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SUBJECT Policies Toward Latin America

DAVID HARTMAN: Gerry Studds is a Democrat, a member of the House of Representatives from Massachusetts. He is one of the congressmen who has voted against President Reagan's policies toward Latin America. And he's with Steve Bell in Washington.

We just heard Tom Enders from the State Department say that our policies are not illegal toward Central America, particularly Nicaragua, that we're not doing anything wrong down there, that we're trying to get people to the peace table and get all of the arms and the advisers out of there. What's wrong with that?

REP. GERRY STUDDS: Well, it's almost academic to have him discuss back and forth the fine points as to whether or not they're currently violating the so-called Boland Amendment. What they are violating and what, in my judgment, makes this activity just unarguably illegal is the Organization of American States charter. That is a treaty commitment of the United States. Under our Constitution, treaties which have been ratified by the Senate are the supreme law of the land. And there is a sentence in that treaty that says no state has the right, for any reason whatever, to intervene in any way, directly or indirectly, in the internal or external affairs of any other state.

That is the law of the United States. The President is sworn to see that that law, and the others, be faithfully executed. And he is, in my judgment and in the judgment of many of the members of Congress, violating that law, without question. And I submit that's a very serious matter.

HARTMAN: What do you say, then, about the Cubans, the -- as Mr. Enders said, the Palestinians, the East Germans who are

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in Latin American countries, participating as well? How do you counter that threat?

REP. STUDDS: I think we counter it legally, to start with, and openly. Among other things, in my judgment, the pursuit of this policy by this Administration covertly in Central America is not only illegal, it is politically inept. And in direct response to your question, it's unnecessary. There are plenty of overt, open ways in which we can assist nations to defend themselves if they feel threatened.

STEVE BELL: But the fact is that Nicaragua and Cuba both appear to be doing exactly what you say they shouldn't do, that they are committed by law not to do. We stand back and do nothing?

REP. STUDDS: Not at all. But it does seem to me that you put your finger on the heart of the question. And that is, should the United States, in its effort to combat the Soviet Union and its ideology, adopt the very methods which the Soviet Union uses and which we say we deplore?

BELL: What are your alternatives?

REP. STUDDS: I think we ought to act consistently with the principles and, at least I hope not naively, I and most Americans were brought up to believe that our country stands for.

If you suggest, as this Administration does, that we essentially fight fire with fire, it seems to me you are squandering the one area in which the United States is unquestionably superior, or ought to be, to the Soviet Union; and that is, we stand for something in this world other than the brute use of force, regardless of law.

BELL: But what specific steps would you take to stop Nicaragua and Cuba from threatening other governments in Central America?

REP. STUDDS: It seems to me that if the Nicaraguans are aiding the insurgents in El Salvador to the extent that the Administration says that they are, that the first step, under international law, ought to be to bring that to the OAS, to present what evidence we or the Salvadorans have, and to ask, under the treaty, for regional efforts to do something about it. If Honduras or Costa Rica feel threatened by Nicaragua or by anybody else, let them say so and let us come to their assistance to enable them to defend themselves. That's one thing.

I suggest it's quite another to arm a bunch of insurgents, to send them off, whether or not we instruct them to

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overthrow a government, to send them into a country with whom we are not at war.

How can you make an argument, as Mr. Enders essentially did, yes, we gave the fellow the gun, we gave him the bullets, we trained him how to use that gun, we sent him to a country, we told him who the bad guys were, but we sure didn't mean for them to shoot 'em? That seems to me just incredible.

HARTMAN: Mr. Studds, thank you for joining us this morning.