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But Nicaragua's Own Witness Admitted It Intervenes

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The letters from Nicaragua's lawyers Paul Reichler and Judith Applebaum [Oct. 19] and David MacMichael [Oct. 12], responding to Jeane Kirkpatrick's comments on Nicaragua's American lawyers, are ironic. Would these lawyers have taken Nicaragua's case to the World Court if not for MacMichael's "revelations"?

A 1981-1983 contract employee for the CIA, MacMichael has long maintained that the United States never had any evidence that Nicaragua provided arms to Salvadoran guerrillas. Convincing the world that they have never given such support is critical for the Sandinistas. They realize their argument that Nicaragua is an innocent victim is wholly undermined if it is shown that they themselves provoked outside support for Nicaragua's democratic resistance by their own efforts to overthrow El Salvador's government from 1979-80 onward.

This essential point of international law appears to be recognized by Reichler. In *The New York Times* on Sept. 8, he is quoted as having "strongly advised" Nicaragua not to go to the court if it was involved in the supply of arms to the Salvadoran guerrillas. He said the Sandinistas assured him "they had nothing to hide." Reichler's declaration clearly shows his view that Nicaragua's case turns on its claim that it has not supplied material assistance to the Salvadoran guerrillas, the position long taken by MacMichael.

MacMichael testified at the World Court that he saw no evidence during his period with the CIA that Nicaragua had provided arms to Salvadoran guerrillas. This testimony, left unchallenged, is consistent with Nicaragua's protestations of innocence and with MacMichael's own public writings and statements over the last two

years. Under close questioning from the bench, however, his testimony unraveled.

He reluctantly admitted that "there was credible evidence" that Nicaragua had provided arms for the rebels for the January 1981 so-called "final offensive." He later confirmed that "it could be taken as a fact that at least in late 1980/early 1981, the Nicaraguan government was involved in the supply of arms to the Salvadoran insurgency." In making this concession, he complained to the bench that this information was being drawn from him "like a nail out of a block of wood." But why did this information, so central to the case, have to be forced from him? If he is so concerned that truth must be served above all, why has he concealed this information?

Later, he also conceded that the Sandinistas allowed guerrilla communications and command and control from Nicaraguan territory, which Nicaragua adamantly denies. It is interesting that Nicaragua's lawyers subsequently asked the bench, in effect, to disregard MacMichael's testimony except where it agreed with their own official position that Nicaragua has never provided arms to El Salvador's guerrillas.

I have twice debated MacMichael in public. In my opinion, this articulate and intelligent former Marine sincerely believes what he is saying. During our debates, however, I have listened with a mixture of fascination and incredulity to his assertions. I should add that since 1980, I have had daily access to the same (type of) intelligence on Nicaragua that MacMichael saw during his brief stint with the CIA. If what MacMichael has said until his appearance at the court is true, why has no one else in this city of leaks come forward to substantiate his claims? Why do even congressional critics of the admin-

istration's Central American policy state unequivocally that Nicaragua is, and has been, deeply involved in providing arms, ammunition, training and command and control to El Salvador's guerrillas?

In August 1985, the full Congress found that Nicaragua "has committed and refused to cease aggression in the form of armed subversion against its neighbors." In August 1984, the House Permanent Committee on Intelligence, chaired by Rep. Edward P. Boland (D-Mass.), said Nicaragua was "providing military support . . . to groups seeking to overthrow the government of El Salvador and other Central American governments." In May 1983, this same committee found that "a major portion of the arms . . . to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas." In March 1982, Boland publicly stated that Nicaragua "is thoroughly involved in supporting the Salvadoran insurgency."

Despite the evidence, and the repeated findings of the president and Congress, Nicaragua's American lawyers have accepted at face value the Sandinistas' flat denials that they have attacked their neighbors. They perhaps should reflect on the fact that in doing so, they now find themselves defending—in the name of the rule of law and the peaceful resolution of disputes—Nicaragua's policy of attempting the overthrow of the sovereign nations that border it, while denying these nations the right to act in individual and collective self-defense enshrined in the charter of the United Nations.

—Lawrence L. Tracy

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