

The Contra Aid Debate

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RECENT DEVELOPMENTS

THE CONTRA AID DEBATE

BY

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U.S. HOUSE OF REPRESENTATIVES

Our universities have been indispensable in trying to see to it that the debate on the question of aid to the Nicaraguan "contras" is informed by the facts. Numerous academic experts have testified before the subcommittee on western hemisphere affairs, which I chair. I maintain an active correspondence with some of the best scholars in our country, I meet frequently with them in my office, and I read everything I can.

Unfortunately, candor compels us all to admit that we have been notably unsuccessful at keeping the debate on the high road. Just recently we hit what I hope will be the low point of the debate. One of President Reagan's top aides, white house communications director Pat Buchanan, accused opponents of the President's policies of being in favor of "ceding Central America to the Warsaw Pact." He accused us of being, "with Moscow, co-guarantor of the Brezhnev Doctrine in Central America." He asked, "whose side are you on?," and said that those of us who are going to vote against the President on contra aid are on the side of "Daniel Ortega and the communists." That rather sweeping charge includes a majority of the United States Congress.

Unfortunately, this cannot be written off as just the irresponsible comments of a presidential aide. On the very same day that the Buchanan Op-Ed piece appeared in the *Washington Post*, the President himself was asked by *Newsday* whether he thought that "the people who are opposing you on Contra aid are supporting the Sandinista government." His answer was, "it's hard not to."

President Reagan did not just impugn the motives of those of us in the Congress who oppose him. Harking back darkly to "communist front groups" that he dealt with when he was President of the Screen Actors Guild, he included in his charges of un-americanism the reli-

* These remarks are derived from an address delivered at the University of Maryland School of Law on March 12, 1986 and incorporate an official release made by Mr. Barnes on April 3, 1986.

gious leaders of our society who have felt compelled by conscience to oppose his policies, and the human rights monitoring organizations that have dared to describe the human rights situation in Nicaragua in a manner inconsistent with administration policy.

At a hearing of the subcommittee on western hemisphere affairs, I gave Assistant Secretary of State, Elliott Abrams, several opportunities to disavow the idea that the administration's opponents support the Sandinistas. He refused to do so.

It is absolutely unacceptable in a democratic society for those in high positions to accuse their opponents of being un-american and owing their allegiance to a foreign government. It has to stop. I have called for the resignation of the worst offender, Pat Buchanan. President Reagan has recently softened his rhetoric—recognizing, correctly, that it is costing him support. I hope that this will prove to be not just a tactical decision on his part, but a recognition of the fact that to demean the *process* of political debate through which we conduct our business in this democracy is too high a price to pay for winning any *particular* debate. The President can demonstrate that recognition by accepting Pat Buchanan's resignation—whether it is offered or not.

The misrepresentations that the administration uses to support its policies do not end with those that have to do with the motives of its opponents. The administration has been somewhat less than forthcoming about the nature of the request itself. I am convinced that not even the Congress yet fully understands the president's request for aid to the contras.

It is fairly well understood that approval of the request would get the CIA back in the business of dispensing the money and running the war against the Nicaraguan government. But my colleagues and the public have not really begun to understand yet that approval of the request would open up the CIA's contingency fund for use by the President in financing this war. This is not a request for 100 million dollars, but for 100 million dollars *plus whatever* the President decides to take from the contingency fund. Only members of the intelligence committees know how much is in this fund, but one former intelligence committee member has described it as a "bottomless pit." If the President's request is approved, of the 435 members of the House, only the sixteen members of the Intelligence Committee will ever know what we are spending on this program. I will not know, and you will not know.

It is commonly believed that the President, under his request, would be required to spend 30 million of the 100 million dollars on so-called humanitarian aid. But that is not the case. The way the request is worded, the President would be *permitted* to spend up to 30 million on humanitarian aid. He would not be *required* to spend anything on humanitarian aid.

Furthermore, the term "humanitarian aid" is not defined in the President's request, as it is in current law. The definition in current law is very broad. It clearly leaves room not just for humanitarian aid properly defined, but also for any non-lethal aid that would entail logistical support for an army. However, there is no definition at all in the request. Considering that just a few months ago the State Department was arguing that trucks constituted humanitarian aid even if their purpose was to carry weapons, I don't think we can be confident that the administration will take a very strict view of what constitutes humanitarian aid under this request.

There is one other interesting aspect of this request that no one has focused on. By approving the request, Congress would be approving the following statement: that "the actions of the United States . . . authorized by the approval of this request, are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force."

I don't have to tell anyone in this law school that that statement is patently at variance with the facts. Article 18 of the Charter of the Organization of American States clearly states, in its entirety:

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

Measures for individual and collective self-defense are spelled out in the charter. None of them include what we are doing. Under Article VI of the constitution of the United States, treaties are the supreme law of the land. The Reagan policy is in violation of that law. The President's way out of this is characteristic. Instead of bringing his policies into conformity with domestic and international law, he is asking us to pass another law saying that he is not violating the law.

The administration not only misrepresents our motives and its request. It also misrepresents the effects of its own policies.

It is clear from the administration's own testimony that five years of the Reagan policies have produced only failure. There is still no political opening in Nicaragua—no space for genuine pluralism. The Sandinistas have not been forced to permit free expression, to respect the church, or to begin a process of reconciliation with their opponents—all of which are laudable goals, but none of which are served by the policy. The human rights situation continues to deteriorate. The Sandinista military buildup proceeds, and with it, the insecurity of Nic-

aragua's neighbors grows. The Reagan policy was designed to force the Sandinistas to sign a contradora agreement; instead, an agreement continues to elude the region's most able diplomats.

This is about the fourth year in a row that Adolfo Calero, the contra political leader, has assured us that the contras are about to march into Managua. Yet all indications are that the contras are more of a failure than ever. They have shown no ability to pose a serious threat to the Sandinistas, no ability to force the Sandinistas to negotiate, and—most important—no ability to command broad-based support inside Nicaragua. Like all such failed movements, the contras blame their failure on others—they don't get enough aid, they don't get the right kind of aid, they don't get consistent aid. One hundred million more dollars will do it, they say. But we all know, if we approve this request, that after the money is spent the contras will be back explaining away their failures. Because the simple fact is that the contras do not have support in Nicaragua, and are not a viable instrument of United States policy, of reform in Nicaragua, or of any other good purpose.

I want to be very clear—and this is the only sentence that the Reagan administration is going to quote from this speech—that the Sandinistas' problems are fundamentally their own problems. It is first and foremost the Sandinistas who have produced a failed revolution and created discontent in their society and insecurity in Central America. But the task of diplomacy is to ameliorate that reality. Instead, we have made it worse.

As many of us in the Congress have predicted from the beginning, administration policies that have centered on confrontation and ruled out conciliation have contributed to the very outcome we say we wanted to avoid. The hard-line Marxist-Leninists in Managua could probably not believe their good luck when Reagan decided to base his policy on the two institutions most hated by all Nicaraguans: the CIA and the National Guard. The Sandinistas have used this to justify everything they have done to take their revolution in the direction that we say we don't want it to go. President Reagan has performed the unique feat of turning Daniel Ortega into a hero in Latin America for standing up to old-style United States gunboat diplomacy.

If we are to turn our policy around so that it begins to serve our interests, we have to understand another administration misrepresentation. We have to realize that the administration's policy of support for the contras is not a middle course between running away from the problem and sending in the Marines, as the President claims. On the contrary, the administration's policies are leading us inexorably toward a dead-end where those two alternatives will be the only ones we have left. Either we will have to abandon the contras, thereby suffering a

humiliating foreign policy defeat, or we will have to use our own troops to accomplish what the contras cannot accomplish. This is the choice the President will be forced to make if he insists on pursuing his current policy.

Support for the contras is not a middle course. The middle course is to support the efforts of every Latin American democracy to find a diplomatic solution to this problem through the Contadora process. The one course that the President has ruled out is the one viable option remaining to us. This brings up the final administration misrepresentation that I want to address.

Every Contadora country—Colombia, Mexico, Venezuela, and Panama; every support group country—Argentina, Brazil, Uruguay, and Peru; and virtually every other Latin American democracy will tell you that administration policy hurts, rather than helps, the Contadora peace effort. Administration officials are now putting out the line that these countries just say this for domestic consumption—that some of them are really privately with us.

The opposite is the case. Officials of these countries talk to me privately, too. And for five years, what every one of them has been saying to me privately is that the United States is part of the problem, not part of the solution, in Central America. Our problem in the Congress is that we have been unable to get them to say so publicly. Every time we approach another debate on contra aid, the Contadora representatives come to us in the Congress and tell us that passage of the aid would hurt their efforts. Every time, we tell them that if they will say that publicly, it will help us. And every time, they shrink from such an open confrontation with the Reagan administration.

Only recently, when eight Latin American foreign ministers came to Washington and publicly pleaded with the Secretary of State not to submit this request to Congress, have the Latin Americans been willing to go public. Many in this room are familiar enough with Latin America to know how unusual it is for eight Latin American foreign ministers—not to mention the new Presidents of Guatemala and Costa Rica—openly to confront the United States on an issue involving the security of Central America. They took this drastic step because they know the dead end to which the Reagan policies are leading us. They know it is not in their interest, and it is not in the interest of Central America, for the superpower of this hemisphere either to suffer a humiliating defeat by having to abandon 20,000 armed contras in Honduras, or to intervene directly in Nicaragua. They are offering us a way out—one that protects our security and theirs.

I (along with Congressmen Bill Richardson and Jim Slattery) recently met in private with the Foreign Ministers of Panama, Mexico, Colombia, and Venezuela in Panama City, where thirteen Latin Amer-

ican Foreign Ministers were meeting under the auspices of the Contadora Group. We talked with no staff or anyone else present for nearly two hours. We also met with several other officials of the Contadora and Support Group nations. Literally everyone we spoke with, without exception, was clear, strong, and unambiguous in his disapproval of U.S. support for the contras. Their language was not even diplomatic. One foreign minister called U.S. support for the contras "an immoral policy" that undermines the Contadora process. The foreign ministers said there was no truth in the administration's assertion that their public view is different from their private view.

More broadly, our delegation was told that the Contadora Group does not agree with the Reagan administration that bilateral talks between Nicaragua and the United States are incompatible with the Contadora process. We were told that both levels of talks complement each other. We were told that unless the United States changes its attitude toward both levels of talks, it will be very difficult for the Contadora Group to achieve an agreement.

Let us join with our democratic neighbors in this hemisphere in creating a diplomatic opening in Central America. I am not talking about a last-minute peace offensive merely intended to influence Congress. I am not talking about a new special ambassador, or a 60-day negotiating window, or any of the other gimmicks that the President is going to come up with between now and any vote in Congress. I am talking about a real change in policy. The President should withdraw his request and commit himself to Contadora. He should join with the Congress and the democracies of Latin America in a real search for a diplomatic settlement of the very serious problem that we confront in Nicaragua.