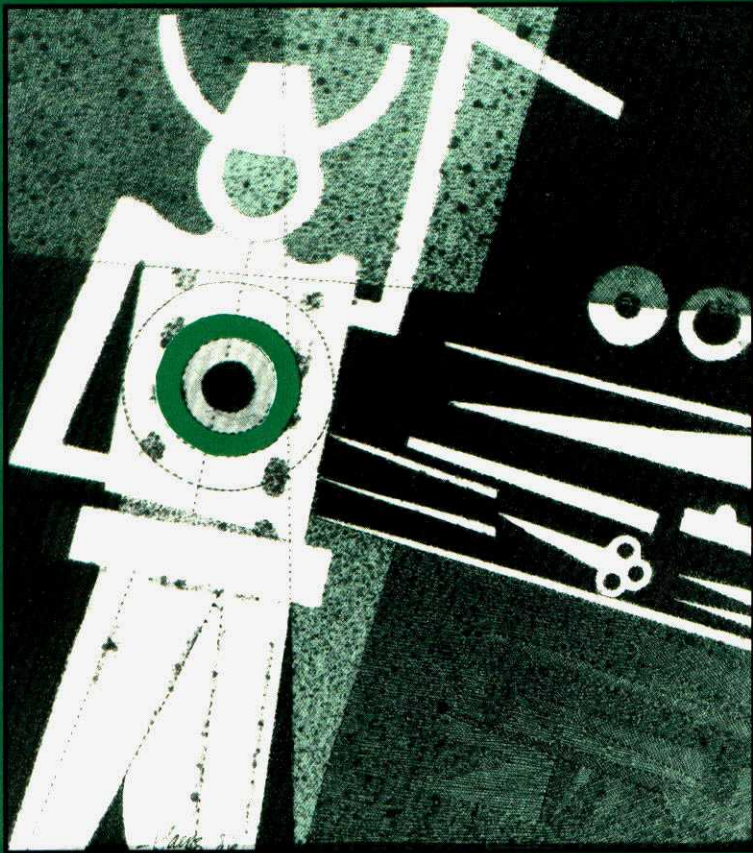


# Reagan *VERSUS* the Sandinistas



## The Undeclared War on Nicaragua

edited by Thomas W. Walker

Westview Press

**Reagan**  
versus  
**the Sandinistas**

**THE UNDECLARED WAR  
ON NICARAGUA**

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**BOULDER & LONDON**

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# The Contras and Congress

WILLIAM M. LEOGRANDE

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Central America was the first foreign policy issue taken up by the incoming administration of President Ronald Reagan, and he used it to set an example of his tough new foreign policy. Within three months of its inception, the administration tripled military assistance to El Salvador, cut off economic assistance to the Sandinista government in Nicaragua, and threatened direct military action against Nicaragua and Cuba to punish them for supporting the Salvadoran guerrillas.

Reagan's aggressive hard line in Central America immediately provoked opposition in Congress, but the Democrats were in disarray in the wake of Reagan's electoral landslide and the unexpected Republican majority in the Senate. Although Reagan's critics were vocal and persistent, they were confined largely to the liberal wing of the Democratic party. Rarely were they able to muster more than a third of the votes in either chamber. Their only significant victory in 1981 was legislation to make U.S. military aid to El Salvador conditional on progress toward human rights, agrarian reform, a political solution to the war, and justice for the murderers of U.S. citizens. But even this action was toothless; it required only that the president certify to Congress every six months that progress was being made toward these goals. The administration did this without apparent qualm or concern for contrary evidence.

## The Origins of the Covert War

In fall 1981, the deteriorating fortunes of the Salvadoran armed forces prompted a full-scale review of U.S. policy in Central America.<sup>1</sup> During the policy review, the CIA proposed a variety of covert operations against Nicaragua. The least controversial was to continue financial assistance for internal opponents of the Sandinistas begun by the Carter administration and expanded by Reagan in March 1981.<sup>2</sup>

Among the paramilitary operations proposed, the most ambitious called for the CIA to assemble, train, arm, and direct a commando force of 500 Latin Americans, mostly Cuban exiles, to conduct paramilitary operations against Nicaragua from base camps in Honduras. The primary mission of this force would be to attack Nicaragua's economic infrastructure in the hope that the resulting economic hardship would produce political destabilization. Such a force would also enable the United States to attack "special Cuban targets" in Central America. The initial budget for this option was reportedly \$19.95 million.<sup>3</sup>

A second option, proposed as a complement rather than alternative to the first, called for the United States to provide financial and logistical support for the efforts of Argentina's rightist military regime to train 1,000 Nicaraguan exiles for the purpose of overthrowing the Nicaraguan government. A third more limited option involved funneling military aid, particularly small arms, through the Honduran Armed Forces to Nicaraguan exiles already operating along the Nicaraguan-Honduran border.<sup>4</sup>

The CIA's plans touched off a heated debate within the administration over the objectives of U.S. policy toward Nicaragua. Some officials argued for a major covert effort to overthrow the Sandinistas. Others argued that such an effort would inevitably entangle the United States with the remnants of Somoza's hated National Guard—a futile alliance that would allow the Sandinistas to rally popular support. They also warned that efforts to depose the Sandinistas could spark a wider regional war, drawing the United States into direct military involvement. These officials argued that any covert operations against Nicaragua should have the limited objective of seeking to cut off any arms flow from Nicaragua to the Salvadoran guerrillas.<sup>5</sup>

After extended debate, President Reagan signed National Security Decision Directive 17 and a December 2, 1981, "Presidential Finding" granting the CIA broad authority to conduct covert operations in Central America.<sup>6</sup> The CIA was authorized to proceed with the creation of the 500-person commando force, to assist the Argentine effort to build an exile army, to establish liaison with exile groups operating from Honduras, and to work toward the creation of a broad political opposition front to the Sandinistas—in short, all the operations originally proposed were approved. Those within the administration who had argued that such operations would prove counterproductive won only a small victory; the objective of these programs would be limited, nominally at least, to halting the arms flow from Nicaragua.<sup>7</sup>

When the Presidential Finding was submitted to the Intelligence Committees of Congress, many members voiced concerns similar to those debated within the administration. There was strong bipartisan opposition to creating a commando force for attacking "special Cuban targets," and this aspect of the program was apparently dropped.<sup>8</sup>

By mid-1982 the military aid provided by the United States had transformed the exiles from a ragtag collection of small groups totaling no more than 1,000 persons into a well-equipped and professionally trained army of some 4,500, which called itself the Nicaraguan Democratic Forces (FDN).<sup>9</sup>

Most of the FDN's forays into Nicaragua from Honduras came in the eastern and central regions—far from the alleged arms smuggling routes along the western coast. Moreover, the contras never intercepted any arms and publicly disclaimed that they were trying to. This made it increasingly difficult for the administration to credibly maintain that the purpose of the operation was arms interdiction. By fall 1982, the administration was presenting a new rationale to Congress: The covert war was not designed to directly interdict arms but rather to punish Nicaragua in order to pressure the Sandinistas to cease their support for the Salvadoran guerrillas.<sup>10</sup>

Operationally, punishment meant contra attacks on border towns and targeting of economic assets—farms, warehouses, and so on. With this new strategy, the line between punishing the Sandinistas and trying to overthrow them became difficult to discern since the operations being mounted were exactly the sort originally proposed by the CIA as a way of deposing the government. By fall 1982, the contra army in Honduras was already three times the size of the invasion force at the Bay of Pigs in 1961; by fall 1984, it was ten times as large.

As the covert war widened and the U.S. role in it became more central, both the House and the Senate Intelligence Committees began to worry that the operation was spiraling far beyond the boundaries they had originally approved. In April 1982, liberal Democrats in the House committee failed in a bid to cut off funding for the covert war.<sup>11</sup> But, in an effort to hold the CIA to its original objective of arms interdiction and to send the administration a message that it was concerned about the direction of policy, the committee added language to the Classified Annex to the Fiscal Year (FY) 1983 Intelligence Authorization (P.L. 97-269) prohibiting U.S. aid to paramilitary groups "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."<sup>12</sup>

This language was not designed to bring the covert operation to a halt; on the contrary, it was intentionally crafted to register the committees' growing uneasiness without interfering with the operation. The Reagan administration was able to interpret the law as allowing support for the contras so long as the purpose of the United States was not one of those proscribed. The intentions of the contras were irrelevant, legally at least.

This mild restriction remained a secret until December 1982 when Representative Tom Harkin (D.-Iowa) offered an amendment to the FY 1983 Defense Appropriations bill (which included appropriations for the intelligence community) to prohibit U.S. assistance to any group involved in paramilitary operations in Nicaragua. Representative Edward Boland (D.-Mass.), the chairman of the Intelligence Committee, argued that the Harkin amendment was unnecessary, assuring the House that the Intelligence Committee was carefully monitoring the situation. He offered as a substitute for Harkin's amendment the same language that had been included earlier in the Intelligence Authorization. The Republican leadership, seeking to avoid a vote on the Harkin language, supported Boland's substitute, which

passed 411 to 0 and was subsequently incorporated into the Continuing Resolution (P.L. 97-377).<sup>13</sup> Although its passage merely reaffirmed existing law, the Boland amendment was another warning to the administration that it had not assuaged congressional concerns.

### Cutting Off Aid to the Contras

By 1983, the administration's credibility and support in Congress had begun to erode. The visible failure of Reagan's Central America policy to achieve its stated objectives, its growing price tag, and the president's apparent determination to escalate U.S. involvement began to frighten moderates from both parties who had supported Reagan in the 97th Congress. Moreover, the Democrats' gains in the 1982 midterm elections tarnished the mantle of invincibility Reagan had acquired in the budget battles of 1981. The Democrats also gained enough House seats to alter the composition of key committees, including Foreign Affairs and its Inter-American Affairs Subcommittee. During the 97th Congress, Republicans and conservative Democrats had been able to block committee actions critical of Reagan's policy in Central America. During the 98th Congress, they could not.

The administration continued to expand the covert war in 1983 despite growing congressional opposition. In March, 1,500 contras invaded Nicaragua, and the intensified fighting led to a new series of press reports documenting the U.S. role in all phases of the war.<sup>14</sup> The new revelations convinced a number of members that the administration's real intent was to overthrow the Nicaraguan government, in violation of the Boland amendment. Senator Daniel Patrick Moynihan (D.-N.Y.), vice-chairman of the Senate Intelligence Committee, reported that a number of his colleagues had come to that conclusion. Senator Patrick Leahy (D.-Vt.) traveled to Central America on behalf of the committee to investigate U.S. operations and upon his return said that it appeared to him the administration was ignoring the intent of Congress. Representative Wyche Fowler (D.-Ga.) conducted a similar investigation for the House committee and returned with the same conclusion. Finally, Boland himself declared that the evidence was "very strong" that the administration was violating the amendment bearing his name.<sup>15</sup>

By being less than candid with the committees and ignoring warnings in September and December 1981, the administration lost the confidence of people like Moynihan and Boland, whose attitudes about the role of Congress in foreign policy were more traditional than activist. Boland and the Democratic leadership in the House became convinced that Congress could not control or limit the covert war because the administration would not deal with the Intelligence Committees in good faith. The only alternative, then, was to stop it. In spring 1983, the House Intelligence and Foreign Affairs Committees proposed the Boland-Zablocki bill (H.R. 2760) to prohibit the funding, directly or indirectly, of military or paramilitary operations against Nicaragua.<sup>16</sup>

During the same few weeks that Boland-Zablocki was being considered in committee, the Reagan administration's request for \$110 million in emergency military aid for El Salvador was being slashed by the House Foreign Affairs Committee and the Appropriations Subcommittee on Foreign Operations. These setbacks led President Reagan to make an extraordinary speech on Central America to a Joint Session of Congress on April 27, 1983. Reagan tried to regain the offensive by casting the issue starkly in cold war terms, railing against the Cuban-Soviet menace and threatening to blame Congress for losing Central America if it failed to acquiesce to his demands. "Who among us," he concluded his speech, "would wish to bear the responsibility for failing to meet our shared obligation?"<sup>17</sup> In case there was any doubt about the import of this thinly veiled threat, UN Ambassador Jeane Kirkpatrick was more blunt a few days later when she complained that the administration's problems resulted because "there are some members of Congress who want to see Marxist victories in Central America."<sup>18</sup>

The Boland-Zablocki bill came to the House floor on July 27 and was bitterly debated for two days. In addition to cutting off funds for the covert war, the bill also included a provision authorizing \$80 million (reportedly the sum requested by the administration for the covert war in FY 1984) in overt military aid for "friendly" Central American governments to be used for interdicting arms allegedly being smuggled from Nicaragua.<sup>19</sup> The overt aid provision was included to meet the administration's claim that the purpose of the covert war was to interdict arms flowing from Nicaragua to guerrilla movements in El Salvador and Guatemala. It was also required to win the support of Majority Leader Jim Wright (D.-Tex.) and enough other conservative Democrats to pass the bill.

The inclusion of overt aid, along with a series of policy statements in the bill that denounced Nicaragua for exporting revolution, angered several dozen of the most liberal members in the House. But ultimately, they were swayed by the argument that a repudiation of the covert war by the House would be an important political blow to Reagan's policy. For the liberals, the Reagan administration's vehement opposition to Boland-Zablocki was the most compelling argument in its favor. When the bill came to the floor, they swallowed their discomfort and supported it. The final tally on July 28 in favor of H.R. 2760 was 228 to 195.

Not surprisingly, the Republican-controlled Senate refused to take up Boland-Zablocki, but the House was not so easily dissuaded. On October 20, it voted 227 to 194 to add the Boland-Zablocki provisions to the FY 1984 Intelligence Authorization (H.R. 2968), and on November 2, it passed the Defense Appropriation (H.R. 4185), which included the prohibition on aid for the contras (which Boland had added in committee markup) without providing any overt aid for arms interdiction.

The Senate version of the Intelligence bill authorized a continuation of the covert war by giving the administration its full funding request. The contra aid issue stalled both the Intelligence and Defense bills in conference

until a compromise was reached on the Defense Appropriation (P.L. 98-212). It provided \$24 million for the covert war—substantially less than the administration had requested—and prohibited the president from supplementing that amount by using contingency funds or reprogramming.<sup>20</sup> This compromise was then included in the Intelligence Authorization (P.L. 98-215) as well.<sup>21</sup>

The administration was free, of course, to come back to Congress with a supplemental request, which it did in March 1984. But rather than following the normal procedure of submitting a request and having it referred to the relevant committees, the administration tried to short-circuit the legislative process. In a surprise move, Republicans in the Senate Appropriations Committee, acting at the administration's behest, added \$21 million for the contras to an unrelated bill, a supplemental appropriation for emergency African famine relief, child nutrition programs, and summer jobs (H.J. Res. 492). This bill had already passed the House (with no contra aid in it), so the administration did not have to worry about hostile House committees killing the request. The administration hoped that once again a compromise between the House and Senate versions of the bill would produce at least part of the aid package it wanted.<sup>22</sup>

But the House conferees were unwilling to give in. On May 25, the bill came back to the House in disagreement, and it voted 241 to 177 to add a provision banning the use of any funds appropriated in the bill for military or paramilitary operations against Nicaragua—the same "Boland" language originally included the previous fall in the House version of the FY 1984 Intelligence Authorization.<sup>23</sup>

Between the Senate vote on the supplemental in March and the House vote in May, the press revealed that the CIA had mined Nicaragua's harbors, damaging ships from nearly a dozen nations, most of them allies of the United States. The administration then compounded the self-inflicted political damage by refusing to recognize the jurisdiction of the World Court to hear a complaint against the mining brought by Nicaragua. The mining and the withdrawal from the court were roundly condemned in the Congress. Even the Senate, which had never denied the administration its requests for funding the covert war, approved by a vote of 84 to 12 a nonbinding resolution calling for a halt to the mining.<sup>24</sup>

In this atmosphere the Senate took up the Conference Report on the supplemental appropriation for child nutrition and summer jobs to which aid for the contras had been attached. Faced with the prospect of losing the summer jobs bill because of the Nicaraguan aid provision, the Senate leadership gave up the fight. In June the Senate receded to the House position, stripping contra aid from the bill and accepting the Boland prohibition. Since by that time the \$24 million appropriated the preceding November had been exhausted, the legal expenditure of U.S. funds to aid the contras came to an end.<sup>25</sup>

But the battle over Nicaragua was not finished. Having lost its bid for more aid during FY 1984, the Reagan administration simply shifted the

fight to the pending legislation for FY 1985. The House Intelligence Authorization for FY 1985 (H.R. 5399) was reported from committee with the same ban on contra aid as in the FY 1984 bill, and it passed the House on August 2, 1984, by a vote of 294 to 118. The Republican leadership decided not to force a direct vote on the issue of covert aid, knowing that the effort would be futile.<sup>26</sup> Moreover, the administration knew it could rely upon the Senate to approve its request to keep the covert war going.

The Senate approved the administration's request for \$24 million in contra aid for FY 1985, and the issue was joined in the conference on the FY 1985 Continuing Resolution (H.J. Res. 648). A year earlier, in a similar deadlock, House conferees had agreed to continue funding the covert war at something less than half the level requested by the administration. They adamantly refused to accept a similar compromise for FY 1985. "We are not about to agree," Boland insisted. "The House has voted four times to stop this war in Nicaragua."<sup>27</sup>

The issue deadlocked the conference for several days until a compromise was finally agreed upon. Although \$14 million was appropriated for aid to the contras, none of the funds could be expended until after February 28, 1985. Moreover, they could only be released then if Congress approved by joint resolution (by majority vote of both chambers).<sup>28</sup>

This compromise settled the issue for the 98th Congress. Rather than fighting a major battle over an unpopular policy in the middle of Reagan's reelection campaign, the administration postponed the fight, hoping that the 1984 election results would give it a stronger hand in 1985. Not only did the Republicans expect Reagan to win reelection easily, thereby restoring his mandate and his influence on Capitol Hill, they also hoped his coattails would carry enough seats in the House to restore an ideological majority of Republicans and conservative Democrats who would support renewed aid to the contras.

### The House Reverses Itself

Demoralized by the electoral debacle of November 1984, congressional Democrats were noticeably more reluctant to confront Reagan on Central America in 1985. This was especially true in the case of El Salvador, where the 1984 election of José Napoleon Duarte as president and the subsequent Christian Democratic victory in the 1985 legislative elections convinced many members of Congress that perhaps Reagan's policy was working after all.

But congressional opposition to Reagan's policy toward Nicaragua appeared to be less tractable. The House Democrats were firmly on record against a continuation of aid for the contras, and the Republicans had failed to gain enough House seats in the election to close the margin. Although the Democrats lost about two dozen seats in 1984, many of them were conservatives from Texas and North Carolina who had consistently voted in favor of the covert war. The election appeared to cost opponents of the

covert war about thirteen to fifteen votes, well short of the thirty-two votes by which the Republicans lost the issue in May 1984. Even as resistance to Reagan's policy in El Salvador was crumbling, opposition to the covert war seemed solid.

On April 3, Reagan, acting under the terms of the compromise agreed to the previous fall, requested release of the \$14 million. As Minority Leader Robert Michel (R.-Ill.) admitted, there was virtually no chance the House would agree.<sup>29</sup> In an effort to overcome the House's resistance, Reagan proposed a "peace plan" calling for negotiations and a cease-fire between the Sandinistas and the contras. He promised to spend the \$14 million only for food and medicine, unless the Sandinistas refused to accept the contras' offer of negotiations, in which case military aid to the contras would be resumed. When even this proposal seemed doomed to fail, the President retreated even further, promising to use the \$14 million only for nonmilitary aid.<sup>30</sup> That was enough to bolster his flagging support in the Senate, which voted 53 to 46 to release the \$14 million (S.J. Res. 106).<sup>31</sup> Nevertheless, it was the closest Senate vote up to that time, and the outcome was in doubt until the very end. Had Reagan forced the Senate to vote directly on military aid, he might well have lost.

In the House, the situation was much more complex. Fearing that Reagan's peace plan might erode the majority against funding the contras, the Democratic leadership sought to devise a positive alternative to direct aid for the rebels. The result was H.J. Res. 247, sponsored by Michael Barnes (D.-Md.), chairman of the Western Hemisphere (formerly Inter-American Affairs) Subcommittee, and Lee Hamilton (D.-Ind.), the new chairman of the Intelligence Committee. It thus came to be known as the Barnes-Hamilton proposal. While continuing the ban on military aid for the contras, it provided \$10 million for the International Red Cross and the UN High Commissioner for Refugees to aid Nicaraguan refugees and \$4 million to help finance the Contadora peace process (led by Mexico, Venezuela, Colombia, and Panama).

To bring the Barnes-Hamilton proposal to the floor, the Democrats were forced to let the Republicans present an alternative of their own. Sponsored by Minority Leader Michel, it provided \$14 million in direct, nonlethal aid (so-called humanitarian aid) to the contras to be administered by the Agency for International Development rather than the CIA. The Republicans hoped that by limiting aid to nonmilitary supplies and prohibiting CIA involvement, they could regain enough votes to keep the covert war going.<sup>32</sup>

To the extent that the House leadership's strategy was designed to ensure a solid victory against the release of the \$14 million in military aid for the contras, it succeeded. The resolution to release the aid (H.J. Res. 239) was defeated 248 to 180—almost exactly the same margin registered in May 1984 when the issue had last been contested. But from that point, the leadership's strategy began to unravel. The first vote on Barnes-Hamilton produced a much narrower victory than the Democrats anticipated, 219 to 206. The vote on Michel's substitute could not have been closer. It was defeated 215 to 213, with the winning margin provided by members changing their votes moments before the final tally was announced.

Even this drama was surpassed on the vote for final passage of the underlying resolution (i.e., the second vote on Barnes-Hamilton). To everyone's surprise, Barnes-Hamilton was overwhelmingly defeated (303 to 123) by a bizarre coalition of Republicans and liberal Democrats.<sup>33</sup> The liberal Democrats, many of whom complained that they had not been consulted by the leadership when Barnes-Hamilton was devised, voted in favor of it on the first vote only because its defeat then would have made the passage of Michel's amendment more likely. Once the Michel proposal had been defeated and the choice was between Barnes-Hamilton or no aid at all, the liberals voted for no aid.

The liberals were also worried that the passage of Barnes-Hamilton would provide a legislative vehicle that the Senate could use to go to conference and insist upon direct "humanitarian" aid to the contras. Since the Senate had approved the release of military aid and Michel's proposal for nonlethal aid had failed so narrowly, the liberals were afraid that the end result of this process would be to restore aid to the contras. By voting against Barnes-Hamilton, they deprived the Senate of a vehicle because there was no House bill to go to conference.

The Democratic leadership knew that many liberals would vote against Barnes-Hamilton on final passage, but no one on the Democratic side imagined that the Republicans would vote against it at that stage. For them, the logical strategy was to support Barnes-Hamilton on final passage, even though they despised it, in order to create a vehicle for conference with the Senate. But the Republican leadership had as much difficulty with its most conservative members as the Democratic leadership had with the liberals. The Republican Right simply refused to vote for Barnes-Hamilton, which they regarded as tantamount to surrender in the war with Nicaragua.

Thus, the moderate Democrats were left alone in their support for Barnes-Hamilton. The press headlined the votes as a total defeat for Reagan's Nicaragua policy because all the aid proposals had failed. In fact, the votes indicated that the administration's position was stronger than anyone had anticipated and therefore encouraged the administration to return to Congress as rapidly as possible with a new aid request.

The surprise defeat of Barnes-Hamilton left moderate and conservative Democrats embittered. The whole purpose behind the bill had been to give them political cover—a politically defensible alternative that did not totally abandon the contras. The failure of Barnes-Hamilton left a number of those Democrats feeling politically vulnerable. Some of them publicly blasted their liberal colleagues for sinking Barnes-Hamilton and vowed that if they had known what was going to happen, they would have supported Michel's amendment.<sup>34</sup> Since the Republicans only needed to pick up two votes to pass Michel's amendment, the prospects for nonlethal aid looked excellent. They looked even better the day after the vote when the headlines reported that Nicaraguan President Daniel Ortega was on his way to Moscow.

Ortega had made half a dozen trips to Moscow over the preceding four years, and the political reverberations in the United States had always been

slight. Thus the Sandinistas were wholly unprepared for the political firestorm caused by the April trip. Earlier trips had not received much attention in Washington because they had never coincided with any of the periodic surges of public attention to the issue of Nicaragua. But the April trip came just at the climax of an intense and acrimonious congressional debate and so became a front-page story.

The trip was a political disaster for opponents of contra aid. Reagan had charged that the Sandinistas were Communists and Soviet puppets. Ortega's trip seemed to prove him right. Some members of Congress literally believed that the trip was intentionally timed to insult and embarrass them. Others felt betrayed: They had gone out on a political limb for Nicaragua, and the Sandinistas had unthinkingly cut it off. But even among members whose response was less personal, the trip left a strong conviction that the Sandinistas could not be relied upon to act with any political acumen. At any moment they were liable to do something that would make it politically untenable to be seen as their defender. The fact that Ortega went to the Soviet Union in search of desperately needed oil was neither widely understood nor relevant to the political effect the trip had in Washington.

The administration launched its new drive for contra aid in the Senate, hoping that a successful vote there might produce some political momentum carrying over into the House. The administration and its Republican allies stayed in the background, allowing conservative Democrats to take the lead in proposing nonlethal aid. On June 6, the Senate adopted (55 to 42) an amendment to the State Department Authorization (S. 1003) by Sam Nunn (D.-Ga.) providing \$38 million in nonlethal aid during FY 1985 and 1986.<sup>35</sup>

On June 12, the issue was joined once again in the House on a series of amendments to a supplemental appropriation (H.R. 2577). It was a debacle for the House leadership, as the Democrats lost four successive votes by wide margins.<sup>36</sup> The first vote was on a proposal by Boland to extend the existing ban on military aid to the contras without regard to fiscal year. The Democrats were most confident of passing this amendment since the Boland language had passed by substantial margins three times since 1983. It was also a kind of poison pill for the Republicans; if they wanted nonlethal aid for the contras, they would have to accept a permanent ban on military aid to get it. But the Boland amendment was defeated 232 to 196.

The second vote came on an amendment by Richard Gephardt (D.-Mo.) that would have postponed any aid to the contras for six months and required another vote before money could be expended. The idea behind this proposal was simple enough—to give the Democrats time to regroup and to allow Ortega's Moscow trip to fade from memory. But for members who felt a political need to be on record favoring some sort of policy toward Nicaragua, this approach was worthless. Gephardt's amendment failed, 259 to 172.

The third amendment was a new version of the Michel proposal sponsored this time by Joseph McDade (R.-Penn.) to attract support from moderate Republicans in the northeast. The new Republican proposal had been worked

out in negotiations between the Republican leadership and a group of conservative Democrats headed by Dave McCurdy (D.-Okla.). It provided \$27 million in nonlethal aid for the contras as long as it was not administered through the CIA or Department of Defense. In addition to these restrictions, McCurdy also received a letter from President Reagan forswearing any intent to overthrow the Nicaraguan government, pledging to resume bilateral negotiations with the Sandinistas, and committing the administration to efforts to remove Somocistas and human rights violators from the contra ranks. The amendment passed, 248 to 184, getting 35 more votes than it had gotten in April. Finally, Lee Hamilton offered a new version of the Barnes-Hamilton proposal to channel \$14 million in refugee aid through international relief organizations. It failed 254 to 174.

In the wake of the Democrats' defeat in the House, the Senate Appropriations Subcommittee on Foreign Operations added Nunn's nonlethal aid proposal to the supplemental in markup, and it went unchallenged on the floor. The Senate Intelligence Committee then added the package to the secret portion of the Intelligence Authorization (S. 1261). Similarly, the House added the Michel proposal (this time sponsored by McCurdy) to the Foreign Assistance Authorization on July 10 without opposition.<sup>37</sup> When the minor differences between the House and Senate versions of the supplemental and the Foreign Assistance Authorization had been worked out in conference, the Congress had approved \$27 million in nonlethal assistance for the contras for the remainder of FY 1985 and the first half of FY 1986.<sup>38</sup>

In the press and in the corridors of the Capitol, a variety of explanations were advanced to account for the stunning reversal of the House's position on aid to the contras. Most of the votes that changed from April to June were those of Democrats from the deep South or the border states. One explanation for their shift blamed the Sandinistas' growing authoritarianism and military ties to the Soviet Union and Cuba. According to this account, Ortega's trip to Moscow was the last straw, crystallizing animosity toward the Sandinistas that had been building among Democrats for several years. Conservatives were simply the first to become angry enough to break ranks and vote for contra aid.

A second explanation held that the president's harsh anti-Sandinista rhetoric and the Republicans' threats to blame the Democrats for being "soft on communism" had kindled political fear among Democrats from conservative districts. This fear was exacerbated by the failure of Barnes-Hamilton (which left the threatened Democrats without any "political cover") and by Ortega's trip to Moscow (which lent credence and drew public attention to Reagan's charges that the Sandinistas were Communists).

A third explanation looked to the internal processes of the House to explain the debacle, arguing that those who switched their votes in June were embittered by the liberals' wholesale desertion of Barnes-Hamilton in April. In deference to the leadership, many conservatives had grudgingly voted for Barnes-Hamilton and against Michel, even though they were

uncomfortable with those votes both ideologically and electorally. When the leadership was unable (or in more Machiavellian reconstructions, unwilling) to keep the liberals from sending Barnes-Hamilton down to defeat on final passage, the conservatives felt betrayed. In June, they expressed their anger by handing the liberals and the leadership a crushing defeat.

Dave McCurdy was certainly among those who felt betrayed. As a border state conservative and a member of the Intelligence Committee, McCurdy was influential among conservative and moderate Democrats. In 1983, he played an important role in lining up their support for the Boland-Zablocki bill, and until 1985, he voted consistently against aid to the contras. Immediately following the defeat of Barnes-Hamilton in April, however, McCurdy drafted his own plan for giving nonlethal aid to the contras and quickly recruited over a dozen Democrats as cosponsors, most of them other conservatives who had previously opposed contra aid. With the House so closely divided on the issue, McCurdy's small group constituted the margin of victory, and he emerged as a central figure in subsequent maneuvering.

### Getting Back in the War

The \$27 million in aid to the contras that Congress approved in June 1985 extended only through the first half of FY 1986 (until March 31, 1986). To obtain additional funding, Reagan was required to return to Congress for approval.<sup>39</sup> As early as January 1986, the administration indicated that it would seek a sizable increase in contra aid when the \$27 million ran out in March. Even more important, the administration hoped to win a repeal of the ban on lethal military aid and the prohibition on CIA involvement in the war.<sup>40</sup>

On February 25, the administration submitted a request for \$100 million in additional aid for the contras for the second half of FY 1986 and all of FY 1987. In an effort to break the back of congressional opposition, the administration went all out to win its full request.<sup>41</sup> Reagan spoke on the subject constantly, culminating the campaign with a nationwide television address on the eve of the congressional votes.<sup>42</sup>

The administration's strategy was to bludgeon the Congress into surrender. This strategy had worked well in summer 1985, when the administration had gained votes among southern Democrats by branding opponents of contra aid as soft on communism. In March, the administration returned to this theme with a vengeance. The bare-knuckled assault was led by White House Communications Director Patrick Buchanan. In an opinion piece for the *Washington Post* and in subsequent television interviews, he impugned the loyalty of Democrats opposing Reagan's Nicaragua policy, accusing them of being Moscow's allies. "The national Democratic Party has now become, with Moscow, the co-guarantor of the Brezhnev Doctrine in Central America," he wrote in the *Washington Post*. "With the vote on contra aid, the Democratic Party will reveal whether it stands with Ronald Reagan and the resistance—or Daniel Ortega and the Communists."<sup>43</sup>

This time, however, the strategy backfired. Buchanan's hyperbole was too crude and strident, too obvious an attempt at intimidation. The attacks were widely criticized in the press, and, rather than cowering, the Democrats fought back, accusing the White House of McCarthyism and even calling for Buchanan's resignation. Although Reagan never disowned Buchanan's vitriolic attacks, they subsided shortly after Senator Nancy Kassebaum (R.-Kan.), a supporter of contra aid, took the Senate floor to reproach the White House for abandoning "reasoned and rational debate." The administration was distorting the issue, she argued, by presenting it as a conflict between "Republicans in white hats and Democrats wrapped in red banners." Impugning the patriotism of anyone who disagreed with Reagan's policy was "simplistic" and "highly offensive," Kassebaum warned.<sup>44</sup>

The administration's rhetorical excesses regarding the Sandinistas did not subside, however. They were accused of every sin imaginable from drug smuggling to anti-Semitism. The president's televised address to the nation offered the full litany of charges, many of them so extreme and resting upon such dubious factual grounds that several national newspapers felt compelled to run stories assessing their accuracy (or inaccuracy)—a highly unusual practice.<sup>45</sup>

Having turned the contra aid issue into a veritable crusade, the White House rejected any compromise, insisting on the passage of its full, undiluted proposal.<sup>46</sup> At the last minute, when it was clear that the administration was at least ten votes short of a majority, Reagan offered some minor concessions in a letter to the House, but they were not enough.<sup>47</sup> The aid package was rejected, 222 to 210, a major political defeat considering how much attention and presidential prestige the administration had invested.<sup>48</sup>

Several factors contributed to the outcome. One was the vicious tone with which the administration had launched its appeal. Another was the fact that, despite the enormous effort mounted by the White House, public opinion remained adamantly opposed to U.S. involvement in Nicaragua. When pollsters first began asking about aid to the contras in early 1983, they found that about 60 percent of the public opposed aid to the contras and only about 25 percent favored it. These proportions remained unchanged over the succeeding three years. Polls taken in March and April 1986 showed 62 percent were opposed to aiding the contras and less than 30 percent in favor.<sup>49</sup> Another source of difficulty for the administration was the growing sense that its claims of wanting a negotiated settlement with Nicaragua were hollow and that it was unwilling to settle for anything less than the overthrow of the Sandinistas.

The growing opposition of Latin America to U.S. policy also became a factor in the debate. Until January 1986, the Contadora nations were always very circumspect in their criticism of U.S. aid for the contras. This caution allowed the administration to claim that in private they were much more supportive of U.S. policy than domestic political exigencies would allow them to acknowledge publicly. In January, however, the foreign ministers of the four Contadora nations (Mexico, Venezuela, Colombia, and Panama)

and the four nations of the Contadora Support Group (Argentina, Brazil, Peru, and Uruguay) came to Washington to openly urge the administration to halt aid for the contras and resume bilateral talks with Nicaragua. They were rebuffed, but from that point onward, the administration's claims that most countries in Latin America secretly supported its policy had little credibility. Gradually, Congress was coming to realize that the administration's policy, despite its rhetoric, was incompatible with the Contadora process, with a peaceful negotiated settlement of the conflict, and with the policies of all our important Latin American allies.<sup>50</sup>

In tactical political terms, the key reason that Reagan was defeated in March was that the McCurdy group voted against him. McCurdy deserted the White House for several reasons. First, Reagan had not made good on the promises he gave McCurdy the previous June. The administration had pledged to purge human rights violators from the ranks of the contras and to re-open bilateral negotiations with Nicaragua. Nothing had been done on either front.

McCurdy was angered by what he saw as the administration's duplicity and a bit embarrassed at having gotten nothing but a worthless letter in exchange for helping the administration win a major victory in June 1985. At the same time, he was still intent upon playing a central role in the formation of U.S. policy toward Nicaragua.<sup>51</sup> Following the example set by Les Aspin (D.-Wis.) on the issue of the MX missile, McCurdy sought to position himself as the spokesperson for a group of moderates holding the balance of power between the administration and its Democratic opponents. From this vantage point, he aimed to mold U.S. policy by making the administration negotiate with him for his support.

The administration, however, was not keen to negotiate again with McCurdy. To win his support in June 1985, the administration had agreed to a bill that limited aid to nonlethal supplies and prohibited CIA involvement in its delivery. By 1986, with the Sandinistas making major gains on the battlefield, these limitations loomed large. Moreover, the administration was not pleased at having its policy held hostage by McCurdy, who was sure to demand more concessions in 1986. The consensus among Republicans was that they had been too quick to negotiate with McCurdy in 1985 and had given up too much to get his support. In 1986, they resolved to try to win without him.

The Democrats, on the other hand, had no hope of defeating the White House request unless a substantial number of the McCurdy group voted against it. To ensure McCurdy's opposition to the administration's request in March, Speaker Tip O'Neill promised him an opportunity to present his own plan for contra aid later in the year. McCurdy agreed, and most of the conservative Democrats who had followed him into Reagan's camp in June 1985 voted against the administration in March 1986.

A week later, on March 26 and 27, the Senate took up the administration's request, modified it slightly, and passed it by the narrow margin of 53 to 47. Political alignments around contra aid in the Senate mirrored those in

the House, except that the Republicans began with the majority. As in the House, about two-thirds of the Democrats opposed any form of aid for the contras, whereas a substantial minority bloc of conservative southerners supported the administration. The Senate vote in March was close only because the moderate Republicans opposing contra aid in the Senate were numerous enough to offset the southern Democrats supporting it.<sup>52</sup>

Moderate Senate Democrats repeatedly tried, without success, to find a compromise position that would command broad support within the party and, by attracting moderate Republicans, have a chance of passage. Attempts to craft such compromises by Senator Joseph Biden (D.-Del.) in 1985 and by Senators Jim Sasser (D.-Tenn.) and Albert Gore (D.-Tenn.) in 1986 were overwhelmingly defeated. They were opposed both by liberal Democrats who, like their House colleagues, refused in principle to vote for any contra aid, and by the administration, which saw no need to make any real concessions in order to prevail in the Senate.<sup>53</sup>

In the House, the vast majority of Democrats continued to oppose any contra aid whatsoever, but this was clearly a minority position in the chamber as a whole. The McCurdy group still held the balance of power, and McCurdy's own position was still closer to the administration's than to the Democratic leadership's. As the political maneuvering began for the second round of contra aid votes in April, the issue was whether the Democrats could muster the votes to impose any significant restrictions on the administration's aid package. As the debate unfolded, the restriction that appeared to have the best chance of passage was one that allowed only \$30 million in nonlethal aid to be distributed to the contras immediately and required a second vote by Congress in July before any of the \$70 million in military aid could be released. Holding off military aid would delay a major escalation of the war and give opponents of contra aid another opportunity to block it in July.

Despite its defeat in March, the administration did not alter its legislative strategy. The White House remained convinced it could win without McCurdy and without making any real concessions. It focused on bringing renegade Republicans back into the fold and picking up a few conservative Democrats. The arithmetic looked favorable. Sixteen Republicans had voted against the White House in March. If that number could be reduced to the seven diehards who voted against the administration in June 1985, Reagan would win.

After being spurned by the administration, McCurdy's only hope for remaining a central player in the debate was to join forces with the Democratic leadership. After some negotiation, McCurdy agreed to sponsor the Democrats' restrictive amendment requiring a majority vote from both chambers of Congress in July before military aid to the contras could be released. A second amendment was developed by Robert Mrazek (D.-N.Y.) and Norman Mineta (D.-Calif.) to prohibit U.S. military personnel from training the contras in Honduras, Costa Rica, or El Salvador.<sup>54</sup>

When the House returned to the contra issue in April, the key fight was around the relationship of contra aid to the supplemental appropriation

(H.R. 4515). In March, the speaker had promised McCurdy that he would have a chance to offer a contra aid proposal as an amendment to the supplemental. The Republicans, however, did not want the aid package tied to the spending bill because the administration opposed other aspects of the bill and Reagan was threatening to veto it. They wanted the contra aid package to be considered as a separate measure, so that whatever aid package passed, it could go quickly to conference with the bill the Senate had already approved.

Not surprisingly, the Democratic majority on the Rules Committee refused to go along, instead reporting a rule that kept the contra aid issue tied to the supplemental. Though the Republicans protested the rule bitterly, it was narrowly approved, 212 to 208.<sup>55</sup> The rule provided that the administration's aid package as passed by the Senate on March 27 (S.J. Res. 283) would be taken up and that three amendments would be in order. First, a substitute by Lee Hamilton (a new version of the 1985 Barnes-Hamilton proposal) would be voted on, allowing the Democrats to establish that they remained opposed in principle to any contra aid. No one expected Hamilton's amendment to pass, however. If it was defeated, the rule provided that McCurdy's restrictive amendment would be taken up, followed by Mrazek's. Finally, there would be a vote on final passage of the proposal as amended.

As debate began on April 16, whip counts by both sides indicated that although the vote on the McCurdy amendment would be very close, the Democrats appeared on the verge of victory. Faced with that prospect, the Republicans pulled a surprise parliamentary maneuver to avoid voting and losing on the McCurdy amendment. They voted for the Hamilton amendment, thereby guaranteeing its passage. Under the rule, no further amendments were in order so the House had no opportunity to vote on the McCurdy or Mrazek amendments.<sup>56</sup> At that point the Democratic leadership "pulled" the bill from the floor rather than proceed to a vote on final passage of the Hamilton proposal. Otherwise, the Republicans might have used another parliamentary maneuver to strip Hamilton's amendment from the bill and get a vote on the unamended White House proposal.<sup>57</sup>

The Republicans avoided an embarrassing defeat on the McCurdy amendment, but they ended up with no contra aid at all. The reason behind the Republicans' decision, made in consultation with the White House, was the expectation that Reagan would veto the supplemental appropriation. It made little sense to expend great effort and to risk defeat on the McCurdy amendment in order to add contra aid to a bill that would probably never become law.

Instead, the Republican leadership proposed its own rule which would bring the contra aid package to the House floor as a separate bill. Knowing that the Democratic majority on the Rules Committee would never approve such a rule, the Republicans filed a discharge petition to force their proposal out of the committee. Few observers expected that the Republicans could muster the 218 signatures needed (they eventually got only 159), but the ploy did manage to keep the contra aid issue alive. To prevent McCurdy

and the conservative Democrats from signing the Republican's discharge petition, Speaker O'Neill promised to allow yet another round of voting on contra aid in June when the House took up the military construction appropriation bill.

The Democrats were elated by the outcome of the votes in April. The moderate Republicans had withstood intense pressure from the White House, and McCurdy, good to his word, had lobbied hard against the administration among conservative Democrats. Over the next two months, events in Central America seemed to move against the administration. The contra leadership came to the brink of disintegrating as Arturo Cruz (who gave the contras a patina of respectability among Washington moderates) threatened to resign from the movement rather than remain a mere figurehead. But, after a marathon negotiating session among the contra leaders, he finally agreed to stay on, mollified by the promise of greater influence.<sup>58</sup>

The Contadora negotiating process seemed to be moving toward an agreement. All but a handful of issues were resolved, and Nicaragua, which had refused to sign a final agreement unless Washington agreed to stop aiding the contras, seemed to soften its position, hinting that it might sign an accord even without such a guarantee. Faced with the threat of imminent peace, the Reagan administration blew up in open and bitter feuding between the so-called pragmatists who saw Contadora as a potentially workable alternative to the ineffectual contras and the hardliners who saw any agreement as an obstacle to their efforts to oust the Nicaraguan government.<sup>59</sup> The disarray seemed to confirm the Democrats' argument that Reagan had no clear policy other than the blind use of force.

As the next round of voting grew near, Congress discovered that the contras had been less than scrupulous about how they spent the \$27 million in nonlethal aid given to them in 1985. Although the 1985 law appropriating the funds specifically required the administration to establish procedures to guarantee that the funds were spent only for authorized purposes, an investigation by the General Accounting Office disclosed that over half the \$27 million could not be accounted for at all. The press supplemented the stories of contra corruption with reports of their involvement in drug smuggling and gun-running.<sup>60</sup>

Everyone agreed that the June votes in the House would be extremely close, as they had been in March and would have been in April if the Republicans had not aborted the process for fear of losing. But it was difficult to imagine that in the intervening months anyone would have shifted to the administration's side on the merits of the issue.

The administration, however, was in search of just seven votes. Enormous pressure was brought to bear on the sixteen Republicans who had voted against the president in March. The White House cast the issue as one of party loyalty, hinting that this was a bench-mark vote that the president (whose popularity stood at a record 68 percent) would remember when he was deciding for which Republican candidates to campaign and raise money in the fall. Still, the whip count in April had shown the administration that

it could not win enough of the Republicans to build a majority; it would have to seek out some of the Democrats in the McCurdy group as well. Instead of negotiating with McCurdy, the White House sought to splinter his group, picking off just enough members to win. The need to woo moderate Democrats dictated a change in the administration's tone. The harsh partisan rhetoric that characterized the debate earlier in the year was replaced by a conciliatory call for bipartisanship, and Reagan's vitriolic public denunciations of the Sandinistas were replaced by quiet presidential lobbying one on one with wavering members.<sup>61</sup>

The military construction appropriation bill (H.R. 5052) came to the House floor on June 25. The rule incorporated into the bill a proposal by McCurdy that included his April proposal on contra aid and added \$350 million in economic aid to strengthen Central America's "democracies." The rule allowed four amendments: as a substitute for McCurdy, the administration's proposal sponsored by Representative Mickey Edwards (R.-Okla.) and Ike Skelton (D.-Mo.), providing \$100 million for the contras in various increments through FY 1986-1987, and (taking a cue from McCurdy) \$300 million in economic aid for the rest of the region; Hamilton's substitute proposal, essentially unchanged from April, opposing all contra aid; an amendment by Mrazek prohibiting U.S. personnel from training the contras in Honduras or Costa Rica within twenty miles of the Nicaraguan border; and an anticorruption amendment by Representatives Leon Panetta (D.-Calif.) and Barnes preventing the release of new funds for the contras until the \$27 million approved in 1985 had been fully accounted for.

The first vote was the critical one—the choice between the administration's proposal and McCurdy's. The administration won, 221 to 209. Hamilton's substitute was defeated as anticipated, 183 to 245, but the Mrazek amendment passed, 215 to 212, indicating that even some administration supporters still harbored fears that a border incident involving Americans might touch off a wider war. The Panetta-Barnes amendment failed by a fairly wide margin (225 to 198) as the Republicans voted overwhelmingly against fiscal probity. They argued that the Democrats' demand for an accounting of the \$27 million before releasing additional funds was really an effort to gut the aid program—which of course it was. But the vote revealed that the Republicans were prepared to look the other way while the contras embezzled part of the aid money if that was the price of keeping the war going. The military construction bill itself then passed easily, 249 to 174.<sup>62</sup>

On the key vote substituting the administration's aid package for the McCurdy proposal, eleven members who had opposed Reagan in March sided with him in June and gave him his margin of victory. Five were Republicans who simply gave in to partisan pressure from the White House. Six were Democrats. Of these, at least two were alleged to have received White House promises of material benefits for their districts in exchange for their votes. Four of the six were members of the Armed Services Committee, including chairman Les Aspin, whose vote almost certainly influenced those of his committee colleagues. For Aspin, the motive was

largely ideological. Privately he had favored contra aid for over a year, but he hesitated to break ranks for fear of further complicating his already difficult relations with the party leadership and the liberals, relations strained by his championing of the MX missile.

The administration moved quickly to add the contra aid package to the military construction bill in the Senate, the next necessary step toward final approval. Senate opponents of contra aid had little hope of mustering a majority to reject Reagan's proposal. In March, the Senate had voted 53 to 47 in support of contra aid (the closest vote ever on the issue), and no one had voiced any subsequent change in their position. But Reagan's victory in the House had a sobering effect on Senate Democrats, who were accustomed to relying on the House to put the brakes on the administration's policy. Now they were the last bulwark against a major escalation of the war in Central America, and the sense that they stood at an historic turning point galvanized them to action.

Liberal Democrats began to organize a filibuster. The move was led by freshman Senators Tom Harkin (D.-Iowa) and John Kerry (D.-Mass.) but quickly picked up the support of senior members Alan Cranston (D.-Calif.), Edward Kennedy (D.-Mass.), and Intelligence Committee Vice-Chairman Patrick Leahy (D.-Vt.). The filibuster movement expanded rapidly at first but eventually foundered on two obstacles: division within the ranks of contra aid opponents and Majority Leader Robert Dole's (R.-Kan.) ability to control the flow of legislation to the Senate floor.

Not all opponents of contra thought that a filibuster was a good idea. In December 1982, Senator Christopher Dodd (D.-Conn.) had sponsored the first effort in the Senate to cut off contra aid, so his credentials as an aid opponent were unimpeachable. Yet he opposed the filibuster, fearing that it would allow Reagan to brand the Democrats as obstructionist and thereby damage their chances for regaining control of the Senate in the upcoming 1986 election. Better to give Reagan a vote on contra aid, Dodd argued, use the escalation of the war against the Republicans in the November election, regain control of the Senate, and then launch a concerted effort to stop the war.

Other more moderate Democrats were not so strongly opposed to contra aid that they were willing to engage in the gritty battle required to sustain a filibuster. Minority Leader Robert Byrd was a key figure in this group, and his opposition to the filibuster (he eventually voted for cloture to cut off the debate) made it especially difficult for the liberals to hold their moderate colleagues. Finally, the moderate Republicans who opposed contra aid were loathe to engender the wrath of their leaders and colleagues by blocking a final vote on contra aid when its proponents clearly had majority support. In the end, only five Republicans opposed cloture.

The Republicans' strategy for breaking the filibuster was to tie a resolution of the contra aid issue to the resolution of South Africa sanctions. Kennedy was intent upon introducing a tough sanctions bill before the Senate's August recess; Dole, acting on behalf of the administration, aimed to block

it. Whenever Kennedy tried to attach the sanctions bill to a pending piece of legislation, Dole threatened to attach contra aid as well, thus forcing the Democrats to accept contra aid as the price for getting sanctions against South Africa. But Dole was also willing to trade one issue off against the other, offering to forego a Republican filibuster against sanctions if the Democrats would abandon the contra aid filibuster. The Democrats refused.

The Senate remained deadlocked around the two issues for a week and a half, until finally an elaborate agreement was reached governing debate on both South Africa sanctions and contra aid.<sup>63</sup> By the agreement, supporters of each bill still had to win a cloture vote to end debate. But postcloture debate was slashed from the usual thirty hours to four, and the two issues were tied together so that failure to achieve cloture on either one meant that debate on both would continue. By the time the agreement was reached, support for the contra aid filibuster had ebbed so badly that few of the organizers thought they could win a cloture vote. Surprisingly, they did win the first vote, 59 to 40 but lost the second a few hours later, 62 to 37.

The Democrats offered over a dozen amendments to the contra aid package, all of which were defeated. The Republicans were determined to allow no deviation from the bill passed by the House, for fear that further roadblocks to passage would arise in the Conference Committee. On August 12, the Senate rejected 54 to 46 a motion by Sasser and Dodd to strike the contra aid program from the military construction bill, and the following day it formally approved the contra aid portion of the bill, 53 to 47. The military construction bill then passed easily, making it only a matter of time before the Reagan administration had its \$100 million in hand.<sup>64</sup>

## How Reagan Won

With the House vote in June and the Senate vote in August, the Congress had come full circle—from the two-year-long battle to control the covert war, culminating in the May 1984 cutoff of funds, through the administration's successful two-year struggle to restore the program. Reagan's victory was impressive. At the height of opposition to the contra war in 1984 and early 1985, opponents held more than a sixty vote margin over the White House. Reagan gradually eroded the opposition coalition around its ideological edge by persistence, by refusing to take no for an answer. He simply returned to Congress, time after time, eventually wearing down the margin and wearing out his opponents. In the early years, when the House first rejected funding for the contras, Reagan held out for half or a third of the money—enough to keep the war going. When Congress finally cut off funding in 1984, the administration turned to U.S. allies like El Salvador, Honduras, Israel, and South Korea and to private corporations and individuals to keep the contras alive until the congressional verdict could be reversed.

The administration played heavily on the tried and true themes of anticommunism: The Sandinistas were Marxist-Leninists, puppets of Havana

and Moscow. Unless stopped by Washington, they would continue exporting revolution to their neighbors, toppling dominoes south to the Panama Canal and north to the Texas border. The litany of Sandinista crimes recited by administration spokespersons was boundless: They had done away with all human rights, committed genocide against the Miskito Indians, driven the Jewish community into exile with anti-Semitic pogroms, smuggled drugs to poison the youth of America, and allowed Nicaragua to become a base for international terrorism.

The demonization of Nicaragua became so extreme that it caricatured itself. Few people who followed the issue closely took the charges literally—especially since the administration could rarely adduce much concrete evidence to back them up. But even though the exaggerated rhetoric was discounted, it had effect. It skewed the terms of debate, shifting the ground from the question of the effectiveness and propriety of the contra war to the issue of the Sandinista government's character.

This shift proved fatal for the administration's opponents. The Sandinistas, under the mounting pressures of war, acted in ways that gave ammunition to the administration's campaign of vilification. They moved into closer political and military alliance with Cuba and the Soviet Union and tightened internal controls against the unarmed opposition. The Democrats, of course, insisted that these developments were consequences of Reagan's war, but this argument was of little comfort. Whenever the Sandinistas did something that was politically indefensible in Washington, opponents of the covert war felt the ground slip out from under them a little bit more.

The Democrats tried to deflect the administration's assault on the Sandinistas' character by shifting the debate back to the merits of Reagan's policy, where they generally had the better of the argument. In hopes of doing this, they began conceding the evils of the Sandinista government. But they ended up conceding the argument without being able to shift its terms. Once the Democrats had conceded Reagan's premises, their posture was unavoidably defensive. If the Sandinistas were as bad as Reagan said—or even half as bad—then certainly the United States needed to do something about them. Reagan promised to do something; he would pressure them to behave, and those Communists would understand force. As an alternative, the Democrats offered support for the Contadora negotiations. But the argument for Contadora was crippled by the lack of real progress in the negotiations and the ambiguity about who was holding them up. Moreover, the Reagan administration held veto power over Contadora's success; by stalling, it could undercut the viability of the only alternative the Democrats were advocating.

The Democrats also tried to counter Reagan's attack on the Sandinistas by examining the moral character of the contras. The issue of contra human rights abuses was powerful in 1985, but by 1986 it had lost much of its punch. The administration neutralized it by denying the accuracy of reports about contra atrocities and then countering with stories of Sandinista atrocities. Rather than trying to sort fact from fiction, many moderates

accepted the conventional wisdom that both sides had reprehensible human rights records. Thus did human rights cease to be an effective argument against contra aid.

Human rights was replaced in 1986 by the issue of contra corruption, which the Democrats also hoped would reveal the contras' moral turpitude. Surprisingly, it had little effect. Many members seemed willing to accept a certain amount of corruption among U.S. clients as a necessary price of Washington's global influence. And again, the administration simply denied the charges, and the Democrats had no smoking gun.

Both the human rights and corruption issues suffered from the serious weakness of being tangential. Most Democrats did not oppose the contra war because of human rights abuses or corruption, and they would have continued opposing it even if the contras had been as honest and decent as choirboys. The core of opposition to the war was based on the belief that it was ineffective and wrong. But by focusing on these peripheral issues rather than on the war itself, the Democrats left their argument vulnerable to Reagan's pledges to reform the contras.

Ultimately, the debates and votes in Congress over how much money to give the contras and under what conditions to give it to them served as a barometer measuring the resistance that the Reagan administration could expect, from the Congress and from the public, to its policy of escalating war. The administration's intense lobbying efforts were aimed less at the immediate goal of securing a few million dollars for the contras than at the longer term goal of breaking the back of the domestic political opposition to Reagan's aggressive use of military force to overthrow the government of Nicaragua.

In the flush of victory, the administration bragged of a new bipartisanship behind its policy, but its majority remained razor thin, its opponents still willing and able to do battle. No one believed that \$100 million would end the war in Nicaragua, so it was inevitable that the administration would soon return to Congress for yet another increase in aid, yet another step up the ladder of escalation. And the battle would be joined once again.

## Notes

1. Portions of this section and the following section are adapted from "The United States and Nicaragua," in Thomas W. Walker, *Nicaragua: The First Five Years* (New York: Praeger, 1985), pp. 425-446.

2. For details of the programs approved in early 1981, see "A Secret War for Nicaragua," *Newsweek*, November 8, 1982; Leslie H. Gelb, "Argentina Tied to Rise in U.S. Anti-Sandinist Acts," *New York Times*, April 8, 1983; Don Oberdorfer, "More U.S. Effort Yields Less Result," *Washington Post*, March 4, 1982. Regarding the less controversial aspects of the program approved in December 1981, see Leslie H. Gelb, "Reagan Backing Covert Action, Officials Assert," *New York Times*, March 14, 1982; Philip Taubman, "U.S. Reportedly Sending Millions to Foster Moderates in Nicaragua," *New York Times*, March 11, 1982.

3. Gelb, "Reagan Backing Covert Action." The *New York Times* obtained copies of both the options papers developed by the CIA for the National Security Council meetings in November and the "Presidential Finding" signed by Reagan in December. See also, Patrick E. Tyler and Bob Woodward, "U.S. Approves Covert Plan in Nicaragua," *Washington Post*, March 10, 1982.

4. Don Oberdorfer and Patrick E. Tyler, "Reagan Authorizes Plan to Counter Cuban Presence in Nicaragua," *Washington Post*, February 14, 1982; Philip Taubman, "U.S. Backing Raids Against Nicaragua," *New York Times*, November 2, 1982; Alfonso Chardy, "How the U.S. Covert Campaign Against Sandinistas Originated," *Philadelphia Inquirer*, February 16, 1983.

5. The elements of this debate are recounted in Philip Taubman, "CIA Is Making a Special Target of Latin Region," *New York Times*, December 4, 1982; Philip Taubman, "Background Noise on Overt Covert CIA Plot," *New York Times*, December 19, 1982.

6. The 1974 Hughes-Ryan amendment to the Foreign Assistance Act of 1961 and the National Security Act of 1947 requires that the president submit to the Intelligence Committees of Congress a "finding" whenever he initiates a covert operation. The Intelligence Committees are not empowered to approve or disapprove such findings, although they can refuse to authorize funds for any operation they oppose. For the applicable statutes, see *Compilation of Intelligence Laws and Related Laws and Executive Orders of Interest to the National Intelligence Community*, 99th Congress, 1st Session, Committee Print prepared for the Permanent Select Committee on Intelligence of the House of Representatives (Washington, D.C.: Government Printing Office, 1985), pp. 211-214.

7. Gelb, "Reagan Backing Covert Action"; Gelb, "Argentina Tied to Rise in U.S. Anti-Sandinist Acts"; Tyler and Woodward, "U.S. Approves Covert Plan"; "A Secret War for Nicaragua," *Newsweek*, November 8, 1982.

8. Chardy, "How the U.S. Covert Campaign Against Sandinistas Originated."

9. "A Secret War for Nicaragua," *Newsweek*, November 8, 1982.

10. *Ibid.*

11. "Congress Sought to Place Limits Early on U.S. Covert Assistance to 'Contras,'" *Congressional Quarterly Weekly Report* (hereafter, CQ) 43, no. 16 (April 20, 1985): 710-711.

12. *Congressional Record*, December 11, 1982, H1956.

13. *Ibid.*, H9148-H9159. A continuing resolution is an omnibus appropriations bill for programs whose regular authorization or appropriation has not been passed by the start of the fiscal year.

14. See, for example, Philip Taubman and Raymond Bonner, "U.S. Ties to Anti-Sandinistas Are Reported to be Extensive," *New York Times*, April 3, 1983; Don Oberdorfer, "Washington's Role Troubles Congress," *Washington Post*, April 3, 1983.

15. Senator Moynihan's views were reported in Philip Taubman, "Moynihan Questions CIA's Latin Role," *New York Times*, April 1, 1983; Senator Leahy's views in Patrick Tyler, "Administration Accused of Violating Ban on Action Against Nicaragua," *Washington Post*, April 8, 1983; and Representative Boland's in Martin Tolchin, "Key House Member Fears U.S. Breaks Law on Nicaragua," *New York Times*, April 14, 1983.

16. The bill was named for Boland, chairman of the Intelligence Committee, and Clement Zablocki (D.-Wis.), chairman of Foreign Affairs Committee.

17. For the text of this speech, see President Ronald Reagan, "Central America: Defending Our Vital Interests," *Current Policy* No. 482 (Washington, D.C.: U.S. Department of State, 1983).

18. Quoted in "Congressmen Attacked Over El Salvador Stand," *New York Times*, May 5, 1983.

19. For the debate on Boland-Zablocki, see *Congressional Record*, July 27, 1983, H5721-H5762, and July 28, 1983, H5819-H5881.

20. The CIA has a contingency fund that it can use at its discretion to fund operations that are new and therefore have not been funded as a line item in the intelligence authorization or to fund existing programs that require money in excess of authorized levels. The contingency fund, however, cannot be used to finance programs that the Congress has explicitly refused to fund as line items.

Reprogramming is a normal mechanism for shifting appropriated funds between line item programs. The administration has the authority to reprogram funds if it notifies the relevant authorizing and appropriating committees and those committees do not object.

21. These acts superseded the Boland amendment of 1982, which expired at the end of FY 1983. For the text of the relevant section from P.L. 98-212, see *Compilation of Intelligence Laws*, p. 345.

22. "Senate Democrats Rebuffed; Latin Aid Package Approved," CQ 42, no. 12 (April 17, 1984):763-765.

23. "House OKs El Salvador Funds, Denies Aid to Contras," CQ 42, no. 21 (May 26, 1984):1231-1232.

24. "Hill Presses Reagan on Central America Policy," CQ 42, no. 15 (April 14, 1984):831-833.

25. At least the House thought it did. In fact, the administration circumvented the ban in several ways. Oliver North, a National Security Council staff assistant to National Security Adviser Robert McFarlane, played an active role in coordinating private contra aid efforts organized by the Republican Right (Joel Brinkley and Shirley Christian, "Nicaragua Rebels Getting Advice from White House on Operations," *New York Times*, August 8, 1985).

In early 1986, the press revealed that the administration had interpreted the Boland language prohibiting aid to the contras as applying only to aid for military or paramilitary activities. Millions continued to be spent for contra political activities. The House Intelligence Committee objected to this interpretation, but the Republican majority on the Senate Committee allowed it, so the administration was able to continue despite the House's objections (Robert Parry and Brian Barger, "CIA Gave Political Aid to Contras," *Washington Post*, April 14, 1986).

26. "House Authorizes CIA Funds, Bans Contra Aid," CQ 42, no. 31 (August 4, 1984):1878.

27. "On Foreign Aid, More Stumbling Blocks," CQ 42, no. 40 (October 6, 1984):2418.

28. The text of this provision from the Continuing Resolution (P.L. 98-473) is in *Compilation of Intelligence Laws*, pp. 346-348.

29. Joanne Omang and David Hoffman, "Representative Michel Sees House Rejecting Aid to the Contras," *Washington Post*, April 17, 1985.

30. "Reagan Agrees to Compromise on 'Contra' Aid," CQ 42, no. 40 (April 20, 1984):707-714.

31. *Congressional Record*, April 23, 1985, S4527-S4624.

32. The Republicans consistently referred to the Michel amendment and the later amendments proposing direct support for the contras as providing "humanitarian" aid. The term was a misnomer, however, because all the proposals defined "humanitarian" so broadly that it could include nonlethal military aid such as uniforms, jeeps, and aircraft.

33. The full debate on the April votes is in *Congressional Record*, April 23, 1984, H2310-H2428; and April 24, 1985, H2442-H2492.
34. Steven V. Roberts, "Reagan Still Pushing Rebel Aid, Backed by Disgruntled Democrats," *New York Times*, April 26, 1985.
35. For the June Senate debate, see *Congressional Record*, June 6, 1985, S7587-S7648, and June 7, 1985, S7726-S7759.
36. *Congressional Record*, June 12, 1985, H4115-H4200.
37. Neither the Senate nor the House Democrats saw any purpose in contesting these developments since the June votes had gone against them so decisively ("Senate Panel, House, OK Supplemental Funding Bills," CQ 43, no. 24 [June 15, 1985]:1181; "Intelligence Panel Adds 'Contra' Aid to its Bill," CQ 43, no. 25 [June 22, 1985]:1202; *Congressional Record*, July 10, 1985, H5399-H5400).
38. *International Security and Development Cooperation Act of 1985: Conference Report*, House Report 99-237, 99th Congress, 1st Session, July 29, 1985, pp. 63-73 and 142-146; *Making Supplemental Appropriations for the Fiscal Year Ending September 30, 1985, and for Other Purposes: Conference Report*, House Report 99-236, 99th Congress, 1st Session, July 2, 1985, p. 56.
39. These procedures are contained in P.L. 99-83 (the International Security and Development Cooperation Act of August 8, 1985) at Sec. 722(p) and in P.L. 99-88 (the Supplemental Appropriation Act of August 15, 1985) at Sec. 106.
40. Bernard Weinraub, "Reagan Will Seek \$100 million in Aid for the Contras," *New York Times*, January 22, 1986.
41. Gerald M. Boyd, "Reagan Plans 'Flat-Out Effort' to Win Aid for the Contras," *New York Times*, March 2, 1986.
42. The text of the speech is in *New York Times*, March 17, 1986.
43. Patrick J. Buchanan, "The Contras Need Our Help," *Washington Post*, March 5, 1986.
44. *Congressional Record*, March 6, 1986, S2125-S2126.
45. Joanne Omang, "Claims on Contras in Dispute," *Washington Post*, March 18, 1986; Gregory Nokes, "Reagan's Contra Aid Blitz Raises Questions of Truth," *Miami Herald*, March 21, 1986.
46. Edward Walsh and Milton Coleman, "Idea of Compromise on Contra Aid Fades," *Washington Post*, March 1, 1986.
47. In the letter, the president promised to send only \$25 million in nonlethal and "defensive" military aid (anti-aircraft missiles) to the contras immediately. The other \$75 million would be delayed for three months but could then be released if Reagan certified that the Sandinistas had refused to negotiate in good faith with the contras. The text of the president's letter is in *Congressional Record*, March 19, 1986, H1429-H1430.
48. *Congressional Record*, March 20, 1986, H1444-H1493.
49. For polling data from 1983 and 1984, see William M. LeoGrande, *Central America and the Polls* (Washington, D.C.: Washington Office on Latin America, 1984), pp. 23-26. For 1985 data, see Barry Susman, "Americans Polled Oppose Overthrow," *Washington Post*, February 28, 1985; and Adam Clymer, "Most Americans in Survey Oppose Aid for Overthrow of Sandinistas," *New York Times*, June 5, 1985. For 1986 data, see Barry Susman, "In Poll Public Approves Denial of Contra Aid," *Washington Post*, March 26, 1986; and David K. Shipler, "Poll Shows Confusion on Aid to Contras," *New York Times*, April 15, 1986.
50. Robert J. McCartney, "Latin Mood Shifts Against Washington," *Washington Post*, March 17, 1986.

51. Steven V. Roberts, "A Wildcatter Drills for Power," *New York Times*, June 18, 1985.
52. *Congressional Record*, 26 March 1986, S3454-S3492, and 27 March 1986, S3564-S3693.
53. Steven V. Roberts, "Senate Approves Reagan's Request to Help Contras," *New York Times*, March 28, 1986.
54. The texts of these amendments and the Hamilton amendment (referred to later in this section) are in *Congressional Record*, April 14, 1986, H1809-H1811.
55. The text of the rule and the debate over it are in *Congressional Record*, April 15, 1986, H1820-H1832.
56. *Congressional Record*, April 16, 1986, HH1848-H1893.
57. See the discussion of this particularly complex parliamentary situation as it unfolded, in *Congressional Record*, April 16, 1986, H1890-H1893. For the relevant rules governing House business in this instance, see William Holmes Brown (parliamentarian of the House of Representatives), *Constitution, Jefferson's Manual, and the House of Representatives of the United States*, 99th Congress (Washington, D.C.: Government Printing Office), pp. 141-148.
58. Alfonso Chardy, "Contra Aid Bid Foundering in Congress," *Miami Herald*, May 2, 1986; James LeMoyné, "Contras Debate How to Widen Group's Appeal," *New York Times*, May 23, 1986; Dennis Volman, "'Contra' Unity Expected to be Bolstered by Talks," *Christian Science Monitor*, May 30, 1986.
59. Leslie Gelb, "Pentagon Predicts Big War if Latins Sign Peace Accord," *New York Times*, May 20, 1986; Bernard Gwertzman, "State Department Assails the Pentagon Over Study of Latin Peace Talks," *New York Times*, May 21, 1986; Joanne Omang, "Habib Called Wrong, Imprecise, in Letter on U.S. Latin Policy," *Washington Post*, May 24, 1986.
60. The text of the GAO report is in *Congressional Record*, June 26, 1986, H4258-H4259. See also, "Contra Aid: Tracing Where the Money Went," *CQ*, May 24, 1986; William Buzenberg, "Who Got the \$27 Million Intended for the Contras?" *New York Times*, June 19, 1986; "Supplying the Contras: Big Business in Honduras," *Los Angeles Times*, May 9, 1986.
61. "For Reagan, a Key House Win on 'Contra' Aid," *CQ*, June 28, 1986.
62. The full debate is in *Congressional Record*, June 25 and 26, 1986, H4174-H4300.
63. "Rebuffing Democrats' Attack, Senate Approves 'Contra' Aid," *CQ*, August 16, 1986:1876-1881.
64. The full debate lasted three days. See the *Congressional Record*, August 11, 1986, S11175-S11235; August 12, 1986, S11335-S11413; August 13, 1986, S11475-S11526.