

22 September 1985

WHITE HOUSE SEEN IGNORING REQUEST FOR NICARAGUA PAPERS
BY ROBERT PARRY
WASHINGTON

The White House has ignored a congressional request for documents about contacts this past year between a military adviser to the National Security Council and Nicaraguan rebels, according to government officials.

Robert C. McFarlane, President Reagan's national security adviser, has assured Congress in writing that his NSC staff abided by a year-old ban on "directly or indirectly" aiding the rebels in their war against Nicaragua's leftist government.

But in responding to a request for relevant documents from Rep. Michael Barnes, D-Md., chairman of the House Foreign Affairs subcommittee on Latin America, McFarlane included none, according to Capitol Hill and administration officials who insisted on anonymity.

McFarlane refused to answer questions from The Associated Press about the unreleased documents. An NSC aide said, "it is a matter of correspondence between McFarlane and Rep. Barnes." Another administration official said Barnes "was informed as fully as we thought necessary."

White House officials have cited the principle of executive privilege in interviews about the request, but those familiar with the letter to Barnes said McFarlane did not specifically invoke it in his response. They said the McFarlane simply ignored Barnes' request for documents.

Executive privilege is the assertion by presidents that they have the right to keep confidential their internal documents and records of deliberation. While Congress normally respects the concept, it has challenged it in the past, most notably in the 1970s over the Watergate scandal.

Barnes declined to discuss McFarlane's classified response, but said through a spokesman that "the committee is going to continue to pursue this matter."

In an Aug. 16 letter to McFarlane, Barnes requested "memoranda and any other documents, pertaining to any contact between Lt. Col. (Oliver L.) North and Nicaraguan rebel leaders" since October.

North, a deputy NSC director for political-military affairs, has been described by administration officials and sources close to the rebels as a key strategist for Reagan's Central America policies.

McFarlane acknowledges that North kept in touch with the rebels during the ban, but denies he gave tactical military advice. Retired Army Maj. Gen. John K. Singlaub has said North advised him on his private fund-raising efforts on behalf of the rebels before the congressional ban took effect last October.

Although it is unclear what documents North has relating to the rebels, one source said North has compiled his papers that are related to those actions.

In a three-page "confidential" letter to Barnes last week, McFarlane reiterated that NSC contacts with the rebels focused on political, not military,

Continued

2.

matters and that no actions occurred that violated the congressional ban on "supporting, directly or indirectly, military or paramilitary operations in Nicaragua," according to congressional sources.

McFarlane has also been asked to provide phone logs, notes and tapes to the House Intelligence Committee on North's contacts with a group believed involved in raising funds for the rebels, a committee member said. The member said McFarlane was non-committal about providing that information.

"This could be building up into some kind of a confrontation," said the member who asked not to be identified.

The member said McFarlane told the committee that North had made eight trips to Central America to meet with political leaders in the region, including Nicaraguan rebels.

Earlier this month, one White House official, speaking anonymously, said the NSC intended "to comply with Barnes' request to supply a report ... with as full information as we can. Exactly where we'll draw the line I can't say."

He said that while the White House would try to cooperate with Congress, it would not waive its right of "executive privilege" to withhold some internal documents if that were necessary.

The National Security Council consists of top administration officials and provides advice to the president on defense and foreign policy issues. The White House agency has become increasingly active on Nicaragua, since Congress cut off CIA covert aid to the rebels last year.

In a Sept. 5 letter to the House Intelligence Committee, McFarlane said the NSC staff continued to advise the rebels on political strategy after the October ban, but limited military advice to a recommendation last spring to suspend attacks during a politically sensitive period.

"Our emphasis on a political rather than a military solution to the situation was as close as we ever came to influencing the military aspect of their struggle," McFarlane said.