In late 1982 the U.S. Congress passed an amendment to a bill that restricted U.S. spending in Nicaragua. The amendment, proposed by Massachusetts Representative, Edward Boland, said that “None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country’s armed forces, for the purposes of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.” This report explained Boland’s view of the Nicaraguan situation, and it included a new amendment that extended the restriction.

The Boland Amendment and Report, 1983

Report of Mr. Boland

The Committee’s action on H.R. 2760 [to amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations or movements seeking to overthrow governments of countries in Central America] comes at a time when U.S. foreign policy towards Central America is at the forefront of discussion in the Congress and throughout the nation. Attention has been focused on events in that troubled region not only because of their daily depiction in news reports but because of the President’s April 27 address to a joint session of the Congress. As the President so forcefully noted, Central America has a strategic importance to the United States, yet some Central America nations friendly to the United States are now under attack. The danger of a broader regional conflict looms.

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

The success of the insurgents in El Salvador has not been matched by political victories. It is not popular support that sustains the insurgents. As will be discussed later, this insurgency depends for its life-blood – arms, ammunition, financing, logistics and command-and-control facilities – upon outside assistance from Nicaragua and Cuba. This Nicaraguan-Cuban contribution to the Salvadoran insurgency is longstanding. It began shortly after the overthrow of Somoza in July, 1970. It has provided – by land, sea and air – the great bulk of the military equipment and support received by the insurgents.

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

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

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

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

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

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

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

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

Both proved ineffective as moderate curbs on insurgent activity or U.S. policy. Hostilities within Nicaragua intensified. There was no discernable effect on the arms flow. Throughout, executive branch officials made little effort to mask U.S. support, going so far in April 1983 as to encourage media discussion.
Faced with these circumstances, the Committee met several times in April 1983, to consider alternatives. What emerged from these discussions was a strong consensus on U.S. security interests in Central America and agreement on U.S. goals for the region fully consistent with those later enunciated by the President in his April 27 address. The Committee supplemented its discussions by hearing from Secretary of State Shultz and CIA Director Casey. Some members met with the President.

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

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

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

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

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

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

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

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

From the Committee’s first briefing, in December, 1981, on the program to support anti-Sandinista insurgency, serious concerns were expressed by members of the Committee. These concerns went to the number and tactics of the insurgents to be supported, whether these insurgents would be under U.S. control and the possibility of military clashes between Nicaragua and Honduras.

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

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

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

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

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

Following the enactment of the continuing resolution, the Committee increased the frequency of its briefings on the program. By the time of the first such briefing, however, Committee members were expressing renewed distress at the number of insurgents supported by the program, the serious nature of fighting then occurring within Nicaragua, and the lack of success in meeting the program’s goals. In this period also, executive branch briefers discussed other goals and gave different emphases to the program than those originally described to the Committee.

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

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

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

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

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

Is the program a wise one?

Is the program successful?

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

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

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

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

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

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

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

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

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

The last question is – has this operation been successful? Some reasons listed above go to why the Committee believes the program has been counterproductive – why it achieves the very results the executive branch seeks to prevent—but the acid test is that the Salvadoran insurgents continue to be well armed and supplied. They have grown in numbers and have launched more and longer offensives. All this requires an uninterrupted flow of arms.
What also have increased, of course, have been even larger and more serious military exchanges between the paramilitary groups and Nicaraguan forces. The Committee does not view these exchanges as having impeded the arms flow. In fact, as they increase, there is an exponential growth in the loss of innocent life and the added possibility of clashes between Honduran and Nicaraguan troops. Neither results are legitimate nor justifiable.

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

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

The above discussion sets forth how the Permanent Select Committee on Intelligence answered the questions it has posed, but a solution is also called for. No member of the Committee believes that ending support for the anti-Sandinista insurgency will by itself induce a corresponding end in Sandinista support for the Salvadoran insurgents. The Committee does not wish to impose a unilateral restriction on U.S. policy. Rather, it seeks to end an ineffective program which does real harm to the image of the U.S. as a defender of democratic, peaceful change. That ineffective program must be replaced by a scheme of security assistance with direct U.S. participation, openly offered and received, that aims to create a capability among friendly nations where none now exists.

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

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

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

AMENDMENT TO THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983 (THE BOLAND AMENDMENT)

Title I: Intelligence Activities

Prohibition on Covert Assistance or Military Operations in Nicaragua

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

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

Authorization of Overt Interdiction Assistance

SEC 802. (a) The Congress finds that:

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

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

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

(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will not use any assistance provided by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.
(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which describes the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

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