with the capability—which they would then exercise—to effectively interdict the Nicaraguan/Cuban arms flow through their territory contemplated by this subsection may be very difficult to achieve. Nonetheless, the aim of the programs to be established by subsection (b) is to provide—through initial training, assistance, and advice—recipient nations with the capability to eventually do the task of arms interdiction on their own. This is why the bill authorizes funds only for fiscal year 1983 and fiscal year 1984. The Committee intends that this program be reviewed before continuation in later years so that questions like the number and need for U.S. military advisors can be revisited by the Congress. In other words, the Committee views the capabilities transfer authorized by this bill to be a transfer process which will at some point in the foreseeable future no longer require direct U.S. assistance or training.

#### *Section 802(c)*

This subsection conditions the provision of any U.S. assistance to any friendly Central American nation upon the stipulation of that country that it will not use any such assistance to destabilize or overthrow the government of any other Central American nation or provide any such assistance to another nation, individual, or entity that seeks to destabilize or overthrow the government of another Central American nation.

The Committee wishes to emphasize that activities by any recipient nation within its own territory to defend itself or prevent the use of such territory for the transfer of military equipment intended to be used to overthrow any Central American government does not fall within the concepts of destabilization or attempting to overthrow another government. Rather, such activity, or actions clearly incidental thereto, is self-defense or the exercise of a police power which is the right of any sovereign nation. This is true even if the individuals affected by such defensive or policing actions are nationals—even military personnel—of another nation.

In time of war, the same will also hold true. As long as a recipient nation's efforts are to defend itself and its territory, it cannot be considered to be attempting to destabilize or overthrow another country's government. Rather, its efforts would be aimed at the defeat of another country's military forces, not the overthrowing of that country's government. Numerous modern examples—Turkish action in Cyprus, Israel's incursion into Lebanon, and Britain's recovery of the Falk-

land Islands—serve to reinforce this point. The Committee intends, in short, that this subsection be interpreted in the same vein as are comparable provisions of the Foreign Assistance Act and the Arms Export Control Act. Therefore, when questions arise as to the nature of activities or anticipated activities engaged in by recipient nations, what is called for are consultations and clarifications with recipient nations. The reports of any U.S. advisors involved in assistance programs contemplated by this bill can assist in such discussions.

#### *Section 802(d)*

This subsection would require the President to provide to Congress an unclassified report describing the nature of assistance proposed to be provided to a particular foreign country under subsection (b). Such reports are required to be provided at least 15 days prior to the actual provision of such assistance, thus allowing for congressional inquiry about the proposed aid.

While the report required by the subsection is the only one stipulated by the bill, the Committee expects that the Committee on Foreign Affairs will from time to time require information from the executive branch so as to review the progress and accomplishments of assistance programs in recipient countries. Such oversight, as well as reviews by the Committee on Appropriations, is necessary to ensure successful implementation of arms interdiction assistance. Budget requests beyond fiscal year 1984 would require the preparation of justification materials similar to those provided for other security assistance programs.

#### *Section 802(e)*

This subsection authorizes appropriations in fiscal year 1983 of \$30 million and in fiscal year 1984 of \$50 million for the provision of the assistance proposed by the bill.

Two aspects of these figures require comment. First, the Committee recommends the sum of \$50 million in fiscal year 1984 principally on the basis of a full year's comparable expenditures in a number of related areas. This estimate also allows for inflation and a modest margin of unforeseen cost escalation. Thus the figure represents the Committee's rough estimate of what a comprehensive arms interdiction assistance program would cost, but is based upon what ongoing comparable efforts would amount to in fiscal year 1984.

While the Committee's cost estimates are rough ones, it is clear that some endeavors appropriate for arms interdiction in the rough jungle terrain of Central America will be expensive. Two such approaches the Committee feels have merit are radar and barrier fencing.

Much of the arms now flowing from Nicaragua to El Salvador has in the past gone via small planes or helicopters. The necessary radar equipment to acquire and track such air traffic is expensive. For instance, the TPS-43, the radar system now in Honduras, is the same radar used by the Argentine forces at Port Stanley during the Falkland Islands conflict. That search and surveillance radar, with an effective range of 300 miles, costs \$10 million with necessary support equipment and requires 20 trained personnel for its operation.

In the area of fencing, it is apparent that in discrete areas where such barriers can be effective, it will take miles of fencing to cordon off key land supply routes. The Committee does not contemplate

fencing entire borders. Nonetheless, a single fence line constructed in the United States can cost \$168,000 per mile on level ground; the cost of a double fence could escalate to \$227,000 per mile. The Committee would anticipate that costs for similar fencing in the often rough terrain in Central America could be similarly expensive.

For the fiscal year 1983 figure, the Committee has estimated that a half year's effort would be provided, assuming approval of the bill within a reasonable time. The additional \$5 million represents an estimate of up-front logistical, equipment, and transportation costs that likely would arise with the initiation of such a program in fiscal year 1983.

The second point to be made is that the Secretary of Defense has indicated to the Committee that an effective interdiction program in Central America may be more costly than contemplated by the bill. The Committee, as of the time of the filing of this report, was attempting to seek further clarification of this statement.

Further details of the cost estimates in fiscal year 1983 and fiscal year 1984, as well as the letter of the Secretary of Defense, are included in the classified annex to this report.

#### COMMITTEE POSITION

On May 3, 1983, the Permanent Select Committee on Intelligence, a quorum being present, approved the bill with amendments and ordered it favorably reported by a recorded vote of 9 to 5.

#### OVERSIGHT FINDINGS

With respect to clause 2(l)(3)(A) of Rule XI of the House of Representatives, the Committee has held extensive briefings, hearings, and meetings regarding the nature and conduct of intelligence activities that would be affected by this legislation. This review and the recommendations of the Committee are summarized in the body of this report and its classified annex and will be further amplified in a secret session of the House of Representatives at an appropriate time in the future.

#### FISCAL YEAR COST PROJECTIONS

With respect to clause 2(l)(3)(B) of Rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not provide new budget authority or tax expenditures. The Committee estimates, pursuant to clause 7(a)(1) of Rule XIII of the House of Representatives, that the outlays which will occur in fiscal year 1983 will not exceed \$30 million and that outlays which will occur in fiscal year 1984 will not exceed \$50 million. This bill does not authorize expenditures beyond fiscal year 1984 and the Committee would anticipate that additional legislation would be required if expenditures beyond fiscal year 1984 are necessary. The executive branch has not submitted any budget estimates with which the Committee can compare its own estimates.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to clause 2(1)(3)(C) of Rule XI of the House of Representatives, the Committee has received no report from the Congressional Budget Office.

## RECOMMENDATION OF THE COMMITTEE ON GOVERNMENT OPERATIONS

With respect to clause 2(1)(3)(D) of Rule XI of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject of the bill.

## INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the House of Representatives, the Committee has attempted to determine the inflationary impact of the bill.

The Committee finds no adequate method to identify the inflationary impact of the bill. Further, the bill does not provide specific budget authority but rather an authorization for appropriations. Hence, any inflationary impact would depend on the amounts actually appropriated and the strain that short supplies of materials, production capacity, or other economic resources would place on industrial capacity or financial markets.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter printed in italic, existing law in which no change is proposed is shown in roman) :

### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983

#### TITLE I—INTELLIGENCE ACTIVITIES

\* \* \* \* \*

#### ***TITLE VIII—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AU- THORIZATION OF OVERT INTERDICTION ASSISTANCE***

#### ***PROHIBITION ON COVERT ASSISTANCE OR MILITARY OPERATIONS IN NICARAGUA***

*Sec. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.*

(b) This section shall take effect upon the date prescribed in the classified annex to the Committee report accompanying this bill.

**AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE**

**SEC. 802. (a) The Congress finds that—**

(1) in the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949; and

(2) such activities by the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central American region, and the Governments of Cuba and Nicaragua refuse to cease those activities.

(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to the government of any friendly country in Central America in order to provide such country with the ability to prevent use of its territory, or the use of international territory, for the transfer of military equipment from or through Cuba or Nicaragua or any other country or agents of that country to any individual, group, organization, or movement which the President determines seeks to overthrow the government of such friendly country or the government of any other country in Central America. Assistance under this section shall be provided openly, and shall not be provided in a manner which attempts to conceal United States involvement in the provision of such assistance.

(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will not use any assistance provided by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.

(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which describes the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

(e) There is authorized to be appropriated to the President to carry out this section \$30,000,000 for the fiscal year 1983 and \$50,000,000 for the fiscal year 1984.

## ADDITIONAL VIEWS OF HON. DAVE McCURDY

There is a compelling case for continued American involvement in Central America, and I fully support President Reagan's request for additional military and economic aid to our allies there. At the same time, I am seriously concerned about the direction our present involvement is taking. The Administration has been disingenuous in maintaining that the sole purpose of its covert assistance is to halt the flow of weapons into Nicaragua. In doing so, it has seriously damaged prospects for Congressional approval of overt as well as covert aid.

Covert activity should be a tool of overall policy, not a substitute for it. But it has not been demonstrated to me that our government has a well thought out policy with respect to Nicaragua. As a supporter of the President on much of his defense posture, and as one who believes that the President is our chief national spokesman on foreign affairs, I was willing to give him the benefit of the doubt throughout the Committee's deliberations on this bill. Had he been willing to impose reasonable restrictions on covert operations within Nicaragua—in order to prevent indiscriminate attacks on civilian and economic targets, for example—and had he shown some good faith efforts in negotiating with the Nicaraguan government, it might have been possible to develop an alternative to the Committee bill. On three separate occasions, however, the highest officials in the Administration rejected direct offers of compromise. Just one week after he told a Joint Session that "Congress shares both the power and the responsibility for our foreign policy," the President publicly reiterated his refusal to accept any conditions on U.S. assistance.

Valid objections can be made against the first section of the Committee bill, which prohibits covert action within Nicaragua. The Sandinista government poses a clear threat to the security of its neighbors and to the United States. With help from the Soviet Union and Cuba, it is supplying aid and arms to rebel factions in El Salvador, and is attempting to export Marxist revolution throughout Central America. These considerations, however, are not sufficient to warrant giving the Administration carte blanche for the unlimited arming and equipping of thousands of anti-Sandinista troops whose aim is to overthrow their country's government. At best, it is hypocritical for us to condemn subversion in El Salvador and encourage it in Nicaragua. The recent slayings of a West German physician and twelve of his helpers near the Honduran border prove all too convincingly that such activity is not being restricted to military targets.

We should have learned from our experience in Southeast Asia that without a clearly defined policy, without public support for that policy, and without realistic limits on the use of force, we can easily be sucked into a bottomless pit. As Machiavelli wrote, "Wars are begun at will but not ended at will." Anti-Sandinista leaders them-

selves have said that a point has been reached, or soon will be, at which there is no turning back and the war cannot be stopped.

I hope the overt interdiction assistance outside of Nicaragua that is authorized in the second section of the Committee bill will help reduce the risk of open war, but it is not a solution to the underlying problem. We must begin serious regional talks to find that solution. More than one-quarter of a billion people live in Latin America; Nicaragua, a nation of fewer than three million people, cannot stand alone. Regrettably, the United States has lost what leverage it may have had with the present regime in Nicaragua. Nevertheless, we should continue to urge the Nicaraguan government to call for free elections and a free press, as we must continue to encourage the growth of democratic institutions in El Salvador and other countries in the region. We should be under no illusion that these goals can be accomplished quickly, or by economic assistance alone.

Unless the President and Congress can work together, we risk damaging our relations with other Latin American countries. Regardless of the fate of this particular legislation, I urge the President to make good on his commitment to "lay the foundation for a bipartisan approach to sustain the independence and freedom of Central America."

DAVE McCURDY.

## ADDITIONAL VIEWS OF HON. LOUIS STOKES

Although I support fully the recommendation of section 801 to cut off any funds for military or paramilitary activity in Nicaragua, I have serious reservations about the committee's advice to the Committee on Foreign Affairs that it should authorize additional foreign assistance funds for arms interdiction by nations in the region.

I understand that the thrust of H.R. 2760 is to provide a comprehensive approach to the question of Nicaragua, both its efforts to arm the Salvadoran rebels and the insurgency which our country has supported against Nicaragua. I agree with the positive, bipartisan spirit that underlies this approach. Where I part company with the approach of H.R. 2760 is in the judgment underlying section 802, that more foreign assistance funds will be either effective or helpful to the people of the region.

My expectation, and that of my colleagues supporting H.R. 2760, is that the principal recipients of interdiction aid are likely to be El Salvador and Honduras. It is unclear to me that these nations, utilizing border patrols or even sophisticated detection and surveillance equipment, will stem the flow of arms through the extremely rugged terrain along much of the Honduran-Nicaraguan border. The activity of the Salvadoran insurgents hasn't been stopped by efforts to date and there is no reason to expect they will be appreciably affected by the as-yet-undefined efforts contemplated by H.R. 2760.

More importantly, both El Salvador and Honduras are underserving recipients of the significant amounts of aid proposed. In the case of El Salvador, the abuse of human rights goes on. The most helpful sign to which the administration can point at present is an abatement in the numbers of murders in that country.

The Salvadoran judicial system is not known for meting out justice. Its accomplishments lie in protecting from the reach of justice those who abuse justice and deny it to others. Underlying this aspect of Salvadoran society seems to be a genuine apathy to an incredible, harmful profusion of killings and torture—not just of U.S. citizens—but of thousands of fellow Salvadorans.

The Salvadoran military today poses as real a threat to the hoped-for reinstitution of democratic government as it ever has to the rebels. Salvadoran officers are running a 9-to-5 war in which the momentum is shifting to the rebels because of the way the military treat innocent bystanders and civilians. Often army units terrorize the population in a way that the rebels never do.

Finally, Salvadoran commitment to basic social and economic justice can also be questioned. The land reform program does not present as rosy a picture to Salvadoran peasants as President Reagan paints.

If El Salvador were to receive additional aid under H.R. 2760, it would go to the military. In light of what I believe the situation to be at the moment, the use of which the Salvadoran military will

put this money will not help solve the problems which I enumerate. Until they begin to do so, I will not support new military aid to El Salvador.

In Honduras, it is U.S. policy to encourage the nascent return to democratic, civilian rule. Already the tension caused by the insurgency launched from the Honduran territory against Nicaragua, while threatening peace between the two countries, seems to increase daily the strength and influence of the military.

I am concerned that the emerging democratic forces in Honduras could become overwhelmed by the military if we pump in more military aid. I fear more security assistance will not further strengthen Honduran democracy, but only the military who so long have ruled this country.

Because I believe that H.R. 2760 represents a sincere and comprehensive attempt to answer the problems posed by Nicaraguan support for Salvadoran rebels, and because I know the bill would go to the Committee on Foreign Affairs, I voted for the bill. I commend Chairman Boland and my colleagues who support the bill but I urge my colleagues who serve on the Committee on Foreign Affairs to most carefully weigh the questions I pose and those that will occur to others as they examine this proposal.

Clearly, the most important part of the bill is ending covert assistance to insurgents seeking to overthrow the Government of Nicaragua. Nicaraguan problems are their own and the United States has no business bullying them into compliance with a U.S. version of democracy. The United States should move slowly in this region and with a full realization of the memories Central Americans have of past U.S. intervention and the pitfalls that lie in the modern versions of that same course.

**LOUIS STOKES.**

## MINORITY VIEWS ON H.R. 2760

The problems which confront Central America are extremely complex. There are no easy answers and there is no panacea to the region's problems. We are of the opinion that H.R. 2760 does not adequately address these complexities.

In recent days focus on a few areas of disagreement may have overshadowed a most important and significant point about which this Committee finds itself in substantial, if not total agreement. First, we wish to strongly associate ourselves with the findings in the Committee report regarding the activities of Nicaragua and Cuba. There is incontrovertible and convincing evidence that Nicaragua is aiding the efforts of guerrilla insurgents to overthrow the government of El Salvador. We agree wholeheartedly with the Chairman's statement of March 4, 1982, "that there is further pervasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents (in El Salvador). They are further providing the insurgents bases of operations in Nicaragua. Cuban involvement especially in providing arms is also evident." Additionally, the Chairman stated that "contrary to the repeated denials of Nicaraguan officials, that country is thoroughly involved in supporting the Salvadoran insurgency. That support is such as to greatly aid the insurgents in their struggle with the government forces in El Salvador." We are in absolute agreement with the conclusion of the Committee report with regard to the actions of Nicaragua and Cuba. We, too, are convinced—

That Nicaragua is exporting revolution in Central America and contributing to the destabilization of the entire region;

That there is a disturbing and significant military buildup going on in Nicaragua;

That Nicaragua poses a serious threat to all its neighbors in Central America; and

That the substantial Nicaraguan support for the Salvadoran insurgents offers no assurance that the Sandinistas will constrain their growing military might within Nicaragua.

It should be abundantly clear to even the most skeptical of individuals that the Sandinistas consider their commitment to Cuba far more important than their commitment and promises to the Nicaraguan people.

### COMPLIANCE WITH THE (BOLAND AMENDMENT) LAW

We feel it should be noted that, however well intended, the origination of H.R. 2760 was predicated on the assumption that the Administration was not complying with the spirit and intent of the Boland Amendment. Concerned about this allegation, we have reviewed the Committee transcripts and the legislative history created on the House

floor and are convinced that there has been no violation of the law. First, the House voted on a proposal which would have denied funds for the purpose of carrying out military activities in or against Nicaragua. That proposal was defeated. Secondly, the House voted on a proposal which would have denied funds to groups or individuals known by the United States to have the intent of overthrowing the Nicaraguan government. That, too, was defeated. There should be no doubt that the House, objected to a prohibition of funds based on the intent of the groups or persons receiving the funds. In the other body, a similar amendment was rejected which would have prohibited funds in support of regular military forces or paramilitary groups operating in Central America. If either of these proposals had been adopted, U.S. aid to the anti-Sandinistas would have been illegal. However, neither amendment prevailed. The substantially different language proposed by Chairman Boland was approved by a vote of 411 to 0. We hope to share with the House in a secret session additional classified documentation reflecting the Committee's understanding of the consequences of the Boland language. The wording of the Boland amendment on its face, in our view, clearly allows aid to the anti-Communist guerrilla forces in Nicaragua for purposes other than overthrowing the Sandinistas, which the other amendments would have barred. The Boland amendment was a compromise which did not contemplate a total prohibition against our U.S. presence in Central America.

One may wish to argue with the U.S. policy determination in this matter or wish to change our policy altogether but we think one should begin with the premise that the President has not violated either the spirit or the letter of the law.

#### NEGOTIATIONS

The United States' relations with the Sandinista/Nicaragua government had tenuous beginnings. Despite the initial misgivings, the United States and Nicaragua recognized the mutual benefits of good relations and significant efforts at negotiations have been made. The Carter Administration adopted a policy of "friendly cooperation" and included the provision of "effective and timely assistance." The previous administration urged that the Nicaraguan revolution should be judged by its actions and that the change in government was a matter of loss of confidence in the former incumbent government rather than the work of the Cuban-Soviet based intervention. Based on that assumption from July to September 1979 the U.S. provided a total of \$24.6 million in emergency relief and recovery aid to Nicaragua. By January 1981, direct U.S. assistance to the national government of Nicaragua totaled \$118 million and, in that timeframe, multilateral lending institutions also provided an additional \$262 million in aid from the Inter-American Development Bank. The last administration had hoped that through our encouragement and economic assistance the Nicaraguan government would transform itself from a revolutionary exporter to a free and democratic society by using the U.S. aid to bolster the private sector.

In September 1980 President Carter certified to Congress that Nicaragua was not supporting violence or terrorism in Central

America, thus meeting the requirements of section 533 of the Foreign Assistance Act. At that point in time, several Members of Congress asserted that in making the certification, the President was ignoring our intelligence reports which indicated that the Nicaraguan government was assisting the leftist Salvadoran guerrillas. After several months of reviewing the facts, the Carter Administration reversed itself and decided that evidence warranted the cutoff of the remaining aid and quietly suspended disbursement of the funds in late 1980.

This administration, following on the heels of the previous administration's actions, reviewed this situation once again prior to revoking the section 533 finding. Only after well-documented evidence of Nicaraguan assistance to the Salvadoran guerrillas did this administration suspend disbursement of funds. On April 1, 1981, the U.S. claimed that the Nicaraguans were providing political and logistical help to the Salvadoran guerrillas. Because of the deterioration of the relationships of the two countries, in August of 1981 Assistant Secretary of State Thomas O. Enders visited Nicaragua in an attempt to negotiate with the Nicaraguans. This administration conveyed to the Nicaraguan government at that time that the U.S. was willing to resume aid if certain conditions were met; the most basic of these conditions being that the Nicaraguan leaders cease their support of guerrillas in El Salvador. Also discussed at that time was the United States' desire that Nicaragua stop its military buildup and guarantee political pluralism. The Sandinista government made no substantive response to the American overture and, after a very brief period, the Sandinista government revealed their answer in continuing support for the Salvadoran guerrillas.

On March 23, 1982, Honduras presented a six-point regional peace plan calling for, among other things, a halt to the arms trafficking and mutual pledges of nonintervention. Nicaragua made no substantive response. Again, April 1982, U.S. Ambassador Anthony Quainton delivers an eight-point proposal to reduce tensions which included a joint pledge of noninterference and called for the end to Nicaraguan support for insurgencies. The Nicaraguan government responded but did not address the U.S. plan. Again, October 4, 1982, in a multilateral call for negotiations, eight regional democracies set forth the essential conditions for peace in Central America. Nicaragua refused to discuss conditions. On February 24, 1983, Costa Rica, Honduras, El Salvador, and Guatemala offered a meeting of regional foreign ministers, including Nicaragua, to discuss resolution of conflict in Central America. The five other Latin states would also attend the meeting as observers and the U.S. was not to be a participant. Nicaragua did not respond. Finally, in late April all five Central American countries, including Nicaragua, attended a meeting sponsored by the Contadora foreign ministers (Mexico, Panama, Venezuela, and Colombia). Nicaragua refused to participate in any multilateral negotiations.

During the period in which bilateral and multilateral negotiation attempts were initiated, the anti-Sandinista opposition groups were also trying to open a dialogue with the Sandinista government. There have been numerous other attempts, public and not so public, to bring the Nicaraguans to the negotiation table without success. There should be no doubt that this administration and other Central American governments have endeavored, and will continue to endeavor, in good

faith to negotiate a peaceful cessation of the hostilities in Central America.

It has only been recently, and partially due to our successful efforts to interdict arms supplies from Nicaragua and to force the Nicaraguans to turn internally and seek solutions to their own problems, that we have been successful in communicating to the Nicaraguans that we are serious about our commitment to support stable, peaceful governments in the region. Our willingness to make the point that the Nicaraguan/Cuban influenced government will not be allowed to operate freely in imposing their will upon other countries, now offer some real and present prospect of hope for either bilateral or multi-lateral talks.

#### FOREIGN POLICY

As we stated earlier, we are of the opinion that H.R. 2760 does not adequately address the myriad of complex issues any effective Central American foreign policy must address. This bill would deprive the executive branch of authority to conduct a critical and effective element in its policy to thwart the emerging threat of Cuban/Nicaraguan sponsored insurgencies in Central America. The President, the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff have all clearly articulated the need for this program to counter the Cuban-sponsored insurgencies. The bill restricts the options available to the President in combating hostile activities directed at peaceful American states. As the President so clearly expressed in his April 27, 1983, address to Congress, the United States seeks:

- (1) a reciprocal and verifiable withdrawal of foreign military and security advisors and troops;
- (2) a verifiable reciprocal agreement among Central American nations on the renunciation of support for insurgencies on neighbors' territory;
- (3) a verifiable reciprocal agreement on the nonimportation of offensive weapons into Central America; and
- (4) to encourage full participation in the political processes of the Central American nations.

This bill does not further the accomplishment of any of these critical objectives; rather, the legislation poses additional dangers both to human lives and the credibility of present and future American commitments.

In establishing the interdiction fund—Does the Committee suggest that, rather than attempting to disarm or neutralize Nicaragua, we must endeavor to arm every friendly country in Central America to the point that they can protect themselves against invasion? What about Costa Rica, which has no standing army? This is not consistent with the President's goal to seek reciprocal agreements among Central American nations on the renunciation of support for insurgencies on neighbors' territories. There are also those who may feel that increasing military arms to a country strengthens the hand of the military and could conceivably discourage full participation in the political process by encouraging a stronger and more repressive military presence in any small Central American nation. This too is not in accord with the President's policy goals.

H.R. 2760 establishes an overt interdiction assistance program to be made available to friendly nations in Central America to develop programs or establish the capability to prevent the use of their territory for the shipment of military equipment to insurgents in any Central American country. By definition, these funds would grant assistance in addition to that already requested for military aid to the nations of the region. This does not support the President's policy against the importation of offensive weapons into Central America. In addition, the Committee report suggests that additional assistance may be necessary to accomplish and establish the capabilities to interdict arms. Does the Committee mean to suggest that in order to provide "adequate" arms interdiction assistance that additional U.S. military advisors have to be committed in Central America? This is inconsistent with the goal expressed by the President to seek reciprocal and verifiable withdrawal of all foreign military and security advisors and troops in Central America.

The U.S. cannot attempt to protect the Sandinista government from the people of Nicaragua absent U.S. support for anti-Sandinistas. There are no assurances that the people of Nicaragua will not continue to fight an oppressive marxist government. A majority of the members of the Committee may believe that their approval of H.R. 2760 reflects an act of highest statesmanship, committing the United States to a policy of peace. Nothing could be further from the truth. In handing the Sandinistas a legislatively engineered victory, we can only assure the American people that in the long run a higher price will be extracted in increased human suffering and loss of life in Central America.

The Committee report gives the impression that the presence of anti-Sandinista insurgents in Nicaragua has not been successful. To the contrary, given the limited goals and the operational objectives, the program has in fact been successful. This program has only been in place for little over a year and as referred to by the Joint Chiefs of Staff, the program is a successful one. Also, in making the statement that the program has not interdicted arms, one should look at the definition of the word "interdict." Webster's New Collegiate Dictionary defines "interdict" as "to forbid in a formal or authoritative manner; to destroy, cut or damage, as in enemy line of supply, by firepower; to stop or hamper an enemy." This does not necessarily carry with it the connotation that actual arms munitions should be seized and be in the possession of the interdiction force. The question of "how many bullets have you interdicted?" is totally inconsistent with the nature of the action. Deterring arms shipments or imposing an increased difficulty in transporting arms shipments is successful interdiction.

Another question which has been asked is: "Is this action wise"? Our country has a nearly 2,000-mile long unfortified border with Mexico, whose southern border would well be engulfed in the conflagration emanating from the neighbors to its south in Central America. Two-thirds of our foreign trade in petroleum passes through the Caribbean to reach Europe. In the event of crisis, half of our supplies to our NATO allies must pass through the Caribbean. Hostile control of the region through client marxist states could give them the power to choke the United States' economy and diminish our ability to assist

our NATO allies. A secure, stable, and democratic Central America is critical to the security of the United States.

The Committee report rejects the notion that "floods of refugees may flock to the United States because of the Committee's recommendation." We submit that it will not necessarily be what the Committee has done but what the Sandinistas will do that brings refugees to the United States. Presently 10 percent of the entire El Salvadoran population resides in the United States and Nicaragua's immediate neighbors must also feel some ambivalence toward the spillover of Nicaraguans. Approximately 6,000 Nicaraguans are presently living in exile in Costa Rica. In Honduras the flow of refugees from Nicaragua continues to rise. Last year some 15,000 Miskito Indians fled to Honduras rather than accept forced relocation by the Nicaraguan government. Additionally, there are approximately 20 to 30 thousand Nicaraguans in refugee camps in Mexico at this very moment. The defection of Central American refugees has steadily increased in our border states of Texas, Arizona, and California. This trend will continue and escalate unless there is a cessation of the hostilities in Central America.

During consideration of H.R. 2760, we took the position that it was not unreasonable to insist that the effective date of the operative provision of the bill hinge on the Sandinistas ending their arms training, command/control, or logistical support for the Salvadoran insurgents. During consideration of the other major amendment, we did not think it unreasonable to request that Nicaragua cease the export of arms and revolution to other Central American countries prior to Committee action to unilaterally restrict U.S. conduct without regard to the Nicaraguan behavior in Central America. Adoption of either of the previously mentioned positions:

Would have been beneficial in protecting any of our friends in Central America against Nicaraguan/Cuban backed insurgencies in their countries;

Would not have deprived the United States of an important tool to thwart Cuban insurgencies in Central America;

Would have provided an incentive for the Nicaraguan government to negotiate an end to the hostilities;

Would have provided maximum flexibility for all parties involved and would not have provided a sanctuary for the Nicaraguan/Cuban based guerrillas who could then strike out with impunity against their neighbors.

The Sandinista Nicaraguan government marks the first foothold of marxism on the mainland in our western hemisphere. At this point in time, with only a modicum of help from the United States, democracy can flourish in Central America, as demonstrated by the democratic nations of Costa Rica, Honduras, Belize, and by the positive steps already taken in El Salvador and Guatemala. Some of us, having had the opportunity to travel to Central America and talk to the leaders of these governments, can reflect firsthand their fears that if America does nothing and permits the marxist and, more importantly, the Cuban-influenced government backed by Nicaragua to create havoc in El Salvador, that subversion will take place in their own countries next. When the Sandinistas betrayed the purpose of a revolution and turned to Cuba, the waning insurgent movements in El Sal-

vador and Guatemala were revived. If those countries should fall to the left, it is probable that frail Honduras, with its indefensible borders, and Costa Rica, with no army of its own, would be next on the guerrilla hit list. We wonder what will be the thoughts and the concerns of the Hondurans and the Costa Ricans if we decided to prevent further aid to anti-Sandinista paramilitary groups. We have grave concerns that with the stakes so high and with the uncertainty of U.S. resolve, the governments in Central America would be unwilling to work with us in the overt program to reduce the flow of external support to the Salvadoran guerrillas.

J. K. ROBINSON.  
G. WILLIAM WHITEHURST.  
C. W. BILL YOUNG.  
BOB STUMP.  
BILL GOODLING.

## **ADDITIONAL DISSENTING VIEWS ON H.R. 2760 BY CONGRESSMAN C. W. BILL YOUNG**

H.R. 2760 was reported out by the House Permanent Select Committee on Intelligence on May 3, 1983, by a partisan vote of 9 to 5. Its purpose is to prevent U.S. support for paramilitary activities against the government of Nicaragua. Originally presented as a response to alleged U.S. government violations of the Boland amendment, that issue was soon bypassed by events. On April 12, 1983, Senator Goldwater, Chairman of the Select Committee on Intelligence, issued a statement making it clear that the Boland amendment had not been violated. The Boland amendment prevents the U.S. from engaging in activities for the purpose of overthrowing the government of Nicaragua or intended to cause a war between Nicaragua and Honduras.

Despite the fact that the Boland amendment was not violated, newspaper stories claiming such violation were the impetus for the development of H.R. 2760. The bill which would prevent American support for paramilitary operations in Nicaragua fails to address the major problem in Central America—Nicaraguan involvement in the paramilitary activities against its neighbors. This Nicaraguan involvement is part of the Cuban government's program to support insurgencies throughout Central America aimed at overthrowing the governments in that area. The purposes of the United States are: to convince the government of Nicaragua to cease supplying assistance to insurgencies in the neighboring countries; and to keep the promises they made to the Organization of American States that there would be free elections and a pluralistic society in Nicaragua. The insurgency in Nicaragua aids only the first American purpose. It helps create a situation where the Nicaraguan government is compelled to recognize that it is not immune from retaliation when it supports insurgencies in the neighboring states. At the same time the insurgency is a means of convincing the Nicaraguan regime that it is necessary for it to come to the bargaining table to settle the disputes in Central American peacefully.

U.S. support to some of those fighting in Nicaragua has had the desired effect of interfering with the Nicaraguan ability to supply arms to the insurgents fighting against its neighbors. It has also encouraged other groups within Nicaragua to take up arms against the Sandinista dictatorship. None of the groups, however, those supported by the United States and those who have taken up arms independently, are strong enough to overthrow the Nicaraguan government. But, the combination of forces has forced the Nicaraguan government to "look inward" and has reduced its ability to provide supplies to be used in violence against its neighbors. That, of course, is what interdiction means—preventing the flow of supplies. Those who try to quantify interdiction based on counting captured arms simply do

not understand the term. What they are saying is like asking a man who takes his vitamins everyday, how many colds he prevented last year.

All of the groups fighting in Nicaragua have had the experience of getting substantial support from the local populace. This is true on the East Coast where two separate groups of Miskito Indians are fighting against the Sandinista regime, in the northern and central areas of the country where the FDN is fighting and in the south where Pastora's ARDE group is fighting. The only area of Nicaragua untouched by the insurgencies has been the west coast, particularly, the area around Managua. Both the insurgents and newsmen who have been in Nicaragua with insurgent forces report the widespread support for those forces in the local villages, and the large numbers of people volunteering to serve in the insurgent forces. A withdrawal of American support to those fighters who receive it would result not only in their demoralization, but in the demoralization of other groups fighting the Sandinista dictatorship. The net result of that would be the severe persecution of those peasants and villagers who have provided support to the insurgent groups by the dictatorship. The persecution will result in either a blood bath or large scale exodus of refugees or both. Large numbers of Central American refugees from communism would further destabilize that area. There would also be substantial numbers of refugees trying to enter the United States.

The arguments made by the majority in the section of the report entitled, "Committee Judgments" are neither logical nor are they consistent with the information that has been provided to the Committee by the intelligence community. On the three questions asked : (1) Is the program consistent with the law under the direction of the Congress? (2) Is the program a wise one? (3) Is the program successful? The answers to all three are, yes.

The argument is made in regard to question (1), that since the FY 83 Intelligence Authorization Conference Report states that the funds may be used only for the purpose of interdiction of arms, therefore, the U.S. government is in violation of the law, this is simply incorrect. As pointed out above, interdiction of arms does not mean merely capturing arms, it means interfering with the ability of the government of Nicaragua to send the arms to the terrorists and insurgents in the neighboring countries. This, in fact, is what has been happening. Therefore, the answer to question (3) is also, yes, since the program has successfully interfered with the ability of the Nicaraguan government to provide supplies and logistics to insurgent groups in neighboring countries.

In regard to question (2) the majority answers that the program is not wise because it has hardened Sandinista attitudes. In fact, this has not happened. The persecutions inflicted by the Sandinista dictatorships on the Miskito Indians and the Catholic clergy as well as their suppression of freedom of press, religion and speech began long before this program was put into effect. The Sandinistas have not increased their violations of human rights, they have simply continued their program of suppressing the people of Nicaragua and violating their promises to the Organization of American States.

The majority also quotes Eden Pastora as saying that this program helps keep the Sandinistas in power. Pastora did believe that at one time when there were hit-and-run raids by the FDN. He no longer believes it. The insurgent forces are now operating deep inside Nicaragua. The political leadership of Pastora's group, ARDE, has made public statements indicating that they wish to cooperate with the FDN forces. In an interview over Panama City Radio Continente broadcast on April 18, 1983, Alphonso Robelo, the leader of Pastora's Nicaraguan Democratic Revolutionary Alliance (ARDE), and a former member of the Sandinista government Junta was asked about the FDN. He answered, "Yesterday I had a magnificent opportunity to fly from San Jose to Mexico with Newsweek reporter, James Le Moine. He had been in Nicaragua with the FDN. He lived and shared with them for a period of seven days. He is a very serious objective man, a graduate of Harvard University, etc. He said that among the forces with which he coexisted—some 400 men—there were 12 former national guardsmen or 3 percent of the FDN combatants that he saw. I honestly believe that the FDN includes a minority of the people formerly connected with the National Guard. The overwhelming majority are peasants and small farmers who have seen how Nicaragua is being enslaved and they have either gone to Honduras or have risen in arms in Nicaragua. They are the ones fighting." In answer to as whether there is cooperation between ARDE and FDN, Robelo answered, "The FDN, the organization that has infiltrated all the troops into Nicaragua, has a new political directorate which includes six civilians and a former military man. As leader member of the ARDE Revolutionary Directorate, I have already held talks and contacts with the civilians. They have been personal and private contacts, but a line of communication already exists; it must be gradually developed."

On April 26, Panama City Circuito RPC television broadcast an interview with Adolfo Calero, a director of the FDN. Calero stated in answer to a question about Eden Pastora's group, "Commander Cero, my friend Pastora, leads the Democratic Revolutionary Alliance, ARDE, we are not yet coordinated, but we have the same goal. I hope that we will reach an understanding very soon." While ARDE and FDN are clearly of different political tendencies, both support a democratic solution in Nicaragua as do a number of the other, smaller, fighting groups. While none of them, or all of them together, would be strong enough to overthrow the Sandinista government, they are capable of creating enough problems for that government to force it to negotiate with its neighbors, perhaps even to cease repressing its own people. The fact that the forces fighting against the Sandinista regime are not capable of overthrowing it was recognized even by Ortega of the Sandinista National Directorate. In a broadcast over Managua Radio on March 21, 1983, he said, that the anti-Sandinista forces "fighting in the interior of Nicaragua . . . do not have regular combat weapons, such as, artillery, tanks and armored personnel carriers. They only have a few infantry weapons. . ." He went on to say, "this prevents them from carrying out even medium-scale military actions on a regular battlefield. They are practically restricted to fighting an irregular mountain war."

If the insurgents should force the Sandinista government to negotiate on free elections and the democratic rights of the people of Nicara-

gua, this would be consistent with one of the suggestions of the Linowitz Commission in its pamphlet, "The Americas At A Crossroads," published in April 1983, which said, "we favor dialogue: between the governments of El Salvador, Nicaragua, and Guatemala and the respective opposition movements in those countries."

An end to all the fighting in Central America, not only in Nicaragua is the goal of all Members of this Committee. That goal could best be achieved not by simply ending U.S. support to those fighting in Nicaragua but in forcing the Nicaraguans to the conference table to solve the problems of the region. In April 1982, the U.S. government proposed an eight point program to Nicaragua for solving the problems of the region. Nicaragua ignored it. Those points were:

1. The cessation of Nicaraguan support for insurgencies in neighboring countries. In addition to an end to arms trafficking, training, and other support for Salvadoran guerrillas, this would include the closing of the FMLN command and control center in Managua.
2. A U.S. statement pleading to enforce our laws forbidding the training activities of exile groups that might attempt to overthrow the Nicaraguan government.
3. A joint Nicaraguan-U.S. statement pledging non-interference in each other's affairs or in the affairs of others in the region, and pledging adherence to the OAS and U.N. charters and to the Rio Treaty.
4. A regional ban on the importation of heavy offensive weapons. Foreign military advisers would be reduced within the region, and military and security forces would be reduced.
5. International verification of the arms limitation proposal. This would include visits to Nicaraguan airports, military installations, ports, and borders by representatives of the OAS or other regional organizations.
6. The resumption of U.S. aid to Nicaragua, and additional trade concessions such as the Caribbean Basin Initiative.
7. The exchange of artists, musicians, baseball teams, and other cultural groups in order to improve the climate of bilateral relations. The opening of a bi-national center in Nicaragua, and the provision of scholarships for Nicaraguan students who wish to study in the U.S.
8. The reaffirmation by the Nicaraguan government of its previously stated commitments to pluralism, free elections, and a mixed economy.

During the House Permanent Select Committee on Intelligence markup on H.R. 2760, this Congressman, (C. W. Bill Young) suggested an amendment that would have resulted in the cessation of hostilities in Nicaragua after "a verifiable agreement is reached that the government of Nicaragua ceases activities to provide arms, training, command and control facilities or logistical support to military or paramilitary operations in or against any government in Central America." This amendment was defeated by a party-line vote. I intend to introduce it again during the floor debate on H.R. 2760. It is an equitable and fair solution to the problem. The ending of all violence in the area is what all of us want. Simply ending the violence in

Nicaragua while allowing it to continue in El Salvador will encourage the Nicaraguans to increase the violence against their neighbors. Any other solution will only result in Nicaragua being encouraged to continue its program to destabilize Central America. The resultant bloodshed and refugee problems must be avoided. The pattern of Cuban support to insurgencies is consistent throughout Latin America. The Cubans insist that the small terrorist groups, many of them having received Cuban training in the past, must unite before they can receive Cuban support to engage in a full-scale insurgency. This pattern was successful in Nicaragua and is not in use in El Salvador and Guatemala and most recently in Honduras.

Havana Radio's international service in Spanish of February 12, 1982, commenting on the alliance of the Guatemalan guerrilla groups, said, "the history of our Americas' revolutionary struggle shows that unity is a key factor for victory. Unity, as has been justifiably said, does not merely mean the joining of forces, but also the multiplication of forces in the noble goal of the national liberation of our fatherlands." The commentary goes on to say the case of El Salvador "also confirms the importance of the peoples' unity in the just and necessary struggle."

The President of Honduras, President Suazo, in speech on April 2, 1983, over Tegucigalpa Voz de Honduras Network said, "if we consider the fact that if the Salvadoran guerrillas win, Nicaragua will be free to give logistical support to subversives here, then the Salvadoran guerrillas might strengthen this country's subversives, perhaps with the support of the U.S.S.R. and Cuba. If Central America falls, Mexico will follow, and then the problem belongs to the United States. We have maintained, and we will continue to maintain, close relations with the United States, because we believe that it defends democracy, not only in America, but in other countries as well." This public statement by President Suazo is similar to the private statements that he and other Honduran and Salvadoran government leaders made to a delegation of Members of the House Permanent Select Committee on Intelligence which visited their countries in April 1983. The countries of the region fear Cuban and Nicaraguan supported insurgencies and hope that the United States will provide them with the support needed to resist these threats.

The leaders of the government of Nicaragua have made no secret of their intentions. Ernesto Cardenal, now the Minister of Culture in Nicaragua, said in a broadcast over Havana Radio July 30, 1978, "a single revolution is on the way in America, and Cuba is at the vanguard." Cuban and now Nicaraguan support is a major factor in Central American insurgency. The flow of arms, a secure command and control center, and a privileged sanctuary are all needed by the insurgents. Nicaragua provides these things on behalf of Cuba and the Soviet Union.

Before Cuban support was provided to the insurgency in Nicaragua that created the Sandinistic government that exists today, the Cubans insisted that the various factions of the Sandinista movement must be united into one insurgency. When this was accomplished, they received the support needed to overthrow the Somoza regime. Shortly after their victory, the same pattern was followed in El Salvador. On December 16, 1979, the small terrorist groups in El Salvador united

with the El Salvador Communist Party at a meeting in Hanava, Cuba, to organize the Farabundo Marti Liberation Front. In a letter addressed to Comrade Fidel, the leader of the various groups that came together in Havana wrote, "Today we can tell you, Fidel, that thanks to your help, to the help of your party comrades, and to the inspired example of the revolutionary people of Cuba, we have undertaken a transcendental step by signing an agreement with very solid bases upon which we begin building the coordination and unity of our organizations."

Guerrilla documents captured in El Salvador show that regular reports on their progress are made to Manuel Pineiro, the head of the American Department of the Central Committee of the Communist Party of Cuba. Pineiro, former head of the Cuban intelligence service, the DGI, runs the American Department, which is the covert action arm of the Cuban apparatus and is responsible for support to insurgencies throughout Latin America. The role of the Nicaraguan regime in this activity can be seen in the documents captured in El Salvador. On January 26, 1981, then-U.S. Ambassador to El Salvador, Robert E. White, wrote to then-President Duarte and provided him with an analysis of the captured documents. Ambassador White's letter and analysis follow:

[Ambassador White's letter:]

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
*San Salvador, January 26, 1981.*

His Excellency ING. NAPOLEAN DUARTE,  
*Presidente de la Junta  
Revolucionaria Gobierno,  
San Salvador.*

DEAR MR. PRESIDENT: Please find attached a summary of the documents we discussed at my house today, January 26. The summary deals with the question of foreign involvement in supply of the insurgency.

I hope this summary is useful to you. With warm regards.

Sincerely,

ROBERT E. WHITE, *Ambassador.*

Attachment.

#### SUMMARY

##### *"Esmeralda's" role.*

DRU logistics representative in Nicaragua (code name "Vladimir"), reporting to DRU, November 1, indicated that some 300 to 400 tons of military supplies would have arrived in "Esmeralda" (Cuba) by the following week and would soon be arriving in "Lagos" (Nicaragua). This was in addition to the more than 109 tons of military supplies that "Vladimir" said had already reached "Lagos." In a separate document dated September 26, 1980, reporting on a DRU Joint General Staff (EMGC) meeting, an ERP representative (code name "Jonas") indicated that there were 130 tons of military supplies stored in "Lagos" (Nicaragua)—on a sixth part of the materiel that had been committed by others to the DRU.

In addition to being logistics transit point and font of political advice, "Esmeralda" helped plan guerrilla military offensive. Undated, unsigned report of trip to "M." (clearly a Managua visit in

mid-July 1980 in view of context) indicates that Salvadoran insurgent Joint General Staff (EMGC) delegation would depart soon for "la H." (Havana) to have "specialist" put finishing touches on plans for guerrilla offensive. In separate September 26 document, ERP representative "Jonas" indicates that "Comrade Ramon" was unable to give report to EMGC on progress of planning offensive since "written materials" had been left in "Managua and Havana." (Comment: This is rare occasion in which plain language place names appear on these documents.) The same report indicates that EMGC itself was located for some time in "Cuba."

### *Role of FSLN*

Literally dozens of references in captured documents indicate definitely that code name "Lagos"—transit point of arms for Salvadoran insurgents—is, in fact, Nicaragua. The documents point to the initially wavering, but later heavily involved participation of the FSLN in the supply effort by "C. de Frent." (comrades of the Frente) without specifying names.

FSLN role in early part of 1980, according to documents, was largely facilitative. June 17 DRU report from Managua indicated that one "Gustavo" of FSLN (may be identical with "G." identified in another document as assistant to "Comrade Bayardo") arranged contact for insurgents with Panamanian arms traffickers in March. As late as mid-July, ERP visitor indicates that FSLN appeared to be reluctant to forward arms or to allow arms pick-ups from Nicaraguan coast. On July 23, 1980, however, "Comrade Bayardo" (presumably FSLN directorate member Bayardo Arce) told visiting Salvadoran insurgent Joint General Staff (EMGC) delegation that urgent guerrilla ammunition request had been approved, meeting had been set up with FSLN "military commission," and that, if insurgents would be receiving help through Nicaragua, FSLN had given thought to possible "triangular" arrangement in which arms from "socialist" countries would be absorbed by Sandinista army (EPS). Nicaragua in turn would pass its Western-manufactured arms to the Salvadoran guerrillas. (Comment: Note that at time of this meeting Fidel Castro was in Nicaragua.)

By the beginning of November 1980 (after the FSLN renewed shipments following the one-month suspension), the Nicaraguans began pushing more supplies on the insurgents than the latter could handle. Code name "Rodrigo," reporting to the DRU in early November 1980, indicated that Nicaraguan deliveries were exceeding DRU reception capabilities and that Nicaraguans were sending dangerously overloaded boats. (Judging from documents, large-scale deliveries also began to move in November from Nicaragua by trailer-truck through Honduras and by air.) "Rodrigo" travelled to "Lagos" to ask for better FSLN coordination and supervision of shipments. In the meantime, DRU logistics representative in Managua, "Vladimir," pointed out to Salvadoran insurgent leadership, November 1, that it was necessary to enhance DRU capabilities to receive and distribute deliveries since not only does the FSLN regard the arms as a "hot potato" but also, ". . . all the countries of the socialist camp have dug deep to help us with all the requests we had made and some doubled the promised help. This is the first Latin American revolution which they have

unconditionally moved to help before it (the revolution) has taken power." Vladimir urged the DRU—the "last link" in the supply "chain"—to set up its absorption pace.

### *Source of supply*

One of captured documents (minutes of DRU meeting of August 30, 1980, prepared by ERP representative, code name "Ana Maria") provides listing of arms and non-weapon assistance commitments provided by Vietnam and other Communist nations (Czechoslovakia, Bulgaria, GDR, Hungary, and Ethiopia) during June-July 1980 overseas trip of Salvadoran Communist Party (PCS) Chief Shafik Handal. This separate, independent account confirms Shafik's own report of Communist assistance commitments. Account of DRU meeting indicates that Vietnamese arms (and possibly other Communist assistance) were supposed to arrive in "Esmeralda" on September 5.

### *What is "Esmeralda"?*

Previous analyses have speculated that references to "Esmeralda" in earlier captured documents may have related to an Ecuadorean port. New documents, however, suggest that "Esmeralda," in fact, is code name for Cuba: (a) report to DRU sent by "Marcial" (code name for Salvadoran FPL leader Cayetano Carpio), "Jonas" and "Eduardo," August 31, from "Lagos" (code name for Nicaragua) indicates that FARN organization, at that time defecting from DRU, was asking "management of Esmeralda" to convoke meeting to discuss its differences with rest of DRU. Marcial and company indicate that they also would inform "Esmeralda" directly of a problem with FARN. A "Comrade Mart." (presumably a representative of Cuban CP Central Committee Americas Department) indicated to "Marcial" that "Chief of this department in Esmeralda" wanted to call September 4 meeting to discuss problem of split. Subsequent October 8 letter from Marcial openly addressed to Manuel Pineiro, Chief of Americas Department of Cuban CP Central Committee, thanks Cuban for his advice and suggestions following FARN defection; (b) Minutes of DRU meeting of September 24, 1980, indicate that "Marcial," during visit to "Lagos" (Nicaragua) in previous months, met with "Comrades of Esmeralda," "Esmeraldan" comrades visiting Nicaragua are listed as follows: "C.M. and Abr" (Letters "b" and "r" are lower case—we believe this refers to Comrade Manuel Pineiro and Abren, respectively Director and Central American Department Chief of Americas Department of Cuban Central Committee), "C. Br." (We presume this refers to a Cuban functionary visiting Nicaragua in company with Castro), and "C en P." (word "en" is in small case. This probably refers to Commandante en Jefe Fidel Castro—the Cuban leader's formal title.)

On March 4, 1982, the House Permanent Select Committee on Intelligence received an extensive briefing concerning the situation in El Salvador. Subsequent to the briefing, Committee Chairman Edward P. Boland made the following statement to the press.

The Committee has received a briefing concerning the situation in El Salvador, with particular emphasis on the question of foreign support for the insurgency. The insurgents are well trained, well equipped with modern weapons and

supplies, and rely on the use of sites in Nicaragua for command and control and for logistical support. The intelligence supporting these judgments provided to the Committee is convincing.

There is further persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents' bases of operation in Nicaragua. Cuban involvement—especially in providing arms—is also evident.

What this says is that, contrary to the repeated denials of Nicaraguan officials, that country is thoroughly involved in supporting the Salvadoran insurgency. That support is such as to greatly aid the insurgents in their struggle with government forces in El Salvador.

Chairman Boland's statement was very carefully written to make the facts clear concerning Cuban and Nicaraguan support to the Salvadoran insurgency and at the same time to protect the very sensitive sources that were then and are continuing to provide U.S. intelligence with information on the Cuban and Nicaraguan role. That kind of careful handling of sensitive information has not always been true in the executive branch. In 1980, while this Committee was being told by CIA that all of the information concerning the shipment of arms from Cuba to Nicaragua was so sensitive that it could not be revealed publicly, executive branch officials were revealing the information to the Nicaraguan government. One of the documents captured in El Salvador consists of a report from one Salvadoran guerrilla leader to another dated September 30, 1980, concerning his conversations in Nicaragua with officials of the Nicaraguan government. He reported, "Last 27 September, a meeting with Gustavo was held in which he informed us of the front's (Sandinista National Liberation Front) decision to suspend shipments during a period of approximately one month. They brought up a security problem beginning with a meeting which they say they had with one James Cheek, a representative of the North American Department of State. They say that he manifested knowledge of shipments via land through Nicaragua; in small vehicles, and that we carried out attempts by sea. They raise the question of possible bad management of the information on the part of the personnel working on this and that they are going to carry out an investigation." The congressional oversight provisions of the National Security Act of 1947 give the House Permanent Select Committee on Intelligence responsibility together with the executive branch to protect the sensitive source information that the U.S. government receives. The minority members have given full support to the actions of the Chairman of the House Permanent Select Committee on Intelligence to ensure the protection of that information.

On August 22, 1982, Honduran authorities raided a Salvadoran insurgent safe house in Honduras. Among the Salvadoran guerrillas captured was Commander Alejandro Montenegro, an important official of the Salvadoran insurgency. A major campaign was undertaken by the Salvadoran insurgents and their supporters in neighboring countries to secure the release of Montenegro. In a broadcast over

Havana television on October 14, 1982, Margarita Gonzalez, the Salvadoran insurgents' representative in Cuba, announced a worldwide campaign to secure Montenegro's release. Among the actions taken was a barricade and hostage/terrorist situation undertaken by Salvadoran terrorists in Honduras. On March 8, 1983, Panama City television broadcast an interview with Montenegro in which he revealed that he had broken with the Salvadoran insurgency and was willing to reveal the details of its foreign support. He said, "Support in the form of military training is received through both Cuba and Nicaragua but mostly Cuba. Many leaders, many group chiefs have trained abroad, more specifically in Havana." When he was asked how the trainees got to Havana, he answered "Communication is established with Honduras which is used as a bridge to get to Managua by land. They go from San Salvador to Tegucigalpa, then to Managua, and from there to Havana." When asked what the situation was before the Sandinista government took power in Nicaragua, he answered "Prior to the existence of the current Nicaraguan government, training was not given abroad. In other words, everything began more massively, we might say, after 10 January, after the Nicaraguan revolution triumphed in 1979. From 10 January 1981 to this day, Cuban support has been more effective and Managua is used as a bridge."

This revelation of the Cuban/Nicaraguan support for the insurgency in El Salvador resulted in an announcement by the Salvadoran insurgents over their Radio Venceremos on March 13, 1983, reputating their former leader Montenegro. But the announcement also contained significant information concerning the goals of the Salvadoran insurgency. The insurgents boasted that, "The high morale of our forces is based on the capacity of our strategic commands to conduct war from the very scenes of war, also in the capacity shown by the same strategic commands in meeting the material and political needs of this war with international help." They attempted to explain the fact that their leaders were outside of El Salvador by saying, "We have conducted important logistical operations in clandestinity, which have served to provide our forces with arms and ammunition for long periods of time." This admission that the arms and ammunition were provided from abroad came only in response to the revelation by the former El Salvadoran guerrilla leader, Montenegro. Even more significant is the statement that the support from abroad is important to maintain the morale of the guerrillas fighting in El Salvador. The declaration of the insurgents also contained a description of the tactics they are using. According to them, "Sabotage has a strong impact on the economy. . . . Sabotaging the economy within the framework of a war is not terrorism. It is a weapon used in any military confrontation . . . we will continue to wield the weapon of sabotage, blowing up bridges, interrupting power, transportation, sabotaging caulking and cotton production, cutting off communications, and doing all that is necessary to achieve the people's victory."

More on the Nicaraguan involvement in the Salvadoran insurgency and the fact that the command and control apparatus was in Nicaragua was revealed by a bizarre series of events that began in Managua on April 6, 1983. On that date, a Salvadoran guerrilla leader named Melida Anaya Montes was murdered. She was also known as Commander Ana Maria and was the second in command of the Popular

Liberation Forces, the largest of the guerrilla groups united in the Farabundo Marti Liberation Front. The announcement of her murder was broadcast on the night of April 6, 1983, by Managua radio. The revelation that one of the top leaders of the Salvadoran guerrillas was living in Managua created serious problems for the Nicaraguan government. On April 8, a press conference was called by Interior Minister Thomas Borge and the Chief of State Security Lenin Cerna. Borge announced that the Sandinista police and security organizations had been ordered to use all their resources to investigate the death of Ana Maria and that Lenin Cerna had been placed at the head of the investigations.

According to Borge the death of Ana Maria "could place Nicaragua in a difficult situation, because we would have to admit that a member of the FNLN Directorate resided in Managua, as is being said in all the media, in order to accuse Nicaragua of supporting the Salvadoran revolutionaries." Borge accused the CIA of murdering Ana Maria and said, "I do not need to present specific proof. I do not need to say: 'Here is the murder, because everyone knows who the murderer is.'" The accusation that the CIA was the culprit in the murder was also made by the FNLN United Revolutionary Directorate in an April 7 broadcast over Managua's Radio Sandino which stated, "This treacherous crime committed by the sinister hands of the U.S. Central Intelligence Agency, CIA, shows in a tangible way the desperation of imperialism which is attacking our peoples." The funeral services for Ana Maria were addressed by the leader of her faction of the Salvadoran insurgency, Cayetano Carpio. Carpio admitted that at the time of the murder he was at a far away place—in Libya—and he immediately rushed back to Managua for the funeral service. He said, "the Central American peoples struggle is one single struggle . . . when we achieve victory we will be arm in arm and struggling for the total liberation of Central America."

On April 21, Managua radio released a statement of the Nicaraguan Ministry of the Interior in which they announced that they had solved the murder of Ana Maria. It was not the CIA that did it. According to the Nicaraguan secret police authorities, a group of Salvadorans had been arrested for the murder, and the mastermind of the crime was "a member of the central command of the People's Liberation Forces, FPL of El Salvador, where he held a top position very close to Companero Salvador Cayetano Carpio, Commander Marcial, top leader of that revolutionary organization." According to the Nicaraguans, as a result of the revelation that the real culprits were his close associates, Carpio committed suicide. However, there are those who believe that he was "suicided" as part of the internecine struggles of the Salvador insurgents. The deaths of Carpio and Ana Maria brought to public notice the fact that the entire leadership, the command and control structure, of the Salvadoran insurgency, is not in El Salvador but in Managua, Nicaragua—that is, when leaders are not on visits to Libya. On April 25, 1983 five Members of the House Permanent Select Committee on Intelligence met in Managua with Borge and other leaders of the Sandinista regime who denied that the Salvador Command and Control headquarters was in Managua. This Member (Cong. Young) offered to take them to the site. They changed the subject.

The "unity" arrangements that were successful in Nicaragua and are currently being employed in El Salvador are also underway in Guatemala. On February 10, 1982, Havana radio announced that the guerrilla groups in Guatemala had united to form one "patriotic national revolutionary unity front of Guatemala." On February 11, 1982, a meeting was held in Havana with the participation of the diplomatic representatives of the communist countries and Latin American revolutionary movements. At that meeting the Guatemalan insurgents reaffirmed that they had united the various groups into one insurgency. At the meeting Oscar Gonzalez speaking for the Salvador insurgents said that the Central American revolution is a united one and that the victory of one country is a victory of all. He stated that Guatemala, El Salvador and Honduras would all have their hour of liberation and that the revolution in Nicaragua was the first flame in that process. The military attaché of the government of Vietnam pledged firm support for the Guatemalan struggle. For over a year the Guatemalan insurgents have engaged in armed clashes with the police and military and have engaged in numerous terrorist actions.

On April 8, 1983, Managua radio announced that the same kind of "unity" had been created in Honduras. According to Managua, "four Honduran political-military organizations announced the creation of the United Revolutionary Coordinating Board to go ahead with the struggle in Honduras." Communiques of the Honduran insurgency have been broadcast over Radio Managua and have appeared in the Sandinista newspapers, *El Nuevo Diario* and *Barricada* in Managua. The April 21, 1983, issue of *Barricada* carried a Honduran insurgent announcement that, "the democratic paths of the people's struggle having been exhausted, we declare a people's revolutionary war on the military-Pseudo liberal dictatorship, its puppet army and North American imperialism." Honduras like El Salvador has a democratically elected government. The insurrections in each case supported by the Nicaraguans are intended to overthrow those democratic governments.

Even in peaceful and democratic Costa Rica, the police have confiscated weapons and explosives in the homes of Communist Party functionaries and members of the small terrorist groups supported by the Cubans and Nicaraguans. One example of this was the announcement which appeared in the San Jose newspaper, *La Nacion* of March 28, 1983, that the government had confiscated M-14 and M-1 rifles, ammunition and grenade-launchers in the possession of the brother of a communist parliamentarian. The newspaper stated, "According to reports these weapons only represent the small part of the arsenal which the rural guard has been unable to confiscate despite its meritorious and patriotic work. While Nicaragua is preparing aggression against our country, its local accomplices are trying to destabilize the government as part of an overall plan against Costa Rica that was launched by international communism several months ago." The President of Costa Rica, Luis Alberto Monge, was quoted on San Jose radio on April 24, 1983, as referring to the "repeated aggressions against the nation's sovereignty by the Nicaraguans." And he said, "I feel that the constant violations of Costa Rican territory by the Sandinists are unlawful, harmful and therefore unacceptable." The international press reported on May 3 that President Monge had asked for a OAS

peacekeeping force on the Costa Rican/Nicaraguan border to prevent further Nicaraguan incursions against this country.

H.R. 2760 will do nothing to stop this Cuban/Nicaraguan assault on Central America. I oppose this bill in its present form and will work to amend or defeat it.

**C. W. BILL YOUNG.**

