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## On White House-congressional Contra Aid Agreement

by Deborah Tyroler

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On March 24, President Bush, Secretary of State James Baker and Democrat and Republican congressional leaders formally announced that they had reached an agreement on providing non-lethal aid to the Nicaraguan contras camped in Honduras. The agreement states that the White House "will consult regularly and report to the Congress on progress in meeting the goals of the peace and democratization process" in Nicaragua. The agreement provides \$4.5 million a month for food, clothing, shelter and medical supplies to the Nicaraguan contras through Feb. 28, 1990, the date set for presidential elections in Nicaragua. The agreement also offers US money for contra fighters to resettle in Nicaragua. The accord was signed by Bush; House Speaker Jim Wright (D-Tex.); House Republican leader Rep. Robert Michel (Ill.); Senate Republican leader Bob Dole (Kan.); Senate majority leader George J. Mitchell (D-Maine); and House majority leader Rep. Thomas S. Foley (D-Wash.). No specific mention was made of the Feb. 14 agreement reached by the Central American presidents in El Salvador calling for "the voluntary demobilization, repatriation and relocation" of the contras in Honduras. Administration officials have said that those conditions could be met only as Nicaragua democratized its political system. Under the terms of a "gentleman's agreement" not included in the formal language announced on Friday, no money will be spent after November 30 unless Bush receives letters of approval on the aid from the House and Senate Appropriations Committees, the Senate Foreign Relations Committee and the House Foreign Affairs Committee. Approval is contingent on the Bush administration's efforts to support the peace process undertaken by Central America's five presidents. This informal agreement will take the form of a letter from Baker to Democrat congressional leaders. The appropriation is expected to be approved by Congress shortly after the Easter recess. Baker told reporters on Friday that the administration had no plans to request further military aid for contras. But, said Baker, "There is no bar or prohibition to that in this agreement in the event that conditions should deteriorate substantially." House Speaker Wright said Bush had agreed that the contras would not engage in "military action for any offensive purpose." Bush said, "We do not claim the right to order the politics of Nicaragua. That is for the Nicaraguan people to decide. The Esquipulas accord requires a free, open political process in which all groups can participate. The playing field must be level." In statements to the New York Times on March 25, White House counsel, C. Boyden Gray, expressed reservations about the accord between the executive and the congress. According to Gray, it permits Congress to encroach too far on the constitutional powers of the president. If such a congressional check on executive power appeared in legislation, it would be unconstitutional. An unnamed White House official told the Times that Gray was "irritated" because he did not have a chance to review the legal implications of the agreement. Gray said the provision requiring congressional review of contra aid in November was "much more than a gentlemen's agreement" because "it's in writing and becomes a precedent, though not as serious as if it were in legislation." On March 26, during ABC's news program "This Week," Secretary of State Baker reiterated that if Nicaragua fails to fulfill its pledge to implement democracy, then President Bush can request more military aid to the contras. Baker stated that if the Nicaraguan government fails to make headway in implementing democratic reforms and holding free elections, there would be "sticks," or sanctions applied. "The sticks would involve tightening of economic sanctions (and) further diplomatic sanctions, if that

was necessary," he said. On the same program, Elliott Abrams, former Asst. Secretary of State for Inter-American Affairs, said he is convinced the elections will be marred by fraud and the accord merely postpones the fundamental debate over Nicaragua. "If Nicaragua democratizes, that's great. Everybody is happy. But when they cheat and don't hold free elections, and they will cheat, what happens next January? Then President Bush is confronted with the same question: What do you do about the communists in Nicaragua? How do you move them? How do you pressure them? You may end up in the contra fight all over again." Sen. Christopher Dodd (D-Conn.) said that the Nicaraguan economy would serve as the "carrot" and the "stick." According to Dodd, "That economy is falling apart, not just because of the contras, or the contra war, it is falling apart because of failed economic policies inside of Nicaragua. If they do meet their obligations, then I can see us providing some assistance working to help out in the economic arena...If they don't, then clearly we are not going to and you'll see a continuing slide in the Nicaraguan economy and continued political difficulties at home." On March 27, the White House rebuked Bush's counsel C. Boyden Gray for publicly challenging the agreement on contra aid. White House spokesperson Marlin Fitzwater said, "Our conclusion is that the president's powers were enhanced by this agreement, that there was no abrogation of authority, and this is an agreement that brings to a conclusion years of dissension between the executive and the legislative branch." Gray is a 46-year-old millionaire, a Harvard-educated Republican who graduated first in his class at the University of North Carolina law school. He served as a clerk to Chief Justice Earl Warren of the US Supreme Court and is an heir to the R.J. Reynolds tobacco fortune. (Basic data from New York Times, 03/25-28/89; AFP, 03/26/89)

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