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# Those 'International Vigilantes' Were Wrong

"Ask just what is wrong with what they did," says The Post of the two Americans killed in Nicaragua Sept. 1 while flying a military helicopter in an operation by Nicaraguan insurgents [editorial, Sept. 11]. Legally, The Post implies, nothing. The facts as reported, though, suggest there is quite a bit "wrong with what they did" from a legal perspective. They took actions, and were part of an organization that took actions, that may have violated the Arms Export Control Act and the Neutrality Act. By turning a blind eye to some of their activities and assisting in others, U.S. officials may themselves have run afoul of these laws and two others, the Defense Appropriations Act and the Foreign Assistance Act.

Section 38 of the Arms Export Control Act requires export licenses for many of the "defense articles and services" that Civilian-Military Assistance, the Alabama-based group sponsoring the two Americans, provided to Nicaraguan *contras* and the Salvadoran army: ammunition clips, camouflage uniforms and training on military helicopters, for instance. These licenses, by all reports, were not obtained; yet U.S. officials in Honduras and El Salvador who were aware of the transfers did nothing to stop them, and in some instances actually assisted in them.

Section 960 of the Neutrality Act prohibits support or participation in "military enterprises" against other countries that are carried on from the United States. It would appear, based on press descriptions, that CMA's military enterprise against Nicaragua was based in the United States. It was from here that cash, military materiel and military training were sent to help overthrow the government of Nicaragua. CMA has made the flimsy argument that by making a pit stop in Honduras, its members exempted themselves from the letter of the Neutrality Act. This argument is contrary to the act's original intention and subsequent interpretion as recently as this summer in a case involving a military enterprise against Haiti. By failing to halt CMA's activities in this country, although the FBI reportedly had been aware of them since last spring, U.S. officials may be complicitous with CMA in violating the Neutrality Act.

Section 775 of the Defense Appropriations Act for this year set a ceiling of $24 million in U.S. government expenditures that "directly or indirectly" have the effect of supporting the *contras*. The $24 million has been spent. According to press reports of CIA briefings of congressional committees, the $24 million does not include the cost of the construction of the air base where CMA-trained *contra* pilots on military helicopters. (The GAO has already suggested that the construction of that base and another used by the *contras* with DOD exercise funds—which do not require specific approval from Congress for construction—was illegal: these bases should have been built with Defense Department military construction funds, which do require specific approval from Congress.) Also not included are the salaries of U.S. personnel present at the air base in supervisory and maintenance roles, and of U.S. personnel at the embassy in Honduras, who acted as liaisons for transfers of military materiel from CMA to the *contras*. This is indirect aid, pure and simple, and it evades the clear intent of the law.

Section 515 of the Foreign Assistance Act limits the permissible functions of U.S. military personnel managing arms transfer programs for the U.S. government. These functions relate only to government-to-government transfers, yet a logistics officer in El Salvador has reportedly acted as a conduit and processor for military materiel being sent to the Salvadoran Army by CMA.

Respect for the law is at the heart of both our national tradition and the fluid contract between the executive and legislative branches on foreign policy. "What is wrong" in this case is that private citizens, frustrated with the struggle between their elected representatives over Central American policy, have decided to take foreign policy into their own hands, and the administration has chosen not to enforce the law against these international vigilantes.

—*Jim Leach*

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